

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 DECEMBER 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 19/01116/FUL
OFFICER:	Ranald Dods
WARD:	Tweeddale West
PROPOSAL:	Change of use from dwellinghouse to hotel
SITE:	Hartree House, Hartree, Biggar
APPLICANT:	Mr Michael Goddard
AGENT:	Burrell Design Studios

PLANNING PROCESSING AGREEMENT: A planning processing agreement is in place until 16 December 2019.

SITE DESCRIPTION

Hartree House is a large detached property within extensive grounds located approximately 1.5km south of Biggar. The property is category C listed and was added to the statutory list in 1977. It is mainly a Victorian mansion which incorporates an earlier Georgian house dating from around 1790. There are more recent additions including a new orangery which is nearing completion.

Hartree House has had a number of uses over the years including as a hotel and is now operating as a private dwellinghouse. The grounds are not within the areas identified by SEPA as being subject to flooding although the site does lie within the Tweedsmuir Uplands special landscape area (SLA) and the locally designated Hartree House designed landscape.

Hartree House is accessed by two private access drives to the north and south of the property via the minor public road to Biggar. Private garden grounds are located to the west between the house and the minor public road, with agricultural land beyond. To the north and east of the site are fields in agricultural use and to the south is a small cluster of 11 residential properties known as Hartree Square. Hartree Square is also served by the southern access serving the House.

PROPOSED DEVELOPMENT

The application seeks consent for a change of use of the property from a house (class 9) to a hotel (class 7). The drawings indicate that only minor internal changes are proposed. In this instance, the changes are of such a minor nature that listed building consent is not required. No changes are proposed to the exterior of the building.

The proposal would provide a maximum of 10 guest bedrooms within the House. There is no indication within the supporting information submitted by the applicant that there is any intention of having more than 10 guest bedrooms, with the maximum number of occupants being 20.

PLANNING HISTORY

Set out below is the planning history associated with the site.

99/01129/LBC	internal alterations, removal of fire escape catwalks and installation of velux rooflight	granted	18 Oct 99
00/01108/COU	change of use from hotel (class 7) to dwellinghouse (class 9)	granted	15 Sep 00
07/01511/FUL	erection of garage block	granted	28 Sep 07
08/01964/FUL	alterations and extension to dwellinghouse	granted	27 Jan 09
08/01966/LBC	internal and external alterations to dwellinghouse	granted	27 Jan 09
11/00209/LBCNN	external alterations to dwellinghouse and demolition of outbuilding	granted	15 Aug 11
11/00319/FUL	formation of pond, creation of bund and infilling of paddock	granted	5 Jul 11
11/00456/FUL	erection of detached garage/store	granted	17 Jun 11
11/01467/FUL	formation of terracing and landscaping and erection of boundary fence	granted	6 Jan 12
11/01468/LBCNN	erection of garden wall	granted	5 Jan 12
11/01176/FUL	alterations and extension to dwellinghouse	granted	30 Nov 11
11/01177/LBCNN	alterations and extension to dwellinghouse	granted	30 Nov 11
12/00521/FUL	erection of detached garage / store	refused	21 Jun 12
12/01539/LBCNN	internal and external alterations	granted	15 Feb 13
14/00317/LBCNN	internal and external alterations	granted	12 May 14
14/00318/FUL	alterations and extension to dwellinghouse	granted	13 May 14
16/00408/LBC	internal alterations	granted	8 Jun 16
16/00865/FUL	part change of use of dwellinghouse and garden ground to wedding venue and erection of marquees	granted	9 Jan 17

Appeals relating to site:

17/00012/COND DPEA ref PPA-140-2058	appeal against conditions imposed on 16/00865/FUL	appeal upheld	28 Jun 17
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The following applications were submitted but subsequently withdrawn:

08/01675/FUL	alterations and extension to dwellinghouse
08/01676/LBC	internal and external alterations
08/01687/LBC	Installation of internal wheelchair lift, handrail at kitchen entrance and access ramp at annex entrance

REPRESENTATION SUMMARY

At the time of writing, 10 letters of objection had been submitted directly from 7 separate households in connection with this application. Of those, more than 5 were received before the expiry of the statutory period and that has triggered referral to the Planning and Building Standards Committee under the Council's Scheme of Delegation. Additionally, although not a statutory consultee on the proposal, SEPA initially objected although that was subsequently withdrawn.

A letter of support was also submitted by Biggar Community Council. That community council advised that they consulted the local community to gauge views on the proposals. They received 39 comments, of which 25 were in favour, 12 were neutral and two objected. In light of the responses received, the community council wrote in support of the proposal.

Several additional general comments have been submitted throughout the processing of this application.

The material grounds, as they relate to this application, contained in representations are summarised below. Copies of all representations relating to the application are available for members to view in full on *Public Access*.

- Planning history
- Road safety
- Increased traffic
- Access
- Impact on amenity
- Privacy
- Drainage
- Water supply
- Flooding
- Noise

The applicant made a submission in response to the points raised by objectors. This is available to view in full on *Public Access*.

APPLICANTS' SUPPORTING INFORMATION

The applicant has submitted a supporting statement. That sets out the history of the house and outlines the proposal. It states clearly that additional activities within the proposed hotel will include small corporate or family functions, catering for which will

be provided by outside caterers. The hotel will not be open for casual visitors or non-residents. The applicant also submitted a transport statement in support of the application. The statement concludes that the majority of traffic will access the hotel from the west access drive with only deliveries and refuse collections using the shared east access. The report is available in full for Members to view on Public Access.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service (RPS): RPS commented initially that Hartree House was previously used as a hotel, therefore it is hard to argue against the principle of this application. They noted that the information submitted in support of this application did not include a Transport Statement (TS). That was subsequently submitted and then assessed by RPS.

The TS confirms that the route for staff and patrons associated with the proposed hotel would be via the western access, which was the access to the hotel previously. It is worth noting that the change of use to a hotel will create 10 bedrooms, which is 16 rooms fewer than the previous use as a hotel. Space for parking is noted on the proposed parking layout shown on drawing L(90)02 Rev A and further overflow car park is shown on drawing L(90) 01 Rev B. RPS is content with the amount of parking available to users of the hotel and for any functions being held within the grounds.

Access to the rear of the hotel, via the southern entrance, is to be used for deliveries and service vehicles. RPS note the objections relating to the use of the southern access although it is noted that this private access is already used for refuse collection, deliveries etc. for Hartree House and the neighbouring properties. The likely additional vehicles required to service a 10 bedroom hotel is unlikely to have a significant impact on the short communal section of the private access.

In terms of access from the wider road network, arguably the two main routes to the development site are via roads within the boundary of South Lanarkshire Council (SLC), namely "Hartree Entries Road" and the unclassified road from Biggar which passes Boghall Farm and the Rugby Club. RPS discussed this with SLC roads planning service who raised no concerns over the potential additional traffic movements on their network as a direct result of this proposed development.

Access for larger vehicles utilising the main entrance will be able to access/exit the development site only via Hartree Entries Road due to the restrictive geometry of the main entrance, the geometry of which and the presence of the gate piers do not permit two way movements in the bellmouth. RPS requires a passing place to be installed within the grounds of Hartree House, near the gate piers, to allow vehicles refuge should traffic movements conflict within the bellmouth area.

RPS has no objection in principle to Hartree House returning to a hotel, given the reduced number of bedrooms from when it previously operated as a hotel. A condition is suggested.

Economic Development: No objection as the proposed change of use fits with the Scottish Borders Tourism Strategy 2013-2020 strategic targets by: Ensuring the regions accommodation offerings are in direct relation to consumer demands and where opportunities are available, act as an attractor of demand in themselves; increasing volume of overnight visitors; increasing overnight visitor spend; providing employment.

Environmental Health: No objection, subject to conditions.

Other Consultees

Scottish Water: No objection although it is advised that the applicant should be aware that the response from Scottish Water (SW) does not confirm that the development can currently be serviced. SW advises that there is currently sufficient capacity in the Coulter Water Treatment Works but that further investigations may be required once a formal connection application is made to them. The nearest public water main is approximately 1.2km from the site. SW does not hold records of public SW waste water infrastructure within the vicinity. The applicant is advised to investigate private treatment options.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD2 Quality standards
ED7 Business, tourism and leisure developments in the countryside
HD3 Protection of residential amenity
EP5 Special landscape areas
EP7 Listed buildings
EP10 Gardens and designed landscapes
EP13 Trees, woodlands and hedgerows
IS7 Parking provision and standards

OTHER PLANNING CONSIDERATIONS

Supplementary Planning Guidance:

Local Landscape Designations 2012
Waste Management 2015

KEY PLANNING ISSUES:

The key planning issues with this application are whether the proposed change of use will comply with the relevant Local Development Plan policies particularly in relation to business, tourism and leisure developments in the countryside and the protection of residential amenity.

ASSESSMENT OF APPLICATION:

Policy Implications

The application site is currently occupied as a house and therefore falls within Class 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order. The application is made to change the use to a hotel, which falls within Class 7 (Hotels and Hostels).

Policy ED7 - Business, tourism and leisure developments in the countryside, states that proposals for business, tourism or leisure development in the countryside will be approved, provided that, amongst other things, the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action

Plan. It is clear that the proposed use as a hotel will comply with the general support given by policy ED7.

In addition the policy sets out that the following criteria will also be considered when assessing an application:

- a) the development must respect the amenity and character of the surrounding area;
- b) the development must have no significant adverse impact on nearby uses, particularly housing;
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding;
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area;
- e) the development meets all other siting and design criteria in accordance with policy PMD2 and;
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Against this policy, criteria a), b), d), e) and f) are relevant. As no external works are proposed and use and scale of the development are appropriate to the area, the character of the area will not be affected. In terms of amenity, the change of use proposed in this application is unlikely to have a significant adverse impact on nearby existing uses although this will be discussed later in this report

Several objections have been made on the grounds of noise disturbance but those relate to the existing permission, 16/00865/FUL for the part change of use of dwellinghouse and garden ground to a wedding venue, rather than on the change of use of the house to a hotel. Setting aside the issues associated with that permission and considering purely the change of use as proposed in the current application, it is difficult to argue that the change of use to a hotel will be detrimental to the amenity and character of the surrounding area. Notwithstanding that, Environmental Health has suggested conditions relating to noise from events held within the proposed hotel.

What may be an issue is the increased demand on the water supply from the hotel use which is likely to have an impact on the houses to the south of Hartree House. This aspect is considered later in this report.

An issue of access to the hotel has been raised in representations. Accessibility is referred to in PMD2. Similarly, it is also a consideration in relation to criterion f). Access is given consideration later in this report.

Residential Amenity

As noted above, many of the representations have cited noise from the existing canvas structures to the north west of the building as a reason for objection. It must be borne in mind that the current application is for a change of use from a house to a hotel and, therefore, is distinct from the permission granted in 2017 (16/00865/FUL). This application is not, therefore, an opportunity to revisit the principle of that permission.

Whilst the submitted drawings and the supporting statement do not indicate that any of the rooms within the building will be used for functions, the possibility cannot be excluded and noise arising from such events could be detrimental to residential

amenity. To take account of that, conditions are recommended by Environmental Health.

Bearing in mind that the house was previously used as a hotel and this application seeks consent to revert the house back to a hotel, albeit with a much reduced number of bedrooms, it is reasonable to assume that any impacts on the residential amenity of nearby houses will be tolerable. Noise levels can be controlled by condition and any statutory noise nuisance complaints can be covered by Environmental Health legislation. It is considered that the proposed change of use is compliant with Policy HD3 – Protection of Residential Amenity.

Landscape

The application site is located within the Tweedsmuir Uplands special landscape area (SLA) and the locally designated Hartree House designed landscape. As the proposed change of use will not result in any new buildings being erected or significant loss of trees, the development will not be detrimental to the objectives or overall integrity of the SLA or the locally designated designed garden. The proposals will comply with Policies EP5 and EP10.

Trees

The applicant submitted an amended plans showing a revised parking layout. Although the principal parking area will be to the front of the building, there is also an additional parking area indicated to the north of the main drive. There are several trees within that area but those are not covered by a tree preservation order. Whilst it may be possible to introduce parking within that area, perhaps, no details are provided of how the parking will be formed, the potential impact on the trees and any mitigation measures to reduce the impact. It is recommended that conditions relating to trees are imposed requiring the submission and approval of details for the additional parking and for the access tracks to that parking. This will ensure that the loss of trees will be minimal and that trees proposed for retention will be offered protection in accordance with current standards.

Listed Building

As only a minor internal changes are proposed (the installation of a fire door on the second floor), it was agreed that listed building consent would not be required. The proposed change of use and the minor internal alteration will have a neutral impact on the character and appearance of the listed building and will not be contrary to the aims of Policy EP7.

Roads

Members will note that the RPS does not object to the principle of the proposed change of use given the reduced number of bedrooms from when the property previously operated as a hotel. The proposal includes a revised parking layout and shows 17 parking bays to the front of the building as well as three accessible bays and two staff parking bays to the rear. The additional parking to the north of the drive includes 30 car parking spaces and 3 bays for buses. The parking proposal is considered sufficient for the proposed change of use. The applicant submitted a Transport Statement (TS) in response to a consultation response from RPS. The TS was assessed and found to be acceptable although a condition requiring the provision of a passing place on the main drive was suggested.

The comments relating to the use of the southern access made in representations have been noted and taken into consideration. The applicant has stated that the principal access to the hotel will be the northern one with the southern access being used for deliveries and service vehicles. Whilst RPS notes the objections relating to the use of the southern access, this is a private access which is already used for refuse collection, deliveries etc. for both Hartree House and the neighbouring properties. It is unlikely that there will be a significant impact on the short communal section of the private access from additional vehicles required to service a 10 bedroom hotel. The application form states that there are no proposals for a new altered vehicle access to or from a public road.

The neighbouring authority, SLC, did not require to be consulted as the proposal does not affect land within that area. RPS did, however, discuss the proposal informally with the SLC roads authority to ascertain if there were any constraints on the road network within SLC. No concerns were raised over the potential additional traffic movements on their network as a direct result of this proposed change of use.

Access for larger vehicles utilising the main entrance will be able to access/exit the development site only via the road directly west of the main access, known as "Hartree Entries Road", due to the restrictive geometry of the main entrance. The geometry and the presence of the gate piers does not permit two way movements in the bellmouth. RPS requires a passing place to be installed within the grounds of Hartree House, near the gate piers, to allow vehicles refuge should vehicle movement's conflict within the bellmouth area. A condition is recommended in that regard.

Services

There is sufficient space to the rear of the building for the storage of waste and recycling containers. The southern access is currently used by vehicles servicing Hartree House and the properties in Hartree Square and RPS consider that this route is suitable for vehicles servicing a 10 bedroom hotel.

The application states that no connection is required to the public water supply network and that no new or altered water supply or drainage arrangements are required. The property is served by a private water supply and foul drainage system, both of which have been in operation for some time. Ideally, a property of this size operating as a hotel would be connected to the public water supply and public drainage system but Scottish Water has confirmed that whilst there is sufficient capacity within the water treatments works, the nearest connect to the public water supply is 1.2km away. Furthermore, there is no public drainage infrastructure within the vicinity to which the hotel can connect. Given the lack of infrastructure locally, the hotel is required to be served by a private water supply and private drainage system.

The existing dwellings at Hartree Square are also served by the same private water supply and Members will note that there have been numerous comments from the residents regarding loss of water pressure. The proposed hotel is not required to connect to a new supply, however, existing users of this existing private supply should be compromised. In light of those concerns, and in order to ensure existing users continue to receive a wholesome and plentiful supply of water, a condition is recommended.

Members will note that SEPA submitted a representation (they were not a formal consultee) in the form of an objection on the grounds that there appeared to be a change in the pollutant loading from the sewage discharge. The applicant has responded confirming that the private drainage system was initially designed to provide

for 26 hotel bedrooms. The applicant has also confirmed that he received authorisation from SEPA in 2008 to discharge sewage effluent, which has first been treated by means of a septic tank, with a population equivalent not exceeding 26 persons. As the current proposals seek consent for a change of use to a hotel with only 10 rooms and a population equivalent of 20 persons, this will be less than the authorised resident equivalent of 26. Discussions have taken place and SEPA confirm that the CAR (controlled activities) authorisation remains valid. Since the population equivalent authorised previously is not being exceeded, SEPA have confirmed their acceptance of the proposed private drainage arrangements. It will be for Building Standards to ensure that the other requirements of the private drainage arrangements are being complied with.

CONCLUSION

The proposed change of use back to a hotel is acceptable and will provide tourist accommodation consistent with the requirements of planning policy and the Scottish Borders Tourism Strategy 2013-2020 strategic targets. The proposals do not raise any issues in relation to landscape, access, water supply or drainage that cannot be controlled by suitably worded conditions. The proposed change of use will accord with the relevant provisions of the Local Development Plan 2016 and supplementary planning guidance and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend that the application is approved, subject to the schedule of conditions and informative set out below:

Conditions:

1. No development shall commence until a report by a suitably qualified person has been submitted to and approved in writing by the planning authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity and the impacts on surrounding supplies or properties. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality and which may be affected by the development. The provisions of the approved report shall be implemented prior to the change of use hereby approved taking place.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
2. The hotel hereby approved shall not be brought into operation until the drainage system has been fully implemented and written evidence has been provided for approval by the planning authority that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. All surface water drainage shall comply with the SUDS manual.
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
3. No development shall commence until further details of the proposed parking area north of drive and accesses thereto, shown on approved drawing L(90)01 revision B, have first been submitted to and approved in writing by the planning authority. Details shall include: the trees to be retained; the trees to be removed;

the proposed layout; methods of demarcation of parking bays; the construction make-up of the parking area and access routes.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To give full consideration to those details yet to be submitted and to protect and enhance the appearance and character of the site and locality.

4. No development shall commence until a detailed 'method statement' in relation to all works within the root protection area (RPA) of retained trees has been submitted to and approved in writing by the planning authority. Specific issues to be dealt with in the method statement:
 - a) a scaled plan showing the position, size, RPA, species and unique identification reference of each retained tree affected by the works and including details of the extent and nature of all works within the RPA of retained trees;
 - b) a written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant;
 - c) a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;
 - d) a specification for ground protection within tree protection zones.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during construction operations and to protect and enhance the appearance and character of the site and locality.

5. The hotel hereby approved shall not be brought into operation until a passing place has first been installed on the main access track to the east of the gated (northern) entrance, identified on drawing L(90)01, revision B. The precise location of the passing place shall be agreed on site with the planning authority.

Reason: To minimise the potential for conflicting traffic movements at the western entrance to Hartree House, in the interest of road safety.
6. No development shall take place until a scheme of mitigation of noise, arising from events or functions held within the hotel, has first been submitted to and approved in writing by the planning authority. The hotel shall not be brought into use until the developer has confirmed in writing to the planning authority that the measures in the approved scheme of mitigation of noise have been fully implemented or, as required, put in place.

Reason: To protect local residents from noise arising from events or functions held within the hotel.
7. No music - either amplified or otherwise - and no amplified sound (including speech) shall be played after midnight.

Reason: To protect local residents from noise arising from events or functions held within the hotel.

Informatives:

1. Private Drainage System

Private drainage systems often impact on amenity and cause other problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the condition relating to the private drainage arrangements, the developer should produce documentary evidence that the maintenance duties on each unit served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

2. **Passing Place**

In order to comply with condition 5, the passing place should be formed in accordance with the council's standard passing place drawing DC-1 or as otherwise agreed in writing with the planning authority. Drawing DC-1 can be obtained from the Roads Planning Service.

DRAWING NUMBERS

- L(90)01 rev B – Location plan
- 2 of 12 – Existing plans
- 3 of 12 – Existing plans
- 4 of 12 – Existing plans
- 5 of 12 – Existing plans
- 6 of 12 – Existing elevations
- 7 of 12 – Existing elevations
- 8 of 12 – Proposed plans
- 9 of 12 – Proposed plans
- 10 of 12 – Proposed plans
- 11 of 12 – Proposed plans
- L(90)02 rev A – Proposed site plan

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.

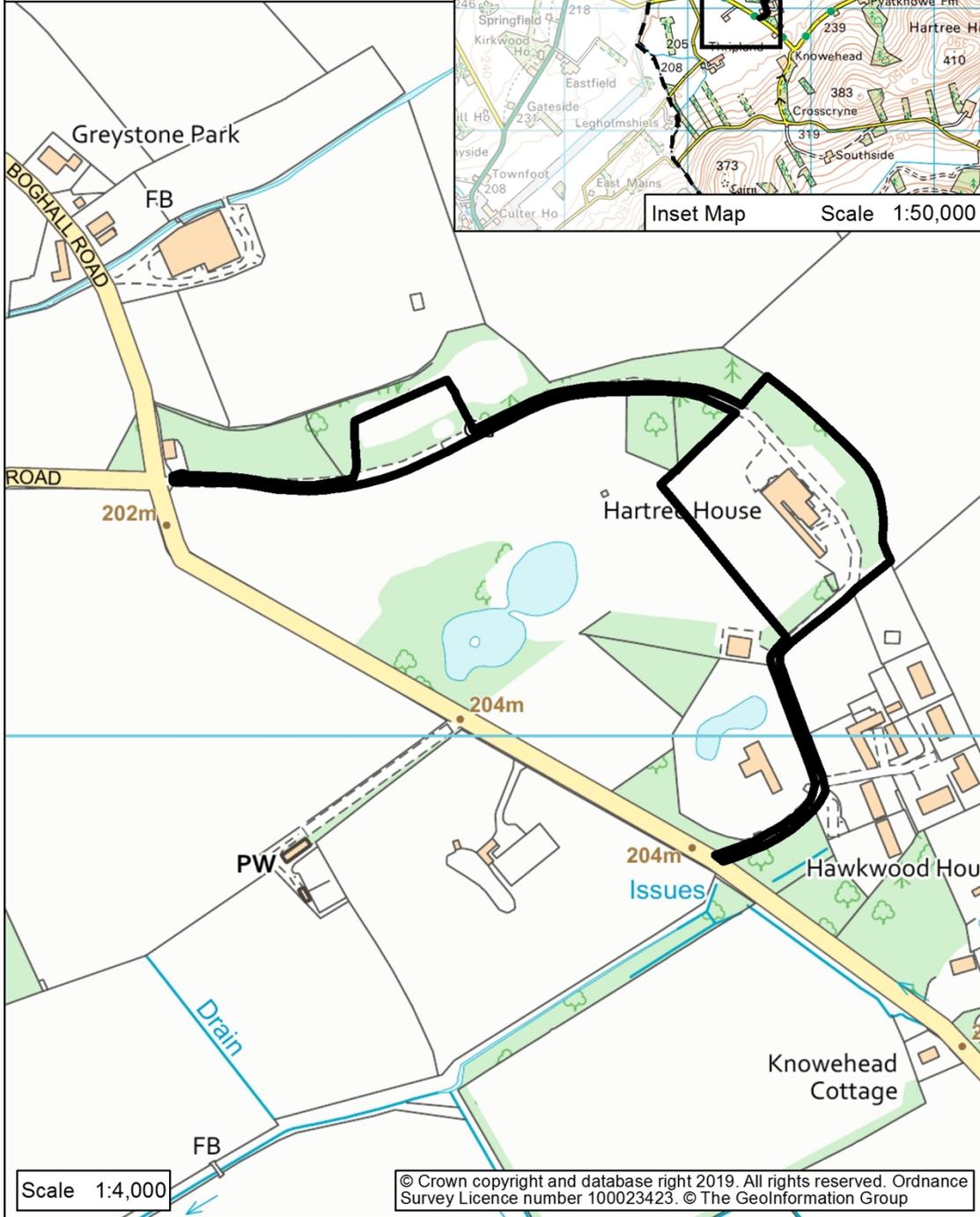
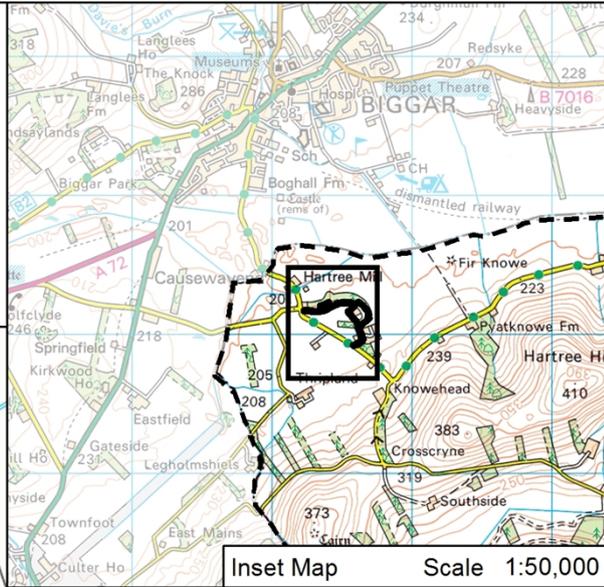
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Name	Designation
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19/01116/FUL

Hartree House
Hartree
Biggar



Scale 1:4,000