

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

8 JANUARY 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/01438FUL & 17/01439/LBC
OFFICER:	Mr Scott Shearer
WARD:	Tweeddale West
PROPOSAL:	Change of use from bar/restaurant and alterations to form residential unit and associated works
SITE:	The Courthouse Restaurant, High Street, Peebles
APPLICANT:	Mr Marc Haslam
AGENT:	Border Architects Ltd

This application is brought to the Planning and Building Standard Committee under the terms of the Councils approved Scheme of Delegation as a result of Councillor Haslam's interest with the proposed development.

SITE DESCRIPTION

The application site is the former Peebles Sheriff Court which occupies a prominent location at the western end of Peebles High Street. The building dates from the mid-19th century and has been built in a Jacobethan style with smooth ashlar under a slated roof. The rear portion of the building is contained in a whinstone and render clad structure. A terrace is attached to the rear of the building with a large retaining wall enclosing curtilage ground which lies to the west. Further curtilage ground which falls towards the Cuddy Water lies to the north with a timber steps and a raised walkway providing access around this part of the site. Peebles Old Parish Church and its associated hall are located to the south and west.

Internally the building provides accommodation across four floors. Since the closure of the court, the building has been sub-divided to provide a range of uses. Currently accommodation is split across the following uses;

- Lower ground floor – residential flat
- Upper ground floor – commercial units
- First Floor – bar and restaurant
- Second Floor – offices

The building is listed Category B and it also lies within the towns Conservation Area. Peebles High Street is designated a Core Activity Area however this site falls out with this designation.

PROPOSED DEVELOPMENT

This joint report considers related Planning (17/01438/FUL) and Listed Building Consent (17/01439/LBC) applications. Separate conclusions and recommendations are noted for each separate application.

The proposals are to retain a self-contained flat within the lower ground floor with commercial units in the upper ground floor. The upper floors of the buildings are to be converted to provide a single residential unit.

The proposed physical works are summarised as follows;

Internal

- Introduction of suspended ceilings to ground floor
- Close off the main staircase at upper ground floor
- Removal of partition walls to form a hallway at first floor

External

- Form a new opening on the south elevation from an existing window opening which includes creating an opening in the boundary wall to provide a stepped access
- Extend the paved area at the north entrance
- Paint external doors burgundy red
- Replace display cabinets

PLANNING HISTORY

In 2007, approvals 07/00083/FUL and 07/00082/FUL granted permission for the alterations and change of use of the court house to form beauty salon and office, restaurant and public bar and office accommodation.

In 2008 Planning and Listed Building consent were approved for the formation of an all ability timber ramp. This permission was amended in 2010 under consent 10/00356/FUL.

Consents for other minor works have also been approved at these sites which include; the installation of CCTV cameras, signage, display case and plaques.

REPRESENTATION SUMMARY

None.

APPLICANTS' SUPPORTING INFORMATION

None.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Education & Lifelong Learning: The proposed development is located within the catchment areas for Halyrude Primary School, Kingsland Primary School and Peebles High School. Developer contributions of £7,463 is sought for the Kingsland Primary School and £1,051 is sought for the High School

Heritage and Design Officer (H&DO): The building is listed category B and is judged to make a positive contribution to the streetscape of Peebles High Street forming a stop end when viewed along the street towards the church. The building has lain empty and the H&DO has met with a number of previous prospective developers with neither of the previous schemes being brought forward.

Internal Alterations

The residential proposal creates Building Standards challenges within the historic structure with a need to allow the staircase to be used as a private stair and achieve fire and acoustic separation between different uses in the building. Balance is required to allow the positive new use to be achieved without affecting the historic fabric. The suspended ceilings achieve fire/acoustic separation and while this means that cornicing will no longer be visible these features are being retained with this intervention easily reversible. The works to close off the lower flight of the main stair at first floor level and flooring over it as first floor and remove cast metal baluster and a section of handrail is more intrusive. The stone stair will remain. No objection is raised to this alteration provided a condition is used to require a photographic record of the main stair and the careful dismantling of the balusters and handrail so they can be reused. Otherwise no issues are raised with the remainder of the proposals. The heavy metal clad doors on the former cells should be retained.

External Alterations

The minor alteration to the south wall is a pragmatic solution to create a new entrance on almost fully concealed elevation. No issues are raised with its design response.

Overall the positive re-use of the building is welcomed and the H&DO is satisfied that the impact of the internal alterations are either reversible or can be mitigated by a condition for recording and future re-use of the stair fittings.

Roads Planning Service: No objection. The formation of an additional residential unit within the footprint of the existing building is not judged to have a negative impact on traffic movements and parking when considered against the buildings current use.

Recommend that the proposal will trigger a financial developer contribution of £1000 towards improving traffic management in and around the town centre and/or towards the funding of transport appraisal work in respect of options for a second vehicular crossing in the town over the River Tweed.

Statutory Consultees

Historic Environment Scotland (HES): No comments are raised. Recommend that the applications are determined in accordance with national and local policy on listed building consent, together with related policy guidance.

Other Consultees

Architectural Heritage Society of Scotland: Object. Despite supporting the principle of the development the details of the conversion are not supported. The primary concern is that the blocking off of the central staircase at entrance level. The removal of the staircase destroys the buildings entrance sequence and relegates the first floor entrance to a fire-escape style staircase at the rear. This alteration is unsympathetic to the special character of the building and contravenes Policy EP7. Secondly, the installation of lowered ceilings will hide historic features such as cornicing. The arrangement of the lower ground floor flat is not objectionable however the lack of bathroom facilities suggests that this space is being overdeveloped. Advocate that the revised scheme could address these concerns and deliver the

sensitive reconfiguration of the accommodation while maintaining the dwellings historic interest.

Peebles Civic Society: No objection.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD2: Quality Standards
ED3: Town Centres and Shopping Development
HD3: Protection of Residential Amenity
EP7: Listed Buildings
EP9: Conservation Areas
IS2: Developer Contributions
IS4: Transport Development and Infrastructure
IS7: Parking Provision and Standards

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014

Supplementary Planning Guidance on Developer Contributions – updated 2016

Historic Scotland – Managing Change in the Historic Environment 2010

- Interiors
- Doorways

KEY PLANNING ISSUES:

The key planning issues are whether the proposed development represents a suitable use within the town centre location and whether the physical alterations respect the special character and appearance of the Listed Building and Conservation Area.

ASSESSMENT OF APPLICATION:

Planning policy

The application site is located within the Peebles Town Centre as designated by Policy ED3 of the Local Development Plan (LDP). Policy ED3 generally supports uses that contribute positively to the vitality, vibrancy, character and mixed use nature of the town. Policy ED3 recognises that residential uses enhance the role of a town centre. In the case of this particular site, the proposal would add to a previously established residential use within the buildings lower ground floor level. Furthermore it would also reuse part of a prominent local Listed Building which has lain empty for considerable time. The proposed change of use would, therefore, comply with Policy ED3.

The application site is located adjacent to but outwith the Core Activity Area as defined by the LDP. Therefore Policy ED4 of the plan is not relevant.

Impact on the Listed Building and Conservation Area

The application site is a Listed Building (Category B) of local significance which positively contributes to the character and townscape of the Peebles Conservation Area. Historic Buildings are most vulnerable when they are unoccupied. This proposal seeks to re-use part of this building, much of which has lain vacant for some time. The principle of this is welcomed because the new use will help to secure the buildings future and despite the AHSS lodging an objection to the internal proposals they do acknowledge that the principle of the change of use is supported. A careful balance needs to be achieved which allows a positive new use to be introduced without adversely affecting the historic and architectural interest of the Listed Building or the character and appearance of the Conservation Area as required by Policies EP7 and EP9 respectively. To assess the merits of the physical works the proposed changes are broken down to Internal Alterations and External Alterations below.

Internal Alterations

The requirements for the internal alterations are mostly specific requirements for the new residential unit to satisfy current Building Standards regulations. This can pose challenges particularly when considering alterations to the fabric of historic buildings. The proposal to provide a suspended ceiling on the upper ground floor is to achieve fire and acoustic separation between the commercial units and the new residential accommodation above. Regrettably these works will cover existing cornicing. Having visited the property, the cornice detailing is of architectural interest however it is not overly significant within the building's interior. Constructing the new ceiling under the cornicing will importantly allow these features to remain in-situ and enable these works to be easily reversible. These works can be controlled by a planning condition.

Closing off the internal staircase is the most significant alteration proposed and the concerns raised by AHSS are acknowledged. The staircase is constructed of stone with cast metal balusters and handrail. The staircase is a central feature within the building but is not considered to be a principle space within the former courthouse. Instead, the court rooms, sheriff court and barrel vaulted holding cells are seen as being the rooms holding the most historic interest. No alterations are proposed to any of these spaces and their retention within the new use helps to retain the special character of the Listed Building. Because this application essentially seeks to subdivide this building it is difficult to do this without undertaking some distinct separation within its internal structure. Fundamentally however the stone stair will remain in situ albeit will be closed off at upper ground floor level and provided the handrail and banisters are carefully removed, could be reinstated at a later date. HES have not objected to these works and the Council's H&DO confirms that these alterations are being carried out in a sensitive manner. It is possible to set the handrail and banisters aside for future re-use or even reinstatement and a photographic record can be taken of the stair before the bannister is removed and enclosed blocked off to suitably record the internal organisation of the building. These matters can be addressed via appropriately worded planning conditions.

The alterations proposed to the upper floors are not considered to be significant and mostly relate to the removal of non-original features such as the bar area and stud partition walls. In addition, the H&DO has sought that the heavy metal clad doors on the holding cells are retained; this can be controlled via a planning condition.

The proposed internal alterations will facilitate the re-use of the empty floors of this building. Subject to conditions covering historic building recording and ensuring that the works are reversible, it is considered that the proposals will satisfy the

requirements of Policy EP7 in that they will not adversely affect the special architectural or historic quality of the Listed Building.

External Alterations

The buildings principal elevation is its east elevation which faces towards the High Street and the northern elevation which attracts views on approach from the north over the bridge. The main physical alteration is the formation of a new opening which will serve the new residential unit. This opening is sited on the buildings southern elevation which is a secondary elevation and it is generally concealed from public view within the Conservation Area. Only a very small portion of the stone wall which encloses the site is breached. The existing window opening is not of significant architectural or historic merit. The design of the new doorway which includes a glazed fan light and its burgundy colour finishes respects the design of other door opening across this listed building. The stone finished stepped access and metal hand rail is considered acceptable for this secondary elevation.

The works to the identified principle elevations include re-painting the external doors burgundy red. This colour is suitable for this location within the Conservation Area. The installation of replacement display cases are minor works to the external fabric but as these units affect the buildings principal elevation the precise details of these units should be agreed by condition. The enhanced paved area on the north elevation is not readily visible on approach because it is located below the road level. Finishing this hardstanding with riven stone paving flags is acceptable and re-use of the external rail is welcomed.

The proposed external alterations are considered to have a neutral impact on the historic and architectural interest of the Listed Building and its positive contribution to the character and appearance of the Peebles Conservation Area. A standard conformity condition can ensure that the external alterations are satisfactorily carried out in accordance with the submitted plans.

Neighbouring Amenity

The creation of a new residential unit has the potential to affect the amenity of other neighbouring uses, primarily other dwelling units. The proposed development is adequately separated from the existing dwelling unit in the lower ground floor and the retained commercial space within the upper ground floor by blocking off the stair well. It is contended that the proposed change of use will not result in residential amenity conflicts within the existing building.

Furthermore the development will not detract from the residential amenity of other neighbouring dwellings as a result of overlooking or loss of privacy, or directly affect the amenity of non-residential uses locally including Peebles Old Parish Church and commercial premises opposite.

Services

The property is currently served by mains water and drainage and the applicant has indicated that no new connections are proposed. It is considered that adequate provision has been made for water supply and drainage and that existing users will not be compromised. Precise details of the drainage arrangements will be controlled through the building warrant process.

Access and parking

Given the town centre location and the previous use of the site as a bar and restaurant, the existing parking and access arrangements are acceptable for the proposed use. This view is also held by the Council's Roads Planning Service. The proposal is not considered to have a negative impact on traffic movement and parking requirements locally, and will comply with Policy PMD2 and Policy IS7 of the LDP.

Developer Contributions

In line with Policy IS2, all development that is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services will be required to make contribution through a legal agreement towards addressing such deficiencies. This application triggers a requirement for financial contributions towards both Kingsland Primary School and Peebles High School. For the avoidance of doubt, contributions will be sought on the basis of a residential flat as opposed to a dwellinghouse. The proposed unit will not occupy the upper ground floor and therefore cannot be considered a dwellinghouse. In this case, the development contributions will be adjusted accordingly.

The location of the development within the Peebles settlement boundary also triggers a financial development contribution towards improving traffic management in and around the town centre and/or towards the funding of transport appraisal work in respect of options for a second vehicular crossing in the town over the River Tweed.

The applicant has agreed to settle these contributions via a Section 69 Legal Agreement should Members be minded to approve the application.

CONCLUSION FOR APPLICATION 17/01438/FUL

The formation of a residential unit within the former Peebles Sheriff Court will secure the re-use of a prominent building within the Conservation Area with a use which will help protect and enhance the vitality and viability of the Peebles town centre. The proposed new use will not detract from the amenity of any neighbouring residential properties or uses and the proposed physical alterations to the building will have a neutral effect on the character and appearance of the Conservation Area. The proposed development does however trigger development contribution requirements towards local schools and town centre traffic management. The developer has agreed to enter into a Legal Agreement to settle the contribution requirements.

The proposal is therefore considered to comply with relevant provisions of the Local Development Plan 2016, principally Policies ED3, EP9, HD3 and IS2 and there are no material considerations that would justify a departure from these provisions.

CONCLUSION FOR APPLICATION 17/01439/LBC

The proposals will have an effect on the Listed Building however these works will assist in providing a new use within an otherwise empty part of the building which will ultimately secure its future use. The proposed physical alterations are not judged to have a detrimental effect on the special architectural or historic interest of the building and suitably worded conditions can ensure that the more significant internal alterations are recorded and reversible. The proposals are therefore not considered to have a detrimental impact on the historic building and are justified against Local Development Plan Policies and guidance covering Listed Buildings.

**RECOMMENDATION BY CHIEF PLANNING OFFICER FOR APPLICATION
17/01438/FUL:**

I recommend the application is approved subject to a legal agreement covering development contributions towards Education and Lifelong Learning and the Peebles Bridge Study and Traffic Management in and around Peebles Town Centre, and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Prior to their installation, the precise specification of the display cases which are to be fitted to the east elevation of the building shall be submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details.
Reason: Further information is required to ensure a satisfactory form of development which respects the character and appearance of the Conservation Area.

**RECOMMENDATION BY CHIEF PLANNING OFFICER FOR APPLICATION
17/01439/LBC:**

I recommend the application is approved subject the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until a photographic record of the central staircase with an accompanying floor plan identifying where the images have been taken from have been lodged to and approved in writing by the Planning Authority. Thereafter the handrail and balustrade shall be labelled and carefully dismantled and set aside within the building for possible re-use.
Reason: To ensure satisfactory preservation of the Listed Building.
3. The development shall be carried out in accordance with the following details unless otherwise agreed in writing with the Planning Authority;
 - The new fire and sound resistant suspended ceiling shall be installed below the cornice detailing on the upper ground floor.
 - The metal clad doors which serve the former holding cells on the upper ground floor shall be retained.Reason: To ensure satisfactory preservation of the Listed Building.
4. The external alterations shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.

5. Prior to their installation, the precise specification of the display cases which are to be fitted to the east elevation of the building shall be submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details.

Reason: Further information is required to ensure a satisfactory form of development which respects the character and appearance of the Listed Building.

DRAWING NUMBERS

Drawing Number	Plan Type	Date
PA01	Location Plan	18 Oct 2017
PA02	Existing Floor Plan	18 Oct 2017
PA03	Existing Elevations	18 Oct 2017
PA04	Existing Elevations	18 Oct 2017
PA05	Photos	18 Oct 2017
PA06	Proposed Floor Plan	18 Oct 2017
PA07	Proposed Floor Plan	18 Oct 2017
PA08	Proposed Elevations	18 Oct 2017
PA09	Proposed Elevations	18 Oct 2017

Approved by

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

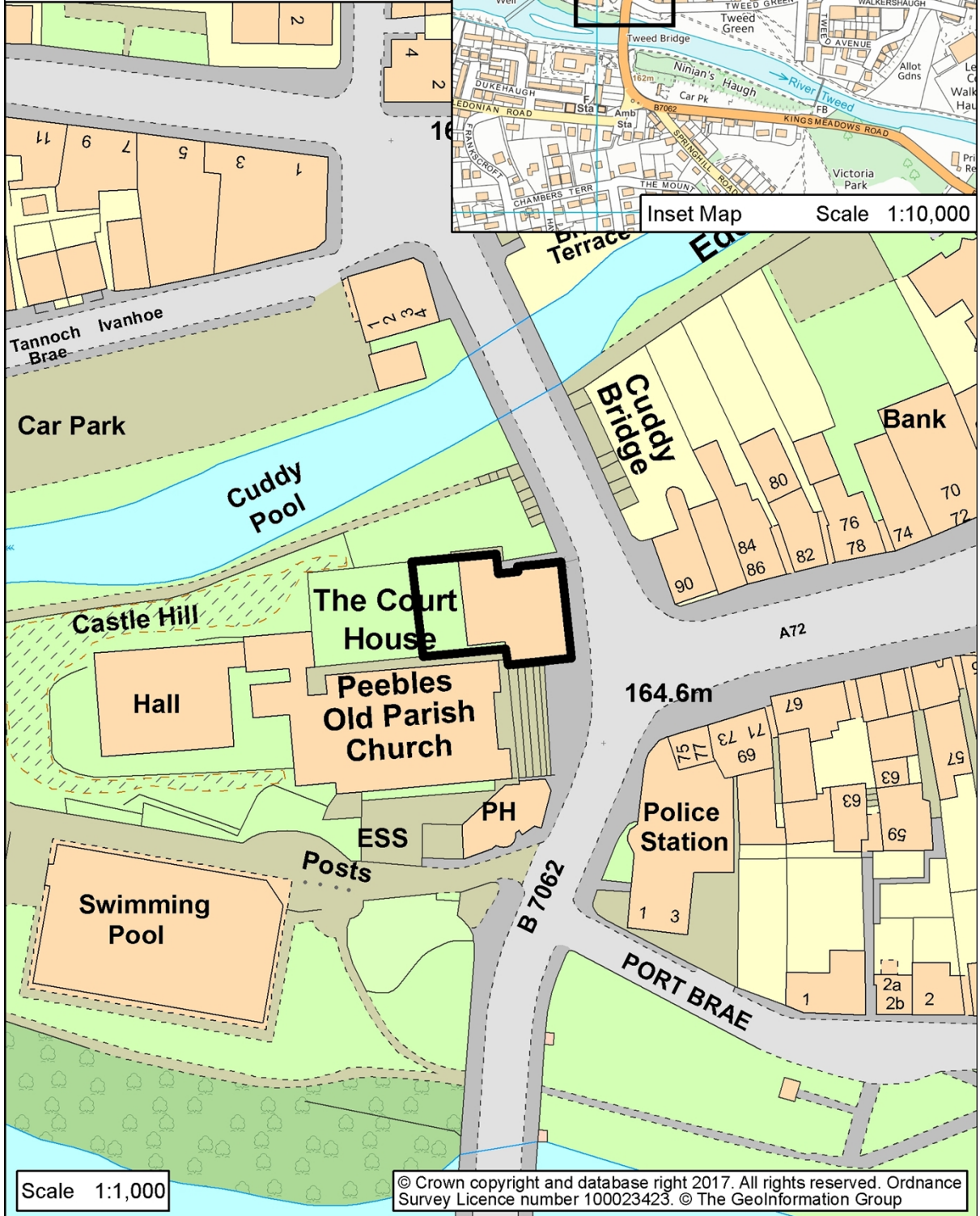
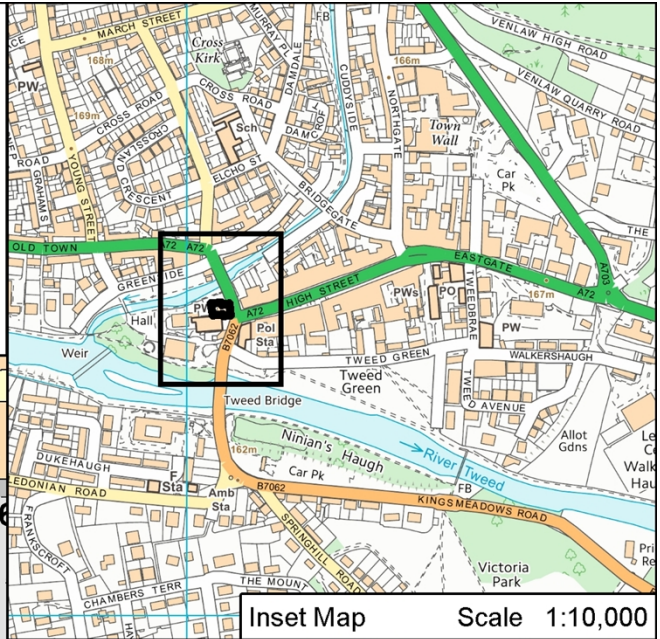
Author(s)

Name	Designation
Scott Shearer	Peripatetic Planning Officer



17/01438/FUL & 17/01439/LBC

The Courthouse Restaurant
High Street
Peebles



Scale 1:1,000