



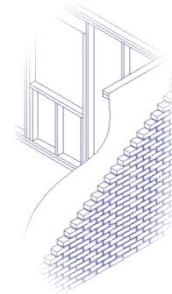
Stuart Patterson

Building & Timber Frame Design

5 Burnflat Lane, Hawick, Roxburghshire, TD9 0DZ

phone - 01450 375772

email - stuartpattersondesign@gmail.com



Appeal to Local Review Body

S J Cranston Joinery
7 Wilton Hill
Hawick
TD9 8BA

Grounds of Appeal

Proposed Change of Use & Alteration at Former Buccleuch Hotel, 1 Trinity Street, Hawick, TD9 9NR

Planning Reference -

See enclosed information –

Existing Basement Layout	(19-673-1001)
Existing Ground & First Floor Layouts	(19-673-1002)
Location Plan	(19-673-1003)
Proposed Basement Layout	(19-673-2001)
Proposed Elevations	(19-673-2002)
Proposed Section & Details	(19-673-3002)
Planning Design Statement & Photographs	
Adjacent Business Lists	

Mr Cranston has run a successful joinery business in the town for over eight years, and is currently renting a workshop elsewhere in Hawick that is simply not fit for purpose. An opportunity arose to purchase the former Buccleuch Hotel premises in Trinity Street, with the view to initially form a purpose built workshop, and a permanent base for his business.

Notwithstanding the £5000 a year currently paid in rent for his current workshop, the new property offers over four times the floor area, better access and security and the future consideration to develop the other floors of the building into an open space/display area and shop on the ground floor, with domestic properties to the first floor. The development offers the applicant a significant amount of security for him and his family for the foreseeable future.

The property has had various owners over the years, and planning permission was granted in 2008 and 2012 for conversion to housing, neither of which were carried out. On that basis alone, it should be safe to assume that the last known use for the building was that of a public bar and hotel accommodation, essentially retained as commercial use. This contradicts the planning officers' consideration that the site is not 'allocated' for business use. We are not disputing that the commercial nature of the hotel is different from the industrial use for the joiners' workshop.

The property has been vacant since the Buccleuch Restaurant was separated from the main hotel around 2005/2006 and is currently in a state of disrepair. Without the intervention of Mr Cranston, it is unknown how long it may lay unoccupied, but likely to a point beyond repair and another well recognised property could easily be lost to the town. These proposals, and Mr Cranston's future plans, safeguard the building for years to come.

The basement area consists of a former cellar, garages and off-street parking for the hotels use, the majority of which is located below ground/road level (Trinity Street). The rear courtyard is enclosed by a 3m high stone wall which originally supported a lean-to roof over the courtyard fully covering the parking area. This roof was removed around the time of the restaurant/hotel separation works, the reason for which is unknown.

It is acknowledged that there would be an increased noise risk given the change of use, and all measurements have been taken to minimise the impact on the surrounding area with the use of sound deafening materials and finishes, which are required as part of the current building standards. With potential development to the floors

over the workshop it makes sense for the applicant to try and ensure no disruption is caused by his business. It is considered that the basement being mostly below ground any noise created would project to the rear of the property, essentially over towards the car park to Morrisons supermarket, but also deflected and dissipated by the aforementioned boundary wall.

The adjoining former Buccleuch Restaurant has recently had planning permission to be converted to a house, and is likely at most risk to be affected by these proposals. On that basis the workshop layout was designed to keep it as far away from the adjoining walls as possible, with canteen, hall and toilet facilities providing dividing space between the two areas, again minimising disruption.

A study of the machinery Mr Cranston currently uses within the workshop provides a broad spectrum to the volumes that may be created, ranging from 103db for a table saw (when in use, 10-20db idle noise) down to 73db for a bench drill and less for the portable dust extractor used on the various machinery. The noise generated from a main road (the A698 is directly opposite) equates to around 80db and a lawn mower can produce up to 96db. Mr Cranston is also a sole trader, so only one machine could be used at any given time, and the workshop is effectively used for preparation work and minor manufacturing prior to taking to site. Mr Cranston has previously employed someone to help, but now working alone, he has no intention of taking on any more workers so the potential disruption is also limited on that basis.

Depending on the future development, additional employment will be generated with the display area and shop in the second phase, but it is all dependent on this first phase being approved.

This is our first full opportunity to respond to the reasons for refusal, with the planning departments' continual unwillingness to communicate with regards to their views and decisions, making planning applications increasingly difficult to determine.

There were three reasons listed in the refusal notice and we would comment as follows –

1. The proposal is contrary in principle to policy ED2 of the Local Development Plan 2016.

This application has highlighted the flaws within the local plan zoning, in that they do not fully identify every single area of a settlement in relation to existing properties and businesses. Mr Herkes did raise this issue prior to refusal, and we responded with a list of businesses already present in the vicinity of our proposals. Please see the enclosed 'Adjacent Business Lists' which identify a varied list of existing businesses trading in the area, from the funeral directors workshops to the front, the supermarket to the rear and veterinary surgery to the side. Directly opposite the veterinary surgery are a builder's workshop and yard, an electrician's workshop and finally another joinery workshop. Looking slightly further afield there is a tree surgeons workshop in Trinity Street, a large builders yard, a cable packaging company in one of the largest former knitwear factories in the town, a ground workers yard, a motor mechanic in Noble Place and a knitwear factory in Duke Street. There is also a former builder's yard located behind the tenement buildings in Arthur Street.

This information was put forward to the planning department to identify the diverse business arrangement in the area, even though the local plan does not designate it as anything, but in reality it is, and always has been a 'mixed use' area. The list was acknowledged, but seems to hold no weight with the decision taken, with the officer's report suggesting that the local plan should determine where someone can set up business. This type of statement does not take into account that not all buildings and locations are suitable for certain businesses and the further development of this particular property is the largest draw to this location.

One of the concerns related to the property being used for industrial purposes, and although the limited use by the applicant may well be acceptable, it was intimated that the building could then be sold and used for full time industrial processes without any form of recourse by the council. It was suggested that a condition could be added to the planning approval to mitigate this circumstance, but it again fell on deaf ears.

2. The proposal is contrary to Policy PMD2 and Policy ED3 of the Local Development Plan 2016.

As noted in point 1, stating the proposal is not compatible with the surrounding area has been highlighted as incorrect, given the aforementioned businesses in the area. Paying particular attention to the existing joinery workshop mentioned above.

3. The proposal is contrary to Policy EP1 of the Local Development Plan 2016.

At no point during the course of the application were we asked for a bat & bird survey, which could easily have been arranged. It is noted on the planning portal that the council ecology officer had asked for further information,

but this was never passed to us. It is assumed the decision had already been made to refuse based on the previous two items, and this third item has been added to provide more justification.

Conclusion

It feels like there has been no consideration to the businesses in the surrounding area when processing our proposal, with similar and indeed identical businesses located a stone's throw from each other. There has been no interest in this vacant property for over eight years, and while we understand the restrictions set by the local development plans, this gives an opportunity to re-invigorate a building that is verging on derelict, which again has not been taken into account.

It is also noted that there were no objections from the application, and the designs were implemented to minimise any possible disruption to the neighbouring properties, which is something that is not a factor for the existing businesses.

If our appeal fails and refusal is upheld, the future of this building is once again in jeopardy, and the applicant is left with a property he cannot use to its full potential. We would hope that the appeal would be looked upon favourably on his basis.

Stuart Patterson
On behalf of Mr S. Cranston.