

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

REF : 18/01330/FUL

APPLICANT : Mr Brian Lee

AGENT : Aitken Turnbull Architects Ltd

DEVELOPMENT : Change of use from public bar and alterations to form residential flat

LOCATION: Mansfield Bar  
16 Mansfield Road  
Hawick  
Scottish Borders  
TD9 8AB

TYPE : FUL Application

REASON FOR DELAY:

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations.

Roads Planning Section: no objections.

Education and Lifelong Learning, the Community Council and Hawick Flood Defences Scheme, have all been consulted but have not responded to the public consultation.

Flood Prevention Section: the site is at risk from a flood event with a return period of 1 in 200 years; that is, the 0.5% annual risk of a flood occurring in any one year. Moreover, hydraulic modelling was produced for the Hawick Flood Protection Scheme which further demonstrates that the proposed development lies within the 1 in 200 year (0.5%) inundation outlines for the River Teviot. This study is anticipated to be more accurate than the indicative mapping although no warranty is given. There has also been evidence of flooding on Mansfield Road during recent flood events such as in December 2015. As this property is at risk of flooding and will be introducing a residential property into the functional flood plain (1 in 200 year flood extent), Flood Prevention would object to this proposal on the grounds of flood risk. (It is noted that although the Hawick Flood Protection Scheme is at a detailed design stage at present, this would only protect Hawick to a 1 in 75 year flood event).

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Local Development Plan 2016

Policy PMD1: Sustainability

Policy PMD2: Quality Standards  
Policy PMD5: Infill Development  
Policy HD3: Residential Amenity  
Policy IS1: Public Infrastructure and Local Service Provision  
Policy IS2: Developer Contributions  
Policy IS7: Parking Provision and Standards  
Policy IS8: Flooding

SBC Supplementary Planning Guidance:  
Development Contributions (January 2018 update)  
Waste Management (2015)

Scottish Planning Policy (2014)

**Recommendation by** - Stuart Herkes (Planning Officer) on 27th November 2018

This application proposes to change the use of a public bar on the corner of Hawick's Mansfield Road and Rosevale Street, into a residential flat. The premises concerned, the Mansfield Bar at No 16 Mansfield Road, is accommodated within the ground floor area of a building that is otherwise in residential use, and which is itself on the end of a row, and then more generally within an area that is otherwise mostly residential. The building is not Listed or within the Conservation Area.

The Applicant has not provided any supporting case to address the explicit requirements of criteria a. to e. of item 2 of Policy IS1: Public Infrastructure and Local Service Provision. However, notwithstanding this, I would consider that there would be no reason to suppose that the loss of this particular bar near the centre of Hawick could not be absorbed locally, given the proximity of Hawick's town centre where a range of alternative pubs, clubs and bars are all reasonably accessible to people from the Mansfield Road area. In short, while these matters should strictly speaking have been addressed within the planning application's supporting details, I am content that the principle of this proposal - encompassing the loss of the public bar - would otherwise have been capable of being supported had it not been for the significant flood risk.

There are no roads objections; and the replacement of the bar by a flat, would have enhanced the residential amenity of neighbours. There are no development contributions due relative to this proposal. Accordingly no legal agreement would have been sought in the event of approval.

The proposed alterations are relatively minor and relate to non-original features. However, there would still reasonably be a concern to review the precise details of the proposed replacement front door and glazed door, to ensure as sympathetic an appearance as possible. A particular concern in this respect, is the apparent lack of an obvious front door, with both proposed doors being liable to have an ancillary or 'rear elevation' appearance. Another point of note is the concern to have a patio area within the space fronting Mansfield Road. While this is an existing space which is at present capable of being used as an ancillary outdoor space in relation to the premises (and indeed, appears to be in use for bin storage), the precise treatment and appearance of it, including its definition within a residential use would need careful consideration, particularly if there were to be any new or altered boundary features or surfacing (albeit that no such proposals are explicitly acknowledged within the description of the proposal drawings). This is again, to remain sympathetic to the fact that it would be encountered alongside the principal elevations of every other surrounding property. Any overtly 'rear garden' or 'patio' space to the front of the property, would be liable to appear notably incongruous in this context. Therefore something more appropriate to, and in keeping with, a front garden area would be appropriately sought and required in this situation, avoiding any high fences or unusual surfacing. However, I am content that all of these matters could reasonably be regulated by conditions in the event of approval, and that appropriate finished materials and finishes could be required and delivered under appropriately worded planning conditions.

The Flood Prevention Section has advised that this proposal would introduce a new residential property into the functional flood plain (1 in 200 year flood extent) of the River Teviot, and states its objection on the grounds of flood risk. Material in this respect are that the proposed residential use would be more vulnerable to flood risk than the existing public bar use. Moreover, it is my understanding based on written and verbal advice from Flood Prevention that there is unfortunately no ability for this risk to be mitigated through the application of any practical measures. They have advised that a Flood Risk Assessment would

not contribute any information that might reasonably change their view on this. (Notwithstanding that Flood Prevention anticipates that SEPA would also object, there is no requirement for SEPA to be consulted). However, the flood risk concern here is understood to be insurmountable in the present circumstances. The application is therefore only reasonably refused on that basis.

I would note that the potential for the proposal to be supported might reasonably be reviewed further to the implementation of the Hawick Flood Defences Scheme within a future planning application. However, at this stage, the potential for approval at some future time, is simply not reasonably prejudged. Any future version of this proposal would therefore need to be considered on its own merits and in relation to the planning policies and circumstances on site prevailing at that time, which may include mitigation afforded by the Flood Defences when these are delivered.

**REASON FOR DECISION :**

The planning application should be refused for the following reason:

The proposal does not comply with Adopted Local Development Plan Policy IS8 in that the site is subject to a significant flood risk and the development would be at significant risk of flooding.

**Recommendation:** Refused

- 1 The proposal does not comply with Adopted Local Development Plan Policy IS8 in that the site is subject to a significant flood risk and the development would be at significant risk of flooding.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**

