

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**15 JUNE 2023**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 23/00483/FUL

**OFFICER:** Stuart Small  
**WARD:** Hawick and Hermitage  
**PROPOSAL:** Change of use of garage blocks and alterations to form six dwellinghouses  
**SITE:** Garage Blocks East of 132 Ramsay Road, Hawick  
**APPLICANT:** Scottish Borders Housing Association  
**AGENT:** HUSK

**PLANNING PROCESSING AGREEMENT:**

A Planning Processing Agreement is in place until 15 June 2023.

**SITE DESCRIPTION:**

The application site is located in Hawick around half a mile south of the Town Centre. The site is currently occupied by a forecourt with two blocks of garages. The garage block on the South Eastern side contains 14 garages and the block on the North Western side contains 18 garages with a pedestrian path linking to Ramsay Road. The site slopes down from the North West side to the South East. There are 6 standalone garages located on the Southern edge of the site, these will remain and do not form part of the proposed application. The access to the garages also slopes steeply down from Ramsay Road. The site is bounded by three blocks of three storey apartments on the North Western side and a large area of open space on the north eastern side. To the South is Whitland Wood which forms part of the Ancient Woodland Inventory (Site ID: 11) and the Borders Woods Special Area of Conservation.

**PROPOSED DEVELOPMENT:**

This application proposes to convert the existing garages into six residential bungalows for elderly people or those living with a disability. The proposed bungalows will be two bedroom units capable of accommodating up to three people.

The existing brickwork of the garages is to be cleaned and re-pointed where required. The proposed new bungalows will feature a single ply membrane roof in dark grey, weatherboard entrance feature, white render walls and black uPVC rainwater goods. The proposed bungalows will be provided with eight dedicated car parking spaces, three of which are wider spaces and a large enough parking court to allow for turning within the site. A bin store is proposed to be located adjacent to the entrance of each unit for the storage of bins.

**PLANNING HISTORY:**

There is no planning history associated with this site.

## **REPRESENTATION SUMMARY:**

A petition containing 1,198 signatures objecting to the planning application was received. One letter of objection has also been received on behalf of the 'Voice of the Teries'. These can be viewed in full on Public Access.

The objection comments raised the following planning issues:

- Contrary to Local Plan.
- All garage tenants have not been offered a replacement.
- Daylight assessment is flawed.
- Impact on residential amenity.
- Insufficient parking.
- Unsuitable housing for the elderly and people with disabilities.
- Limited access to nearby amenities and facilities.
- Structural Safety.
- Inaccurate Plans.
- Proposals contrary to Equality Act.

## **APPLICANTS' SUPPORTING INFORMATION:**

- Design and Access Statement
- Parking analysis
- Desktop Site Investigation

## **DEVELOPMENT PLAN POLICIES:**

The development plan currently comprises National Planning Framework 4 and the Local Development Plan 2016.

### **National Planning Framework 4**

Policy 1 - Tackling the climate and nature crises  
Policy 4 - Natural Places  
Policy 6 - Forestry, woodland and trees  
Policy 9 - Brownfield, vacant and derelict land and empty buildings  
Policy 12 - Zero waste  
Policy 14 - Design, quality and place  
Policy 16 - Quality homes  
Policy 22 - Flood risk and water management

### **Local Development Plan 2016:**

PMD1: Sustainability  
PMD2: Quality Standards  
PMD5: Infill development  
HD1: Affordable and special needs housing  
HD3: Protection of Residential Amenity  
EP13: Trees, woodlands and hedgerows  
IS2: Developer Contributions  
IS7: Parking Provisions and Standards  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage  
IS13: Contaminated Land

## **OTHER PLANNING CONSIDERATIONS:**

Supplementary Planning Guidance

PAN 61 - Planning and sustainable urban drainage systems 2001;  
PAN 79 – Water and drainage 2006;  
Affordable Housing 2015  
Contaminated Land Inspection Strategy 2001  
Development Contributions 2022  
Householder Development (incorporating Privacy and Sunlight Guide) 2006  
Placemaking and Design 2010  
Sustainable Urban Drainage Systems August 2020  
Waste management 2015.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Education and Lifelong Learning:** No response

**Housing Section:** No objection

**Contaminated Land Officer (CLO):** No objection subject to condition. CLO advises that all reports have been submitted in draft form and do not consider the development as currently being applied for. Critically the assessment places reliance upon the fact the sites will be 100% hardstanding however the submitted drawings include for soft landscaping associated with the dwellings. This also fails to consider the lawful use of the site as requires to be considered.

Section 2.1 of the reports recommends further details of the development should be sought from the consultant. This is a critical consideration within the reporting and development of the Conceptual Site Model (CSM) and such information should be accurately reflected in the final reporting. In developing the CSM the nature of the historic site use and the potential uses/ activities undertaken should be considered alongside residual uncertainty. It is assumed activities including vehicle storage, maintenance, and other ancillary activities may have been undertaken which should be considered in the change of use to a more sensitive residential use.

The qualitative assessments presents a risk ranking however it is unclear how this has been arrived at. Commonly such risk evaluation assessments consider probability and consequence. To facilitate review it would be requested the derivation of these assessments and any methodology used is cited, if this is an in house assessment the basis of this and the associated definitions should be presented. The reports refer to controlled waters although a change in legislation brought about a change in terminology where the use of the term 'controlled waters' is no longer applicable in Scotland. Further consideration should be given to risks to the water environment including identifying receptors.

**Roads Planning Service:** Initially required further information, applicant provided revised layout and RPS is now satisfied.

## **Statutory Consultees**

**Community Council:** General comments. The main thrust of the comments raised by residents was that there remained, in their view, many unanswered questions to queries raised by them. The CC's comments are as follows:

The mono pitched roof construction of the proposals are out of character with the existing traditional concrete tile pitched roofs within both the area of Mayfield and Ramsay Road.

The off-site pre-manufactured panels (modern day pre-fabs) are inconsistent with the traditional constructed houses within the areas of Mayfield and Ramsay Road.

With the amount of empty housing stock in Hawick which are owned by SBHA, HCC considers it may be more beneficial to local building contractors that these houses be reconfigured to provide good quality affordable housing.

As this development is aimed at those living with disabilities and/or older people with limited mobility, the door to the shower room in one of the properties in Bothwell Court and all the properties in Ramsay Road should open out for easy accessibility and not as shown on the plans (entering inwards).

Looking at parking at both sites, there is one single parking place allocated to each property, and it is suggested that all parking should be disabled, thus giving more space for disabled/elderly to exit their cars. This would however result in a problem, as there is not considered to be enough space to accommodate this observation, and this should have been looked into at the design stage.

As this development is for older, infirm people, there is also no provision for parking for carers or visitors, resulting in parking in adjoining streets.

Given that the entrances to both sites (shown grey on the plans) are not adopted by SBC, it would then be up to SBHA to clear the entrances in snowy/icy conditions – the CC query if this is going to be the case.

Looking at the location of both developments, accessibility to the local bus network (H1 and H2 service) is very poor, with no immediate access to a bus stop at either location. Given that these homes are for the older person, the CC would consider that this would be a priority.

The statement 'integrated into existing communities' is misleading as the development at Ramsay Road is at the edge of the existing development, at the end of a cul-de-sac, with no outlook from any of the proposed properties, which we feel would be very constricting.

The CC suggest that as these proposed developments are for the older person, with or without a disability, and if the proposal was granted that a condition of planning should be added that they are for that purpose only.

**Scottish Water:** No objection, advice provided on establishing water connection.

## **KEY PLANNING ISSUES:**

- Whether the principle of development would comply with Policy PMD5 of the Local Development Plan and Policy 9 of NPF4;

- Landscape and visual effects;
- Impacts on neighbouring amenity;
- Road safety and parking impacts;
- Whether the development would be adequately serviced;
- Impact on Ancient Woodland and Special Area of Conservation.

## **ASSESSMENT OF APPLICATION:**

### Planning Policy

The site is within the development boundary for Hawick and so must be assessed principally against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. Provided other policy criteria and material considerations are met, the LDP confirms that development on non-allocated, infill or windfall site, within development boundaries will be approved where the following criteria are satisfied:

- a) it does not conflict with the established land use of the area;
- b) it does not detract from the character and amenity of the surrounding area;
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming';
- d) it respects the scale, form, design, materials and density in context of its surroundings;
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity;
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

The proposed site is within the development boundary of Hawick and the established land use in the surrounding area is solely residential. An additional six residential bungalows would not detract from the character or amenity of the surrounding area. It is a relatively small site for six new dwellings but given the scale and massing of the proposed units they will sit comfortably within the surrounding area. The design of the new dwellings would be different from the surrounding housing stock although given the modest nature of the new dwellings and their size this should not detract from the character of the area. Parking issues have been the matter of discussions with the RPS despite revisions to the layout but RPS are satisfied that this can be dealt with by condition. Services would not be affected adversely although conditions are recommended. The development would not impact significantly upon the amenity of adjoining properties although this is considered in more detail later in the report. Given the proposed development would appear to comply with the above criteria, the development considered to be in accordance with the principal aims of policy PMD5.

Policy 9 of NPF4 supports development proposals that will result in the sustainable reuse of brownfield land and buildings. The leases on the existing garages have ended and now sit vacant, the proposed redevelopment of the site would allow for this site to be restored to full use in the form of three new homes for the elderly or those living with disability.

The principle of development is agreeable when applying Policy PMD5 of the LDP, and Policy 9 of NPF4. As a result, the key considerations for this application will be whether the additional impacts (discussed below) posed by this proposal are acceptable.

### Siting, Layout and Design

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

The applicant has submitted a Design and Access Statement which states that the proposal will convert the existing two blocks of garages into six contemporary residential bungalows. The proposal will utilise existing walls of the garages in the creation of the proposed dwellings to allow them to sit comfortably into the existing urban grain. The proposed dwellings would sit higher than the existing garage walls but as they are single storey properties the height increase would not be significant. The roofs of the proposed dwellings would be mono-pitched to create a 'saw-tooth arrangement'. The proposed design of the bungalows whilst different to the surrounding character of the area is not considered to be harmful. During the site visit, many of the garages appeared dated and some of the doors had begun to rot. The replacement dwellings would improve the visual appearance of the site.

In order to comply with Development Plan Policies and the "Placemaking" SPG, any layout and density would have to be appropriate to their surroundings and be compatible with, and respect the character of the surrounding area and neighbouring built form. The SPG repeatedly uses reference to the built context. However, the Policies and Guidance do not intend to seek identical or replica layouts and densities throughout a settlement, instead the importance of interest and variety is stressed. As the proposed application would replace 32 garages across two blocks with six bungalows, the density of the site would not be intensified significantly and it is considered that the proposed new dwellings would sit comfortably within the site and not constitute overdevelopment. The layout and density complies with the Local Plan Policies and Guidance in that that it would not be inappropriate for the area nor would it cause any demonstrable harm to the surrounding residential area. For that reason, the proposal is considered to be compliant with the Local Development Plan Policies, NPF4 Policies and the relevant guidance on placemaking and design.

### Neighbouring Amenity

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 also states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Furthermore, Policy 16 of NPF4 provides guidance in relation to the impact of new development on neighbouring residential amenity.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties. The Supplementary Planning Guidance seeks to prevent any loss of privacy from new developments and requires a minimum of 18m between windows directly opposite to prevent any overlooking.

The distance between the proposed new bungalows and the existing residential properties to the North West, coupled with the orientation of buildings and change in ground levels, are sufficient to prevent any loss of daylight or sunlight. It is not considered that the proposed dwellings would have consequences for neighbouring amenity as regards light or sunlight.

In terms of privacy, the proposed new dwellings are located a sufficient distance away from the existing properties to the North West. Furthermore, due to the topography of the site, the proposed new dwellings sit much lower than neighbouring dwellings so the proposal would not create any overlooking. All of the windows on the proposed new units are located on the front elevations apart from small bedroom windows located at a high level in the gable. This will further mitigate the potential for any overlooking or loss of privacy.

In terms of any overlooking and loss of privacy of proposed dwellings it is acknowledged that there will be window to window overlooking of principal rooms below the minimum 18m distance referred to in our SPG. However, these privacy standards may not be appropriate for all situations and will be best determined by the local context. Given the proposed use of the dwellings by the elderly or those with disabilities it is felt that reasonable level of passive surveillance would be acceptable in this case.

Overall, the proposed development is not considered to give rise to any significant neighbouring amenity concerns.

#### Vehicular Access, Road Safety and Parking

Policy PMD2 requires developments to have no adverse impact on road safety and adequate vehicular access. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

Vehicular access would be from the existing access point to the garages from Ramsay Road. The Roads Planning Service initially asked for further information and a revised parking layout. The applicant provided an amended plan which included the provision of an additional three larger parking bays. The RPS is content that eight parking spaces is acceptable for the 6 dwelling units and noted that SBHA has land available in close proximity in the unlikely event additional/overspill is required.

Consequently, the site can be adequately accessed and no road or pedestrian safety issues will arise as a result of the development.

#### Impact on Ancient Woodland and Special Area of Conservation

To the South of the proposed application site is Whitland Wood that forms part of the Ancient Woodland Inventory and the Borders Woods Special Area of Conservation. Policy EP13 of the LDP and Policy 6 of NPF4 does not support development proposals where they would result in the loss of Ancient Woodlands or have an adverse impact on their ecological condition. Policy 4 of NPF4 states that development proposals that are likely to have a significant effect on an existing or proposed Special Area of Conservation and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

Whilst the proposed application site is not directly within Ancient Woodland or Special Area of Conservation, its impact on these designations must still be considered. However, as the proposal is for a conversion and the boundary of the site does not extend into the woodland, the redevelopment of this site will not have any adverse impacts on the Ancient Woodland or the SAC.

### Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required. The CLO has assessed the proposal and requires further investigations to be carried out. The CLO has confirmed that this can be secured via condition.

### Waste

Policy 12 of NPF4 requires residential development proposals to provide information on the storage and management of waste. This application proposes a Bin Store to be located adjacent to the front elevation of each dwelling to allow for future residents to easily dispose of waste. However, limited information on the appearance of these has been provided so a condition for further details of bin storage areas for waste and also of any external storage areas would be secured by condition.

### Water and Drainage

Policy IS9 of the LDP states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system. Policy 22 of NPF4 states that development proposals will manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer.

The water supply would be from the Scottish Water mains supply and foul water drainage would be to the foul sewer. Scottish Water confirmed in their consultation response that there is sufficient capacity at this time.

Conditions would secure mains water supply and foul drainage and surface water drainage via a SUDS.

### Ecology

There are no ecological designations affected, nor ecological impacts requiring an assessment. Policy 3 of the NPF requires ecological enhancements, and a condition can be imposed requiring a scheme, which may include planting and/or bird/bat boxes as appropriate.

### Development Contributions

Local Development Plan Policy IS2 requires all housing developments to contribute to infrastructure and service provision where such contributions are considered necessary and justified, advised by the Development Contributions SPG. The Design and Access Statement states that the proposed development will provide housing for older people and those living with a disability. Our Housing Strategy Officer has confirmed that this scheme is identified in the Council's current SHIP 2023-2028. The Registered Social Landlord will be Scottish Borders Housing Association. To satisfy Policy HD1 a planning condition will be placed on the application to ensure that the development does not become unrestricted market housing.



## **CONCLUSION**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the National Planning Framework 4 and Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

## **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application be approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. The proposed residential units shall meet the definition of "special needs housing" as set out in the adopted Local Development Plan 2016 and any accompanying Supplementary Planning Guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.  
Reason: The permission has been granted for special needs housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including affordable housing and local schools.
3. 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.
4. Details of bin storage areas for waste and recycling and any external storage areas for the dwellings to be submitted to and approved in writing by the Planning Authority before the development commences. The bin storage areas and external storage areas then to be installed in accordance with the approved details before the dwellings are occupied.  
Reason: To safeguard the visual appearance of the area.
5. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme.  
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.
6. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that a mains water connection shall be made available to serve the development, unless otherwise agreed in writing by the Planning Authority. Thereafter, a public water mains connection shall be functional prior to the occupancy of the dwellinghouses hereby approved, and no water supply

arrangements shall be used other than the public water mains without the written agreement of the Planning Authority.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

7. No foul drainage system other than the public mains sewer shall be used to service the development hereby approved without the written consent of the Planning Authority. The foul drainage to be functional prior to occupation of the dwellinghouses hereby approved

Reason: To ensure that the development does not have a detrimental effect on public health.

8. Details of surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The surface drainage to be functional prior to occupation of the dwellinghouses hereby approved.

Reason: To ensure that the development does not have a detrimental effect on public health or neighbouring properties.

9. No development shall commence until details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented within the approved timescale.

Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory development plan

**DRAWING NUMBERS**

**Plan Ref**

**Plan Type**

A Location Plan

A Location Plan

21046 - HUSK - PL - DR - 01 - A - 0005 - P02

Location Plan

21046 - HUSK - DR - EX - 01 - A - 2000 - P01

Topographic Survey

21046 - HUSK - EX - DR - 01 - A - 0005 - P02

Existing Site Plan

21046 - HUSK - EX - DR - 01 - A - 0003 - P01

Existing Elevations

21046 - HUSK - PL - DR - 01 - A - 0300 - P01

Proposed Elevations

21046 - HUSK - PL - DR - 01 - A - 1007 - P03

Proposed Boundary Plan

21046 - HUSK - PL - DR - 01 - A - 0507 - P07

Proposed Site Plan

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

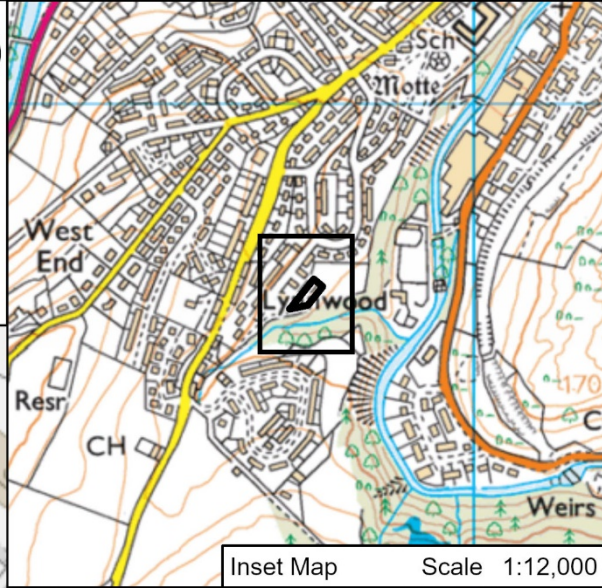
**Author(s)**

Name	Designation
Stuart Small	Assistant Planning Officer

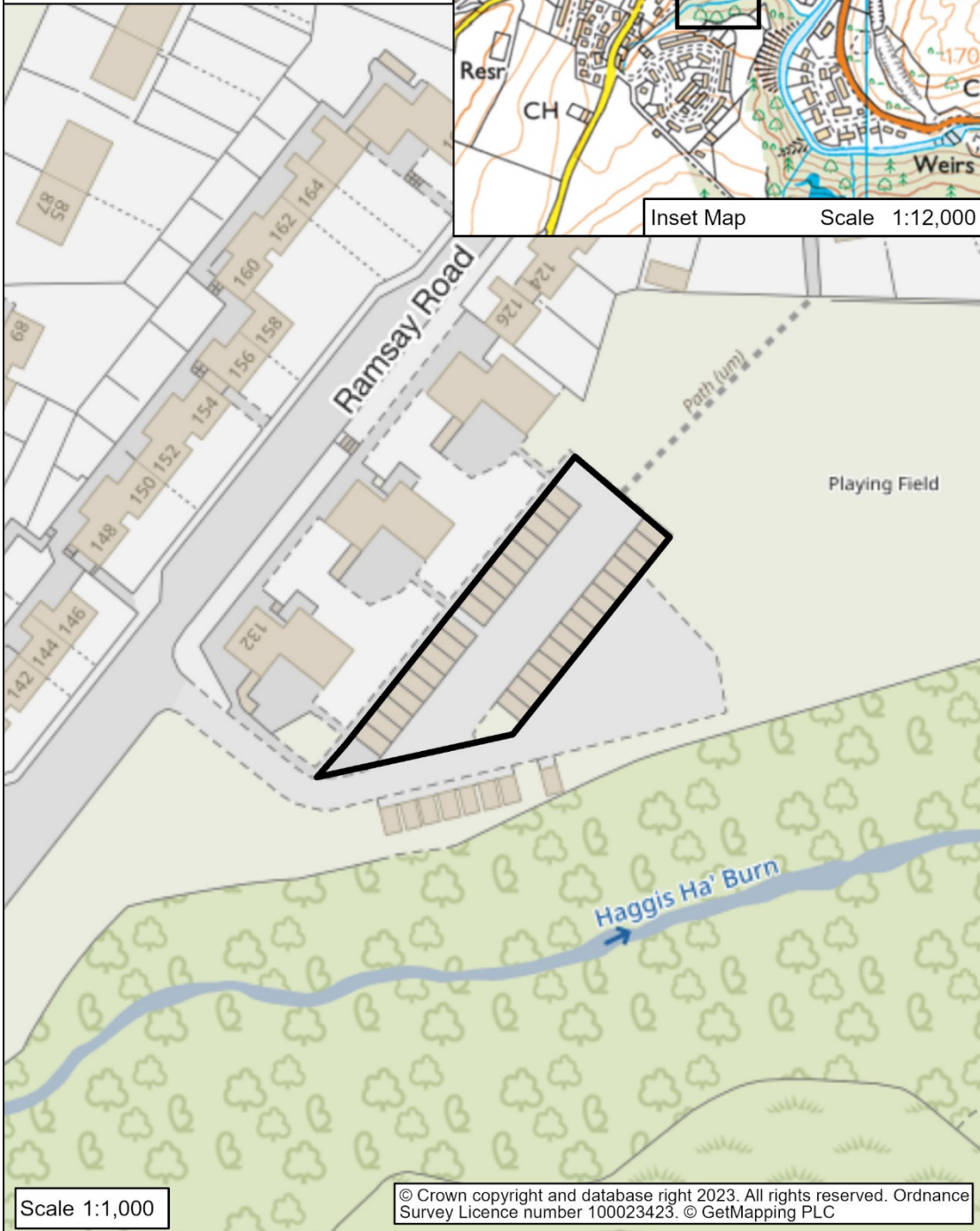


23/00483/FUL

Ramsay Road Hawick



Inset Map Scale 1:12,000



Scale 1:1,000