

E-MAIL TRAIL FOR PLANNING APPLICATION: 23/00262/FUL

Email 001 – 12th April 2023

Hi James

I write with reference to the above application to advise of the outcome of its assessment and must advise that the application cannot be supported. The primary reasons for this are as follows:

- The principle of conversion has not been established as no structural survey has been submitted.
- The scale of extension proposed remains wholly excessive and cannot be supported. The Council's guidance on rural housing conversions can be found [here](#).
- The requested further information in relation to turbine noise emissions has not been provided therefore the application cannot be supported in terms of residential amenity impacts.
- No ecological information has been submitted so the proposals are contrary to relevant planning policies for ecology and biodiversity.

Accordingly, it will not be possible to support this application and I will therefore be moving forward with its refusal.

Please do not hesitate to contact me should you wish to discuss this matter.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 002 – 12th April 2023

Hi Paul

Thank you for your email dated 11th April 2023.

Please see below my responses to your points:

a) The principle of conversion has not been established as no structural survey has been submitted.

The Structural Survey of the existing building has been undertaken, so I will chase this.

b) The requested further information in relation to turbine noise emissions has not been provided therefore the application cannot be supported in terms of residential amenity impacts.

Maden Eco are currently preparing a report to detail and address the concerns of the environmental health officer regarding the Wind Turbine, I will forward this when available,

c) No ecological information has been submitted so the proposals are contrary to relevant planning policies for ecology and biodiversity.

Falco Ecology have been to site and are in the process of completing the Ecology Report, so again, I will chase this.

Can we therefore agree an extension of time to allow these reports to be submitted?

This leaves the issue, that you consider that the proposed scale of the extension remains excessive, I'm obviously disappointed at this stance, as clearly the existing building, which has a ground footprint of 46.8M², is obviously deemed too small to accommodate a successful modern day dwelling house, hence the requirement of an extension. The current planning application details; Internally, the area of the existing derelict building at 32.71M², whilst the proposed ground floor area including the existing building is 98.93M² with the first floor measuring 61.93M², this gives a total internal footprint for the proposed dwelling of 128.15M², which is commensurate with a moderate sized dwellings in the local area.

The proposed extension has been reduced in size by 30M² from the previous submission, in addition, the massing has also been reduced, by designing the proposed dwelling as 1 1/2 storey, as opposed to a full two storey in the previous submission, also the current submission, fully integrates the existing building into the proposed dwelling, this coupled with a more traditional appearance and the removal of the outbuildings from the previous proposal. This is also an opportunity to demonstrate fully sustainable, low carbon, off-grid living in the Scottish Borders, which should be supported.

I was therefore hopeful that the design would have been considered favourable.

Turning to the Scottish Borders Council's guidance on rural housing conversions, which you point is relative in your decision making process. The relevant paragraphs in the guide, relating to Conversions appear to be under the following, of which, I have detailed alongside my responses in bold print against the points stipulated in the guide.

2.a. Conversion of Existing Buildings and Rebuilding on Existing Sites

Rehabilitation of any available existing buildings should be considered as an alternative to new development and the Scottish Borders Council will look sympathetically at proposals for the sensitive reuse, conversion or rehabilitation of traditional buildings. There is, however, no automatic presumption in favour of redevelopment or replacement of derelict or dilapidated buildings in the countryside, particularly where the proposed housing is of a different scale and character to that which had existed previously.

2.a.1 Conversions In assessing proposals for the conversion of agricultural and other non-residential buildings to residential use, and in addition to policy D2 in the Local Plan, the following criteria will be applied:

- 1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm; **Blue House is a redundant farm building, fully detached from the adjoining farm, the building is surplus to requirements and has been sold by the landowner to the applicant.***
- 2. Satisfactory access and other road requirements; **The access to the site is directly from an unclassified road, SBC Road Department has raised no concern regarding access.***
- 3. Satisfactory public or private water supply and drainage facilities; **The potable water supply to the dwelling will be via a private borehole, constructed by the applicant, whilst the drainage will be private via a sewage treatment plant.***
- 4. The building is structurally sound, in a reasonable state of repair, and capable of conversion without substantial rebuilding. A Structural Survey will be required where it appears that a building may not be capable of conversion. If it is incapable of conversion, any replacement building should reflect the form and character of the original structure. Significant alterations will only be permitted where it 8 New Housing in the Borders Countryside can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design; **A structural survey of the existing building has been undertaken, this will be submitted to SBC as soon as available.***
- 5. The building can be converted without alterations to its external appearance which would detract from its character and attractiveness; **The design has sought to preserve the existing building and bring back into meaningful use, as opposed to the building eventually collapsing and being lost forever.***
- 6. The building makes a positive contribution to the landscape and has no adverse effect on countryside amenity or nature conservation; **The proposed conversion will demonstrate low carbon, sustainable, off-grid living in the Scottish Borders, whilst providing a comfortable family home for the applicant and his family. There is also a desire for the applicants family to live in a sustainable, self sufficient manner, which in itself will provide an element of nature conservation. In short, this is a lifestyle the family are extremely keen to adopt and has previously been well supported by the Scottish Government.***
- 7. No adverse impact on ancient monuments or archaeological sites; **There is no known impacts on any ancient monuments or archaeological sites.***

8. Appropriate siting, design and materials in accordance with the relevant Local Plan policies. The siting of the dwelling is established by the existing position of the derelict building, whilst the construction materials selected are predominantly traditional, however, the design, although we were of the opinion that this met the overall criteria, appears to be a significant issue.

Where existing agricultural buildings are being lost to agricultural use, the applicant will be required to give information on any consequent need and proposals for siting new agricultural buildings to replace those which are redundant.

Such buildings should not conflict with the residential use of the redundant buildings. (Refer to Appendix 2 for further advice on Farm Steading Conversions).

Similarly, if existing agricultural uses are to be retained in buildings adjacent to or close to the proposed residential uses, consent will not normally be granted unless assurance can be given that conflict or nuisance will not occur

In conclusion and as earlier outlined, I don't feel the dwelling presented in the current submission is "wholly excessive", however, this is of course, contrary to your own opinion.

Can you therefore clarify the hypothetical question of; in the circumstance that points a,b & c (above) are all satisfactorily addressed, would Scottish Borders Council support the proposed residential conversion and extension of Blue House? I ask this, only because, it is futile trying to present a design, which in any event will not be considered acceptable.

If the response is in the affirmative and the proposed internal footprint of 128.15M2 cannot be supported, what size of extension would be deemed acceptable, in rough percentage terms?

In terms of height, the current submission details 1 1/2 Storey, do you consider the overall height to be an issue that requires further consideration?

In the design process, I sought to fully consider the reasons for refusal in the previous submission, insofar as the design is now more compact, with reduced height and massing, whilst adopting a more traditional design and significantly reducing the scope of the entire previous submission. It is therefore difficult to interpretate and adopt a design style that would be considered acceptable to SBC, if indeed one exists.

Sorry, for the rambling long email, but I'm trying to find a way forward for my clients and would value any guidance or pointers you may be able to provide.

Kind regards

James

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Email 003 – 18th April 2023

Hi James

Thank you for your email and response to my comments.

I note that a number of further reports are in preparation and also note your comments in relation to design however I am also mindful that the target date for the application is Friday.

I would therefore suggest that the current application be treated as withdrawn. A new application could be submitted at a later date once the reports were ready for submission. This would allow for further discussion outwith the planning application process in relation to design. Putting aside the question of whether the building is capable of conversion to a dwellinghouse (e.g. structurally), it may be that the scale of accommodation your client seeks is incompatible with what could be supported. However it would still be useful to explore these matters through discussion and resolve as many of the issues as is possible.

There would be no fee for resubmission within 12 months of the making of the current application if it is treated as withdrawn.

I look forward to hearing from you.

Kind regards

Paul

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Email 004 – 19th April 2023

Good morning Paul

Is it possible that we can agree an extension of time of four weeks, to enable the submission of the requested reports, regarding: 1) Structure 2) Turbine Noise Appraisal 3) Ecology.

In speaking to the specialist consultants, I'm clear the requested reports will positively support the proposed development.

If possible, I want to avoid sending the applicant's back to the start of the process again, as a withdrawal and free resubmission would be time consuming not only for the applicants, but the planning administration of Scottish Borders Council, also the Council would also have bear the cost of a full re-consultation and notification, when this has already been undertaken and is valid.

Regarding the design of the proposed extension and conversion, I don't feel the question outlined in my email, dated 12th April, has been answered, insofar as you seem unwilling or unable to indicate an acceptable scale of accommodation that you could support, consequently, I don't have a starting point or benchmark that I can assess the viability of the project for the applicants. If the scale of the extension and conversion is ultimately stipulated to be so small that modern day habitable accommodation cannot be achieved, then any attempt to find a design compromise will be futile.

In my opinion, there are merits in redeveloping the current site with a highly insulated, off-grid, sustainable dwelling, whilst providing quality accommodation for a local family, however, we seem at loggerheads in trying to agree and achieve a form of design that is acceptable to all parties.

I look forward to your response in due course.

Kind regards

James

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Email 005 – 25th April 2023

Good afternoon James,

Thank you for your email.

I remain of the view that it would be most appropriate for the application to be withdrawn to allow further discussions outwith the planning process, particularly given the structural survey was first requested on 22 February.

However, if you are not prepared to do so, a 4 week extension can be provided to give further time to respond to the issues raised previously and reiterated below:

1. The principle of conversion had not been established as no structural survey had been submitted [as requested on 22 February]
2. The scale of extension proposed remained wholly excessive and could not be supported.
3. The requested further information in relation to turbine noise emissions had not been provided therefore the application could not be supported in terms of residential amenity impacts [as requested 1 March]
4. No ecological information had been submitted so the proposals are contrary to relevant planning policies for ecology and biodiversity.

Please note that addressing points 1, 3 and 4 without addressing point 2 satisfactorily will still result in the refusal of the application. I note the green energy objectives of the proposals, whilst positive features of the proposals they would not overcome the fundamental issues of principle, scale and amenity raised above.

In relation to point 2, LDP policy HD2-C states that the conversion and any proposed extension or alteration should be in keeping with the scale and architectural character of the existing building. The New Housing in the Countryside SPG – to which I have previously referred - provides further guidance and is very clear on our requirements for the rural housing conversions particularly at Appendix 2 (Farm Steading Conversions Advice Note). This notes on Page 39 that the guidance also applies to derelict cottages etc. Page 42 provides the following:

Generally speaking, conversion of buildings should only normally be acceptable without recourse to significant extension. Remember, the underlying principle is that the justification for conversion in the first place is that the building is deemed to be worthy and capable of conversion, rather than that the Council is allowing residential development in a location where it would not ordinarily be acceptable. Extensions ancillary to conversion schemes will only be accepted where it can be demonstrated that it is necessary to secure the restoration of the existing building, without adversely affecting its character. They should be subordinate in scale and should also relate to the character of the farmstead group. This is especially the case where the existing building(s) are listed. Extensions after conversion will be discouraged and removal of permitted development rights for later extensions should be considered. Where acceptable extension or alteration is proposed to the steading, it is preferable if these are accommodated on 'private' elevations.

Taking into account the guidance in the SPG document, and subject to the addressing of points 1, 2 and 4 above, I would be able to support a single storey extension to the north gable of the existing building of half the frontage width of the existing building, provided it is clearly subordinate in ridge height. The extension would likely need to have a narrower gable width to the host dwelling and a matching (pitched) roof pitch. As noted previously, this may be incompatible with your client's objectives however our policies and guidance restrict what can be allowed.

I have set out a PPA below to give you the requested four week extension (from today's date) to submit the outstanding reports and respond to the concerns raised in relation to scale/ design.

If the reports are not received within the four week extension period the application will proceed to refusal.

PLANNING PROCESSING AGREEMENT

This processing agreement aims to identify the key milestones in the planning application process and sets out the information required to process the application. This processing agreement is not legally binding and can be altered with each party's agreement.

Decision

Subject to the achievement of the timetable set out in this document, the application will be determined by the date set out in the schedule of actions

AGREED ACTIONS

Action	Who/when
1 Amended plans	Applicant by Wednesday 24 May
2 Consultation of EHO	SBC by Friday 30 June
2 Determination by SBC.	SBC by Friday 28 July

Please note our pre-application advice service has been in operation since the turn of the year should you wish to use it in the future.

Kind regards

Paul

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Email 006 – 27th April 2023

Good afternoon Paul

Thank you for your response, I have spoken with the applicants and they want to continue the application on the basis of submitting the 3No required surveys by the 24th May 2023.

In regard to the indication that you would be able to support a subservient extension of half the width of the existing building, with the extension being narrower than the existing gable width.

I have attached a draft plan showing the footprint and the elevations, representing the acceptable dimensions you indicate, this provides an extension with an internal footprint of 17.59M2 together with the footprint of the existing

building of 28.89M2, when allowing for framing and insulation, therefore, the total ground floor footprint would be only 46.48M2.

I considered the utilising the first floor roofspace for residential use, however, this is limited in height and affords only a useable floor area of 1.4M wide x the length of the building, therefore unsuitable for any conversion to accommodation.

The ground floor usable footprint is therefore extremely limited and is not compatible with the family size of accommodation that my client's are seeking.

I fully understand that the current policies and guidance restrict what can be allowed, however, are there any other mechanisms, that you may be aware of, that could possibly support the proposal, such as the sustainability and off-grid factors.

I trust you understand the predicament and would welcome any constructive suggestions.

Kind regards

James

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Email 007 – 4th May 2023

Hi James

Thanks for your email and apologies for the slight delay in responding.

I certainly appreciate the issue here, which does not come as a surprise. The existing building is very modest in scale. Ultimately the size of an existing building determines the scale of what can be achieved through its conversion. The purpose of planning policies and guidance in relation to conversions is to support their appropriate and sensitive conversion, retaining their character and interest. This does allow for modest extension/s but these must be subordinate and must not affect the character of the existing building. This inevitably restricts the scale of dwellinghouse that can be achieved. As I have therefore advised previously, your client's objectives may therefore be incompatible with what can be achieved at this property. Factors such as sustainability benefits etc. do not overcome such matters of principle and I am not aware of any other mechanism by which your client could address these matters without conflicting with policies and guidance.

Nevertheless, I do believe the existing building is capable of conversion to a small studio dwellinghouse or holiday let.

Kind regards

Paul

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Email 008 – 15th May 2023

Hi Paul

I met with Graeme and Jane, the applicants, late last week, when we had a long discussion regarding the proposal. Clearly, their wish is to construct a dwelling which is not only suitable as a family home, but to be sustainable, low carbon and wholly off-grid, an approach which they feel should be fully supported in the current climate, in line and in context with the low carbon and sustainability aspirations set out by the Scottish Government. However, they also understand the restrictions set out in the various planning policies enforced by Scottish Borders Council, which appear to give no weight to this type of proposal.

The limited size of a dwelling following the SBC guidelines, as set out in drawing A109, previously supplied, shows how restrictive a small studio dwellinghouse would be, with the second option of a holiday let being somewhat confusing, as the applicant's understand there is SBC advice in force to restrict the construction of holiday units at this time.

One of the issues the applicants have also raised is the policy directive of; ***CONVERSIONS OF BUILDING TO A HOUSE -c) The conversion and any proposed extension or alteration is in keeping with the Scale and Architectural Character of the existing building'*** The applicant's feel they have moved to retain the architectural character of the existing building, by fully incorporating this into the revised design, as opposed to it being ancillary in the previous application, therefore, the existing building will be prominent in the design and will demonstrate its architectural character regardless of scale.

Would it be possible, now that we are fully through the Covid issues, to arrange a site meeting with you, the applicants and myself, so the applicants can outline their proposal and physically demonstrate the limited size of the permitted conversion and extension allowed under the outlined policies.

Kind regards

James

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Email 009 – 22nd May 2023

Good morning Paul

Are you able to respond to my last email, in regard to arranging a site meeting.

The applicant's feel this will definitely help them to understand current policy and provide an opportunity present their proposal.

Kind regards

James

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Email 010 – 23rd May 2023

Hi James

As you are aware, I am awaiting further information on this application, including a structural survey first requested on 22 February.

We have a PPA in place that allows you to provide this information on or before 24 May. Can you advise whether that timescale will be met?

Given the principle of conversion is still to be established, any suggestion of a site meeting would appear to be premature at best. It is also not clear to me what the practical benefit of such a meeting could be.

That said, if you are convinced it would be useful to your client, I will not decline a meeting if the principle of conversion is established.

Kind regards

Paul

Paul Duncan
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Tel: 01835 82 5558

Email 011 – 26th May 2023

Hi James

Further information in the form of a structural survey was first requested on 22 February. Other information was requested shortly thereafter. It is now three months on and this information is still to be received, despite the four week extension of time that was requested and agreed. Please can you give me some indication as to when this information will be provided? If the requested information is not forthcoming I will have no choice but to refuse the application on the various grounds referred to previously.

Kind regards

Paul

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Email 012 – 5th June 2023

Hi James

I am still awaiting a response to my email below. Please can you advise how you wish to progress this application?

Kind regards

Paul

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Email 013 – 12th June 2023

Hi James

Can you confirm what's happening with this application?

Kind regards

Paul

Paul Duncan
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Scottish Borders Council
Tel: 01835 82 5558

Email 014 – 13th July 2023

Good afternoon Paul

Sorry for the delay, however, please find attached the following documentation in respect of my client's proposal to refurbish and extend Blue House, Reston, TD14 5LN.

- 1) Ecology Report
- 2) Structural Engineers Condition Report
- 3) Appraisal Information for Wind Turbine

Let me know if there is any further information you may want me to provide or feel free to get in touch if there are any aspects you may wish to discuss.

Kind regards

James

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Email 015 – 19th July 2023

Hi James

I have passed the noise information to the EHO to review.

The structural survey will be considered in due course.

As you are aware the design of the development cannot be supported and that aspect of matters remains outstanding.

I have looked at the Executive Summary of the PEA ecological report. Unfortunately the Ecology Officer is on leave and I have not been able to discuss this with them at this time. However the Executive Summary suggests that further bat checking surveys are required in stating “the value to bats will be determined after the completion of the required bat activity survey”

I am not formally requesting this further information as I am not suitably qualified to interpret the report and furthermore, given the proposed development cannot currently be supported, this would not be appropriate. However, I wish to flag this for your early attention and consideration. I suggest you discuss this with your Ecologist as a matter of priority as it may not be possible to carry out this survey work year-round and this may impact timescales if the other outstanding matters can be overcome.

I have provided an updated PPA below – if you could please confirm your agreement to the dates set out this will keep the application live and avoid immediate refusal.

PLANNING PROCESSING AGREEMENT

This processing agreement aims to identify the key milestones in the planning application process and sets out the information required to process the application. This processing agreement is not legally binding and can be altered with each party's agreement.

Decision

Subject to the achievement of the timetable set out in this document, the application will be determined by the date set out in the schedule of actions

AGREED ACTIONS

Action		Who/when
1	Consideration of new information	SBC by end August
2	Further discussions and revisions on design	All by end September
3	Determination by SBC.	End October if all issues addressed adequately

Please do not hesitate to call should you wish to discuss.

Kind regards

Paul

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Email 016 – 20th July 2023

Good morning Paul

Thank you for your response.

Hopefully, the EHO can agree on the noise information supplied, likewise the Structural Engineers condition report can be accepted.

In regard to ecology, the officer requested the following:

The habitats within the site appear suitable for bats, badgers and reptiles, possible also amphibians.

A Preliminary Ecological Assessment should be carried out to determine whether any protected species are using areas within or outside the site boundary which may be impacted by the proposed development.

This has been supplied in accordance with the requirements of the Council's Ecology Officer.

The applicant is aware of their ecologists recommendation to undertake a 'Bat Activity Survey' which is in the process of being arranged, as the applicant is aware this will be essential if 'outstanding matters' can be overcome.

My understanding is that the three items, which were not requested to determine application 21/01982/FUL - Noise Assessment, Structural Condition and Ecology, were the only matters to be addressed in order for you to determine this current planning application.

Clearly the main outstanding point of contention, is that you are unable to support the proposed extension in its current form, for the reasons set out in your earlier correspondence, however, as demonstrated, the maximum

allowable extension that you advised would be acceptable at 17.59M2 achieve a combined internal footprint of 46.48M2 is wholly inadequate to meet the applicant's family's requirements. Although we do agree the principle of constructing an extension is acceptable, we are clearly unable to agree on the physical size of the proposed extension.

Can you therefore move this forward to determination, as it is of course disappointing that we cannot achieve an agreeable form of development, especially, after the proposed development was completely redesigned and reduced in size, in full consideration of the planning refusal for application 21/01982/FUL, however, it appears a pointless exercise in delaying matters further, when there are other avenues the applicant can pursue, if this sustainable, off grid family home is deemed unacceptable.

Kind regards

James

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Email 018 – 20th July 2023

Good morning Paul

Thank you for your call and the constructive discussion.
I am meeting the applicants this afternoon to further discuss option, hopefully, they will be happy to agree the PPA
I will therefore contact you to confirm as soon as I can.

Kind regards

James

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Email 019 – 21st July 2023

Hi James

Are you able to confirm the outcome of your discussion with your clients?

Kind regards

Paul

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Email 020 – 21st July 2023

Good afternoon Paul

I met with my clients yesterday afternoon and had a long discussion regarding the proposal and the possibility of trying to achieve further compromises concerning the scale and massing of the proposed extension.

We compared the original 21/01982/FUL proposal, which as you know was refused on the 4th March 2022, against the much reduced extension and overall scheme that was submitted in respect of the current application: 23/00262/FUL.

My clients feel the compromises set out in the current submission, fully considered all the points raised in the 21/01982/FUL refusal document, in short, by reducing the scope of the proposed development, by removing the proposed detached triple garage and one of the driveways, thereafter, greatly reducing the size of the proposed extension and bringing the retained existing building into the actual building, as opposed to being ancillary in the previous unsuccessful proposal.

In our own earlier discussions, we spoke about the scale and massing of the current proposal, with the difference between the existing roof height and the proposed extension being 1832mm or thereby, which is not what could be considered as excessive, however, to offer a reduction in this height would involve consideration to lowering the floor level in the proposed extension, I discussed this at length with the applicants, however, they have reservations in creating a split level dwelling, as the requirement under Building Standards, is that, any change of level would need to be at least 3 steps, this would cause issues for future disability living, therefore, the preference would be for the dwelling to be retain floor arrangement as per the current proposal.

In conclusion, the applicants are extremely happy with the current proposal and feel any additional design changes would compromise the overall appearance of the development, whereas, currently the original and existing single storey element would be easily distinguishable against the proposed new element and as such will complement one and another.

The applicants are aware that you are unable to support the proposed extension in its current form, even with the sustainable benefits and demonstratable low carbon living and self-sustaining features, however, the applicants do have support in the local community for the current proposal, including local councillors, plus Mr John Lamont MP has expressed his support for this unique, off-grid, sustainable family home and is apparently happy to take this forward on the applicant behalf, if there is an initial planning refusal and a further refusal by the Local Review Panel, therefore, rather than extend the consideration period over the next three months, the applicant would prefer to obtain the determination, sooner rather than later.

In regard to agreeing an achievable PPA, I understand you require a certain timescale to consider the consultant reports on Ecology, Structural Condition and Turbine Noise, before you are in a position to determine the proposal, therefore, could we agree a timescale of 21 days, to consider the reports with a determination timeously thereafter, possibly at total of 28 days - is this achievable?

The applicants are extremely disappointed that we cannot seem to achieve agreement in this matter, as they feel they have resubmitted a planning proposal that not only meets their own minimum requirements, but achieves a development which complements and respects the existing structure whilst wholly blending into the local countryside environment.

Let me know if you wish to discuss any aspect of the proposal, as we are happy to explore any suggestions that may achieve an acceptable compromise.

Kind regards

James

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Email 021 – 26th July 2023

Hi James

Thank you for getting back to me and for setting out your client's position on these matters.

The proposed 28 day extension is appropriate and hereby agreed. Below is a PPA confirming the agreed dates. I wasn't sure if and when you were planning to submit the further surveys mentioned in the ecology report (we would need them) but these dates can be amended if necessary to allow for this.

PLANNING PROCESSING AGREEMENT

This processing agreement aims to identify the key milestones in the planning application process and sets out the information required to process the application. This processing agreement is not legally binding and can be altered with each party's agreement.

Decision

Subject to the achievement of the timetable set out in this document, the application will be determined by the date set out in the schedule of actions

AGREED ACTIONS

Action	Who/when
1 Consideration of recent submissions	SBC for 21 days from Friday 21 July
2 Determination by SBC.	SBC within 28 days of Friday 21 July

Next steps

The position of your client in this matter is acknowledged. As you are aware the planning department must assess the application against policy and guidance and our position is that the proposals currently do not satisfy these, and by some distance. Our recent discussion was constructive and I remain keen to discuss any possible revisions that might allow this application to be supported. Please let me know if you would like to arrange any further discussions or meetings on these matters – if there is any possible way of avoiding the refusal of this application I would be keen to find it.

Please do not hesitate to contact me on the direct dial below to discuss any of the points covered above, or any aspect of this application.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 022 – 26th July 2023

Hi Paul

Thank you for your response.

The additional Ecology Survey cannot be undertaken until 14 days after the first emergence survey, which was carried out last Monday evening, therefore, this is expected to be undertaken within the next seven days, so, as soon as I receive the information from Adrian, the ecologist, I will send this over to you.

In regard the planning proposal itself, as I stated in my earlier email, my clients do feel that they fully and extensively considered the reasons for refusal as given in the 21/01982/FUL previous scheme, and as such, made a large number of adjustments and reductions to the current proposal, prior to submission. They are clear that they want to avoid a split level dwelling and the problems this may have in possible disability living in the future. On reflection, submerging the new extension into the ground by around 1M may be detrimental to the appearance of the established and retained structure on-site, and make the proposed development somewhat disjointed in fenestration terms and alignment, I don't know whether you would concur with this?

I am slightly perplexed by your comment that the proposal does not satisfy the policy and guidance by some distance. I rightly or wrongly understood from our correspondence and discussions, that if the issues of Building Condition, Ecology and Noise Appraisal were satisfactorily addressed, the remaining issue was 'Scale and Massing', consequently, I wasn't aware of any other issue, other than this, that needed to be considered, therefore, is it possible you could outline the additional issues, so I can revert back to my clients in this regard.

I know my clients are happy to explore and consider any suggested revisions that may allow this application to be supported, however, any changes would need to meet their own specific requirements, together with achieving a reasonably expected standard of accommodation.

Clearly, the previous suggestion of an extension of 17.59M² leading to an overall internal footprint of only 46.48M² would not provide the accommodation required for a family home, whilst the suggestion of creating a holiday unit, completely defeats the purpose of the applicant's proposal and aspirations of self-sufficient, off grid, sustainable living.

In our constructive discussions, the main issue we discussed was the difference in roof heights between the ridge of the existing retained structure and the ridge of the proposed extension, which is calculated at 1.832M or 6 feet in

imperial measurement, although this is undoubtedly higher than the existing retained structure, in my opinion, it is not significantly higher, whereby, it would be detrimental to the appearance of the existing retained element. As discussed, it is difficult to try and achieve a height reduction without compromising the accommodation, unless the ground floor footprint was significantly increased.

The pitch of the roof currently proposed, aligns with the existing roof pitch, therefore, in my opinion, any change in roof pitch, as suggested, to the new element, will make the overall appearance of the development somewhat disjointed and mismatched.

I am grateful we have an understanding and willingness to explore options, leading to possible revisions that may ultimately achieve a supported outcome in this application, therefore, both myself and the applicants are happy to consider any further constructive suggestions you may have.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 023 – 28th July 2023

Hi James

Thanks for getting back to me.

There are no further issues with these proposals that have not been raised previously. Please be assured that if there were, you would be advised.

Please let me know if you would like me to arrange any further discussions or meetings.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 024 – 28th July 2023

Hi Paul

Thanks for your response.

Just for clarity, once the Structural Appraisal, Ecology and Noise Assessment are hopefully accepted, is the fundamental issue here, one of scale and massing? if so, then we at least we would know where the main issues lies, certainly in respect of the proposal, when tested against Scottish Borders Council adopted policies.

I know my clients would prefer if we could achieve a level of compromise that would satisfy all parties, therefore, I am more than happy for us to further discuss the proposal. I am, as previously stated, at a loss as to how any further height reductions could be achieved, without compromising the overall design, and whilst it may be possible to achieve some reduction in small increments, it would be almost impossible to try and achieve a reduction of 1.832M without increasing the dwelling footprint, however, I am more than happy to explore any suggestions you may have.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
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Email 025 – 17th August 2023

Good evening James

Further to all previous discussions and correspondence, this application is now being recommended for refusal.

The issues with the proposal have been made clear from the very outset of this application (and indeed the previous application). Based on our discussions it seems clear that your client's aims cannot be met in a way which would align with planning policies leaving no choice but to refuse the application. The additional information (ecology/ structural report/ noise information) you submitted on 13 July in response to my emails of 23 February, 1 March and 11 April have been taken into consideration and covered in my report of handling.

Your client will of course have the right to appeal the refusal of the application as you intimated they would likely do.

The decision notice will be issued in due course along with details of how to appeal the application.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 026 – 24th August 2023

James/ Mr Forsyth

The decision notice cannot be issued until the advertisement fee (£80) is paid. Please could one of you make contact with our Registration Team to make payment. You will need banking details to hand, and to quote the above reference number.

You can call Laura Tait on 01835 82 5586 to do so.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 027 – 24th August 2023

Paul

Paid in full (£80) at 20.06 last night.

Kind regards

Mr Forsyth