SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 SEPTEMBER 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	**REFERENCE NUMBER**: 17/00669/FUL
OFFICER:	Euan Calvert
WARD:	Jedburgh and District
PROPOSAL:	Part change of Use from Class 2 (Office) to Class 9 (Residential)
SITE:	3-5 Exchange Street Jedburgh
APPLICANT:	Mr Abdou Lataoui
AGENT:	Ferguson Planning

SITE DESCRIPTION

3-5 Exchange Street is a symmetrical 3-storey 5-bay former bank premises located on the north side of Exchange Street, Jedburgh.

The Council was the last owner, who operated the building as a contact centre with reception in left front room and Provost Room in right front room at ground floor level. Three offices and a meeting room were partitioned at first floor level, with suspended ceilings and two further offices, a kitchen and vacant rear room at second floor level.

The building occupies a prominent street front location and forms a terrace of buildings of similar heights. The building is within the Conservation Area and makes a significant contribution to the street, due to its intricate architectural design and detailing. The building is A listed by Historic Environment Scotland for its historic character. A Listed Building application has not been submitted as no changes are proposed to the internal or external fabric.

DEVELOPMENT

The applicant has provided internal floor plans to demonstrate how a dwellinghouse would be configured to operate independent from a shop/office at ground floor level. The right hand two windows and door (former Provost Room) are proposed to become the Entrance/ Study for the dwelling. Bedrooms 2, 3, 4 and 5, a bathroom and WC would appear at first floor level, without any alterations being necessary to the buildings historic fabric. At the second floor level a living room, dining room, bedroom 1, kitchen and WC would similarly fit within the existing layout without alterations to the built and historic character.

PLANNING HISTORY

15/00354/PREAPP: Proposal to retain one office/retail space would be compatible with the street and residential accommodation would be supported in principle.
16/00300/FUL REFUSED This proposal for residential accommodation is at significant risk from flooding, contrary to policy IS8 of the Local Development Plan, and no Flood Risk Assessment has been undertaken to demonstrate otherwise.

REPRESENTATION SUMMARY

38 neighbours were notified and no responses were received.

APPLICANTS' SUPPORTING INFORMATION

The applicant has submitted a Flood Risk Assessment in support of this application.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objection. No dedicated parking. The Council has a more relaxed view on parking provision for change of use within a town centre.

Flood Risk Officer: First response:
No objection. The FRA recommends a number of mitigation measures to reduce flood risk to the property. If approval is granted, mitigation measures (submitted by Kaya Consulting in support of this application) must be submitted to the Council for approval. The applicant should also develop an evacuation plan for the building.

Second Response:
Provision of alternative (Flood Free) Access (as requested by SEPA) would not be a reasonable request to ask of the applicant. This decision is based on;
1. Flood risk has significantly reduced since the events of 2012/2013
2. Significant improvements having been undertaken by SBC on the Skiprunning Burn to maintain the operating capacity of the culvert. (channel improvements, improvements to the trash screens and installation of a bypass culvert around the main trash screen at the top of Burn Wynd,
3. An operating regime is in place which significantly reduces the likelihood of blockage.
4. The nature of flooding is short duration, 'flash flood' events.

Education: No contributions are sought for schools in the Jedburgh catchment.

Statutory Consultees

Jedburgh Community Council: No objection

SEPA:
First response;
Object.
1. Lack of information in respect of flood risk and that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.
2. The Skiprunning Burn Flood Prevention Scheme "*was not designed to a specific return period"(FRA* submitted by Kaya Consulting*),* and therefore does not match the required level of protection for new residential development outlined in Scottish Planning Policy and SEPA guidance.
3. Safe flood free access/egress is not provided.
4. In the event of approval, SEPA recommend a condition be attached that excludes sleeping accommodation on the ground floor.

Second response: Object.
1. Flood free access is unachievable, against requirements of SPP.

2. Residual risk of inundation, even with mitigation in place.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD2: Quality Standards
PMD5: Infill Development
ED3: Town Centre and Shopping Development
HD3: Protection of Residential Amenity
EP7: Listed Buildings
EP9: Conservation Areas
IS2: Developer Contributions
IS7: Parking Provisions and Standards
IS8: Flooding

Other considerations:
Supplementary Planning Guidance, Placemaking and Design, 2010

Scottish Planning Policy

KEY PLANNING ISSUES:

- Whether this residential proposal is appropriate to the town centre location.
- The impact of the proposal on the residential amenities of occupants of residential properties in the surrounding area.
- Access, parking and road safety issues.
- Whether the site is at risk of flooding.

ASSESSMENT OF APPLICATION:

Principle

The principle of a change of use to residential above ground floor level is considered to be acceptable and in accordance with Policy ED3 of the Local Development Plan (LDP). The existing building has remained vacant since 2011 when it was last used by the Council as a Contact Centre and a change of use from Class 2 (Financial, Professional and Other Services) to Class 9 (Houses) is considered to be acceptable and in accordance with the principal aims of Policy ED3 which seek to protect and enhance the vitality and viability of town centres. Residential use on the ground floor in the former Provost Room is considered to be supported in principle by Policy ED3 and would be in keeping with the wide range of uses now appropriate to a town centre location.

The application site is located within an area of the town centre that is not designated as a Core Activity Area as defined by Policy ED4 of the LDP and as such, a more relaxed approach to the types of uses at ground floor level is applied. As the proposal would retain the left hand ground floor unit as a single, self-contained office it is contended that residential occupation of the right hand ground floor unit (with residential use above) would contribute to and enhance the vitality and viability of Exchange Street and the wider town centre, without displacing existing businesses.

As mentioned above, the principle of the proposed change of use is acceptable. No material changes to the building are proposed or are required in order to facilitate the proposed change of use.

Infill development
The proposed development is supported by Policy PMD5 – Infill Development as it would bring back into re-use a vacant and redundant Listed Building. There is risk of potential significant deterioration to the fabric of the building without bringing it back to purposeful use. Re-use (by residential occupation) will ensure long term character and amenity protection to this prominent listed building consistent with the aims of Policy PMD5 relating to infill development.

Amenity
It is considered that there will be no adverse effects on neighbouring residential amenity as a result of overlooking or loss of privacy. No adverse comments have been received from adjoining neighbours or third parties and it is recommended that the proposed development is in accordance with Policy HD3 relating to the protection of residential amenity.

Listed building and Conservation Area
Members will be aware from the drawings submitted in support of this application that no interventions to the fabric of the building are proposed. The current configuration lends itself to simply changing the use of the existing offices to habitable rooms appropriate for modern day family living. The proposals will bring an otherwise empty listed building back into use, and will prolong the useful life of this prominent building in the conservation area. As such, the character of this Category A Listed Building would be maintained and enhanced by this proposal and the proposed residential occupation would ensure the long term maintenance of this characterful building. In addition, the proposed change of use and future occupation of the building as a dwelling would have a neutral effect on the character and appearance of the Conservation Area, consistent with the aims of Policy EP9.

Flood risk
Members will be aware from the papers that a Flood Risk Assessment has been submitted by the applicant in support of development. The report identifies surface water (fluvial flood risk from the culverted Skiprunning Burn) to be a medium to high risk but offers mitigation measures to address these risks.

Members will also be aware from the papers that SEPA originally objected to this application, and has maintained their objection in a second consultation response, to the additional information submitted by the applicant. The objection is twofold in that:

1. Residual risk of inundation up to 280mm at ground floor remains, even with mitigation in place.
2. Flood free access is unachievable, against requirements of SPP.

SEPA state in their objection that the property could be inundated during a blockage event (of the Skiprunning Burn) to around 600mm, with the Study (Provest Room) being inundated to around 280mm. It transpires that the Skiprunning Burn Flood Prevention Scheme implemented by Scottish Borders Council "*was not designed to a specific return period" (FRA* submitted by Kaya Consulting*)* and because of this, development is in contravention of Scottish Planning Policy and SEPA guidance. Secondly, the proposed dwelling would only have a single point of access and egress to Exchange Street which puts occupants at risk during a flood event. A flood free access must be maintained in accordance with Scottish Planning Policy.

The Council's Flood Prevention Officer however, has offered conditional support of the proposed change of use. Members will be aware that the Council has recently implemented a Flood Protection Scheme on the Skiprunning Burn which significantly reduces flood risk since the events of 2012/2013. Significant improvements including channel improvements, installation of a bypass culvert and improvements to the trash screens, have been undertaken by the Council in order to maintain the operating capacity of the existing culvert. An operating regime is now in place which significantly reduces the likelihood of any future blockage during periods of heavy surface water flooding on the burn.

The Council's flood officer does not object to this application however in acknowledging that risk of a culvert blockage does exist, a mitigation and evacuation plan is sought by condition. The flood officer acknowledges that whilst access to and egress from the property may be restricted, it will not be significantly compromised as the nature of any potential flooding event on Exchange Street is likely to be a 'flash flood' event over a short period of time. It is contended that the safety of any occupants of the building will not be compromised.

A balanced, proportionate and measured approach is recommended towards flood risk in this proposal and Members are recommended to support development in accordance with advice from the Council's flood officer. The outstanding objection from SEPA is acknowledged and Members should not discount these comments when considering the acceptability, or otherwise of the proposed development. They are material to the assessment and determination of the application

Members should also be aware that whilst the Council has significantly reduced the risk of flooding from the Skiprunning Burn, the risk of flash flooding has not been entirely eliminated. These facts need weighed against the needs to find a purposeful use for this Category A Listed Building, in order to ensure its long term future. In addition, a decision to refuse permission may set an undesirable precedent for town centre uses in the historic core of the town more generally.

The applicant has provided a FRA in accordance with Policy IS8 requirements and the Council's Flood Protection Officer offers qualified support to its findings. Mitigation measures (offered in the FRA by Kaya Consulting) and an evacuation plan would need to be submitted to the Council for prior approval should Members be minded to support this application. An approval could be granted on condition that these details are submitted before development commences and it is recommended that the planning application be approved with the objection from SEPA maintained. If Members are minded to approve the application, it would then have to be referred to Scottish Ministers for determination.

Developer Contributions
No financial contributions are required towards affordable housing or education facilities by this development. Policy IS2 would be satisfied in that there are no identified infrastructure deficiencies or environmental impacts arising from development which would attract contribution.

Parking
Residential development generates car parking and the Road Planning Officer has offered no objection to these proposals. No dedicated parking is identified for the proposed dwellinghouse however the Council has a more relaxed view on parking provision for change of use within a town centre. Public parking, local services and public transport routes are available within close proximity. To support and ensure

reuse of this Listed Building it is considered that parking provision and standards have been adequately addressed and in accordance with Policy IS7.

CONCLUSION

The proposed development is considered acceptable and in compliance with policies PMD2, PMD5, ED3, HD3, EP7, EP9, IS2, IS7, IS8 of Scottish Borders Local Development Plan 2016.

The proposal would not negatively impact upon the character or setting of the Listed Building, character or appearance of the Conservation Area, residential amenities or the visual amenities of the area and would bring a vacant building with town centre location, back into use.

It is accepted that the site is at risk of flooding and the Skiprunning Burn flood prevention scheme "*was not designed to a specific return period" (FRA* submitted by Kaya Consulting*)* In the strictest sense, the proposal does not meet the stringent required level of protection for new residential development outlined in Scottish Planning Policy and SEPA guidance. However, to refuse this application would mean that the building is blighted and would potentially remain vacant, to the detriment of the conservation area and the Listed Building. This is very much an marginal, on balance decision and the outstanding objections received from SEPA must be given due weight and consideration. However, taking all other material considerations into account, it is recommended that the application be approved subject to the schedule of conditions listed below.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions and informative:

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. No development shall commence until detailed mitigation measures designed to reduce the potential impact of flooding on the building shall first be submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with the scheme. The approved measures then to be implemented as part of the development and maintained thereafter following occupation of the dwellinghouse.
   Reason: To lessen the impact of potential flooding at the site.

3. No development shall take place except in strict accordance with a detailed flood evacuation plan for the building which shall first be submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved plan. The flood evacuation plan shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the planning authority.
   Reason: To lessen the impact of potential flooding at the site.

Informatives

1. As the application site is located within the Jedburgh Conservation Area and listed Category A, external alterations to the building are likely to require the benefit of both planning permission and listed building consent

2. The Council's Flood Protection Officer advises that, as access and egress to the development may also be affected by flood waters, the owner occupier should receive flood warnings from SEPA. The applicant should sign up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188. It is also recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

DRAWING NUMBERS

Location 1154 L01 A
Existing 1154 E01 A
Proposed 1154 P01 A

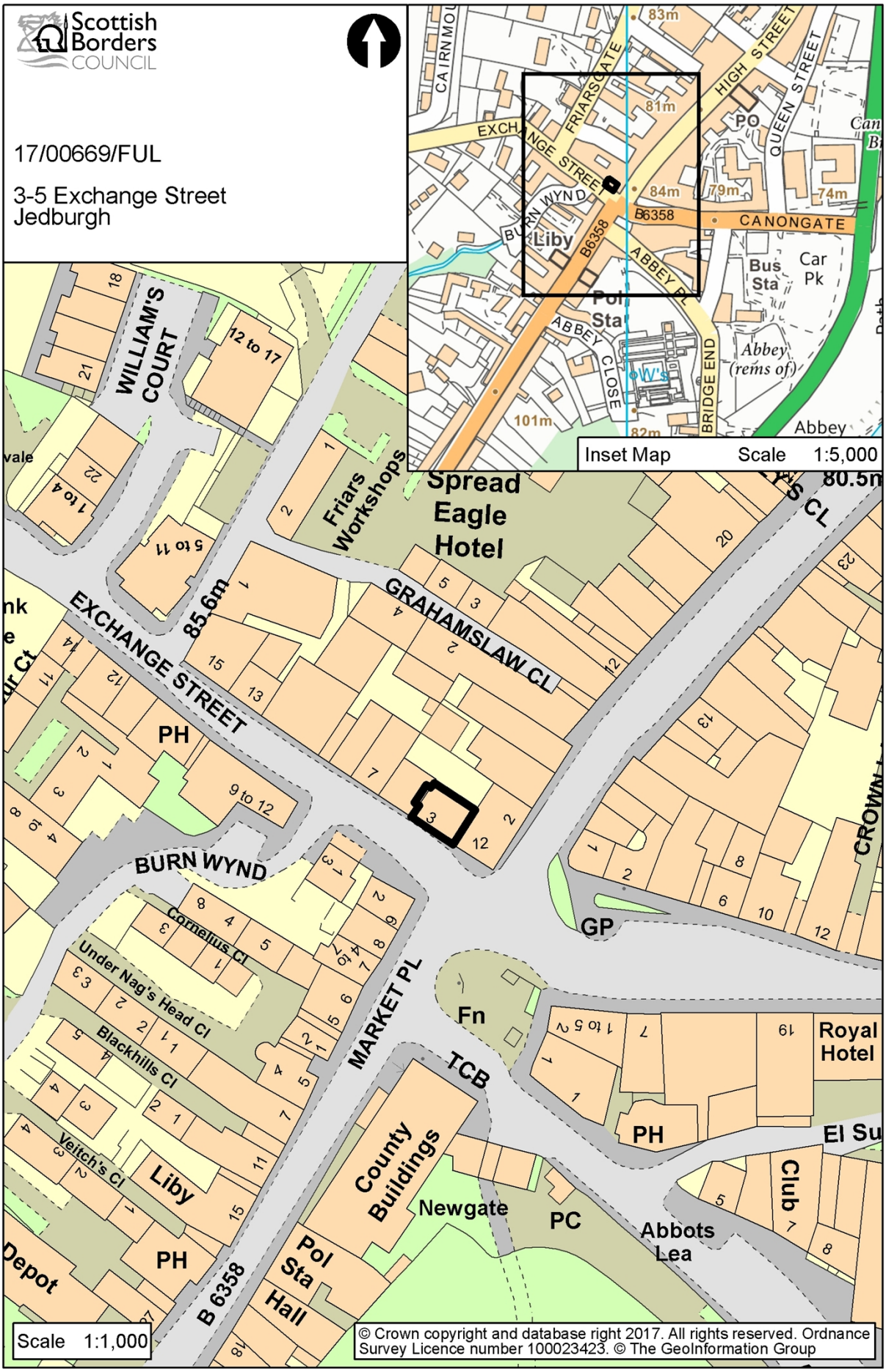
Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

Author(s)

Name	Designation
Euan Calvert	Assistant Planning Officer


Scottish Borders COUNCIL
17/00669/FUL
3-5 Exchange Street
Jedburgh
Inset Map Scale 1:5,000
Scale 1:1,000
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Hall
Depot
Club
Cornelius Cl
Under Nag's Head Cl
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Veitch's Cl
CROWN
85.6m
80.5m
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