

From:Clarke, Carlos
Sent:14 Jun 2022 13:35:56 +0100
To:Ross Martin
Cc:PJ Lewis;Hayward, John
Subject:RE: [OFFICIAL] RE: Application Ref: 21/01618/FUL - Erection of dwellinghouse, Land South West of Castleside Cottage, Ashkirk, Selkirk

Ross

My responses are in red below, for ease of reference against your comments.

Regards,

Carlos Clarke

Team Leader

Development Management

Regulatory Services

Scottish Borders Council

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From: Ross Martin <rmarchitecture4@gmail.com>
Sent: 13 June 2022 16:22
To: Clarke, Carlos <CGClarke@scotborders.gov.uk>
Cc: PJ Lewis [REDACTED] Hayward, John <JHayward1@scotborders.gov.uk>
Subject: Re: [OFFICIAL] RE: Application Ref: 21/01618/FUL - Erection of dwellinghouse, Land South West of Castleside Cottage, Ashkirk, Selkirk

CAUTION: External Email

Dear Carlos,

I refer to the above noted application and previous correspondence. I have now been able to discuss the matter in more detail with the applicant and, responding to your email of 09/06/22, we wish to **set out why we consider the application should be decided by yourself now.**

Situation prior to you assuming the planning lead

The adaptation of the proposal, including the re-orientation of the building is entirely in response to comments on the initial design proposals by Brett and the consultees, exclusively the Roads and Flood Risk Department. Generally there were very few responses to consultation as you might expect given the applicant owns all of the adjacent buildings and land for some distance. It included Brett telling us by way of a telephone discussion on 10/02/22 that while he had concerns with the road facing elevation, we could do 'what we liked' with the elevations which didn't face the road.

So the adjustments, including re-orientation, have been entirely in response to, and to deal with, that advice and requirements. I don't imagine you want to penalise us for responding to consultation, which insisting on a new application would do.

- Brett Taylor asked for you to respond to flooding and roads consultees, neither of whom asked for the building to be re-orientated.
- Brett Taylor did not ask for the building to be re-orientated either. He advised in his email of 4th February "*I would be looking for a more traditional window fenestration on the front elevation with a change in the materials to render/stone with a natural slate roof*".
- Your response has been to re-orientate the building, move it closer to the existing cottage, and extend the site boundary several metres towards and behind the existing cottage. You stated in your email of 4th April "*we have elected to re-orientate the proposed house so the gable end faces the public road*". Based on the recorded correspondence, the decision to change the site boundary and move and re-orientate the house was your decision, not a request by Brett Taylor
- I note too that, simply re-orientating the building did not address the fenestration issue – the fact the front elevation is now called the side elevation, despite this being clearly visible from the road and fronting the garden, does not address the

fenestration issue. If Brett Taylor only had concerns with the fenestration to the front initially, it was because he considered the gable elevations to be of secondary importance in that context. The fact you have now turned the building, does not actually address the issue of the suitability of the fenestration now being exposed to public view on those "side" elevations.

The two external responses have been dealt with to their satisfaction:

- Paul Grigor from the Roads Department has advised me that is now happy with the amended proposals for the means of access and vehicular turning and has removed his objection. I understand that Paul had already conveyed this to Brett in writing but this had not been uploaded to the Planning Portal as yet.
- As noted in my email of 09/06/22, Ian Chalmers from the Infrastructure & Environment Department has confirmed to me he is now content following a correction in drawings confirming the proposed finished floor level. I understand he will formally confirm that to you shortly.

So the only remaining issue raised by Brett was the finish of the elevation facing the road. In response, we have adapted this to echo the finish of previously approved buildings in the group.

I also explained to Brett that should he be minded to refuse the application even after the revision to the finish, my client would refer it to the Review Committee.

You consider the only issue is the "finish of the elevation facing the road". However, your response did not directly address his initial comments satisfactorily by simply re-orientating the building as he advised in his email of 5th May, in which he maintained his request for a slate roof and render/stone for the walls, and that the window fenestration should be more traditional in proportions to reflect neighbouring properties.

In sum, prior to you assuming the planning lead, bar formal notification **the consultation process was complete and the application was ready to move to a decision.**

That is quite evidently not the case given Brett Taylor's email of 5th May. He was the case officer at the time, and I discussed the application with him (as I did with all his caseload at regular intervals). However, I had not 'assumed' the lead on the application at that time and, until he left the Council, have had no direct involvement in its handling.

Situation post you assuming the planning lead

First we should make clear that we respect entirely your right to differ from your predecessor so long as we are not unreasonably penalised.

You have decided to take a different approach:

- You raised a concern with regard to potential privacy and daylighting issues as a result of the re-orientation of the proposed house. In response to this I have attached a copy of our assessment which demonstrates compliance with the relevant supplementary planning guidance. **I did not raise this matter. Brett Taylor did in his email of 5th May. I discussed the application with him prior to his email, but his advice to you was from him to you as case officer.**
- You insist on a rendered finish with a slate roof and therefore should we proceed with the application as it currently is made, you are minded to refuse it. This is the same situation as with Brett and my client's response is the same: refuse and move to the Review Committee. **I concur with Brett Taylor on the matter. Your response to external materials does not adequately account for the predominance of slate (all buildings here are slate roofed); stone and render (all are so finished, with timber being a minor element overall). Instead you propose fibre cement sheeting for virtually the entire building, despite there being no visual context to support it. The fact the applicant is seeking to achieve an agricultural aesthetic is appreciated but, as I stated in our phone call following Brett Taylor's departure, I disagree with that approach, as did Brett Taylor, as it does not relate to the sense of place and character of the existing building group. The choice of materials, combined with the fenestration of the publicly visible elevations of your proposal, are not sympathetic to the context.**

You have intimated that the re-orientation of the house would require a fresh application, despite it being a positive response to consultees' comments. We are very concerned that since the application process has been completed i.e. all issues either have been addressed or will not reach agreement, there is nothing to gain by withdrawing the present application & submitting a new application. It would simply delay the same planning outcome. We have now prepared and submitted all of the information you require to determine this application now. Not to do so would unreasonably be to the detriment of my client since it would serve no purpose at all and involve my client in pointless cost and all consultees in nugatory work.

As I say, you chose to extend the site boundary, move and re-orientate the house closer to the adjacent house. This level of amendment involves renotification of neighbours, and a fresh examination of the proposal from our perspective. That should be via a fresh planning application. I now note (and only now am aware of this having now reviewed the file in detail), that the applicant owns the neighbouring property (albeit we notified this property as a 'neighbour'). I understand too the applicant owns all other properties here. That being the case, and for that reason alone, I will proceed to have the application determined as is. I do not consider the outcome will be positive on design grounds, however.

I would add that I have not reviewed your amenity information in detail, but I would flag up initially:

- Your shadow plans have no date. Please confirm these are for March 21 or resubmit for that date.
- I assume the one window you have shown to the rear of the cottage is the only habitable window on that elevation and there are no others
- You have indicated a 45 degree vertical line from the facing south elevation windows of the cottage at cill level. However, as the proposal is directly facing these windows, the line is a 25 degree requirement, taken from the centre point. If this is breached, then both daylight and sunlight are at material risk of being undermined for the room lit by those windows.

So we invite you to reconsider your position and take the pragmatic approach of determining the present application on the basis of the amended design proposals in the knowledge that all other aspects having been suitably addressed, my client is prepared for your refusal on the grounds of finish.

I will approach the matter pragmatically given the ownership of the adjacent properties and proceed to determine the application, based on design concerns and material specifications. I will, however, require your response to the amenity matters noted above and will confirm an intended determination date following receipt of this information. Nonetheless, I would recommend again that the applicant reconsider the design and material specifications for this proposal, with a view to responding pragmatically to our request so the outcome can be a positive one.

Trusting you will find this to be in order and look forward to hearing back from you at your next convenience.

Kind regards

Ross

On Thu, Jun 9, 2022 at 11:05 AM Clarke, Carlos <CGClarke@scotborders.gov.uk> wrote:

Ross

Notwithstanding your direct consultation with Ian, as I have previously advised, this application will not be progressed based on your revised siting and layout. I can only progress assessment of your revised proposal via a fresh planning application, during which this service will carry out any necessary consultations.

Regards,

Carlos Clarke

Team Leader

Development Management

Regulatory Services

Scottish Borders Council

Tel: 01835 826735

Email: cgclarke@scotborders.gov.uk

From: Ross Martin <rmarchitecture4@gmail.com>

Sent: 09 June 2022 10:51

To: Chalmers, Ian <lan.Chalmers@scotborders.gov.uk>

Cc: Clarke, Carlos <CGClarke@scotborders.gov.uk>; PJ Lewis [REDACTED]

Subject: Application Ref: 21/01618/FUL - Erection of dwellinghouse, Land South West of Castleside Cottage, Ashkirk, Selkirk

CAUTION: External Email

Dear Ian,

Further to our telephone conversation of 07/06/22 I have attached a copy of the updated site plan & contextual elevation that you were able to view on the planning portal. These were amended in response to the initial comments made by your colleague Raphaela Diesel on 22/12/21. I have

extracted the following excerpt from my response email to Brett Taylor dated 04/04/22 which accompanied the amended site plan & contextual elevation, but as discussed, did not seem to have reached your colleague:-

Floods Risk Consultation

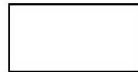
The flood level indicated on our initial submission drawing was noted as indicative and reflected the advice that formed the basis of the approval (ref: 11/00213/FUL) for the conversion of the existing steading buildings to residential use. This was noted on the site flood sections and levels drawing dated 04/05/11 which confirmed the flood level to be 185.454. Our initial submission had indicated that the minimum proposed floor level would be at least 186.054, by allowing for an additional 0.6m freeboard on this level. However, I can confirm that the levels have been checked within the application site which is elevated sufficiently to achieve the 183.600 or 400mm above the existing roads level desired.

Trusting that on the basis of our discussions you were happy that the desired floor level had now been achieved, the attached information will now allow you to respond favourably to the incoming Planning Case Officer Carlos Clarke. I would also be grateful if you could advise me when this consultation has taken place and when the response is available to view on the planning portal.

--

Kind Regards

Ross Martin



Bloomfield

Heatherlie Park

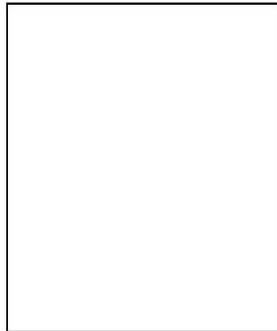
Selkirk

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Winner - Individual House or Small Development of the Year

Finalist - Property Team of the Year



Finalist - Small Private Development of the Year

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Kind Regards

Ross Martin



Bloomfield

Heatherlie Park

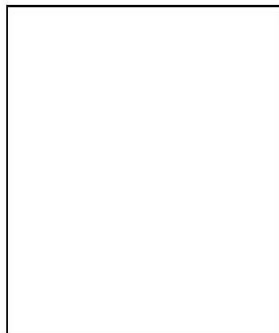
Selkirk

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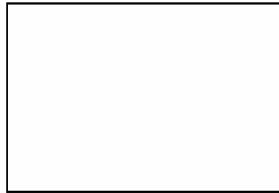
07745 379257

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