

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

3 JULY 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 23/00479/FUL

OFFICER: Stuart Small
WARD: Hawick and Denholm
PROPOSAL: Change of use of garage blocks and alterations to form three dwellinghouses
SITE: Garage Blocks, Bothwell Court, Hawick
APPLICANT: Scottish Borders Housing Association
AGENT: Edwards Architecture Ltd

CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE:

This application was considered by the PBS Committee on 15 June 2023 where members agreed to continue the application for a site visit, scheduled to take place on Thursday 29th June 2023.

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 3 July 2023.

SITE DESCRIPTION:

The application site is located on the western edge of Hawick around half a mile west of the Town Centre. The site is currently occupied by a forecourt with two blocks of 10 garages. The garages are accessed from Mayfield Drive onto Bothwell Court. The existing garages are of brick construction featuring a pebbledash render. The application site is surrounded by existing residential properties and there are existing pedestrian routes around the garages.

PROPOSED DEVELOPMENT:

This application proposes to convert the existing garages into three residential bungalows for the elderly or those living with a disability. Two 1 bedroom semi-detached bungalows will be created on the north side of the site, each with a floorspace of 50 square metres, and one two bedroom detached bungalow will be created on the south side of the forecourt with a floorspace of 61 square metres.

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 four dedicated car parking spaces and vehicular turning. A bin storage areas are shown to the west of the site.

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. 52 individual letters of objection have also been received. These can be viewed in full on Public Access.

The objection comments raised the following planning issues:

- Contrary to Local Plan.
- Garages are well used.
- Over intensification of the site.
- Poor design.
- Inaccurate plans.
- Inadequate screening.
- Impact on garden boundary wall.
- Unsuitable materials to be used.
- Unsuitable housing for the elderly and people with disabilities.
- Limited access to nearby amenities and facilities.
- Inadequate access.
- Impact on site drainage.
- Fire safety.
- Noise / smell.
- Poor public transport links.
- Loss of privacy / impact on neighbouring amenity.
- Loss of light / overshadowing.
- Loss of parking.
- Loss of view.
- Forecourt used by emergency services.
- Impact on road safety.
- 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 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

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: No objection subject to condition. The amended plan, whilst generally meeting the comments made in the RPS initial response, further improvements to the parking layout to make the spaces more useable could be made. As the north-eastern and south-western spaces are against walls, it would make sense for these bays to be wider. The north-western and south-eastern spaces have room in the turning head and bin storage to open the doors, these could be slightly narrower.

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.

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 3 residential bungalows would not detract from the character or amenity of the surrounding area. It is a relatively small site for three 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 three innovatively designed 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 marginally 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. The existing garages are dated and 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 two blocks of 10 garages 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 proposed garages are located in close proximity to existing residential properties in Bothwell Court and the roofs of the proposed new dwellings are slightly higher than the existing roofline of the garages. It is considered that the marginal increase of the roofs of the proposed dwellings will not result in a material loss of light to existing neighbouring properties to the detriment of residential amenity.

In terms of privacy, the proposed new dwellings are located within close proximity to existing properties in and around Bothwell Court but all of the windows on the proposed new units are located on the front elevations apart from the rear bedroom window of the 2 bedroom bungalows. This rear bedroom window will be positioned at a high level in the gable to mitigate the potential for any overlooking.

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 and will comply with Policies 16, PMD5, HD3 of the development plan.

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 Bothwell Court. The Roads Planning Service have suggested improvements can be made to the parking layout to make the spaces more usable. They have suggested a condition be added requiring further details of the parking area to be submitted and approved prior to development commencing.

Roads Planning Service are satisfied that no road safety issues will arise as a result of the development and that any additional parking that may be required for the dwellings can be accommodated on the neighbouring street network.

During consideration of the application at the June meeting of the PBS Committee, RPS advised that the road serving the garages at Bothwell Court is adopted as a public road to its extremity at the east end where it joins with an adopted footpath. This path links with another adopted road known as Wallace Court. At present, the road

adjacent to the existing garages is a shared surface road for its whole width in that vehicles are able to drive on it and pedestrians use it as a connecting route. It is acknowledged in objections that the eastern end of the road is currently used as a drop-off for disabled access to properties and occasionally for access for emergency services. Alternative pedestrian routes are restricted by the presence of steps. Third parties are concerned that the current proposal will prevent vehicular access to the eastern end of the road.

RPS have advised that a redetermination of right of passage order would be required for the existing road if, following redevelopment of the site, vehicular access would not be available. In light of concerns raised by objectors to this planning application, objections could also be submitted in relation to the right of passage order application.

RPS recommend that the area shown in pink on the Proposed Site Plan should be retained as a shared surface public road. This area needs to change so that it appears as a pedestrian dominant community space which discourages vehicle movement, but does not preclude it. A detailed design for this area is required. This can be covered by condition and applicant informative.

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, however the CLO has confirmed that this can be secured via planning condition.

Waste

Policy 12 of NPF4 requires residential development proposals to provide information on the storage and management of waste. The proposed site plan shows two discreet areas for bin storage on the site. This will provide ample storage for waste on site.

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 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 open market housing.

CONCLUSION

Subject to compliance with the schedule of conditions and informatives, 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 is 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. No development shall commence until a scheme of details has first been submitted to and approved in writing by the Planning Authority showing precise details of the proposed parking area and shared surface community space (shown hatched pink on the approved site plan). Thereafter the parking area and shared surface community space shall be constructed as per the approved scheme of details and be fully implemented prior to the occupation of the first dwellinghouse hereby approved, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the parking area and community space is formed to an appropriate standard.

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

Informatives

1. The north-eastern and south-western parking bays should be 3m wide, with the north-western and south-eastern bays being 2.5m wide. This will allow for the parking bays to be more easily used by people with mobility issues.
2. In relation to Condition 4 above, the shared surface community space shall be retained as a shared surface public road. This area should appear as a pedestrian dominant community space which discourages vehicle movement, but does not preclude it.

DRAWING NUMBERS

Plan Ref

Location Plan
21045 - HUSK - PL - DR - 01 - A - 0005 - P01
21045 - HUSK - DR - EX - 01 - A - 2000 - P01
21045 - HUSK - EX - DR - 01 - A - 0005 - P01
21045 - HUSK - PL - DR - 01 - A - 0003 - P01
21045 - HUSK - PL - DR - 01 - A - 0300 - P05
21045 - HUSK - PL - DR - 01 - A - 1001 - P01
21043 - EARCH - PL - XX - DR - A - 0851 - P01
21043 - EARCH - PL - XX - DR - A - 0850 - P01
21045 - HUSK - PL - DR - 01 - A - 0501-P06

Plan Type

Location Plan
Location Plan
Topographical Survey
Existing Site Plan
Existing Elevations
Proposed Elevations
Proposed Boundary Plan
Daylight Assessment Existing
Daylight Assessment Proposed
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.

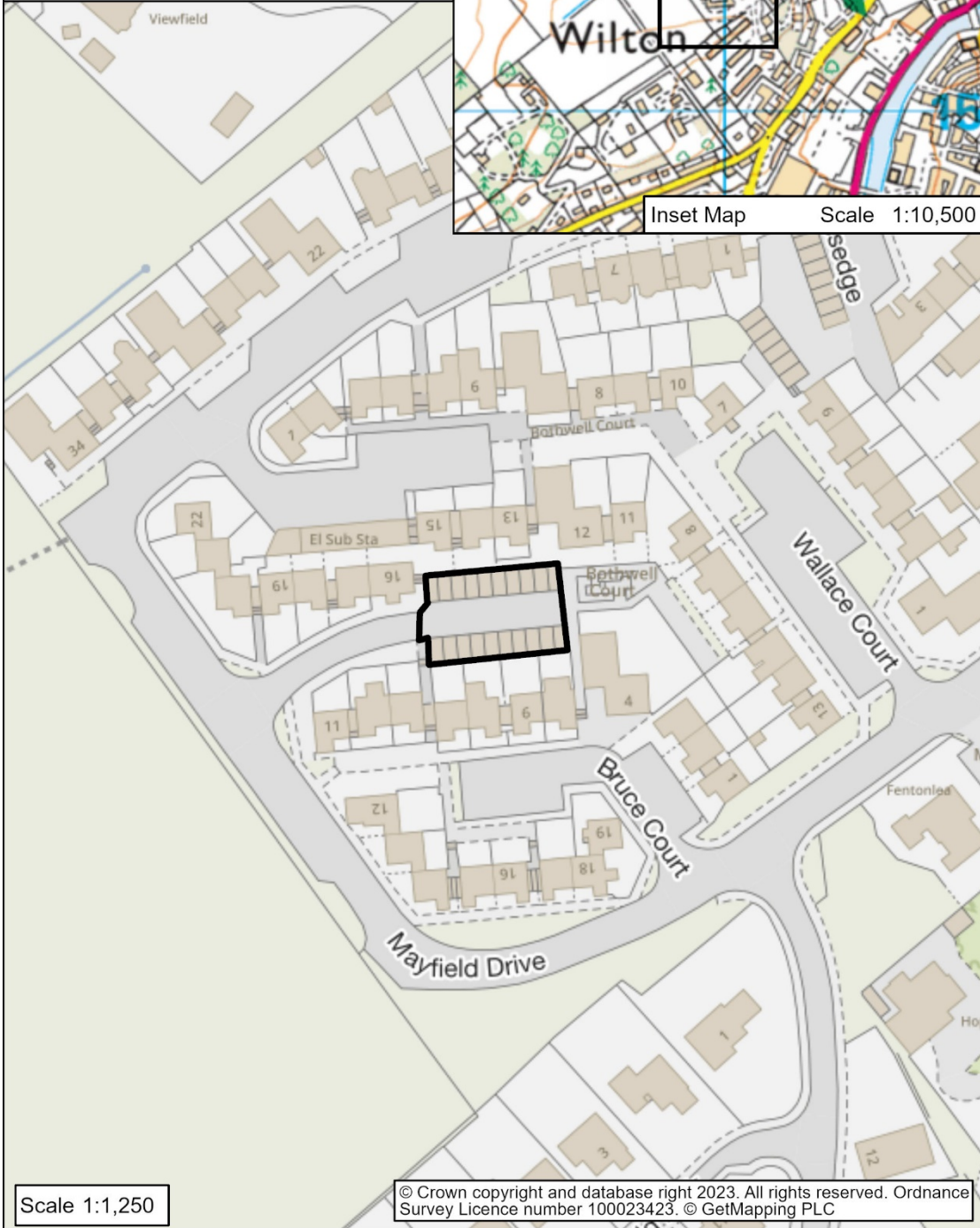
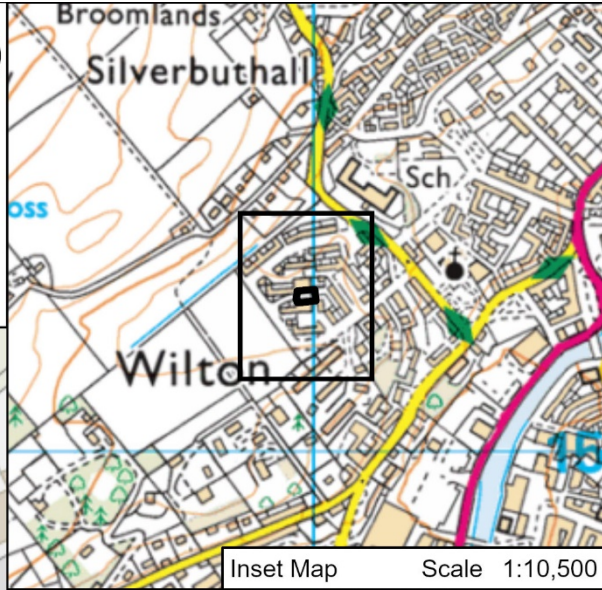
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23/00479/FUL

Bothwell Court Hawick



Scale 1:1,250