

Agenda Item	6.2
Report No	PLS-028-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 27 April 2021

Report Title: 21/00100/FUL & 21/00103/LBC: The Highland Council
Inverness Castle, View Place, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: 21/00100/FUL - Change of use and alteration/refurbishment of former Sheriff Court and Offices (Class 4 & 10) to learning, interpretation, exhibition & venue space (Class 1, 4, 10, 11); internal alterations; erection of link building between South & North towers with cafe/retail space (Class 1 & 3); formation of roof terrace and lobby; landscaping works & alterations to the public realm

21/00103/LBC - Conversion and alteration/refurbishment of former Sheriff Court and Offices to learning, interpretation, exhibition & venue space; internal alterations; erection of link building between South & North towers with cafe/retail space; formation of roof terrace and lobby; landscaping works & alterations to the public realm

Ward: 14 - Inverness Central

Development category: Local

Reason referred to Committee: Manager 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 and Listed Building Consent as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for a change-of-use and alteration/extension of Inverness Castle, following the re-location of the Courts Service from both North and South Towers, as well as the North no longer being required for Highland Council offices. The site's change of use will be for a variety of new functions, forming a hub and visitor attraction for tourists, with venue, exhibition and café spaces; around the Castle a new landscaping scheme will be implemented.
- 1.2 The site has two points of access, a pathway and steps from Castle Wynd to the north, as well as a vehicular and pedestrian access from Castle Street/View Place to the south; the steep hill-top location prohibits any other access being developed.
- 1.3 Pre Application Consultation: a project team, including Planning and Historic Environment Scotland, has been meeting for a number of years to develop the project. This in particular has focussed on the design of the link-building, as well as the roof-terrace and access lift/lobby.
- 1.4 Public Consultation: although not a major application a public consultation event was held by the applicant/agent in the Inverness Museum and Art Gallery from 10th October to 31st December 2020.
- 1.5 Supporting Information: Archaeological Desk-Based Assessment, and Written Scheme of Investigation; Artistic Impression Images; Bat-Survey; Building Condition Surveys; Conservation Statement; Heritage, Design & Access Statement; Hoarding designs; Preliminary Ecological Appraisal; Public Exhibition Poster.
- 1.6 Variations: The removal of the Corsican pine and two mature holly trees on the western embankment has been deleted from the proposal, on officer advice that this would not be supported. The strip-out of the curved seating within the courtroom has been amended to retain the rear two rows. The junction of the link-building entrance to the eastern façade of the North Tower has been altered to step-back from the original window and create a 200mm shadow-gap to the wall.

2. SITE DESCRIPTION

- 2.1 Inverness Castle was A-listed on 21 May 1971 and sits elevated above the city-centre, as the principle landmark building within the city. The Castle sits in some isolation on Castle Hill, the embankment being open to the River Ness on the west, with the Bridge Street offices/IMAG and Town House to the north. To the east, across Castle Street, are a range of commercial premises, some of which have residential uses on the upper floors.
- 2.2 The site is roughly triangular in shape and incorporates the entire area bounded by Castle Road to the west, Castle Steps & Wynd to the north, and Castle Street/View Place to the east/south-east. The Castle itself is formed from the North and South Towers, with a linking-wall and round tower to the west. The western side of the site is a steeply sloping grassy embankment down to Castle Road, where it is bounded by a high masonry wall; this embankment has some mature and semi-mature trees and forms the primary setting for the Castle in riverside views. The

southern esplanade has a central roadway with grassy sides, leading up to the Flora Macdonald statue (C-listed) looking wistfully to the SW, with the road continuing around the eastern side to the North Tower. Most of the flat-area around the Castle was utilised for car-parking. The eastern side of the site has a shallower grassy embankment and the Town-House car park, for which no alterations are planned.

- 2.3 The site, due to its defensive hill-top and river-side location, has been occupied for many centuries by previous castles and forts; the only visible clue to previous use are the remains of the medieval Castle well (heavily restored) which sits between the two towers. The current buildings date to 1833-6 (South Tower, Court House) and 1846-8 (North Tower, originally the prison) and make a picturesque group with their castellated outline and pink/red sandstone detailing. Sandstone rubble walls surround the site, below which grassy embankments slope to east and west. The full listing-description is included at Appendix 2.

3. PLANNING HISTORY

3.1	22 May 2020	20/01390/LBC Internal alterations, investigations and enabling works; demolition of single-storey cell-block	Listed Building Consent Granted
3.2	4 May 2020	20/01078/LBC & 20/01079/FUL Installation of site hoarding around Castle and CCTV poles (temporary)	Listed Building Consent Granted
3.3	25 Feb 2016	16/00119/LBC Alteration and formation of viewing platform (amended design)	Listed Building Consent Granted

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Listed Building, Conservation Area and Unknown Neighbour

Date Advertised: 22.01.2021

Representation deadline: 12.02.2021

Timeous representations: 1 The Architectural Heritage Society of Scotland (a)

Late representations: 1 Inverness Civic Trust (b)

- 4.2 Material considerations raised are summarised as follows:

- a) The Architectural Heritage Society of Scotland object to one aspect of the proposal: the removal of much of the semi-circular public seating in the south courtroom that is 'one of two surviving in Scotland that has semi-circular public seating.'(HES statement of significance). The furniture was recreated in the 1980s after the original pattern, incorporating some historic elements, and is central to the original function of the whole building. While many of the other rooms can be easily repurposed without losing their fundamental appearance, the rarity and design quality of this original element necessitates a more considerate approach to reuse of the South Courtroom

- b) The Inverness Civic Trust considers that the proposals are well researched and logically presented and are an appropriate response for this sensitive site. Further details of the proposed uses and interior fitting out are keenly anticipated. However, the level of public engagement in the project may still be a matter of concern. The Trust supports the application.
- 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 **Crown and City Centre Community Council** considered the proposals at its meeting on 16 February 2021. "There was unanimous endorsement of the design and purposes of the alterations which will create a significant tourist resource in the town centre and make full use of this iconic and historic building. We hope the development can go ahead expeditiously as it can make a substantial contribution towards the recovery of the town centre both from the economic difficulties currently in progress, as well as the effects of the pandemic."
- 5.2 **Access Officer:** "The applicant has provided drawing number F1 09 MW L(91)001 Rev C General Plan – proposed Site Hoarding Plan which details their proposals to manage a diversion to the existing core path for a period of between 2 - 3 years. I think this is acceptable but delegated authority to approve a diversion without an order lies with the Executive Chief Officer Environment and Infrastructure. I think we have 2 options: 1. a suspensive condition requiring the formal approval of the ECO, E & I for a temporary diversion of the core path before work starts on site , or 2. highlighting the diversion at committee and having them approve the temporary diversion as part of their deliberations. There remains the question of the terminus of the Great Glen Way to consider. The applicant thinks it will only be affected for up to a month at the end of the construction period. These things tend to get overlooked by contractors and developers so I would recommend a condition requiring arrangements for a temporary terminus to the Great Glen Way be submitted to and agreed in writing by the Outdoor Access & Long Distance Route Manager at least 4 weeks before any proposed temporary changes to the end of the Great Glen Way. The reason being in the interests of public amenity."
- 5.3 **Archaeology Officer:** "The application area is considered to have archaeological potential. I note that a Written Scheme of Investigation has been submitted to support this application and I can confirm that the document covers the necessary work and meets the required standard. Any consented development should proceed in accordance with the WSI as submitted. The following condition (applied) or similar, will ensure that the required programme of archaeological work is carried out."
- 5.4 **Contaminated Land:** no comment in terms of any known potential Contaminated Land issues.
- 5.5 **Environmental Health:** "Alterations will include a new "link" building between the North and South Towers which will contain a retail and café space. Whilst our Service would have no objections to this application, the proposed café could result in the release of cooking odours which may impact on surrounding area. It is

unlikely that these would affect any neighbouring residents or businesses or result in a breach of legislation otherwise enforced by Environmental Health. However, the planning authority is advised that the cooking odours may have the potential to adversely impact on amenity in the area surrounding the Castle. It is recommended that a suitable and sufficient ventilation/filtration system is installed within the café kitchen.”

- 5.6 **Forestry Officer:** “The applicant has now provided updated Arboricultural Impact Assessment and Method Statement (AIA/AMS), tree protection plans, tree survey schedules and Landscape Proposals drawing. The AIA identifies 35 trees to be removed out of the 92 individual trees on site which were surveyed, and 17 of these are category U (poor condition) so should be removed even if development does not proceed. There are a further 18 trees to be removed and these are generally recommended for removal in the interest of good arboricultural management. Five trees are proposed for removal due to their being within the footprint of the proposed development. The AIA also identifies that three tree groups and part of a fourth group are to be removed to facilitate development. Providing the tree protection measures are adequate, the direct impact on trees on site is acceptable. It should be noted that the proposals now include for the retention and safeguarding of the visually significant Corsican pine, which is most welcome. It is however proposed to be crown lifted to 56m above ground level on the uphill side. This seems excessive and is not supported. I would be happy to discuss this further with the applicant.

The proposed layout includes a footpath from the southern end of the Castle grounds and around the western side of the Castle. This path passes through the root protection area (RPA) of five category A (high quality) or B (moderate quality) trees which are proposed for retention and this could be accepted if suitable means of safeguarding these trees is confirmed in the Arboricultural Method Statement and Tree Protection Plan.

The Arboricultural Method Statement (AMS) notes that the RPA of retained tree should be protected during construction and cellular containment system (CCS) footpaths are proposed as well as tree protection barriers. The Tree Protection Plans (TPP) show the position of proposed tree protection measures which is accepted, and the British Standard default barrier specification is shown on the TPPs and in the AMS, which is accepted. However, it is noted in the AMS that the degree of slope means that default specification for tree barriers may not be adequate. It is proposed that further details on tree barrier specification will be provided for approval. This could be accepted. In the AMS it is noted that the CCS and steel posts for the retaining structure will be installed under arboricultural supervision, which is welcome and acceptable. The specifications for CCS and steel post installation are accepted. The AMS includes a schedule of arboricultural supervision. This is accepted. The Landscape Proposals drawing shows the new planting of 24 trees from 2 -3m to 7 -8m tall. This is accepted.”

No objection to the application subject to conditions.

- 5.7 **Historic Environment Team:** “HET have been involved throughout and note the last set of revisions to address a number of outstanding issues, including the intersection of the infill/link building with the listed building, retention of internal historic fabric/architectural detailing and landscaping. The issues are now resolved

and the development, which removes the later additions and reinstates the original layout of the building is very positive. It is also noted that it is now proposed to retain a number of key mature trees on the riverside bank; this is welcomed as they both improve and enhance the setting of the Listed Building, and the conservation area more widely. In conservation terms, therefore, the application is positive and accords with both national and local policy. The proposal can be supported.”

- 5.8 **Transport Planning Team:** “The submission proposes to retain the existing private vehicular access to the site from the publicly adopted C1184 View Place. The latest submitted Site Plan and Public Realm Strategy Drawing No. 001 Rev A proposes to replace the existing barrier system with retractable bollards for controlling access. Such arrangements will need to be placed outside of the adoptable public road and be capable of allowing a vehicle requiring access to fully leave the C1184 before reaching the bollard. To ensure that such suitable arrangements are proposed, *we recommend that any permission granted includes a suitably worded Condition requiring the revised private vehicular access control arrangements are submitted to and approved by the Planning Authority prior to any works commencing on site to form that access. Once approved, those arrangements should be fully implemented and operational prior to the proposed change of use coming into operation.*

The site has and is looking to retain and, where required, enhance the various active travel points of access into the site, which is welcomed. We note that feedback has been sought from a Local Access Panel and we welcome that Section 6.0 of the submitted Design and Access Statement dated January 2021 says that external gradients and surfaces will be improved to facilitate disabled compliant access to the site and all public entrance points into the building.

The latest proposals include 7No. disabled car parking spaces within the site, with no other car parking proposed. For leisure facilities like this, our published Roads and Transport Guidelines for New Developments ask for at least 6% of maximum parking requirements to be for disabled use. To calculate the maximum parking provisions that published standards would seek, the following standards have been used:

- Restaurants and Café 1 space per 10m² PFA plus 1 space per 3 staff
- Offices 1 space per 30m² GFA
- Retail (non-food) 1 space per 20m² GFA (Town Centres assessed on merit)
- Museums, Galleries 1 space per 30m² public display area plus 1 space per 2 staff

The Application Form provided the following proposed areas by use-class:

- Shop 158m² GFA
- Café 300m² PFA
- Office 117m² GFA
- Museum, Gallery & Assembly 900m² GFA

Using these figures and assuming an overall staffing level for the museum and café of no more than 15 people at any one time, the overall maximum parking requirements for this development should be in the region of 79 spaces. Therefore,

the 7No. disabled spaces proposed would exceed the minimum 6% requirement from our standards.

Council Planning Policy allows for developer contributions to be sought from developments in Inverness City Centre that fail to provide car parking in accordance with our published standards. Such contributions are then used to enhance the non-car connectivity of the City Centre. To determine if this Application would be required to provide such contributions, a comparison should first be done between the parking needs for this development against those required for the existing permitted uses. Information has been submitted suggesting that the existing building has the following permitted uses:

- Shop 19m²
- Offices 657m²
- Museum / exhibition 83m²
- Courts and Holding Area 634m²

Using this with the following information on maximum parking standards would suggest that the maximum parking provisions sought for the current uses would be 48 spaces (assuming no more than 2No. staff for the current museum / exhibition).

- Offices 1 space per 30m² GFA
- Retail (non-food) 1 space per 20m² GFA (Town Centres assessed on merit)
- Museums, exhibition 1 space per 30m² public display area plus 1 space per 2 staff
- Courts and Holding Areas Nothing equivalent within published guidance. Therefore, use office equivalent

Therefore, the shortfall in parking that the new development could be expected to make financial contributions against would be 31 spaces (79 less 48). *Using this and the latest figure for the contribution rate per missing parking space, provided by our Development Plans Team (£3,220.00), the suggested financial contribution would be £98,820.00.*

We note and welcome that significantly more visitor cycle parking spaces has been provided within the site than our minimum published standards would require. This supports the principle of providing increased facilities at locations that are well connected to wider cycle routes. None of the external visitor facilities appear to be covered, which may limit their use during inclement weather conditions. *We recommend that further consideration is given to providing facilities that protect cycle parking areas from the prevailing weather conditions, provided such provision would not adversely impact on the visual setting of this historic building.*

We note and welcome that consideration has been given to the storage and collection of waste from the various proposed uses within this site. The latest submitted Refuse Truck Vehicle Track Drawing No. 800 Rev G has used a 3-axle 9.5m long vehicle. Whilst this is slightly shorter than the larger refuse collection

vehicles used by The Council (10.5m long), with appropriate operating arrangements and suitable management of the area, the information submitted suggests that there should be sufficient room within the site to manoeuvre refuse collection vehicles.”

- 5.9 **Historic Environment Scotland:** “We very much welcome these proposals for the re-use of Inverness Castle which will secure the future of this important landmark and result in the public having much greater access to it as a visitor attraction and learning facility. We have been involved in the detailed discussions about the proposals for several years. We have welcomed the opportunity to help shape the scheme and we support the overall approach. We are generally content with the design interventions in the proposals, which are based on a thorough understanding of the significance of the complex and its central role in the development of Inverness.

The removal of the original hipped roof above the entrance front of the South Tower for the creation of a viewing terrace was a late addition to the scheme. Our view is that this would have an adverse impact on the special interest of the listed building due to the removal of a section of the historic roof, which is visible in some southerly views to the building.

Given the impact on the overall character of the building, our clear preference is that this aspect of the development scheme is reconsidered to retain the historic roof and its profile. We do, however, recognise that this would be the only rooftop viewing area accessible to people with limited mobility and on that basis we can accept the intervention in the context of an overall positive scheme. We recommend that immediate attention is given to the design of any additional safety provisions that may be required for the parapets in the accessible parts of the roof. The crenelated profile of the parapets is a key characteristic of the South Tower and therefore any additional visual impacts arising from the need to meet safety standards should inform an appraisal of the rooftop viewing areas at this stage.

We understand that proposals for the public realm works are forthcoming in the near future and we would be happy to be involved in continuing discussions about these. Our recommendation is that their design should work with the more rugged and informal character of the Castle hill rather than the refined ashlar architecture of the historic buildings so these still predominate as the main architectural elements of the site.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.”

- 5.10 **Scottish Water** has no objection. It advises that no new connections will be permitted to the public infrastructure and that for any extensions that increase the hard-standing area within the property boundary the discharge rate and volume should be limited to not increase on the existing situation and therefore where possible Scottish Water recommend alternative rainwater options.

5.11 **NatureScot:** No comment.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 2 - Inverness City Vision
- 3 - City Centre Development
- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 31 - Developer Contributions
- 34 - Settlement Development Areas
- 42 - Previously Used Land
- 43 - Tourism
- 50 - Aquaculture
- 51 - Trees and Development
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 61 - Landscape
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 70 - Waste Management Facilities
- 74 - Green Networks
- 75 - Open Space
- 77 - Public Access
- 78 - Long Distance Routes

6.2 Inner Moray Firth Local Development Plan 2015

Policy 1 – Promoting and Protecting City and Town Centres

6.3 Highland Council Supplementary Planning Policy Guidance

- Inverness City Centre Development Brief (Feb 2018)
- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (March 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Public Art Strategy (March 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

- Scottish Planning Policy (The Scottish Government, June 2014)
- Historic Environment Policy for Scotland (HEPS) May 2019

Historic Environment Circular 1 (June 2016)
Historic Environment Scotland – Managing Change in the Historic Environment
Guidance Note Series.

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.
- 8.2 Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that, “In considering whether to grant listed building consent for any works, the planning authority shall 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”. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Planning Authority has to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Determining Issues

- 8.3 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

- 8.4 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) the impacts upon the character, layout and fabric of the listed building
 - c) design quality of new elements
 - d) access and safety
 - e) trees and landscaping
 - f) parking, waste and servicing
 - g) developer contributions
 - h) other material considerations.

Development plan/other planning policy

- 8.5 Policy 2 of the HWLDP Inverness City Vision, requires proposals to focus on the economy and strengthen the city-centre, to build on its assets and to ‘think tourism’, and to enhance culture. Policy 3 – City Centre Development sets out principles to identify key redevelopment sites and underutilised buildings, as well as to consider the opportunities to develop a clear civic hub and enhance the heritage of the city. Policy 34 – Settlement Development Areas will judge proposals in terms of how

compatible they are with the existing pattern of development and adjacent land uses. Policy 1 of the IMFLDP states that The Council will not support any proposal for development that is likely to have an adverse effect on the vitality and viability of any of the centres.

- 8.6 Inverness City Centre Development Brief includes the Castle as Site No.5, key to the Castle-hill group of sites and key to improving visitor facilities/attractions within the city. It notes visitor and cultural attraction(s) with associated retail/café/tourist facilities as being appropriate uses for the re-developed building. Proposals to alter the Castle or its surroundings must be accompanied by a Conservation Management Plan that analyses historic and architectural value and establishes guidance for dealing with Castle Hill's A-listed structures. This should incorporate landscape conservation management guidance to ensure the Castle's unique setting is maintained and enhanced. Existing active travel routes linking Castle Hill with Bridge Street, Culduthel Road, the Raining's Stairs and Castle Road must be retained and enhanced, including appropriate improvements to surfacing, lighting and signage. Proposals should prioritise and promote access to Castle Hill on foot, cycle or public transport, including associated infrastructure such as cycle parking and wayfinding components. Proposals for vehicle access should be consistent with protection of the Hill's built and cultural heritage. Parking must have minimal visual impact.
- 8.7 Within the policy context set-out above, the change-of-use to tourist-hub and visitor attraction is clearly acceptable, given the city-centre location and landmark prominence of the building. The Castle is already a visitor destination for its heritage qualities as well as the views over the city and to the distant hills; the North Tower already has the Castle Viewpoint which is a popular attraction but only accessible up a spiral staircase. Visitor facilities are lacking a focal point in Inverness, which this proposal has a significant chance to remedy; the building will also provide facilities for locals to use as well, with venue and exhibition spaces as well as the central café.
- 8.8 With Scottish Courts no longer requiring the site, we could be left with large town-centre buildings for which an active and sympathetic re-use is hard to find, as is commonly the case with larger churches. It is considered fortuitous in this case that a ready-made use was proposed, which was ideally suited to the location and scale of the building.

Impacts on the listed building and conservation area

- 8.9 As an A-listed structure and one of the most important buildings in the city, the proposed works to alter and extend the Castle are key to the acceptability of these applications. There is a requirement to judge proposals in terms of their impact upon the natural, built and cultural heritage features identified by Policy 57 of the HwLDP. As an application relating to a Category A building Policy 57.1 states that developments are suitable where they can be demonstrated not to compromise the protected amenity and heritage resource.
- 8.10 On-going enabling works: The previous LBC and planning applications (20/01078/LBC, 20/01079/FUL, 20/01390/LBC) have facilitated the erection of the site hoarding and the commencement of enabling works in and around the

buildings. This essentially has involved investigative works and removing C20 alterations and fabric to return the buildings to much of their original layout. The principal removal has been the demolition of the prisoner cell block on the back of the South Tower, and internally the reinstatement of the entrance hallway which had been blocked-off to form the small court room. Archaeological investigations were also begun, monitored by the Council's archaeologist. Extensive conservation surveys and reports have been carried-out by the architects to inform the project development.

South Tower

- 8.11 Very little 'alteration' is proposed within the South Tower, the majority of the works are concerned with re-instating the original layout and character. The most significant change will be the removal of court room 2, which blocked the original main entrance and vestibule. This will re-instate the function of the main doorway on the southern façade; visitors will now enter the buildings via a grand front door and into a vaulted entrance lobby which opens out to the central bifurcated staircase. The alteration does however bring about some design challenges, with the entrance lobby at a lower level than the rest of the ground floor, which is overcome by a central set of steps and a new carefully designed dog-leg ramp. One enters through a veneered timber draft lobby to be met by a new cranked reception desk to one side and a new similarly veneered timber ramp to the other (veneered timber being a material theme to new interventions within the existing buildings). Ahead, the original open arches to the main stair are reopened allowing connection to the larger space.

South Tower Court Room

- 8.12 The principal interior space in the buildings is the South Tower Court Room. Behind the main staircase and surrounded by a horseshoe corridor, the D-shaped and galleried Court Room is lit by high-level windows and has a classical coffered ceiling. The design cleverly ensures that the Court House windows are never overlooked, despite the original intention that access would be available for the public to the roof in order to enjoy the view. This space retains its Gothic sounding board canopy above the Judge's bench, but the ground floor furnishings, including dock and witness box, were replaced in the 1980s, save for the consoled curvilinear bench ends. Likewise, the raked gallery seating set over the horseshoe corridor has been removed and a stepped floor inserted. Although this court layout is not unique, the semi-circular plan is unusual. At ground floor, the proposal is to remove the 1980s dock, witness and jury boxes and front two rows of the curved bench seating, retaining the rear bench and Judge's bench that characterise the space, thus allowing the room to be used for gatherings, events, performance or exhibition. The vertical timber linings on the curved wall will be restored and the floor finishes renewed. The more impactful change will be at first floor. The present horseshoe gallery, which is accessed via the service stair and wraps around the Court Room, has not been used for many years due an awkward stepped floor arrangement and non-compliant balustrade and means of escape. The proposals intend to address these shortfalls by levelling the floor, installing a new balustrade and providing a new staircase in the North West Tower to provide a second means of access and escape. In addition, a new lighting/projection gallery at an upper level (accessed off the new stair to the roof-terrace) and internal viewing windows

from the viewing platform stair and first floor room over the faculty lounge are proposed. The lighting gallery sits neatly within a squared off recess at the South wall of the Court. The visible interventions within the Court Room - the balustrade, lighting gallery and viewing windows - are designed to be a part of an architectural family, consistent with other alterations within the listed building. They are made predominantly in veneered timber with simple moulded details to complement rather than compete with the existing architecture. The quality of finish will be paramount and so these bespoke joiner-made elements will have concealed fixings and use natural hardwood veneers. In a nod to the classical coffered ceiling, the underside of the lighting gallery, which will be visible from within the Court Room is to have an expressed structure with a recessed soffit.

The South Tower roof-terrace

- 8.13 The South Tower roof-terrace is the principal *alteration* to the listed building. The creation of a new viewing terrace over the central bay of the South elevation is a principal objective of the project, integral to the quality and inclusivity of the visitor experience. It provides an unforgettable vantage point, which allows the visitor to appreciate the Castle's position in Inverness as well as long distance views from the precipice of the building edge, South down the Great Glen (the same vista observed by Flora MacDonald's statue below). It is proposed to be located centrally over the South elevation of the South Tower, with access provided via a new passenger lift and an extension to the existing service stair. Whilst the incorporation of this intervention will see an original concealed roof pitch removed, the benefit brought by it is significant. The heritage impact of the change has been carefully considered and a set of mitigating measures have been proposed accordingly. The rationale behind the proposal is to provide universal access to the expansive views from the South Tower (noting that the North Tower viewing platform is only accessible via a steep spiral-staircase). Access to the roof has been achieved by locating a new passenger lift (which also serves as universal access between ground and first floor) within the square South East corner of the South Tower, allowing the lift overrun to be concealed from view externally behind the existing parapet. The existing service stair is also extended by another flight, concealed behind an existing roof pitch so as to have no visual impact externally. The one element which will be visible to the east/Castle Street is a frameless glass lobby at the top of the lift and stair, set into the plan and should have a limited visual impact. From there, one walks along a sunken gangway before ascending a final small set of external steps (or discreet platform lift) onto the new roof terrace, at which point the expansive view is revealed. From the main roof terrace there is also stair access to a second, smaller, deck on the round South West corner tower - the South Viewpoint. The terrace floor level is set 1.2m below the external parapet, so that the parapet can act as a balustrade without the need for any projecting barrier.
- 8.14 It is noted that Historic Environment Scotland (HES) were particularly concerned at the removal of the original hipped roof structure, to facilitate the formation of the roof terrace; this is the single largest loss of historic fabric in the entire proposal. While HES would have preferred the retention of the historic roof structure (naturally) they accept that it is the only option for an accessible roof-terrace and (viewed on-balance) within an overall positively reviewed scheme, it is acceptable. We totally agree with this consideration, but the roof is barely visible in any views,

and looking at the entirety of the complex roof-plan, it is a relatively small element.

North Tower

- 8.15 The North Tower, in comparison to the South, has much less internal architectural interest and historic value; the only spaces of particular note are the first floor court room and the main stairwell, which both remain unaltered. Most other spaces have been partitioned-off into smaller offices. At ground floor level three large offices are knocked through to form one large space under the court room, with down-stand beams and side nibs to delineate the previous layout; a larger passenger lift is inserted to replace the existing. At ground and first floors the southern rooms are converted to public toilets, and at second floor they are opened-up into one long office.
- 8.16 The circular West-Tower is currently subdivided into offices and two floor levels, all in contemporary fabric. The proposal is to strip everything out and create a two storey exhibition-space and viewing room, with a new flat-roof and triangular rooflight (which will reference those on the attached link-building).

Inverness Riverside Conservation Area

- 8.17 The wider heritage impacts upon the Inverness Riverside Conservation Area should also be considered. As noted below, the external alterations to the Castle are considered to be positive additions to its overall composition, while remaining as visually subservient additions to the listed buildings. As such, the impact upon Inverness castle as the predominant landmark building within the conservation area is not adversely affected. The proposed enhancements to the landscaping and planted around the Castle are considered to be significant improvements to the setting of the Castle and to the public realm. Viewed holistically, within this very sensitive heritage context, the proposals are considered to enhance the character and appearance of the Inverness Riverside Conservation Area.

Design quality of new elements

- 8.18 Policy 29 – Design Quality and Place-Making requires that the design and development should focus on the quality of places and living environment for pedestrians, rather than the movement of vehicles. The principal addition to the Castle is the new link-building which will fill the courtyard between the North and South Towers. This is conceived as a refined roof plate slotted between the two towers, perched atop the West boundary wall; the exposed eastern wall is defined by masonry fins/columns with large windows in between. The design concept for the roof references the decorative ceilings in the South tower - a lattice structure is proposed with recessed ceiling panels, echoing the coffered ceiling in the main Court Rooms. The geometry of the structure is then arranged as sets of beams running in two directions - perpendicular to the North and South towers, which allows the two geometries to meet and creates a rhomboid grid. The structure is caught at either side by perimeter beams supported on columns, specifically arranged to relate to the symmetry of the Castle elevations. The perimeter beams are set off the existing buildings, where glass rooflights are proposed to enhance the distinction between old and new. The rhomboid grid also allows for individual rooflights to be placed more centrally in the plan to bring in natural light. The

primary structure is envisioned as a mix of pre-cast and in-situ concrete, with a pink hue and expressed aggregate. Using the same material ingredients as the Castle buildings but in a contemporary manner will allow the link building to respond to the mass of the two towers that it connects. The perimeter and cross beams that form the roof deck of the link are designed as in-situ visual concrete. The underside of the beams then form a datum, beneath which the structure switches to precast concrete. This intentional change means that everything within reach that can be touched will have a uniform and refined surface whereas the roof structure at +3.5m will have a slightly less precise but completely homogeneous appearance. Importantly, the use of concrete allows the structure to maintain a simplicity and elegance devoid of any expressed mechanical connections. Much time has been spent refining the geometry and setting out of the structure, which has been designed in close collaboration with structural engineers. Outline designs, including dimensions, have been brought into place for foundations, floor, column, beam, roof and wall constructions so that there is confidence in the component section sizes and spans. The space will benefit from great amounts of natural daylight via the glazed east façade, central and perimeter rooflights and clerestory glazing on the West. That, combined with the exposed faces of the external walls of the towers, will give the link building a pavilion type feeling - one that straddles the threshold of external and internal space. Accordingly, the material palette is intended to be limited to materials that can occupy both types of spaces. As explained above, the roof structure is exposed concrete (but with slatted timber panels in the voids), the walls are predominantly exposed stone, precast concrete or glass and the floor surface is intended to be cast Terrazzo, or similar. The goal is to avoid using any plasterboard in the main body of the link. A new raised floor slab is introduced at the same level as the finished floor level of the North tower. This provides opportunities to improve level access and creates a solum space in which services could run between the two buildings.

New West Terrace

- 8.19 The West Terrace is a new external viewing and dining terrace, accessed from the link building, which projects out onto the West bank of the Castle. It is located at a natural gravitational point on the site - at the highest point on the West bank - where people are currently drawn to look out over Inverness. The terrace will offer further enhanced views North and South by allowing visitors to experience stepping out to the precipice of the bastion wall. It is conceived as an extension to the same defensive wall that surrounds the Castle and uses a geometry derived from the historic Fort George (which occupied the site until it was blown up in the Jacobite uprising of 1745), which also aligns with the new rhomboid grid set by the link building. It is intended therefore to reinstate and reinforce the Castle plinth and the fortress aesthetic of the West elevation. The outer walls of the terrace are to be constructed in stone and extend to form a barrier/balustrade at terrace level. The stone will have a similar tone and appearance to the adjacent existing structures and will be unadorned with any embellishment so as not to distract from the overall composition. The detailing may however be more contemporary so that the change can still be read. The terrace will be finished with stone slabs and will have level access from the link and DDA compliant ramped access from the Castle grounds.
- 8.20 The design of the link-building, as well as the South Tower roof-terrace (and

surrounding landscaping) have all been designed with preserving and enhancing the character of the A-listed building as the core principle. We consider that this has been achieved, with only a slim section of the link roof (set back) visible above the west wall in riverside views. The link building presents a high-quality contemporary design in its eastern aspect, which complements (but remains visually subservient to) the Castle, with limited outward visibility. Only the glass lobby to access the roof-terrace will be openly visible, but this is positioned between existing masonry elements and will not be obtrusive in eastern views. The project was reviewed by the Inverness design Review Panel on 24th February, who broadly welcomed the architectural interventions and conservation re-instatement.

Access and Safety

- 8.21 All abilities access has been a key priority for the design process, with all main areas/rooms within the Castle having step-free access (with new lifts in both towers) and many new ramps to facilitate ease of circulation. Similarly, all landscaped areas around the Castle buildings shall have ramped access to negotiate any changes in level. Public/staff safety around the building is currently under development with a comprehensive lighting scheme in development, with Police liaison officers in consultation; this will be the subject of a future planning application.
- 8.22 There is a need, for a period of between 2 - 3 years, to manage a diversion to the existing Core Path IN19.55 in order to develop the proposal. The applicant has provided drawing number F1 09 MW L(91)001 Rev C General Plan – proposed Site Hoarding Plan which provides the details of this. This temporary diversion is considered acceptable. Should Members agree to grant planning permission and listed building consent the diversion can be confirmed as part of the approval for this application. There remains the question of the terminus of the Great Glen Way to consider, which the applicant thinks it will only be affected for up to a month at the end of the construction period. To cover both these issues, it is proposed that an Access Management Plan be secured by condition.

Trees and Landscaping

- 8.23 With regard to trees, a number on the western embankment were identified for removal to improve views to and from the Castle. This included the large Corsican pine that is situated around midway down and along the slope. However, this is considered to be a very rare example and one of Inverness' most prominent and important trees. In the classic view of the Castle, from the western end of Ness Bridge, the Corsican pine (and the large sycamore on the north/left-side) frame and 'book-end' the view of the Castle, enhancing its setting considerably. Accordingly, it has been agreed that this tree will remain. The other trees are of lower-quality and of less landscape significance. A re-planting scheme (of primarily indigenous species) is proposed to compensate.
- 8.24 A comprehensive re-landscaping scheme is proposed for the entire public realm around the Castle; this is currently predominantly tarmac/car parking and strips of grass. The landscaping around the Castle is changing from being vehicle dominated to priority for pedestrians, with an emphasis on using natural materials. A central roadway (for essential access) runs up to the Flora Macdonald statue,

which will now sit within a plaza-space, the roadway criss-crossed by an easy gradient path with flanking paths to both outer edges. A new pathway also runs along the western embankment, below stepped flower beds, with numerous seats to enjoy the environment and views. Paths and plaza-areas are surfaced with stone-slabs and resin-bound-gravel, with exposed aggregate-macadam for sections of vehicular access. Granite is used for hard edges and steps, while Corten-steel is used for planters, lighting bollards and cycle-stands. Planting of beds and trees will complement the hard-landscaping, the whole combining to form a richly textured but very contemporary urban park for the public to enjoy.

Parking, Cycles, Servicing and Waste

Access

- 8.25 A more visually appropriate vehicle control system (motorised bollards and remote entry system) will be established in place of the existing barrier at the bottom of the Castle esplanade, maintaining controlled access for service/emergency vehicles and visitors. Service and emergency vehicles will be provided with access to the South, East and North sides of the buildings, where turning manoeuvres have been proven by vehicle tracking. Likewise, vehicles servicing the café kitchen will be able to reverse a short distance up the West elevation. All service deliveries and drop-offs will be scheduled outside of peak visitor times. Visitor drop-offs will be allowed by looping around the Flora MacDonald statue (again, proven by vehicle tracking), however, short stay vehicle parking on site for general visitors will not be permitted.

Parking

- 8.26 Visitors will be encouraged and directed to use other city centre public parking provision and/or active travel options. 7No dedicated disabled parking bays will however be accommodated on the site. This figure has been arrived at by calculating a notional number of overall parking spaces for an 'out of town' development and by then applying Highland Council guidance of one disabled space per 20 general spaces, which results in a minimum of 5No spaces. Extensive visitor cycle parking (42No spaces when 18No would be sufficient to meet minimum standards) will be accommodated across the site, including a cycle tool station, to encourage active travel. Secure staff cycle parking will be provided inside the Castle.

Waste Management

- 8.27 Calculations for on-site refuse storage concluded that the development would require 8,350 litres of commercial refuse storage. 10No 1,100 litre bins ("Eurobins") are proposed to be accommodated across the site, in addition to general public litter bins, providing 11,000 litres of commercial refuse storage, split into general waste and recyclable waste. Owing to the site's Category A Listed status and the limited amount of concealed external space, a below ground storage system is proposed. The system utilises standard Eurobins, housed in a hydraulic lifting platform below ground with more discreet disposal column 'bins' above. The

hydraulic platforms are remote operated, which means that the standard Eurobins can be collected by standard refuse vehicles without the need for any specialist lifting equipment. The refuse storage is strategically located in three separate locations across the site, close to waste generating functions internally and which can be accessed by vehicle straightforwardly externally.

Developer Contributions

- 8.28 Developer contributions have been requested to address the shortfall in parking spaces as required by the Inverness City Centre Development Brief; with money used to enhance opportunities for active travel within the City in lieu of direct parking provision. This is however one of the projects which is considered a key component to development of the City as set out in the Inverness City Centre Development Brief, and in itself requires a very significant investment from the Highland Council's various funding streams and mechanisms. The Castle will become a focal point for tourism, one of the key economic drivers for the whole of Highland, greatly enhancing the visitor experience and will be a marketing symbol in itself. The proposed café, exhibition and venue facilities will also enhance the cultural and social amenities on offer for the citizens of Inverness and surrounding areas. The project also includes a significant investment in the public realm surrounding the Castle, which again will enhance the appreciation and use of these spaces by visitors and residents alike. The proposal should also be viewed in the context of other public-realm upgrades in the area, particularly Castle Wynd/steps and the High Street that have just been completed and/or in the process of being completed by the Council. The significant investment which the Council is making in this project, and the existing public realm, is considered to outweigh the need for contributions associated with a short fall in parking for a development that additional parking would not be warranted.

Other material considerations

Bats

- 8.29 No bats are expected to be present within the affected areas, however an informative regarding all protected species is added, should any be discovered in the course of the works.

Archaeology

- 8.30 Archaeological investigations have been on-going under the two previous consents (for enabling works and site-hoarding) under the supervision of the Council's archaeologist; a further condition is applied for continuation of an approved programme for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation.

Non-material considerations

- 8.31 Internal fit-out; along with the external lighting scheme, this will be the subject of a further planning (LBC) application, as that level of detail has yet to be fully determined.

- 8.32 The wider redevelopment of Castle-Hill (incorporating the Bridge Street buildings, IMAG and the Town-House car-park) of which the Castle is the first phase, has yet to advance to a master-planning level where it would be a material consideration.

Matters to be secured by Section 75 Agreement

- 8.33 None.

9. CONCLUSION

- 9.1 The proposed change-of-use is considered to be compliant with the development plan and planning policy, in terms of the site location and intended functions. The flexibility of the new uses should ensure a long-term sustainable future for the building, the redevelopment of which is seen as a key project of the Council's strategy for development in the City Centre.
- 9.2 The impact upon the character, layout and fabric of the listed building is considered to be acceptable. Adapting such a large and complex building for new uses will always require some compromises, but on-balance the proposal should incur no significant adverse impacts upon the built heritage.
- 9.3 The quality of the proposed design is considered to be very high, with a standard of architecture which should complement and enhance the listed building, while still remaining visually subservient to it. The proposed landscaping and public realm improvements are welcome and are considered an appropriate response.
- 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

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

Conditions and Reasons

1. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

2. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located as per the Tree Protection Plans (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

3. A suitably qualified Arboricultural consultant must be employed by the applicant to ensure that the approved Tree Protection Plans and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision are set out in the AMS and certificates of compliance for each stage are to be submitted for planning authority approval.

Reason: To ensure the protection of retained trees throughout the construction period.

4. The tree planting identified in the Landscape Proposals drawing shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority following the planting specifications in the Landscape Details 04 drawing.

Reason: In the interests of amenity.

5. Any proposal to crown-lift, thin-out or trim the Corsican Pine tree must first be agreed in writing with the Forestry Officer

Reason: To ensure the protection of retained trees, and in the interests of amenity.

6. Details of the revised private vehicular access control arrangements shall be submitted to and approved by the Planning Authority prior to any works commencing on site to form that access. Once approved, those arrangements should be fully implemented and operational prior to the proposed change of use coming into operation.

Reason: To ensure the security of the site and ease of access when required.

7. Prior to the closure/hoarding of the entire Castle site, an Access Management Plan shall be submitted to and agreed in writing by the Outdoor Access & Long Distance Route Manager. This shall include for a temporary diversion of the core path IN19.55 for the duration of the proposed works on-site (with details of informative signage), as well as details for a temporary terminus of Great Glen Way.

Reason: In the interests of public amenity.

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

Listed Buildings

Both planning permission and listed building consent are required for these works. You are not authorised to commence development until you have both consents in place. Furthermore, both consents and any respective conditions must be read, and complied with, in tandem.

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

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

- B.** Subject to the above, it is recommended that listed building consent be **GRANTED**, subject to the following:

Conditions and Reasons

1. No development or work (including site clearance) shall commence until a photographic record has been made of any buildings and/or other features affected by the development/work, in accordance with the attached specification, and the photographic record has been submitted to, and approved in writing by, the Planning Authority.

Reason: In order to protect and record the archaeological and historic interest of the site.

2. No development or work shall start on site until a comprehensive and detailed Method Statement, Schedule of Works and Specification (on a room-by-room basis) has been submitted to and approved in writing by the Planning Authority. Thereafter, development and other work shall progress in accordance with the approved document/sample.

Reason: In order to safeguard the character and qualities of the listed buildings.

3. All works, materials and finishes shall be as noted on the approved drawings. Any internal or external works and finishes, or works for making-good as required, shall be to match original/adjacent materials and finishes.

Reason: In order to safeguard the character and qualities of the listed buildings.

4. Details of the following elements of the South Tower roof-terrace and access shall be submitted to, and approved in writing by, the Planning Authority prior to the commencement of such development. Thereafter, work shall progress in accordance with these approved details.
 - a) a section through the lift/lift-over-run and glass-lobby in the corner tower at scale 1:10
 - b) a section through the access-stair roof and access lobby at scale 1:10
 - c) a section through the South Tower southern parapet wall/roof terrace construction at scale 1:10.

Reason: In order to safeguard the character and qualities of the listed buildings.

5. Samples of the following proposed materials shall be presented on-site, and approved in writing by, the Planning Authority prior to the commencement of any such installation. Thereafter, work shall progress in accordance with these approved details.
 - a) the external masonry to the link-building
 - b) the cladding to the South Tower lift-over-run and roof access lobby
 - c) the internal timber linings to the link-building ceiling, court-room and other public spaces.

Reason: In order to safeguard the character and qualities of the listed buildings.

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 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

Listed Buildings

Both planning permission and listed building consent are required for these works. You are not authorised to commence development until you have both consents in place. Furthermore, both consents and any respective conditions must be read, and complied with, in tandem.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>

Designation: Area Planning Manager – South

Author: Norman Brockie

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

Relevant Plans:

- Plan 1 - F1902 MW L(--)-000 LOCATION PLAN
- Plan 2 - F1902 MW L(--)-003 REV B PROPOSED GROUND FLOOR PLAN
- Plan 3 - F1902 MW L(--)-004 REV B PROPOSED FIRST FLOOR PLAN
- Plan 4 - F1902 MW L(--)-005 REV B PROPOSED SECOND FLOOR PLAN
- Plan 5 - F1902 MW L(--)-007 REV B PROPOSED ROOF PLAN
- Plan 6 - F1902 MW L(--)-011 REV A PROPOSED ELEVATION PLAN - NORTH
- Plan 7 - F1902 MW L(--)-012 REV A PROPOSED ELEVATION PLAN - EAST
- Plan 8 - F1902 MW L(--)-021 REV A PROPOSED SECTION PLAN
- Plan 9 - F1902 MW L(--)-013 PROPOSED ELEVATION PLAN - SOUTH
- Plan 10 - F1902 MW L(--)-014 PROPOSED ELEVATION PLAN - WEST
- Plan 11 - F1902 MW L(--)-140 GENERAL PLAN - PROPOSED

SOUTH TOWER ROOF

Plan 12 - F1902 MW L(21)101 REV A GENERAL PLAN - NEW
BALUSTRADING AND GALLERY TO COURT-ROOM

Plan 13 - F1902 MW L(--)-001 SITE PLAN AND PUBLIC REALM
STRATEGY

Plan 14 - 191434_OPEN_IVC_X01 REV 01 ILLUSTRATIVE
BASE (landscaping)

Appendix 2 - Listing description

Inverness Sheriff Court and Justice of the Peace Court, including Police Station and boundary wall, Castle Wynd, Castle Hill, Inverness. LB35166

Category A

Date Added: 21/05/1971

Description

Castellated court house and prison complex built primarily in 2 phases: William Burn, 1833-6, court house; Thomas Brown II, 1846-8, police station and district court (former prison). Alterations to connect prison to county offices by Ross and Macbeth, 1904; and further alterations, R J Macbeth, 1911. Between the two buildings are the remains of the medieval castle well, restored in 1909.

Court House: 2 storeys, with 7-bay ashlar principal elevation, and advanced and raised centre 3 bays; bay to the left (west) has a round tower; bay to the right (east) has a square plan tower. There is a centre round-arched door-piece under a gablet and flanked by heavy buttresses. Predominantly round-arched windows linked by continuous hood-moulding, the first floor windows at 2nd and 6th bays are tripartite. Crenellated parapet, machicolated at towers and with crosslets at towers and centre.

The interior to the court house was seen in 2014 and is arranged with the court and public offices, faculty library and main courtroom at the ground floor, all accessed from a large central hall with colonnade opening onto an imperial stair rising under a coffered barrel vault. To the north of the stair at the ground level is the principal courtroom, with coffered ceiling, and a semi-circular gallery to the south accessed from the first floor. The courtroom is lit by large round-arched tripartite windows and has timber pew seating arranged in a semi-circle around the timber bench which has a Tudor Gothic sounding board canopy above. The well furniture, dock and witness box were been replaced in the 1980s in a period style. Colonnades at ground and first floor groin and barrel-vaulted, springing from heavy pilasters. A perambulatory timber panelled hall links the main courtroom to various rooms at ground floor, including the faculty room. The faculty library has a large bay window to the east and a groin vaulted ceiling, with most furnishings largely intact including the break-front bookcase and library table. All secondary rooms, offices and passages include decorative cornicing and panelled doors, and a number of fireplaces.

Police Station and District Court (Former Prison): 3 storeys and 4 bays to the principal (entrance) elevation. Snecked rubble with ashlar dressings. There is a square tower at southwest and an octagonal tower at northwest with a tall slim circular turret at one angle. Crenellated and machicolated parapet. The interior of the police station was not seen in 2014.

The court house and police station are linked at the east by a martially bastioned enclosing wall enlivened with towers and bartizans, all by Joseph Mitchell, 1839.

Coped, squared and coursed rubble boundary walls enclosing site to the west, north and east.

Statement of Special Interest

Inverness Sheriff Court, including its police station (former prison), is an important

early example of burgh court building constructed unusually in the castellated style. It is an outstanding example of civic architecture, displaying some fine architectural features and designed by renowned architect William Burn and extended in a similar style by prison architect, Thomas Brown II. The interior retains much of its 1830s decoration and plan form, and the main courtroom is one of two surviving in Scotland that has semi-circular public seating.

The present group of buildings is the result of 2 main phases of construction with two substantial castellated blocks linked by a series of bastions and perimeter walls. The sheriff court at Inverness dates from 1833 and was designed by prominent architect, William Burn. The new court building was planned from 1812, but sufficient funds for its construction were only made available from 1831, when Burn's plans were drawn up. The building was constructed on the prominent historic site of the medieval castle of Inverness which had been demolished after it was attacked by the Jacobite army in 1745. Sheriff Depute William Fraser Tytler, with clear Jacobean lineage, was instrumental in promoting a new court house and aspired to building a significant monument for the capital of the Highlands.

While Burn put forward plans for the prison, the work eventually went to Thomas Brown II (official architect to the Prison Board from 1837). The prison was constructed as a second phase over ten years later, from 1846-8, due to the need for economy.

The 1833 entrance to the south was blocked up in the 20th century to respond to the need for increasing court space, and this area is now a second courtroom.

The police station (prison) was altered extensively in circa 1904, and this work is attributed to Ross and Macbeth. Most cells, except those at basement level, were altered to accommodate new functions, with many of the cell windows enlarged.

The perimeter walls, mainly to the police station, were reduced in height after the Second World War and the associated gate lodge demolished.

William Burn (1789-1870), one of Scotland's foremost 19th century architects, was one of the country's chief proponents of the picturesque castellated style in his domestic commissions, the designs for which relied on English medieval models, and often also included Tudor-revival elements. Burn was involved in prominent public commissions for court buildings and in 1829 had designed alterations for Edinburgh's Court of Session. In the same year he was engaged at Inverness, he designed Haddington Sheriff Court, which is in the Tudor-Gothic style.

Thomas Brown II began his architectural career in his father's firm, and probably worked in the office of William Burn prior to being appointed as architect to the Prison Board of Scotland in 1837 and setting up his own independent office in Edinburgh. As architect to the Prison Board of Scotland, Brown II had extensive experience in designing county court houses and prisons (the design work of which his partner Thomas Wardrop gradually took over), such as at Dingwall (1842) and which later included the court houses of Wigtown (1862), Alloa (1863), Forfar (1869) and Stirling (designed 1866, built 1874) (see separate listings). The practice were also successful at remodelling and designing country houses, with their work

accomplished examples of the French Baronial style and later pioneering examples of neo-Georgian.

The development of the court house as a building type in Scotland follows the history of the Scottish legal system and wider government reforms. The majority of purpose-built court houses were constructed in the 19th century as by this time there was an increase in the separation of civic, administrative and penal functions into separate civic and institutional buildings, and the resultant surge of public building was promoted by new institutional bodies. The introduction of the Sheriff Court Houses (Scotland) Act of 1860 gave a major impetus to the increase and improvement of court accommodation and the provision of central funding was followed by the most active period of sheriff court house construction in the history of the Scottish legal system, and many new court houses were built or reworked after this date. The design of court houses in the early 19th century tended towards neoclassical or Renaissance styles to convey their status as important public buildings.

Statutory address and listed building record revised as part of the Scottish Courts Listing Review 2014-15. Previously listed as 'Castle Wynd, Sheriff Court and Police Station, Including Boundary Walls, Castle Hill'.