

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

6 FEBRUARY 2017

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 16/01442/MOD75
OFFICER: Mr C Miller
WARD: Tweeddale West
PROPOSAL: Modification of planning obligation pursuant to planning permission 06/00769/FUL
SITE: Glentress Lodge, Eshiels, Peebles
APPLICANT: Claire Bony
AGENT: None

SITE DESCRIPTION:

The site relates to the dwellinghouse erected to the rear of the Glentress Hotel, Eshiels, known as Glentress Lodge. This property was approved by Area Committee in 2006 as a dwellinghouse but with a planning condition and Section 75 Agreement. Following conclusion of the latter, the permission was issued in 2009 with the following condition:

“The dwellinghouse hereby approved to be used as a manager’s house only and not to be used as ancillary accommodation associated with the Glentress Hotel.”

That was subsequently changed in 2009 by the Local Review Body to also allow for self-catering use in connection with the hotel together with a manager's house.

The Section 75 Agreement included a Clause stating as follows:

“The Glentress Hotel and its associated buildings along with the Development shall always be held as a single property and no individual part of it shall ever be sold separately or otherwise disposed of, except to Statutory Undertakers for the purposes of public works or of adjustments to boundaries”.

The property was erected following the original consent.

PROPOSED DEVELOPMENT:

This is an application to modify the Section 75 Agreement by removing the aforementioned clause which would then allow the property to be free of the legal linkage with the hotel and resided in as a dwellinghouse or still used as self-catering accommodation independent of the hotel. There are personal reasons explained by the applicant for the request and it is also stated that the legal restriction has impacted on finance in connection with plans for hotel improvement. The application is brought to Committee as the modification seeks to remove a primary part of the Section 75 Agreement, which is beyond the remit of delegated authority.

PLANNING HISTORY:

06/00769/FUL – Original consent for “Erection of Dwellinghouse” subject to the condition and Section 75 Agreement Clause mentioned above. The latter also sought schools contributions.

09/01534/FUL – Change of use of house to also allow for ancillary self-catering accommodation as well as Manager’s accommodation, in connection with the hotel.

13/01043/PPP – Erection of dwellinghouse immediately to the south-east of the hotel. This consent remains valid until April 2018.

CONSULTATION RESPONSES:

Legal Services: Response awaited.

REPRESENTATION SUMMARY

None.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016:

Policy PMD2 Quality Standards

Policy ED7 Business, Tourism and Leisure Development in the Countryside

Policy HD2 Housing in the Countryside

Policy HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS

"New Housing in the Borders Countryside" SPG

KEY PLANNING ISSUES:

The key planning issues with this application are whether the legal severance of Glentress Lodge from the hotel would still allow for compliance with Council Policies and Guidance on residential amenity.

ASSESSMENT OF APPLICATION

The removal of the clause linking all buildings associated with the Glentress Hotel to a single ownership would have the effect of allowing the property subject to this application to then be lived in as per the 2009 consent, i.e. as stand-alone self-catering accommodation or as a dwellinghouse. In 2014, a new dwellinghouse was allowed immediately east of the hotel and the whole history and issue of potential conflict between the hotel and residential amenity was re-assessed at that time. The justification for approval of the application was set out in the Handling Report as follows:

"There had been a previous unsuccessful application for holiday accommodation to the north-west of the hotel and much discussion about the relationship of the hotel and residential amenity when the application to change the use of "Glentress Lodge" was considered.

The latter decision was finally taken by the Local Review Body which overturned the Officers' previous views on the basis that the hotel's relationship with surrounding houses was a matter of fact and that potential use conflict was not a driving factor in the determination of an application. They did, however, seek some acoustic screening to reduce noise impact from open decking areas belonging to the property which was the subject of the change of use to hotel accommodation. For this reason, I cannot oppose the locating of an unconnected dwellinghouse in similar proximity to the hotel, provided some attention is paid to screening and acoustic shielding."

This permission is still valid and, given how it reflects the 2009 LRB decision, there is no justification to oppose the intention to allow Glentress Lodge to be used independently from the hotel, as a dwellinghouse or, indeed, as self-catering accommodation. The potential impacts on Glentress Lodge could conceivably be slightly greater than the impacts on the surrounding houses through a detachment of the ownership connection but, as Members felt at LRB, the conflicts are present already as matters of fact. Anyone taking on Glentress Lodge will see the situation quite clearly and, for adjoining neighbours, the situation will be no worse and, potentially, better if the connection with the hotel is severed and the property then lived in as a private house.

The removal of the S75 Clause will, therefore, still allow compliance with Policy HD3 of the Local Development Plan on protection of residential amenity.

CONCLUSION

The proposal will reflect the planning situation accepted at Glentress Hotel and surroundings, following the 2009 LRB decision, that the issues of use conflict are present and that a disconnection of the ownership of the hotel with Glentress Lodge will not create any undue use conflicts not already accepted as existing.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the modification to the Section 75 Agreement is approved and that the relevant Clause be removed from the Agreement.

DRAWING NUMBERS

Location Plan

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Craig Miller	Planning Officer



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Glentress Lodge Eshiels
Peebles
Scottish Borders

