



Case reference	NAL-SBD-001
Application details	Internal and external alterations, change of use from hotel and alterations to form 11 flats (LBC)
Site address	Castle Venlaw Hotel, Edinburgh Road, Peebles
Applicant	Rikeja Limited
Determining Authority	Scottish Borders Council
Local Authority Area	
Reason(s) for notification	<i>Planning (Listed Buildings and Conservation Areas)(Notification of Applications) Direction 2015</i> – where Historic Environment Scotland has advised against the granting of listed building consent or conservation area consent recommended conditions which the planning authority does not propose to attach to the consent and the local authority are minded to grant consent, the application must be notified to Ministers.
Heritage Designations	Category B listing
Representations	1
Date notified to Ministers	29 March 2019
Date of recommendation	24 June 2019
Decision / recommendation	Call in

Description of Proposal and Site:

- The application seeks Listed Building Consent for internal alterations to create 8 flats within the existing Castle Venlaw building and the demolition of a single storey extension to the north gable to make way for the erection of a two and three quarter storey extension comprising of 3 flats (18/00181/LBC).
- Castle Venlaw is a Category B listed building on the edge of Peebles in the Scottish Borders. The building is a Gothic country house dating from 1782, with a baronial extension dating from 1892 on its southern flank. An 1854 entrance porch is located on the east side of the building. Much of the building's special interest lies in the juxtaposition of the original Gothic house and its Baronial enlargement. 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. The house had been in use as a hotel from 1949 until closure in 2017.
- There is a related application for planning permission which Scottish Borders Council is minded to approve subject to the conclusion of a legal agreement (18/00182/FUL).

- An alternative detached scheme (Scheme 2) for the conversion of the existing Castle Venlaw building to form 8 flats and the erection of a detached two and three quarter storey building forming 3 flats, was considered by the council at the same time as this application. Listed building consent has been granted for the internal alterations and demolition of single storey extension and planning permission for the new build element has been recommended for approval subject to the conclusion of a legal agreement (18/01286/LBC & 18/01287/FUL).
- There are two previous approvals for a three storey extension to the hotel, granted in 2000 and in 2006. The 2007 consent lapsed in 2012, and no part of it was implemented. In 2006 Historic Scotland, as it was then known, was notified of the Council's decision to grant consent and the decision was not to call-in the application for determination.
- Please see **Annex 1** for photomontages of the proposed Scheme 1 and Scheme 2.

Consultations and Representations:

- Historic Environment Scotland (HES) object to this listed building consent application. HES consider that the 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 was consulted by PAD following notification of the application, and reconfirmed their objection. HES do not consider that the committee report and subsequent consideration by the planning authority presents any new information which would lead them to a different conclusion on the proposal.

Assessment:

1. The LBC application has been notified because HES has objected to the proposal which they consider would result in a significantly negative intervention on Castle Venlaw.
2. HES 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 on the special interest of Castle Venlaw. They note the extension would result in the loss of distinctive arched window openings and listed fabric and damage the character and appearance of the original Gothic house.
3. HES state that they are not convinced by the economic justification put forward and are of the view that further marketing is required to justify the level of extension required.
4. HES consider 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 in line with historic environment policy.
5. Scottish Borders Council's view is that the proposals accord with relevant planning policy and that, on balance, the proposals are not considered to be sufficiently detrimental to the character of the listed building to warrant refusal.

6. In coming to a decision, the council consider that 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 2000 and 2006, 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 back to the planning authority to issue decisions.
7. The Council's position is that the principle of an extension has been previously accepted twice by the planning authority and Scottish Ministers and that 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. The Council contends that the policy context is broadly the same. However, this view does not account for the changes to HES remit and policy in the intervening period.
8. HES was asked by the agent for clarification on their current position in comparison to 2006. HES note that this perceived change likely derives from the very different role of Historic Environment Scotland (HES) compared to Historic Scotland (HS). While 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, in contrast, HS acted on behalf of Scottish Ministers for those applications which a planning authority were minded to approve and required notification to Ministers. This provided Ministers with the opportunity to call-in these applications for their own determination. Overall HES consider that the circumstances since 2006 have changed, including the fact that a change of use to residential is now being proposed, and that the previous approved hotel extension does not in their view establish a precedent.
9. It is noted that HES did not object to the separate, but largely similar, LBC application for the detached scheme 2. This is because LBC was only required for the internal alterations to the original building and the demolition of the later single storey extension on the north gable. LBC was not required for the detached new build element, given that it is not attached to the listed building, and HES were not consulted on this.

Conclusion

10. In this case we have considered whether the potential impacts upon this category B listed building and the continuing objections of HES, give sufficient justification to call in the application for further consideration by a Reporter. We note the comments of HES in relation to the negative impacts on the profile of the listed building; adverse effects on listed fabric from alterations; and their opposition to the development on historic policy grounds.
11. We also note there is a parallel proposal for a detached building of the same scale and design of the proposed extension. The detached proposal would appear have a similar visual impact but would be 'read' as a separate new build element alongside the original listed building.
12. This is a complex case given the site's planning history and the change in procedure and structure of HS/HES over time. The decision is finely balanced, however giving weight to the view of HES, and that they only object in

exceptional circumstances, it is recommended that in this particular instance this LBC application would warrant further scrutiny through call-in, for determination by Scottish Ministers.

13. It would however be disproportionate to also call in the related planning application for the attached scheme. Both listed building consent and planning permission would have to be obtained for the proposed development to proceed.

Decision/Recommendation:

- Call in

ANNEX A –EXISTING AND PROPOSED VIEWS

EXISTING SITE



EXISTING SITE



SCHEME 1



Proposed additional structure is physically attached to the existing Castle wall.

SCHEME 1



SCHEME 1 - PROPOSED FRONT ELEVATION WITH NEW BUILD ATTACHED



SCHEME 2 – NOT BEFORE MINISTERS



Proposed additional structure detached from existing Castle

SCHEME 2 – PROPOSED FRONT ELEVATION – DETACHED NEW BUILD

