

Case reference	NA-SBD-051
Application details	Change of use from function hall to form 2 residential flats
Site address	Orrock Hall, Orrock Place, Hawick
Applicant	D & R Murray Ltd
Determining Authority	Scottish Borders Council (SBC)
Local Authority Area	
Reason(s) for notification	Category 2 (objection by SEPA)
Representations	Nil
Date notified to Ministers	17 October 2016
Date of recommendation	3 November 2016
Decision / recommendation	Clear

Description of Proposal and Site:

- The proposal seeks the change of use and alterations to form two residential flats at ground floor level for a C-listed building in Orrock Place, Hawick immediately adjacent to the Albert Bridge and River Teviot.
- Originally built as the Orrock Place United Presbyterian Church in 1874, it was converted into halls in 1951. The 2 storey and basement sandstone building has been in commercial use since 1990 as a shop and more recently as a function room (ground floor), café (basement) and flat (first floor). The café and function room have now closed. It is also situated within Hawick Conservation Area.

EIA Development:

- The Council (SBC) screened the application upon receipt and an EIA was not required.

Consultations and Representations:

- SEPA object to this planning application on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP). They highlight that the site is at flood risk from a flood event with a return period of 1 in 200 years – that is a 0.5% annual risk of a flood occurring in any year and considered a medium to high risk. Given the location of the property, within the functional floodplain and that it involves a change of use to residential accommodation, SEPA do not consider that the proposal meets the requirements of SPP.
- The Council's Flood Protection Officer has no objections to the finished floor levels of the proposal. However, they are of the view that safe access and egress cannot be provided

in the event of a 1:200 year flood event. They also note that the Hawick Flood Prevention Scheme is not due for completion until 2021/22 and will only protect to a 1 in 75 year flood event.

- Following notification, the Scottish Government's Flooding Policy Team were consulted and consider that the proposal represents a change in use rather than new development. They highlight there were no objections from consultees to the proposed floor levels but ongoing comments about safe access. They note that evacuation procedures have been identified and in the future protection will be offered by the Hawick flood protection scheme, which is identified within the local flood risk plan. They consider a precedent appears to have been provided through the development of other properties in Hawick town centre. This as an issue for appropriate local consideration and do not recommend that the application is called in on flood risk grounds.
- Transport Scotland had originally recommended a condition be imposed to ensure adequate parking provision. Following notification, they confirmed that the Council's omission to impose a condition covering this aspect would not be detrimental to the national interest and they do not have any outstanding concern.

Assessment:

1. The Council are minded to grant planning permission for this proposal against the advice of their Flood Protection Officer and SEPA. The application has been notified as a result of SEPA's objection.
2. SEPA objected to the proposal on flood risk grounds. While the agreed flatted property finished floor levels are satisfactory and above the predicted 1 in 200-year flood level, SEPA are not satisfied that safe access and egress could be provided in the event of a flood which, in their view, increases the vulnerability of the residents.
3. The Council's Flood Protection Officer is also not satisfied that safe access and egress could be adequately provided in the event of a 1 in 200 year flood.
4. The Council's committee report considers that the information provided indicates that the proposal would not be at risk of flooding and the development would not increase flood risk elsewhere, but that safe access and egress would be potentially difficult to achieve during 1 to 200 year flood event. The Council consider the centre of Hawick is at risk from flooding, while this should not be underestimated, they consider that to refuse the application would blight a prominent listed building which has been vacant for some time and where the only realistic future use of the property is for residential. This would also limit the scope of use of land and buildings in Hawick town centre.
5. The report also sets out that the Council has recently granted planning permission for change of use to residential for a number of other town centre properties with similar flooding and heritage issues where SEPA had objected.
6. The proposal has been assessed in light of the flood risk issues, development plan, material considerations and SPP. In light of the above, and the comments received by the Scottish Government's Flooding Policy Team, it is considered that this application raises no issues of national importance that would warrant intervention by Scottish Ministers.

Decision/Recommendation:

- Clear the application back to Scottish Borders Council to issue consent.