

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name Mr & Mrs B. Lee
Address c/o Aitken Turnbull, 9 Bridge Place

Postcode TD1 1SN

Contact Telephone 1
Contact Telephone 2
E-mail*

Agent (if any)

Name Aitken Turnbull
Address 9 Bridge Place, Galashiels

Postcode TD1 1SN

Contact Telephone 1 01896 752760
Contact Telephone 2
E-mail* admin@aitken-turnbull.co.uk

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority Scottish Borders Council

Planning authority's application reference number 18/01330/FUL

Site address 16 Mansfield Road Hawick TD9 8AB

Description of proposed development conversion of public bar to dwelling

Date of application 26.9.18

Date of decision (if any) 27.11.18

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review (tick one box)

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see Appeal Statement & Supporting Statement accompanying this application.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Appeal Statement Supporting Statement
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Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed Date 08/02/2019

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk

**Proposed Conversion to Dwelling
Former Mansfield Bar
16 Mansfield Road
Hawick
TD9 8AB**



Local Review Body Statement of Appeal (18/01330/FUL)

Introduction

This statement of appeal relates to the Planning Application for the conversion of the former Mansfield Bar into a single flatted dwelling.

The related application was lodged on 26th September 2018, with a decision to refuse the application received on 6th December 2018, dated 27th November 2018.

This statement seeks to respond to the reason for refusal, while reiterating for the review panel some of the relevant factors from the initial application supporting statement.

Reason for Refusal

The Council's Flood Risk Officer objected to the application since he determined that the site was at risk from a flood event with a return period of 1 in 200 years (0.5% annual probability).

Planning Officer's Observations

No representations were received from members of the public and there were no objections from any other consultee.

The Planning Officer's Report states that the applicant has not provided a supporting case to address the explicit requirements of Policy IS 1, item 2: Public Infrastructure and Local Service Provision.

It should be noted the Supporting Statement accompanying the Planning Application gave details of the client's efforts to sell the business as a going concern or find alternative commercial uses for the property. The Statement also noted that local amenity was not adversely affected by loss of the public bar, in view of two further bars that are operating in the vicinity.

However, notwithstanding the above, the Planning Officer has stated within his report that he is content that the application would have been capable of being supported if it were not for the flood risk element.

The Planning Officer's Report also outlines some minor concerns over the replacement doors and front garden area.

However, his Report states that these concerns could be suitably addressed by conditions that would be attached to any consent that may be granted for this proposal.

Grounds for Appeal

The applicant acknowledges that the area is susceptible to flooding, however, there are many other residential properties at ground floor level in the same area.

The flood risk will be significantly reduced following the completion of the Hawick Flood Protection Scheme.

The conversion will not increase or change the flood risk for other properties in the area.

The conversion, if approved, could utilise flood resilient materials in construction, to mitigate any possible flood damage.

Any resident in the property could be advised to sign up to the 'Floodline' flood warning scheme, to be issued with advanced notice of a flood event, to enable safe evacuation and forward planning.

The building is in an area which is mostly residential, and conversion to a residential property would enhance the amenity of the local area.

Conclusion

The applicant has demonstrated that there are no alternative or viable commercial uses for the site, consequently, if permission is not granted for residential use the property will remain empty, neglected and be a blight on the local environment.

In conclusion, it is hoped that the review panel will support this application to allow the currently empty, redundant property to be brought back into an appropriate use.

Dear members of the Local Review Body,

I write to you today in full support of the Appeal against planning decision EML-OUT/AT3122/20190121-115535-606.

Mansfield Bar – Change of Use to a Dwelling;

Brian and Sue Lee have for many years run the Mansfield Bar Public House in Mansfield Road Hawick, and during that period I have been privileged to have represented them as both owners of this business and indeed as constituents.

They did up until recently reside only a few yards away in Mansfield Road.

Due to both Mr and Mrs Lee suffering serious life-threatening health problems which involved many visits to both Western General and Borders General Hospitals

they ultimately were forced to take the decision to actively try and sell their business through a local Estate Agent, as well as placing an advertised "FOR SALE" sign above the door of the premises.

After nearly 3 years of advertising coupled with a serious downturn in footfall, the business soon became non-viable and the unfortunate decision was taken to close the doors of this once very popular establishment for the last time.

The business is located in an area on Mansfield Road adjacent to the River Teviot where there are hundreds of houses, all of whom will soon be benefiting from a £45 million pound flood protection scheme.

Preparatory works for this scheme are well under way in this area and every business and homeowner along this route are thrilled that their properties will be protected soon.

As Chairman of the local Volunteer Flood Group I can confirm that the Mansfield Bar has for over 12 years been part of our membership, where assistance with flood protection measures are given when the need arises, this is the same level of protection that most of the properties in this particular area already enjoy anyway, and such assistance would continue right up to the time as to when our town will be fully protected from flooding.

I know that I speak for many residents and businesses in the Mansfield Road area when I say that to refuse a change of use *because of a flood risk* – a risk of which is no more or less greater than those homes already along this route are currently faced with, would I'm sure be quite disappointing to say the least.

The consequence of such a refusal would also see yet another boarded up eyesore along a very busy thoroughfare in the town and such an eyesore would only serve to add to others that are currently to the rear of this building.

Mainly – Riversdale Mills: Scottish Borders Council have over the years been very proactive often at huge public expense by continually boarding up this derelict old building and making it safe.

Mr and Mrs Lee should also be congratulated in their attempts to do something with their lovely building, and I know many people living nearby would be delighted to see this property being renovated and brought back to life as a family home.

This couple have without doubt been very persistent in their efforts to try and sell the business, but with 7 or so public houses already closed in the town during the last couple of years it has obviously become quite clear that social habits have changed dramatically in the town and in my opinion I'm afraid that as long as such habits continues and as in the case of the Mansfield Bar, then there are no real prospects at all of this building ever reopening its doors again as a Public House.

I would also like to further add that there are already 2 other Public Houses within very close proximity of the Mansfield Bar – Mainly The Station Bar at Station Buildings, and the Trinity Bar on the opposite side of the river Teviot, both of which I'm told have absorbed the very few patrons that existed from the former Mansfield Bar.

Whilst I am fully conscious that all appeals of this nature will be judged on their merits, it is however for all of the reasons that I have mentioned above, that I respectfully ask members of the Local Review Body that on this occasion they agree to permit Mr and Mrs Lee to change the use of their premises and by doing so I know that they will finally be free from the very stressful situation that they are currently faced with.

Yours Sincerely

Councillor Stuart Marshall

Member for Hawick and Denholm

