

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

25 MARCH 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBERS:	18/00181/LBC, 18/00182/FUL, 18/01286/LBC and 18/01287/FUL
OFFICER:	Ranald Dods	
WARD:	Peebles	
PROPOSAL:	Scheme 1 - Internal and external alterations, change of use from hotel and alterations to form 11 flats Scheme 2 - Internal and external alterations and conversion of existing building to form 8 flats and erection of 3 flats	
SITE:	Castle Venlaw Hotel, Edinburgh Road, Peebles	
APPLICANT:	Rikeja Limited	
AGENT:	Derek Scott Planning & EMA Architects	

PLANNING PROCESSING AGREEMENT: 29 April 2019

BACKGROUND

This report considers four applications covering two separate, but related proposals. For ease, unless further specification is needed, application reference numbers 18/00181/LBC and 18/00182/FUL will be referred to as Scheme 1. Similarly, applications 18/01286/LBC and 18/01287/FUL will be referred to as Scheme 2.

As set out in the report below, the initial proposals (Scheme 1) attracted objections from Historic Environment Scotland (HES) on the grounds that the extension would result in significant negative intervention affecting the special architectural and historic interest of Castle Venlaw. Through negotiation with the applicant, agent and HES, alternative proposals were put forward (Scheme 2) in an attempt to address these objections. Scheme 2 proposes a detached building adjacent to Castle Venlaw rather than an extension but continues to provide the same level of accommodation as Scheme 1. The report sets out the rationale behind the two proposals puts forward two independent recommendations.

It is worth noting that Scheme 1 has been brought forward to Committee on the basis of an objection from a statutory consultee requiring referral to Scottish Ministers. Scheme 2 has been referred to Committee under the Council's Scheme of Delegation as it has attracted 5 separate representations from third parties. Given the complex related history of both applications it is considered appropriate that both are considered together in a single report.

SITE DESCRIPTION

Castle Venlaw is a category B listed building on the western slopes of Venlaw Hill. It is located approximately 120m east of the Peebles development boundary, with access being by means of a 650m length of private road from the A703. The site lies within the Tweed Valley special landscape area (SLA) and the locally designated

Venlaw designed landscape (DL). A building group of 5 properties is located to the north of the castle. Mature woodland lines the access road and the area around the building group and the castle, although open grazing land lies beyond the trees. Those trees are not protected by a tree preservation order (TPO). The castle sits in an elevated position and is readily visible from the A703, Edinburgh Road.

The castle dates from 1782 and was enlarged in 1854 and 1892. The oldest part is rectangular in plan and the later part, to the south, is a 3 storey Scots baronial tower house design. The building is finished in a buff coloured, cement render. A small single storey extension, forming a service courtyard, is located at the north of the building. It appears to be a later addition which has been much altered, including the addition of a flat roof.

PROPOSED DEVELOPMENT

The applications are made for:

Scheme 1 - listed building consent to undertake internal alterations, demolish the single storey northern extension and construct a new two and three quarter storey extension on the north gable and; planning permission for a change of use from a hotel and alterations to form 11 residential units, comprising 8 flats within the existing building and three flats in the new extension;

Scheme 2 - listed building consent to undertake internal alterations, demolish the single storey northern extension; planning permission for a change of use from a hotel and alterations to form 8 flats within the existing building and the erection of a separate two and three quarter storey building of three flats to the north of the existing building.

PLANNING HISTORY

There has been several applications for the development of this building. Those are summarised below.

- 98/01034/LBC: Formation of en-suite facilities and installation of rooflight, approved 28 Jan 99
- 00/00357/LBC: Alterations and two storey extension to hotel and erection of access ramp, approved 7 July 2000
- 00/00929/LBC: Partial demolition, alterations and two and a half storey extension to hotel and construction of access ramp for disabled, approved 19 September 2001
- 04/01931/LBC: Internal alterations to bedroom 2, approved 24 November 2004
- 04/01932/LBC: Internal alterations to bedroom 6, approved 24 November 2004
- 06/01624/LBC: Partial demolition, alterations and extension to hotel and construction of access ramp for disabled, approved 10 January 2007
- 06/01625/FUL: Partial demolition, alterations and extension to hotel and construction of access ramp for disabled, granted 10 January 2007

The most relevant applications are those made in 2000 and 2006 for the extension to the hotel building. Neither of those schemes were implemented. They proposed a two and a quarter storey extension with an external access ramp from what appears to be first floor level given the ground levels but is in fact, in architectural terms, the *piano nobile* or 'principal floor'. That extension was simple in design with minimal fenestration to the east elevation. Two simple dormers would have provided light to rooms within the attic space. A corner turret would have been located on the north east corner, matching in a smaller scale, the turret on the south east corner of the castle. The ramp and escape door were somewhat discordant features to an otherwise uncluttered elevation.

The rear elevation would also have been simply detailed but would have had two pairs of bipartite windows to the upper storeys with two single windows at the lower level a chimney feature adjacent to the castle would have provided ventilation to the basement kitchen. In all, this elevation would have been less visually appealing.

The north elevation, the one which is most visible when approaching the castle from the A703, would have been blank, save for two slit windows in the corner turret and two escape doors at ground level. Again, the ramp would be a less than sensitive intrusion to the view from the north.

At the time of those applications, planning authorities had a duty to notify Scottish Ministers, via Historic Scotland (HS), of applications when a planning authority was minded to approve listed building consent (LBC) for a category A or B building. In the case of both the 2000 and 2006 applications, the proposals were sent to HS stating that the council was minded to grant. On both occasions, HS did not object. Having been granted, the permissions were not implemented and subsequently lapsed.

The Removal of Duty to Notify Direction came into force on 1 October 2015 and the effect of that is that planning authorities are now required to notify Scottish Ministers of an intention to approve LBC only where Historic Environment Scotland (HES), the successor body to HS, has objected to an application.

REPRESENTATION SUMMARY

The applications were advertised and neighbours notified. For 18/00181/LBC, one representation was received and for 18/00182/FUL six representations were received. All were objections.

No representations were received in respect of 18/01286/LBC.

A revised design was submitted for 18/01287/FUL and the revisions were re-advertised and neighbours re-notified. Four representations were received in respect of the original submission and five were received relating to the revised design. Since it is that revised design which is being considered by committee, only the representations received for the revised scheme have been summarised. It should be noted that comments relating to the listed building were included in representations to the planning application (and vice versa). Since there are entirely different circumstances which have to be considered, comments on listed building matters have been set aside when submitted in representations on the planning applications (and vice versa). Comments relating to the setting of the listed building are, however, relevant to the planning applications.

The material grounds contained in the representations are summarised below. Copies of all representations can be viewed in full on *Public Access*.

18/00181/LBC

- Impact on listed building
- Unsympathetic design

18/00182/FUL

- Impact on the setting of the listed building
- Impact on drainage, increased flooding risk
- Impact on economic growth
- Increased pressure on infrastructure
- Access and road safety
- Development of an unallocated site
- Impact on trees and landscape
- Poor design
- Unsympathetic design
- Privacy and overlooking

18/01287/FUL

- Poor design
- Unsympathetic design for the area
- Access and road safety
- Insufficient parking
- Impact on trees and landscape
- Impact on wildlife
- Impact on tourism
- Impact on access routes
- Privacy and overlooking
- Noise and light pollution

APPLICANTS' SUPPORTING INFORMATION

- Supporting statement
- Economic justification (confidential)
- Tree survey and constraints plan and tree protection plan
- Landscape proposals

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD1 – Sustainability

PMD2 – Quality standards

PMD4 – Development outwith development boundaries

HD2 – Housing in the countryside

HD3 – Residential amenity

EP3 – Local biodiversity

EP5 – Special landscape areas

EP7 – Listed buildings

EP8 – Archaeology

EP13 – Trees, woodlands and hedgerows

IS1 – Public infrastructure and local service provision

IS2 – Developer contributions
IS5 – Protection of access routes
IS6 – Road adoption standards
IS7 – Parking provision and standards

The site is not strategic, therefore the policies contained within SESplan are not considered.

OTHER PLANNING CONSIDERATIONS:

The following are material considerations:

SPG – Affordable Housing 2015;
SPG – Biodiversity 2005;
SPG – Development contributions 2015;
SPG – Privacy and Sunlight Guide 2006;
SPG – Landscape and development 2008;
SPG – Local Landscape Designations 2012;
SPG – New housing in the Borders countryside 2008;
SPG – Placemaking and design 2010;
SPG – Trees and development 2008;
SPG – Waste Management 2015.

Historic Environment Scotland Policy Statement 2016
Historic Environment Circular 1
Historic Environment Scotland Managing Change in the Historic Environment series

CONSULTATION RESPONSES:

The following were consulted on the applications. Their comments are summarised below.

Scottish Borders Council Consultees

Roads Planning Service: Scheme 1

No objection, subject to conditions. The traffic generated by a fully functional hotel at this location has the potential to generate a significant amount of traffic, when considering guests, patrons, functions, staff, deliveries etc. Therefore the change of use to residential apartments is unlikely to have a significant impact on traffic movements and access onto the public road.

The private road has a number of passing places along its route, however, there are some improvements which could be introduced to enhance and add to these passing opportunities. Parking provision to be 175% for communal parking. If the proposal seeks to allocate one space per apartment, then a further 1 space per apartment is required for visitor parking. Should two spaces be allocated per apartment, then a 25% visitor parking allowance will have to be accommodated.

Roads Planning Service: Scheme 2

Objection. A previous application was considered however that proposal was contained within the footprint of the existing building. The current proposal seeks to form 8 residential units from the existing building and build three new dwellings.

At present the private road serves 4 units built since 1984, excluding conversions. This is the maximum number of dwellinghouses which can be served by a private access, as set out in the current Local Development Plan. Given the constraints of the road, it is not feasible to bring this road up to an adoptable standard to serve the development.

Heritage and Design Officer: Scheme 1

Key issue considered, impact of the proposed works on the character of this category B listed building.

This is a challenging application. The Officer notes the formal objection from Historic Environment Scotland, which relates to the proposed extension and has taken into account the fact that a previous scheme of a similar scale and form had previously been approved and the fact that it would be possible for the applicant, as shown in Scheme 2, to build a separate new-build element adjacent to the listed structure which would visually have virtually the same visual impact on the listed building. On balance the Officer does NOT object to the proposed scheme, subject to a lighter touch being developed to visually separate the existing building for the new element.

Heritage and Design Officer: Scheme 2

Key issue considered, impact of the proposed works on the character of this category B listed building. No objections to the proposed works to the listed building as outlined in this application.

The paradox is that no LBC application is required for the erection of the adjacent new build in place of the service court, although the visual impact is broadly similar to that of an extension added to the gable.

Archaeology Officer: Scheme 1

No objection subject to conditions. There are potential implications for this proposal. If approved, it is recommended that a watching brief be undertaken on any excavations below top-soil depth. This should be performed per an approved written scheme of investigation (WSI) by a suitably qualified archaeological contractor.

Archaeology Officer: Scheme 2

No objection, subject to conditions. Anywhere where excavations are needed below the level of topsoil, there is potential for encountering buried archaeology. If approved, it is recommended that a watching brief be undertaken on any excavations below top-soil depth. This should be performed per an approved WSI by a suitably qualified archaeological contractor.

Economic Development: Scheme 1

No objection. Economic Development has no objection to the application for change of use from hotel and alterations to form 11 residential apartments and associated works. We are satisfied that the closure of this premises will not impact adversely on the supply of accommodation in the Tweed Valley as the existing volume of bed-stock accommodation is currently at a high level.

Economic Development: Scheme 2

No objection. The closure of these premises will not impact adversely on the supply of accommodation in the Tweed Valley as the existing volume of bed-stock accommodation is currently at a high level, we have no objections to this proposal.

Environmental Health: Scheme 1

No objection. Construction can impact on local amenity if not properly regulated. Heat pump proposed which can impact on local amenity. Conditions suggested.

Environmental Health: Scheme 2

No comments received.

Housing: Scheme 1

No objection. The proposed housing numbers are sufficiently low as to require no on-site provision of affordable housing, therefore developer contributions will be needed to satisfy the requirements arising from the council's affordable housing policy.

Housing: Scheme 2

No objection. The proposed housing numbers are sufficiently low as to require no on-site provision of affordable housing, therefore developer contributions will be needed to satisfy the requirements arising from the council's affordable housing policy.

Landscape Architect: Scheme 1

The condition of the Designed Landscape (DL) is generally poor and the site would benefit from some upgrading particularly the terrace walls, and the planting of the grounds. If sensitively designed the proposals could have a positive impact on the DL and arrest the decline if not enhance the grounds of this site. It is disappointing therefore that the proposed site layout drawing contains no detail in relation to treatment of the Castle grounds.

Landscape Architect: Scheme 2

No objection. The Landscape Architect is satisfied that only a small number of trees require removal and this loss can be sustained considering the proposed tree planting within the site. Encourage an alternative stone than black basalt be used for the coping to the renovated terrace walls (perhaps a red or sand coloured sandstone in order to make the association with the stone detail of the castle) and the use of a more simple railing such as estate railing throughout.

If the above comments are addressed and if the Tree Survey/Tree Constraint Protection Plans and a finalised Landscape Sketch layout drawing are submitted in support of this latest application, the Officer would be satisfied that the proposals will be beneficial to the setting of the Venlaw Castle.

Statutory Consultees**Historic Environment Scotland: Scheme 1****Response dated 20 April 2018**

Objection. HES considers this application proposes significant negative intervention affecting the special architectural and historic interest of Castle Venlaw, which in their view, has not been adequately justified.

HES notes the reasons given for why the hotel closed, outlined in the supporting statement and that the building has been marketed (as a commercial venue) since 2015.

The main drive to the house was originally from the south with a second drive from the north passing a walled garden and stables. The northern access is now the

means of access to the site and the original north elevation of the house is therefore the most prominent on the immediate approach. Given its elevated position, HES expects the house to be visible in many more distant views.

Whilst HES note that the eaves and ridge height of the proposed extension sit slightly lower than the existing building, they consider that an extension of the height, scale and massing proposed would obscure the original north elevation, be overly dominant and have a significant negative impact. It would also change the vertical Baronial character of the present building to a more horizontal form. It would also inevitably involve loss of the distinctive arched window openings (most now blind) and damage the character and appearance of the original Gothic house. HES considers the single-storey projection to be of lesser interest and has no issue with its removal and replacement.

HES acknowledges that a three-storey extension has been consented to provide additional hotel bedrooms and service space. They consider that circumstances since 2006 have changed; specifically, the change of use to residential now being brought forward. The previous approved hotel extension does not, in their view, establish a precedent.

HES believes that the extension would have a significantly adverse impact on the listed building and states that if this proposal is to be pursued, evidence that less intrusive and harmful options have been considered should be provided, along with the clear reasons why these have been rejected.

HES suggested that if the building is now unlikely to operate as a hotel, it should perhaps be marketed as an opportunity for residential conversion which could result in a less harmful approach than the one submitted.

HES welcomed the general lighter touch being proposed for the suite of principal rooms on the ground floor of the existing building. They note, however, that the proposals would see the removal of a stair from first to second floor and the addition of some partitioning which they would ideally like to see avoided. They would be inclined to accept the more negative aspects of the internal alterations if an extension can be avoided and the building's external profile retained.

HES considers that there is an opportunity for a less harmful approach to the listed building than proposed in Scheme 1. They advise that if Members are minded to grant consent we are required to notify Scottish Ministers in the terms of the Planning (Listed Buildings and Conservation Areas) (Notification of Applications) Direction 2015.

Response dated 24 May 2018

In light of additional information submitted HES maintained its objection as it does not consider the further information presented in two letters submitted by the agent justifies the significant negative intervention proposed for Castle Venlaw.

In response to the agent's letter dated 04 May (economic justification) they noted that the information was helpful to their understanding of the background to the application and recognise the efforts the applicant has put into trying to make the hotel business successful.

The justification provided centres around two separate scenarios for residential conversion. A comparison is provided between the conversion and extension and conversion only. The conclusion reached by the applicant is that conversion and

extension 'represent the minimum quantum of accommodation required to create a commercially viable scheme.' HES notes that it appears to them that this conclusion can be reached only by taking into consideration the very specific terms of the Joint Venture Agreement proposed for the development. The terms of such an agreement are outwith the realms of planning. HES does, however, note that they would need to be satisfied this is the only realistic option to secure the future of the building. HES is not convinced this is the case.

HES again suggested the marketing is looked at again, noting that this may provide a more likely opportunity for the owner to achieve the desired price for the property. The information submitted does talk about the marketing efforts that have been made to date and those relate to the sale of the business rather than the building. HES note that they would expect a building like this to have a value if offered to the market as a residential property.

In response to the agent's letter dated 17 May, HES places different weight to the agent on the consented 06/01624/LBC. HES, in response to the agent's request to clarify and justify the difference between the current position and that of HS in relation to the 2006 scheme, states that the perceived change likely derives from the very different role of HES compared to HS. HES is a statutory consultee in the listed building consent process at the point an application is submitted and therefore free to give an opinion. HS acted on behalf of Scottish Ministers where the planning authority was minded to approve and required notification to Ministers. That provided Ministers with the opportunity to call-in these applications for their own determination. HS was notified of the decision to grant 06/01624/LBC and they reached a decision not to call-in the application for determination.

HES clarifies that it is concerned about the loss of the arched window openings on the upper floors of the original building which will be lost by the three-storey extension, rather than those on the single-storey projection. HES noted that the building was no longer on the market.

HES again advised that if the council is minded to grant consent, it is required to notify Scottish Ministers under the terms of the Planning (Listed Buildings and Conservation Areas) (Notification of Applications) Direction 2015.

Historic Environment Scotland: Scheme 2

HES note that the sub-division and conversion proposed in this application appears to be largely unchanged to the previous scheme. It remains of the view that the scope of the proposals would inevitably result in a range of both positive and negative impacts on the listed building. The complete removal of the single-storey projection on the north elevation which is of lesser interest, is considered a positive step. Overall, HES does not consider that the alterations proposed would have a significant detrimental impact on the special interest of the listed building.

As Castle Venlaw is listed Category B, HES has no role in assessing the accompanying planning application and the impact of new-build on the setting of the listed building.

Community Council: Scheme 1

Objection. The community council considers that the loss of this hotel is likely to have a detrimental effect on the economic wellbeing of Peebles.

The community council considers the proposals to be contrary to policy ED7. That policy, however, relates to proposals for rather than loss of business, leisure and tourism developments. It is not, therefore, relevant to this development.

They note that the closure of the hotel has already led to job losses and that the change of use would prevent any recovery of this situation. They consider that this would be contrary to the terms of policy PMD1.

The community council expressed concerns about the opening times of the hotel which eventually led to its closure and the current applications. Such matters are not planning considerations.

They note problems with drainage from the building. If permission is granted, that matter will be addressed by Building Standards. They also express concerns about the level of car parking, pedestrian and road safety, particularly at the junction with the A703.

Community Council: Scheme 2

Objection. The community council considers that the loss of this hotel is likely to have a detrimental effect on the economic wellbeing of Peebles.

The community council considers the proposals to be contrary to policy ED7. That policy, however, relates to proposals for rather than loss of business, leisure and tourism developments. It is not, therefore, relevant to this development.

They note that the closure of the hotel has already led to job losses and that the change of use would prevent any recovery of this situation. They consider that this would be contrary to the terms of policy PMD1.

The community council expressed concerns about the opening times of the hotel which eventually led to its closure and the current applications. Such matters are not planning considerations.

The community council expressed concerns about the initial design submission for the proposed houses. It should be noted that the design proposal has been changed since the community council comment on that aspect.

As the site is outwith the local development boundary, the community council objects on the grounds of policy HD2.

The community council objects to the development on the grounds of the impact on the setting of the listed building. That objection was made on the basis of the original submission rather than the revised design.

They note problems with drainage from the building. If permission is granted, that matter will be addressed by Building Standards.

Other Consultees:

Architectural Heritage Society of Scotland: Scheme 1

It should be noted that the comments from the AHSS are based on the originally submitted drawings rather than the subsequently revised design. The revisions in design address some of the points raised by the AHSS although that body did not comment on the revision.

Objection. Some concerns expressed about the conversion of the older part of the property into eight flats and an objection to the extension to the North that only provides three more flats. AHSS is concerned mainly by a lack of detail concerning the preservation of original features and the alterations to the first floor central room of the older part of the house.

The extension appears to AHSS to have been designed in an essentially modern style, making it clash with the existing listed building. The AHSS states that the proposed extension is too wide, too high, does not match existing floor levels within the main house, has proportions and spacings of windows that are entirely modern and appears broadly as though one wing of the flats has been bolted uncomfortably on, with a random tower added. They suggest that the tower and bay window should be omitted and that the scale should be distinctly subservient to the existing house.

The AHSS objects to this proposal, which they state needs radical rethought to develop the north end of the site with something more appropriate in style and scale for the existing building.

Architectural Heritage Society of Scotland: Scheme 2

It should be noted that the comments from the AHSS are based on the originally submitted drawings rather than the subsequently revised design.

In comparison to Scheme 1, the separation of the new build from the existing castle and the avoidance of badly-done pastiche, is broadly welcomed by AHSS. They continue to have some concerns about the interior but state the exterior treatment is much improved. The new build would be better if further away from the castle, for example by the reduction to two units.

The AHSS believes that the conversion of the castle into so many flats is not necessary nor economically justified and continues to be concerned by the reduction in size of the largest first floor room in the original part of the house.

Peebles Civic Society: Scheme 1

It should be noted that the comments from the PCS are based on the originally submitted drawings rather than the subsequently revised design. The revisions in design address some of the points raised by the PCS although that body did not comment on the revision.

No objection to the change of use from hotel to housing but concerns expressed about the extension. Those are based on the detailing and apparent scale of the proposed extension in relation to the existing building. Various suggest made on those aspects.

Peebles Civic Society: Scheme 2

No comments received.

KEY PLANNING ISSUES:

Scheme 1

Whether the proposal for a change of use from a hotel to residential accommodation is appropriate in planning policy terms

Whether the proposed extension is appropriate in planning policy terms

Whether the proposed internal alterations, the demolition of the existing extension and the proposed extension would be detrimental to the character of the listed building

Whether there are material considerations that would justify a departure from the provisions of the development plan and material considerations.

Scheme 2

Whether the proposal for a change of use from a hotel to residential accommodation is appropriate in planning policy terms

Whether the proposed residential accommodation block is appropriate in planning policy terms

Whether the proposed internal alterations and the demolition of the existing extension would be detrimental to the character of the listed building

Whether there are material considerations that would justify a departure from the provisions of the development plan and material considerations.

ASSESSMENT OF APPLICATIONS:

Principle

The site is outwith the settlement envelope of Peebles as defined by the Scottish Borders Local Development Plan 2016 (LDP). Venlaw Castle is an unoccupied listed building and located to the south of an existing building group of 5 domestic properties.

The principle of the change of use from a hotel to residential use and an extension (as proposed in Scheme 1) is generally acceptable in terms of the LDP. Although there would be the loss of the hotel, as noted by Economic Development, there remains plenty of alternative offer in the town, so as not to prejudice the overall supply in the town to the point that permission should be refused.

For the LBC application, the principle of internal alterations is acceptable. The principle of extending a listed building is generally acceptable, although the detailing of any extension is key to specific acceptability in terms of its impact on the character of the listed building. In this instance, the principle of an extension, of roughly similar size to the proposal, has been accepted previously by both the planning authority and Scottish Ministers although it should be noted that several years have elapsed since that decision was made. The removal of the single storey extension is acceptable.

For Scheme 2, the principle of the change of use is acceptable in terms of the LDP. The addition of 3 houses goes beyond the acceptable threshold for an increase to the building group, the limit set out would be an additional two dwellings, even applying an increase of 30%. In this instance, however, the additional unit may be an acceptable departure, given the relationship close to the settlement boundary and acknowledging the acceptability of Scheme 1 which proposes the same extent of accommodation. As with Scheme 1, for the LBC application, the principle of internal alterations and the removal of the later single storey extension are both acceptable.

Planning policy – Scheme 1

The proposal involves internal and external alterations, demolition of a section of the building and the erection of an extension to a category B listed building. As set out above, the principle of an extension has been accepted twice by the planning authority and Scottish Ministers.

The key policy for this scheme is EP7, listed buildings. That policy aims to protect listed buildings from works that would spoil their historic and architectural interest. In the policy, 4 criteria are set out for developments. In the consideration of Scheme 1, the key criteria are the requirements that new development: b) respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design and; c) maintain, and should preferably enhance, the special architectural or historic quality of the building.

For criterion b), the proposed extension is: clearly subservient to the existing building; would not adversely affect the setting; the design, although it could be improved, draws influences from the castle and; the materials would appear to be complimentary to the existing building.

In terms of the design, the proposals as initially submitted were not acceptable and could not be supported. Negotiations were undertaken in an attempt to achieve a design solution which would address the concerns raised by HES. The applicant subsequently revised the design.

HES has maintained its objection on the grounds that the proposed extension would be of a “...height, scale and massing proposed (that) would obscure the original north elevation, be overly dominant and have a significant negative impact. It would also change the vertical Baronial character of the present building to a more horizontal form. It would also inevitably involve loss of the distinctive arched window openings (most now blind) and damage the character and appearance of the original Gothic house”. The critical issue in HES’s consideration is, therefore, the north elevation.

There would appear to be a solution which would enable an extension to be built whilst still allowing the arched windows in the north elevation to be appreciated. The inclusion of a glazed linking element, in which could be placed a staircase, would enable the former openings to be visible from the interior and the exterior of the building. Admittedly, the exterior view would be partial but they would, nonetheless, be available for public view. This would take some adjustment to the internal layout of the extension but this may be sufficient to address the concerns of HES. That, however, is not the proposal under consideration.

The planning history is a material consideration in the determination of an application. When the building was functioning as a hotel, two proposals to extend the building, in much the same manner as proposed here, were considered by the planning authority and a decision taken that, subject to Ministerial approval, they were acceptable. Those recommendations were forwarded to Scottish Ministers who subsequently decided that the proposals did not require their further consideration and cleared the planning authority to issue decisions. It follows, therefore, that if an extension to the building was acceptable in both 2000 and 2006, there appears to be no logical reason that a similar extension should not be acceptable now, accepting that the passage of time means that the degree of weight which can be attached to those decisions is diminished. However, the policy context is broadly the same.

In the case of the application under consideration here, the proposals are very similar. In their explanation for the apparent change of view, HES cites the fact that the previous proposals related to the extension of a hotel and this application relates to residential properties. It is perhaps a moot point but it would appear to be the case that had the application been for the extension of the hotel, HES would not have objected. This is a curious position since the use of a building should not be a consideration in the determination of an LBC application for an extension.

Planning Policy – Scheme 2

In planning policy terms, the application site is a rural site, lying as it does approximately 120m outwith the settlement envelope of Peebles. The key policy is therefore HD2, housing in the countryside.

That policy sets out 6 categories for development of housing in the countryside. The first of those is building groups. Where there is an existing building group of at least 3 houses or buildings currently in residential use or capable of conversion to residential use, the policy allows for two additional dwellings or a 30% increase in the building group, whichever is the greater. That is subject to three further criteria: a) the site is well related to the existing group and, where conversion is also proposed, any additional housing will not be permitted until the conversion is implemented; b) the cumulative effect on the existing group and area does not cause unacceptable adverse impacts and; c) no more than 2 dwellings or a 30% increase will be permitted in a plan period.

There is an existing building group of 5 properties to the north of the castle and it is clearly well related. The presence of that group indicates that an additional 2 dwellings could be created. What is proposed, however, is 3 dwellings. That is above the threshold. The development is clearly associated with the conversion of the castle into residential accommodation. The castle has been unoccupied for a number of months now and is beginning to show signs of deterioration. In order for the whole development to be viable, the applicant has indicated that three additional units are required.

If the development of three additional units as proposed in Scheme 1 – by means of extension – is accepted, the net result of the proposal in Scheme 2 – by freestanding alternative – would be the same, that is, a total of 11 units. It would seem perverse to refuse the application on the basis that one additional unit would not comply with policy on account of the physical separation, itself intended to address the HES concern. This would place in jeopardy the long term future of the castle. In these very specific circumstances, there is a fine balance to be struck and it is considered that the proposal is an acceptable departure from the terms of policy HD2.

If the proposal put forward in Scheme 2 is accepted, the effect will be the same as an extension, as proposed in Scheme 1, in that the view of the north gable would be obscured. Since the building would not be attached to the listed building, even if the proposal had been to locate the new building only a minimal distance from the castle, HES would not be in a position to object.

Design and layout

Scheme 1

The design of the proposed extension, although modern, draws influence from the existing castle. The roofs are pitched slate and the front (east) elevation is relatively

restrained with a simple pattern of fenestration, which helps to keep the extension subservient. The rear (west) elevation is more regular in appearance although this is the least visible elevation. It will be viewed only from the grounds of the site, the gardens of the properties on Edinburgh Road and, through fleeting glimpses, when travelling along Edinburgh Road. The trees in the site will provide a good degree of cover and from wider views, the regular appearance will not be discernible.

The elevations have gone through a number of revisions, including amongst other things, the inclusion of a bartizan (overhanging turret projection) on the north west corner of the building. That element did not add to the building and was without precedent on the existing building. The proposals now are, on balance, acceptable and better reflect the appearance of the existing building.

The internal alterations to the castle are relatively minor. The most visible of those will be within the former bar area of the castle, where partitions will be introduced to divide the room and create two bathrooms. The proportions of the room will change but features such as the fireplace will be retained. Partitions will also be inserted into the openings between the existing principal rooms on this floor. Those partitions will not fully close off the openings and generous reveals will be left. On the other floors, some later addition partitions will be removed and new ones inserted. Many of the removals are the en-suite bathrooms and this will return the rooms to something like their original proportions.

The spiral fire escape stair on the west elevation will be removed. The single storey service court on the north elevation will also be removed. Both those are later additions to the building.

Scheme 2

The proposed alterations to the castle and the design of the proposed separate block match the proposals contained in Scheme 1. The only difference is the building is some 2m from the castle, there being no linking element.

Road safety, access and parking

The issue of the access road and parking has been considered by the Roads Planning Service (RPS). Scheme 1 did not attract an objection as the proposal is for an extension to a building which was last used as a hotel. The view taken by RPS is that there would be no significant impact from traffic movements as a result of the proposed extension.

Objections were made about the suitability of the private access road. RPS acknowledged that there are several passing places along this road but that improvements could be made. That would have to be covered by conditions. Conditions were also suggested in relation to the parking layout and bin storage provision.

In considering Scheme 2, RPS objected. The difference being this scheme proposed a standalone residential block as well as conversion of the former hotel. The number of houses which would, as a result, be served off the private road would be greater than currently permitted. That would necessitate the upgrading of the road to adoptable standards. The road is sufficiently constrained to prevent that being possible.

However, as described above, the net impact of either scheme is the same (including in relation to vehicle movements) and therefore an objection based purely upon a

breach of threshold would seem unreasonable if, as is the case, one of the schemes is acceptable.

No other objection was made by the Roads Planning Service (RPS) to either scheme on the grounds of road safety and there is no reason to question the assessments made by RPS.

Landscape and visual impacts and impact on trees

The site sits within the locally designated Venlaw Designed Landscape. A number of mature trees surround the castle and the private approach road. The Landscape Architect did not object to either scheme and only a small number of trees would be required to be removed to facilitate both developments. Tree protection plans and finalised landscape proposals can be covered by appropriately worded conditions as appropriate to ensure compliance with LDP policy EP10.

Residential amenity

Both schemes will introduce new residents to the area. The property which is most likely to be affected by this change, in terms of proximity, is High Beeches. There is, however, sufficient distance between the proposed site and that property to ensure that residential amenity, including privacy, loss of daylight or overshadowing is not significantly affected.

Cultural heritage and archaeology

The Heritage and Design Officer is broadly supportive of the proposals, which he notes as being “challenging”. For Scheme 1, given the previous planning history, on balance he does not object but notes that a lighter touch could be adopted to the linking element, creating a visual break between the extension and the castle. He notes that the applicant could, as shown in Scheme 2, with the omission of the linking element, propose a building adjacent to the castle which would have virtually the same visual effect as a linked element. In his response to Scheme 2, he specifically highlights the paradox this creates. This assessment is accepted and appropriately worded conditions covering details of external materials and windows are suggested.

The Archaeology Officer has not objected to either scheme but has suggested a condition if the event that permission is granted. That condition is common to both Schemes.

Natural heritage

Acknowledging potential impacts on wildlife raised in representations, consideration has been given to the suitability of the single storey tin roof building (proposed for demolition) and surrounding trees (proposed for felling) for wildlife habitats. It is considered that there is low suitability to support bats and their roosts although the building may support breeding birds. Tree works may also affect bats and their roosts.

The potential for the development to affect the natural heritage of the area is considered to be low. Conditions are suggested requiring preliminary roost assessments to be carried out prior to demolition/tree works and for the demolition/tree works to be undertaken outwith the bird breeding season.

Infrastructure

The application states that both Schemes will connect to the public water supply. Foul drainage will also be by means of the public system.

Developer contributions

If planning permission is granted for either scheme, developer contributions will be required for education provision and affordable housing in accordance with policy IS2. A legal agreement will be necessary to secure those contributions.

Ministerial referral

If Members are minded to grant Scheme 1, since there is an outstanding objection from HES to the proposed extension, the application will have to be referred to Scottish Ministers. This allows them the opportunity to have the application called in for their consideration.

No ministerial referral is required for Scheme 2.

CONCLUSION

Both schemes present challenges. Scheme 1 would see an extension to the listed building and has attracted an objection to the LBC application from HES. The planning history indicates that similar proposals were accepted twice previously by the planning authority and Scottish Ministers. Although changes could be introduced to the design of the extension which may address the concerns of HES, that is not what is before the planning authority. The proposal as submitted is, on balance, not considered to be sufficiently detrimental to the character of the listed building to warrant a recommendation of refusal. The proposals contained in the planning application are considered acceptable. As there is a requirement for Ministerial referral, no decision can be issued until clearance is received from Scottish Ministers. This extended period will be covered by a revised planning processing agreement.

Scheme 2, which would create a separate block, thereby removing the objection from HES, goes above the threshold of additional units permitted in terms of policy HD2, whereas that policy does not apply to Scheme 1 since it is an extension to an existing building. In addition, RPS objected given the number of houses served off the private road would require it to be upgraded to adoptable standards. Given the net effect of Scheme 2 would be the same as Scheme 1 and again on balance, it is considered that a positive recommendation can be made for Scheme 2. A revised planning processing agreement can be issued to cover the extended time period required for the conclusion of a legal agreement for developer contributions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend that all four applications are approved, subject to clearance from Scottish Ministers in relation to 18/00181/FUL and the schedule of conditions and informative set out below:

18/00181/LBC & 18/01286/LBC

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. The development hereby permitted shall be begun before the expiry 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.
3. The development hereby approved shall be carried out only in strict accordance with details of the materials, finish and colour to be used on the external walls and roof and details of the proposed windows of the proposed extension which shall first have been submitted to and approved in writing by the planning authority. Once approved, the works shall be carried out according to the approved drawings and details.
Reason: To ensure a satisfactory form of development, which safeguards the character of the listed building.
4. No development shall commence until copies of the approved building warrant drawings for the development hereby approved are to be submitted to the planning authority.
Reason: To enable a review of the impact on detailed requirements and whether any additional consents are required and to ensure a satisfactory form of development, which safeguards the character of the listed building.

18/00182/FUL & 18/01287/FUL

1. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a written scheme of investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the planning authority before the commencement of development. Thereafter the developer shall ensure that the programme of archaeological works is implemented fully and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.
Reason: The site is within an area where development may damage or destroy archaeological remains and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
2. The development hereby approved shall be carried out only in strict accordance with details of the materials, finish and colour to be used on the external walls and roof and details of the proposed windows of the proposed extension which shall first have been submitted to and approved in writing by the planning authority. Once approved, the works shall be carried out according to the approved drawings and details.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

3. No development shall take place except in strict accordance with a scheme of details for hard and soft landscaping of all parts of the site not covered by buildings, which shall first have been submitted to and approved in writing by the planning authority. The scheme of details so approved shall include:
 1. A scaled plan showing vegetation, including trees, to be retained and planted;
 2. proposed hardstanding and boundary treatment;
 3. a schedule detailing sizes, numbers and densities of all proposed trees and shrubs
 4. sufficient specification to ensure successful establishment and survival of new planting.

Reason: To ensure satisfactory form, layout and assimilation of the development.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

5. Only the trees identified on site, in the approved plans and agreed in writing by the planning authority shall be removed.

Reason: The existing trees represent an important visual feature which the planning authority considers should be substantially maintained.

6. A scheme of details to be submitted for approval, which detail improvement works to enhance and add to the current passing provision on the single track public road. Once agreed, the scheme of details will have to be implemented in full prior to occupation of any of the apartments.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of road safety.

7. Parking layout and strategy to be agreed in writing and implemented fully prior to occupation of any of the apartments.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of road safety.

8. Bin storage facilities to be agreed in writing following consultation with the council's Refuse team and implemented prior to occupation of any of the apartments. Should bin storage be accommodated adjacent to the existing building then adequate turning facilities for the refuse vehicles will have to be accommodated.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of road safety.

9. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal

component. Tonality shall be determined with reference to BS 7445-2. All plant and machinery used on the premises shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of nearby properties from noise disturbance arising from the operation of plant on the site.

10. At least 6 weeks prior to the development commencing, the developer must prepare and submit a construction method statement for approval by the planning authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

- Hours of operation;
- Vehicle movement;
- Protection and monitoring of private water supplies;
- Noise mitigation/ equipment maintenance;
- Dust – mitigation and management;
- Lighting – prevention of nuisance;
- Complaints procedure/ communication of noisy works to receptors.

Reason: To protect the amenity of nearby residential properties from disturbance resulting from construction operations.

11. No demolition shall be undertaken during the breeding bird season (March to September inclusive), unless in strict compliance with a Species Protection Plan for breeding birds, that shall be submitted to the planning authority for approval. The SPP shall incorporate provision for mitigation and a pre-development checking survey.

Reason: To limit the potential for adverse impacts on breeding birds, in the interest of biodiversity.

12. No demolition shall take place until a Preliminary Roost Assessment (PRA) is first submitted to and approved in writing by the planning authority. The PRA shall incorporate provision for mitigation and the need for any further bat survey to be carried out. In the event of a further bat survey being required this must be submitted to and approved in writing by the planning authority before demolition commences.

Reason: To limit the potential for adverse impacts on bats, in the interest of biodiversity.

Informative

1. The Control of Pollution Act 1974 allows the council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday and public holidays – no permitted work (except by prior written agreement with the planning authority).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

2. In relation to Condition 12 above, a preliminary roost assessment can be carried out at any time of year and will identify the need for any further bat survey. Presence/absence surveys can only be carried out May-August (low suitability), May-September (moderate-High suitability).

DRAWING NUMBERS

18/00181/LBC

17200(OS) 001	Location Plan
17200(PL) 001 f	Site Plan
17200(00) 100	Floor Plans
17200(00) 101	Floor Plans
17200(00) 102	Floor Plans
17200(00) 103	Floor Plans
17200(00) 104	Floor Plans
17200(00) 110	Existing Elevations
17200(00) 111	Existing Elevations
17200(00) 112	Existing Elevations
17200(PL) 100 d	Floor Plans
17200(PL) 101 e	Floor Plans
17200(PL) 102 d	Floor Plans
17200(PL) 103 d	Floor Plans
17200(PL) 104 d	Floor Plans
17200(PL) 110 f	Elevations
17200(PL) 120 a	General
17200(PL) 121	3D View

18/00182/FUL

17200(OS) 001	Location Plan
17200(PL) 001 f	Site Plan
17200(00) 100	Floor Plans
17200(00) 101	Floor Plans
17200(00) 102	Floor Plans
17200(00) 103	Floor Plans
17200(00) 104	Floor Plans
17200(00) 110	Existing Elevations
17200(00) 111	Existing Elevations
17200(00) 112	Existing Elevations
17200(PL) 100 d	Floor Plans
17200(PL) 101 e	Floor Plans
17200(PL) 102 d	Floor Plans
17200(PL) 103 d	Floor Plans
17200(PL) 104 d	Floor Plans
17200(PL) 110 f	Elevations
17200(PL) 120 a	General
R1E150618	Landscaping Plan
17200(PL) 121	3D View

18/01286/LBC

17200(OS) 001	Location Plan
17200(PL) 003	Proposed Site Plan
17200(00) 100	Existing Plans
17200(00) 101	Existing Plans
17200(00) 102	Existing Plans
17200(00) 103	Existing Plans

17200(00) 104	Existing Plans
17200(00) 110	Existing Elevations
17200(00) 111	Existing Elevations
17200(00) 112	Existing Elevations
17200(PL) 300	Proposed Plans
17200(PL) 301	Proposed Plans
17200(PL) 302	Proposed Plans
17200(PL) 303	Proposed Plans
17200(PL) 304	Proposed Plans
17200(PL) 310	Proposed Elevations
17200(PL) 311 a	Proposed Elevations
17200(PL) 321	Proposed Plans & Elevations
17200(PL) 120 a	3D View

18/01287/FUL

17200(0S) 001	Location Plan
17200(PL) 003	Proposed Site Plan
17200(00) 100	Existing Plans
17200(00) 101	Existing Plans
17200(00) 102	Existing Plans
17200(00) 103	Existing Plans
17200(00) 104	Existing Plans
17200(00) 110	Existing Elevations
17200(00) 111	Existing Elevations
17200(00) 112	Existing Elevations
17200(PL) 300	Proposed Plans
17200(PL) 301	Proposed Plans
17200(PL) 302	Proposed Plans
17200(PL) 303	Proposed Plans
17200(PL) 304	Proposed Plans
17200(PL) 310	Proposed Elevations
17200(PL) 311 a	Proposed Elevations
17200(PL) 120 a	Proposed Plans & Elevations
RIE 150618	Landscaping Plan
17200(PL) 321	3D View

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

Author(s)

Name	Designation
Ranald Dods	Planning Officer



18/00181/LBC, 18/00182/FUL,
18/01286/LBC & 18/01287/FUL

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