



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemsAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100006747-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Camerons		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gavin	Building Name:	
Last Name: *	Yuill	Building Number:	1
Telephone Number: *	01896753077	Address 1 (Street): *	Wilderhaugh
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	United Kingdom
		Postcode: *	TD1 1QJ
Email Address: *	info@camerons.ltd.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Whinbank Farm"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Distington"/>
Company/Organisation	<input type="text" value="Book Developments Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Workington"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="England"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="CA14 4QH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="76 ST ANDREW STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GALASHIELS"/>
Post Code:	<input type="text" value="TD1 1DY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="636085"/>	Easting	<input type="text" value="349015"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of Dwellinghouse: Demolition of existing workshop and construction of new dwelling house.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Based on the quality of the design, absence of any public objection, and the fact that the property will be an affordable home; we believe that the refusal should be overturned and the application granted.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

The information provided regarding the affordable housing statement was technically provided after determination; however it was provided on the same day as the application being determined. The determination date was indicated as the 24th of March under a processing agreement. The application was actually determined on the 16th of March. On account of the above, we believe that this information should be considered as part of this appeal.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

9249-1.01, 9249-1.02, 9249-1.03, 9249-1.04, 9249-1.05, 9249-1.06, 9249-1.07, Affordable Housing Statement 160315 and Covering Letter, Design Statement, Email Correspondence relating to Affordable Housing Statement, Refusal Notice, Statement of Reason for Seeking Review, Processing Agreement PPA 1557_4_

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/01557/FUL

What date was the application submitted to the planning authority? *

25/12/2015

What date was the decision issued by the planning authority? *

16/03/2016

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

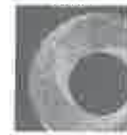
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Gavin Yuill

Declaration Date: 08/04/2016



camerons

ARCHITECTS & INTERIORS

7th of April 2016

Our ref: GY/9254/A4/160407

F.A.O Local Review Body
Scottish Borders Council
Council Headquarters
Newtown St Boswells
MELROSE
Scottish Borders
TD6 0SA

1 Wilderhaugh
Galashiels TD1 1QJ
Tel: 01896 753077
Fax: 01896 756046
Email: gal@camerons.co.uk

Application 15/01557/FUL - APPEAL STATEMENT
Builders Yard Land South West of 76 St Andrews Street, Galashiels, Scottish Borders

As the Architects for the above application; we have been asked by our client (Book Developments Ltd) to submit an appeal against the Scottish Borders Council's decision to refuse the above application for a new dwelling house at the Builders Yard of 76 St Andrews Street, Galashiels. The application was refused on the 16th of March 2016 for the following reason:

1. The development would conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 and Supplementary Planning Guidance "Placemaking and Design" 2010 because the scale, form and design of the development would, in this backland location, lead to an unacceptable visual impact.'

Planning Policy

Policy G1 - Quality Standards for New Development: This policy is criteria based and requires that new development should:

- I. Be of a high quality and be designed to fit into the townscape.*
- II. Be compatible with the surrounding area and neighbouring uses.*
- III. Be satisfactorily accommodated within the site.*
- IV. Able to allow for contemporary or innovative design.*
- V. Incorporate hard and soft landscaping.*
- VI. Provide appropriate boundary treatments.*
- VII. Be of a scale, mass and density compatible with the surrounding area.*
- VIII. Colours, textures and materials should complement surrounding architecture.*

Policy G7 - Infill Development: This policy states that, development should not detract from the establish land use or the character and appearance of the surrounding area. Scale, materials, form and density should be appropriate to its surroundings.

Policy H2 - Protection of Residential Amenity: This policy states that development should be compatible with a residential area and that visual impact will be a consideration. Regard must also be given to the Scottish Government's statement on planning policy contained within SPP (Revised). Paragraph 137 states that the planning system should:

'Enable positive change in the historic environment which is informed by a clear understanding of the importance of heritage affected....change should be

sensitive, to avoid or minimise adverse impacts on the fabric and setting of the asset and ensure that its special characteristics are protected, conserved and enhanced.'

The Local Plan contains a presumption in favour of alterations subject to no adverse impact on the character of the building, and those alterations being in keeping with the surroundings.

Basis for Determination of a Planning Application

The Town & Country Planning (Scotland) Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; the also applies to an appeals. The House of Lords judgement in the *City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120)* sets out a clear approach to determining a planning application as follows:

- I. Identify any provisions of the Development Plan that are relevant to the decision.*
- II. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.*
- III. Consider whether or not the proposal accords with the Development Plan.*
- IV. Identify and consider relevant material considerations for and against the proposal.*
- V. Assess whether these considerations warrant a departure from the Development Plan.*

Why we are seeking a review of the Planning Authorities Decision

With regards to the Planning Officer's report; it is clear that there is support for the site being converted into a residential site.

'The site is not open space of value or allocated employment land. The proposed residential use would not be in conflict with surrounding residential uses and, indeed, would be an improvement on the historical use of the site as a workshop.'

There is also broad support from each of the relevant consultees: both Roads and Environmental Health (subject to a condition for a site investigation and risk assessment) have no objections. The Planning Officer is also broadly supportive of the proposal in terms of the effect on amenities for both the new and existing properties. This is of particular important in relation to its context.

'There would be no loss of daylight or sunlight to neighbouring properties by my estimation... No loss of privacy will result... I would suggest the resulting impacts would be agreeable.'

The only principal issue from the Planning Officer's perspective is the scale of the proposal; but based on the above would be supportive of a similar design approach, albeit reduced in scale.

'The proposal, as it currently stands, would not relate comfortably to its context. If it were redesigned and reduced in scale so it could be read as a large outbuilding, with material specifications to allow it to visually integrate with other large outbuildings here, then its overall visual impact on this back garden setting would be more comfortable.'

As the Planner states; we were given the opportunity to redesign the proposal on this basis. However, both the applicant, and ourselves, strongly believe that it would be to the detriment of the proposal.

This proposal is a high quality piece of design which enables positive change, and enhances the existing built environment. The change is also sensitive to its context; every effort has been made to maintain the surrounding properties amenities (which as mentioned, have been acknowledged by the Planning Officer). This being the case, the design shouldn't need to be amended. At approximately 83sqm, the dwelling has been designed to the optimum

size for a two bedroom / 4 person house; as recommended by the RIBA's (written and researched by Rebecca Roberts-Hughes) 'Case for Space: the size of England's new homes' 2011 paper.

Crucially in relation to the immediate built environment; on the basis that there was not a single objection to the proposal, it has to be supposed that the public also agree with this point of view. In relation to the Officers reason for refusal; we would suggest that this point should be considered very seriously by the Local Review Body, particularly with regards to the established principals for determining an application.

The applicant also wishes to make the property an affordable home. The property will be available at '*Private Below Market Rent*'; providing a 2 bedroom property for 95% of the Local Housing Allowance weekly rental rate - for 15 years. Given both the Scottish Borders Council¹ and Scottish Governments respective affordable housing targets; this should also be seriously considered by the Local Review Body when determining the application. (Further information has been supplied with this appeal to demonstrate why the affordable housing statement should be considered along with the originally submitted information; despite the fact that it was provided after determination).

Conclusion

Based on the quality of the design, absence of any public objection, and the fact that the property will be an affordable home; we believe that the refusal should be overturned and the application granted.

Finally, in the same way that an applicant has the opportunity to speak at the Planning Committee as part of an planning permission application being determined by the Committee; we would respectfully ask that we are given the opportunity to speak as part of any site visit that would be carried out as part of the appeal process.

Yours faithfully



Gavin W Yuill
Director
For and on behalf of
CAMERONS

Enc

cc Mark Thomson, Book Development Ltd

¹ The *Scottish Borders Local Plan - Supplementary Guidance on Affordable Housing - Updated and Revised January 2015* states – 'established need for 268 units per annum of affordable housing in the Scottish Borders according to the *SESPlan Housing Need and Demand Study published in May 2011*'

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 15/01557/FUL

To : Book Developments per Camerons Ltd Per Gavin Yuill 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ

With reference to your application validated on **11th January 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

At : Builders Yard Land South West Of 76 St Andrew Street Galashiels Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 16th March 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 15/01557/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
9249/1.01	Location Plan	Refused
9249/1.02	Existing Layout	Refused
9249/1.03	Existing Elevations	Refused
9249/1.04	Site Plan	Refused
9249/1.05	Floor Plans	Refused
9249/1.06	Sections	Refused
9249/1.07	Elevations	Refused

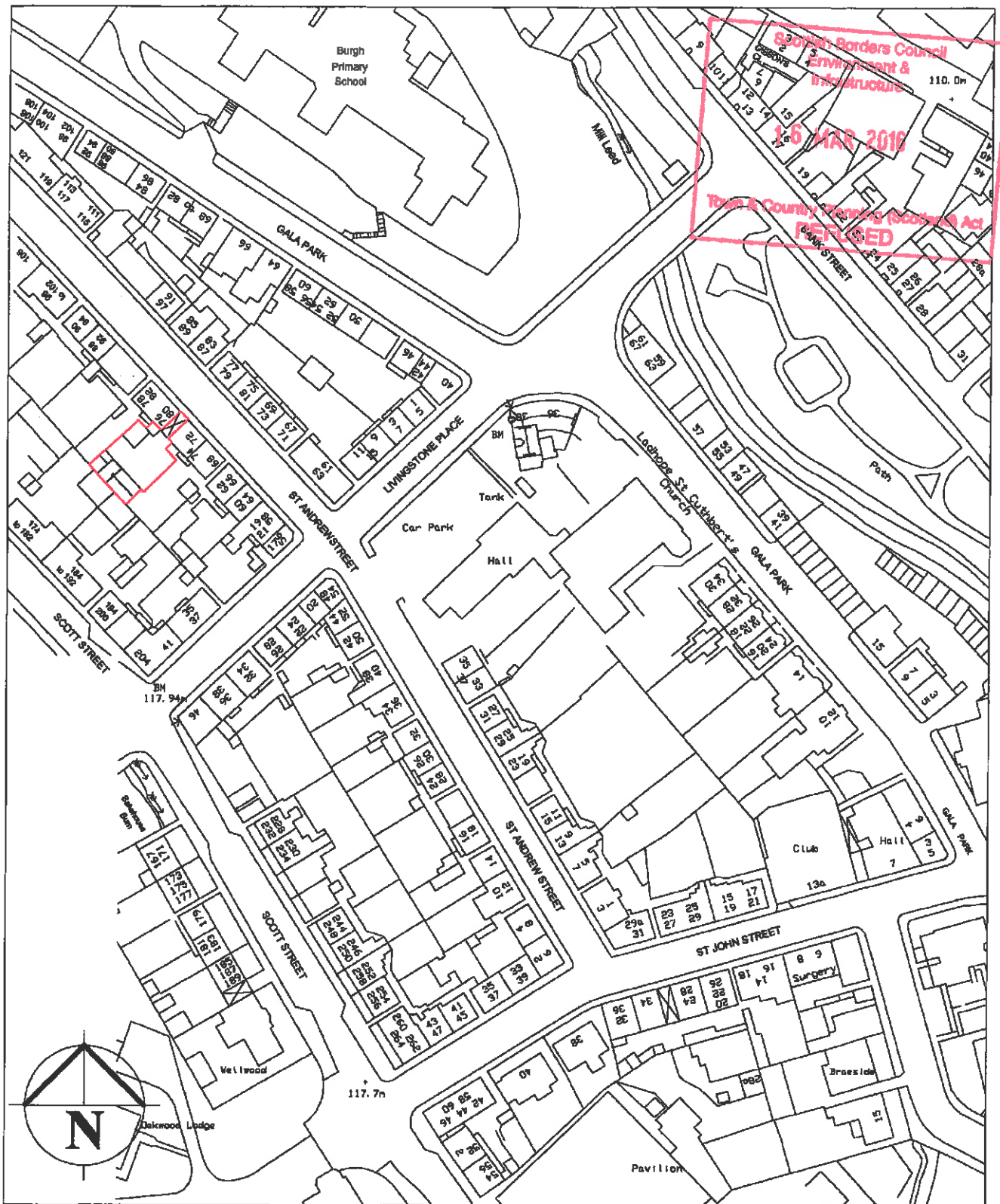
REASON FOR REFUSAL

- 1) The development would conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 and Supplementary Planning Guidance "Placemaking and Design" 2010 because the scale, form and design of the development would, in this backland location, lead to an unacceptable visual impact on the character of the surrounding area and neighbouring built form

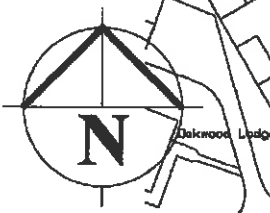
FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997



South Borders Council
Environment & Infrastructure
16 MAR 2016
Town & Country Planning (Scotland) Act
REFUSED



client: Book Developments Ltd project: New Build House
76 St Andrew Street
Galashiels TD1 1DY title: Location

date: 24.12.15 drawn: RP scale: 1:1250 @ A4 number: 9249/1.01 rev:

file: g:\m\2411-16\camerons\rf-d\st-Andrew-House-15-16\rf-d\camerons-522.dwg

RECEIVED 11 JAN 2016

St Andrew Street

St Andrew Street

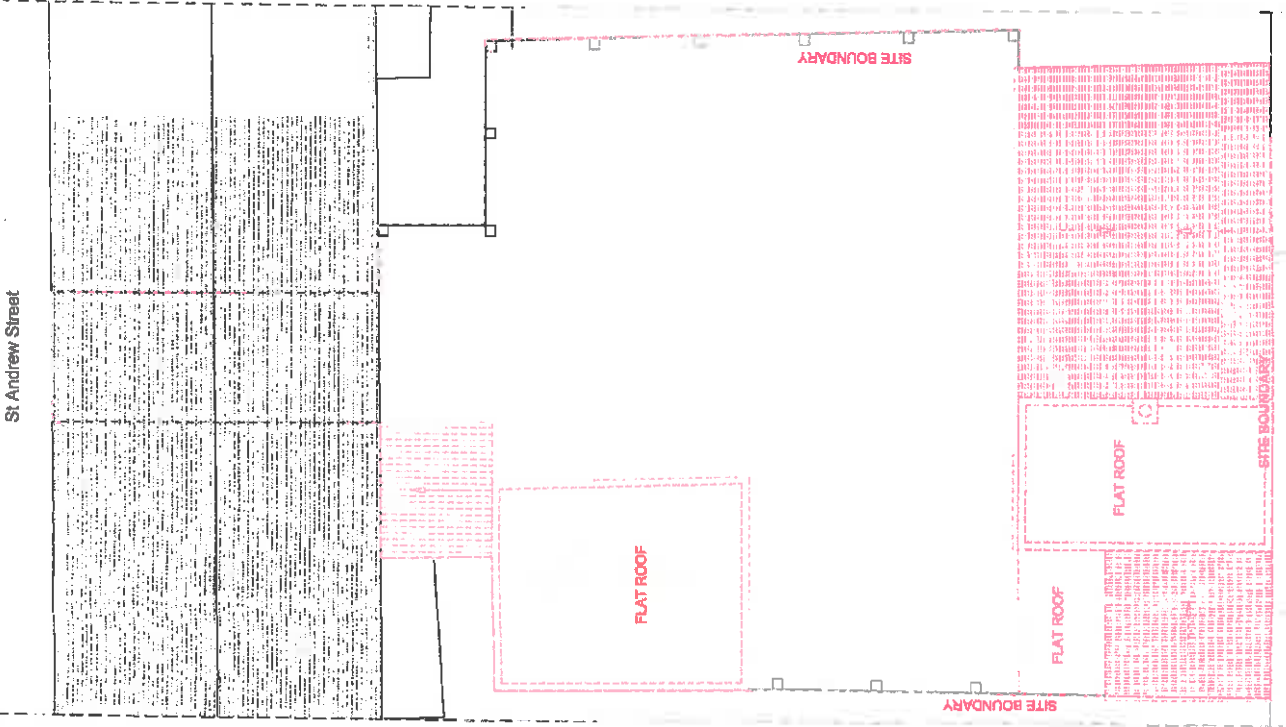
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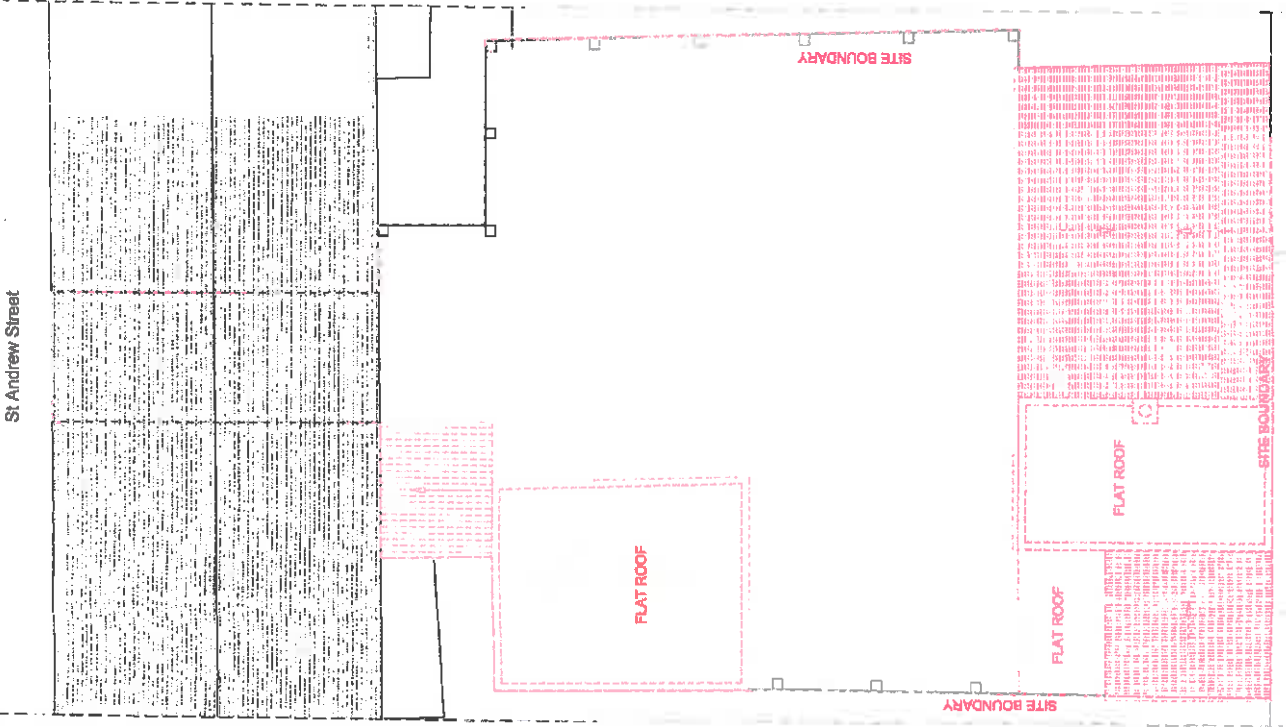
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8076

8077



Existing roof plan, scale 1:100



Existing ground floor plan, scale 1:100

South Ayrshire Council
Environment &
Infrastructure

16 MAR 2016

Town & Country Planning (Scotland) Act
REFUSED



down takings noted in dashed red line

SCALE 1:100



architecture

design

development

1 Wilkie St
Glasgow
TN 10L
Tel: 0141 202 7007
Fax: 0141 202 7008
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camerons

client: Book Developments Ltd

project: New Build House
76 St Andrew Street
Galloway TD1 1DY

title: Existing floor plans

scale: 1:100

date: 24.12.15

drawn: RP

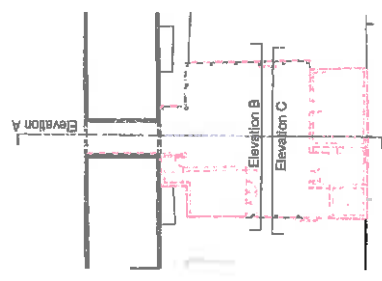
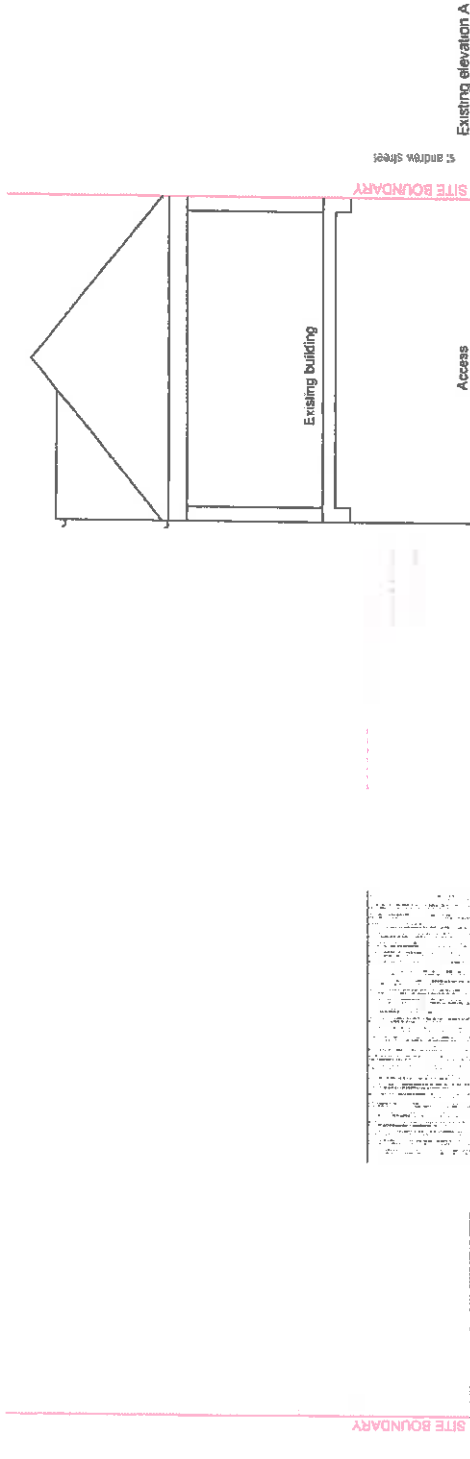
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no: 9249/1.02

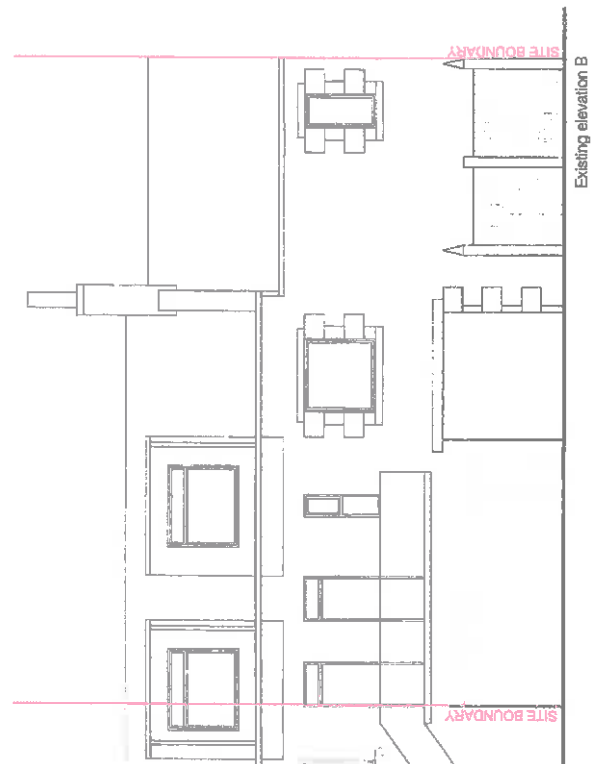
rev:

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Scottish Borders Council
Environment &
Infrastructure
16 MAR 2016
Town & Country Planning (Scotland) Act
REFUSED



downtakings noted in dashed red line



architecture

camerons
10 Waterloo Place
Edinburgh, Scotland
Tel: 011 31 225 2222
Fax: 011 31 225 2222
www.camerons.com

client Book Developments Ltd

design

project New Build House
76 St Andrew Street
Galashiels TD1 1DY

title Existing elevations

scale 1:100 @ A3

date 24.12.15

drawn RP

checked RP

number 9249/1.03

date 16/01/16



Scottish Borders Council
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Infrastructure
16 MAR 2016
Town & Country Planning (Scotland) Act
REFUSED

architecture design development

camerons
1 Market Street
Edinburgh
Tel: 0131 225 2277
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www.camerons.co.uk

client: Book Developments Ltd

project: New Build House
78 St Andrew Street
Galeshallis TD1 1DY

scale: Proposed site plan

date: 14.12.17

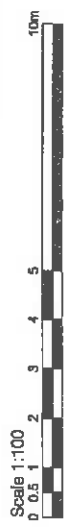
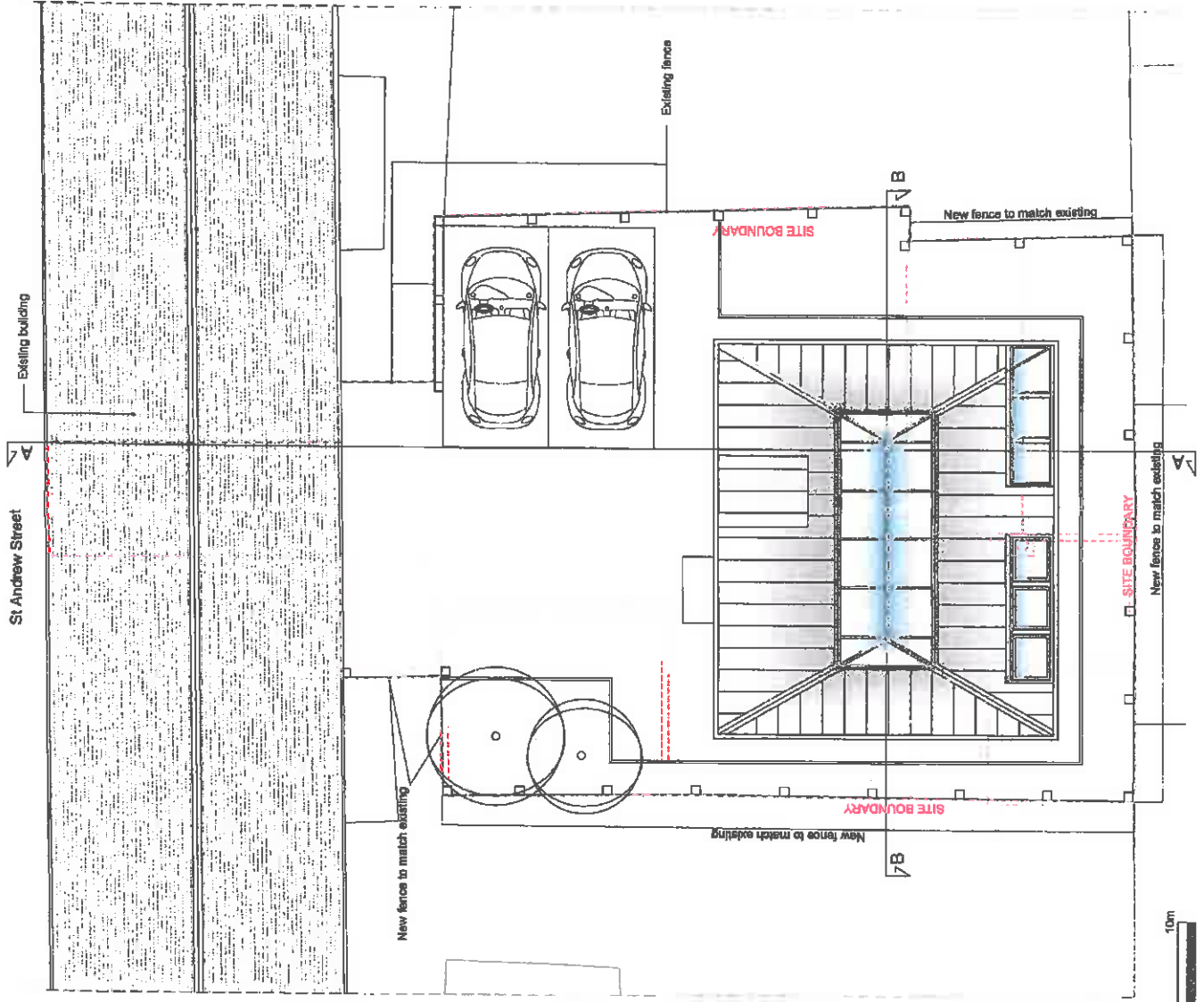
drawn: RF

checked: JLP

number: 9249/1.04



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Proposed site plan, scale 1:100

Scottish Borders Council
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Infrastructure
16 MAR 2016
Town & Country Planning (Scotland) Act
REFUSED

architecture

design

development

camerons
client: Book Developments Ltd

project: New Build House
76 St Andrew Street
Galashiels TD1 1DY

site: Proposed floor plans

scale: 1:100 @A3

date: 24.12.15

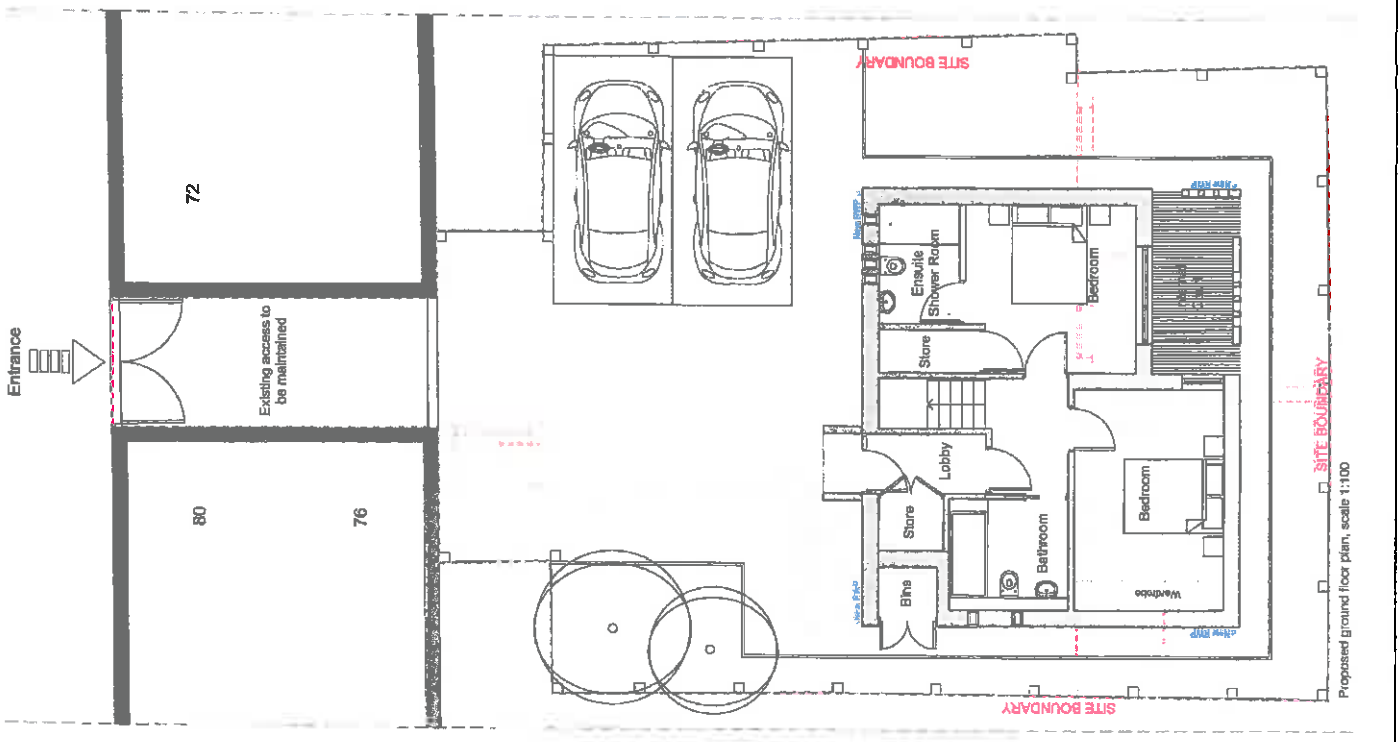
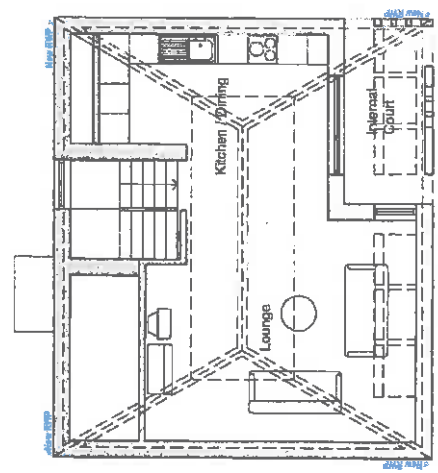
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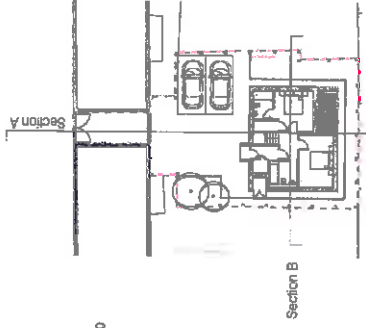
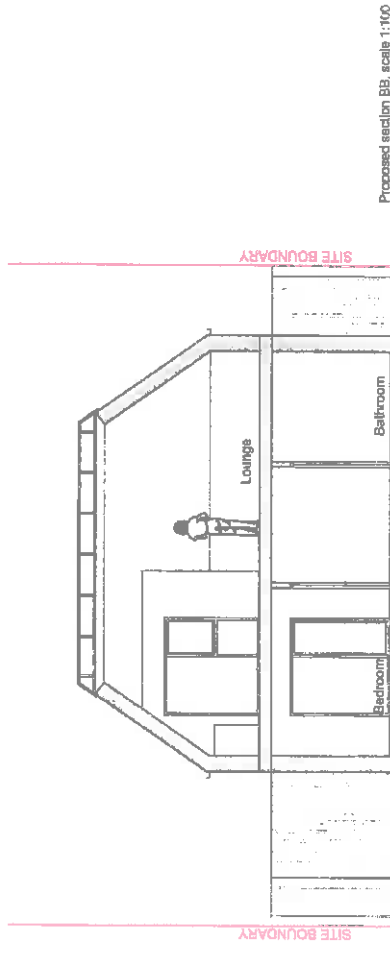
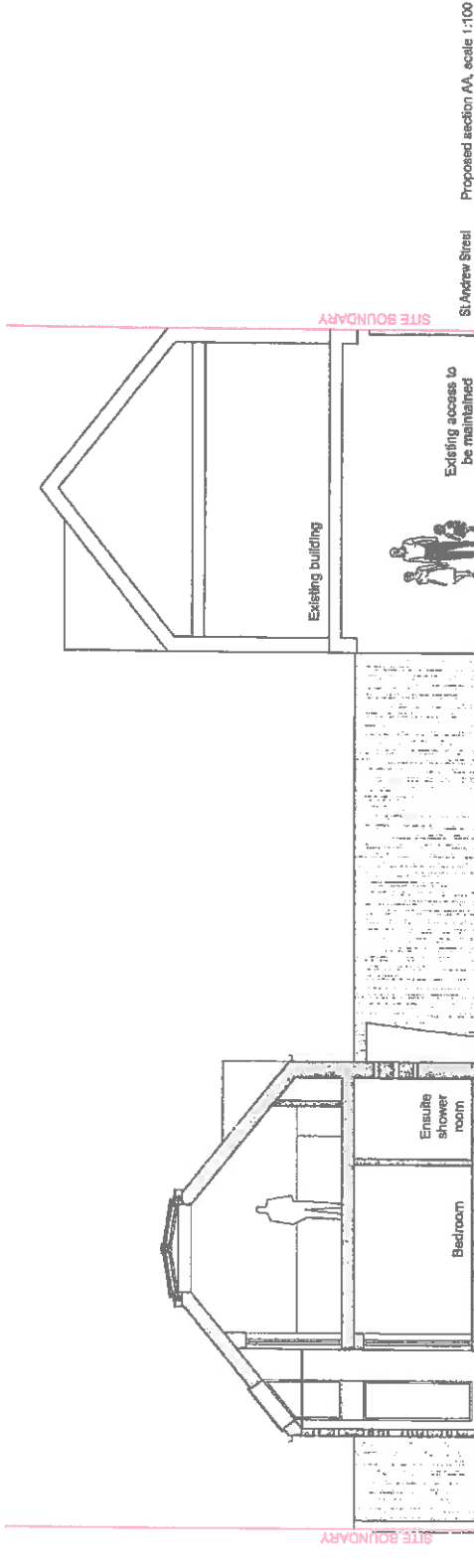
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Scottish Borders Council
Environment &
Infrastructure
16 MAR 2016
Town & Country Planning (Scotland) Act
REFUSED



down takings noted in dashed red line

architecture design development

client: Book Developments Ltd

project: New Build House
76 St Andrew Street
Galashiels TD1 1DY

title: Proposed sections

scale: 1:100 @ A3

date: 24.12.15

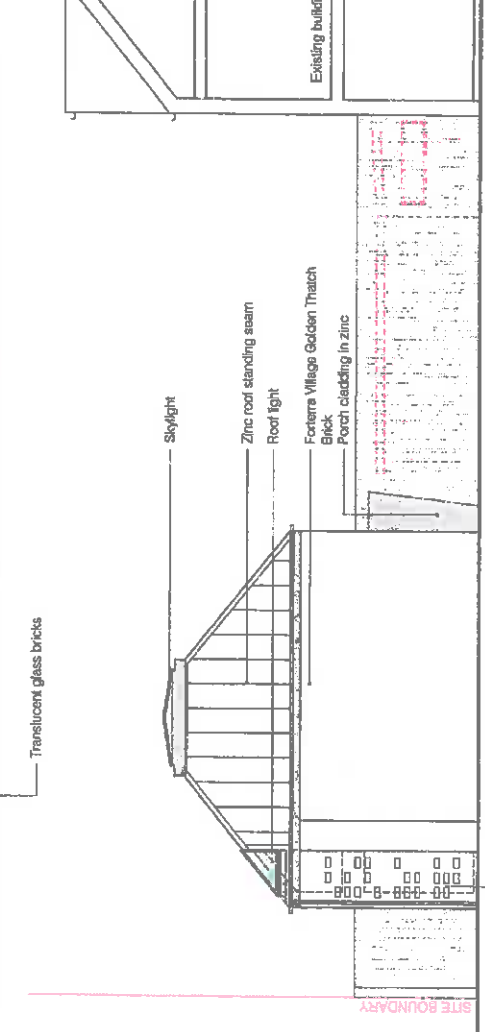
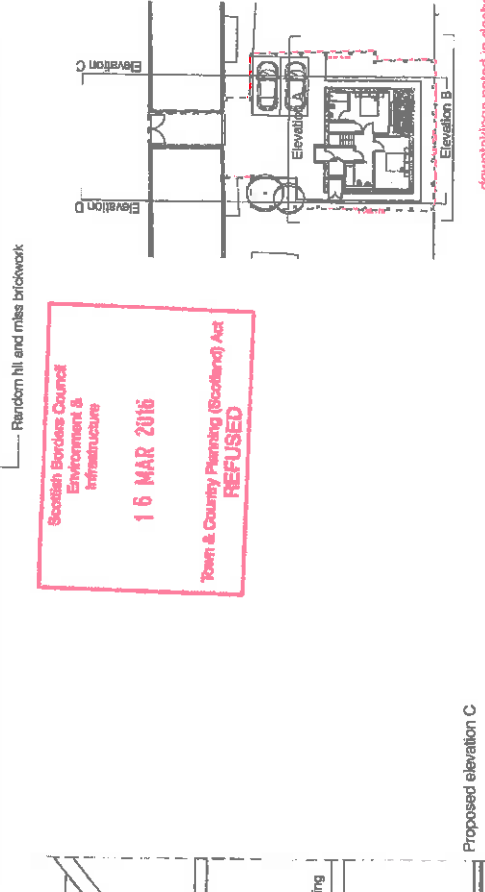
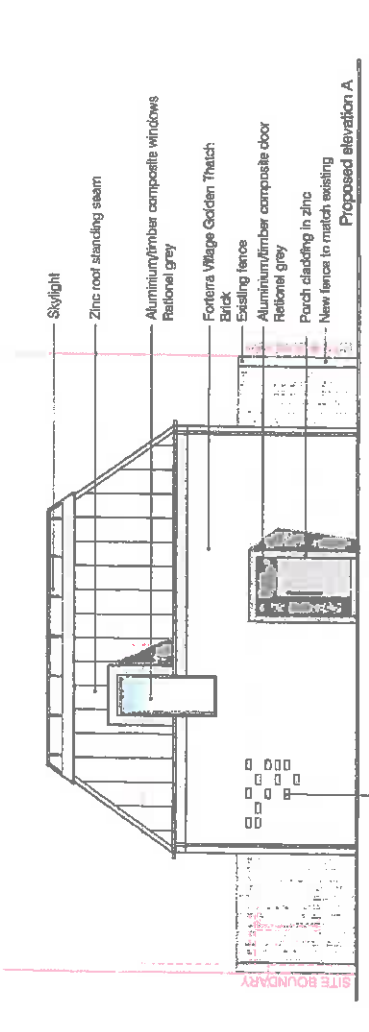
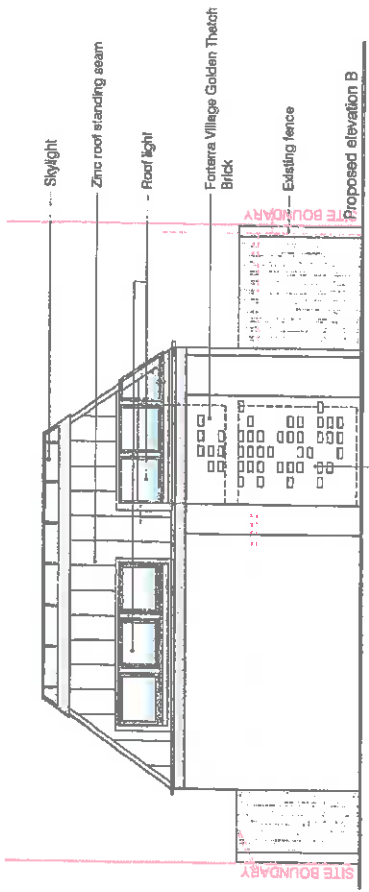
drawn: RP

ref: 9249/1.06

Map at:
1 Wilton Way
175 Woodhill House
Glasgow G4 7LW
Tel: 0141 206 2007
www.cameronarch.co.uk
info@cameronarch.co.uk

Map at:
1 Wilton Way
175 Woodhill House
Glasgow G4 7LW
Tel: 0141 206 2007
www.cameronarch.co.uk
info@cameronarch.co.uk

Scale 1:100
0 0.5 1 2 3 4 5 10m



Scottish Borders Council
 Environment &
 Infrastructure

 16 MAR 2016

 Town & Country Planning (Scotland) Act
 REFUSED



architecture		design		development	
client: Book Developments Ltd project: New Build House 76 St Andrew Street Galashiels TD1 1DY title: Proposed elevations		scale: 1:100 date: 24.12.15 drawn: RP file:		number: 9249/1.07 rvc:	

downtakings noted in dashed red line



Glasgow
 701 10J
 Tel: 01896 820000
 Fax: 01896 820001
 Email: info@camerons.co.uk
 Website: www.camerons.co.uk

Glasgow
 701 10J
 Tel: 01896 820000
 Fax: 01896 820001
 Email: info@camerons.co.uk
 Website: www.camerons.co.uk

new build house in st andrew street design statement



camerons

1 Wilderhaugh
TD1 1QJ
Tel 01896 753077
Fax 01896 756046
Email gala@camerons.ltd.uk

For Book Developments Ltd

76 st andrew street
galashiels TD1 1DY
scottish borders

December 2015

1. SITE

Introduction:

The project is the construction of an individual house in a yard in a residential area in Galashiels in the Scottish Borders. The site is located in St Andrew Street, in the centre de city.

The existing site consists of an interior yard and contains a few constructions which were used as a builder store.

The access to the yard is through a passage between the house numbers 72 and 80 in St Andrew Street.

History:

The site has been used as a builder store for many years and some constructions have been built in the site in order to store materials.

The client, Book Developments Ltd, obtained Planning Permission for the site on 9th December 1991 (ref (91/00576/FUL) for erection of offices. This was valid for 5 years and so has subsequently lapsed.



Image from GoogleMaps



Image from GoogleEarth

new build house in st-andrew street - design statement



View from the gardens



Existing constructions on site

2. CONTEXT

Location:

The site is bounded to the South-West, South-East and North-West by private gardens and back access to properties, and to the North-East by 2 and a half storey terraced houses, the majority of which have dormers or box dormers.

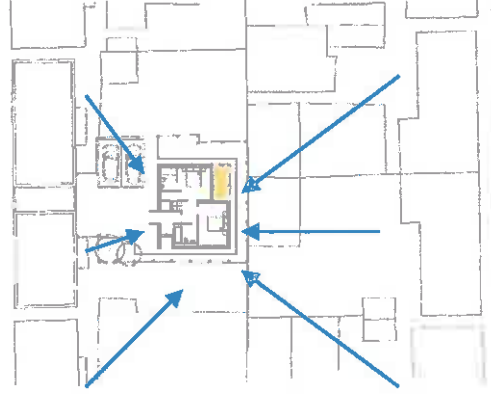
Site description:

The existing yard contains a few weak constructions within the boundaries that have not been in use for a few years and show signs of deterioration and degradation.

This could progress if the existing buildings remain as they are, which might affect the adjacent properties.

The rest of the yard is covered in vegetation.

ST ANDREW STREET



Views into site



3. PROPOSAL

Brief:

The brief established by Book Developments Ltd is for the construction of a new two bedroom house.

Summary and design approach:

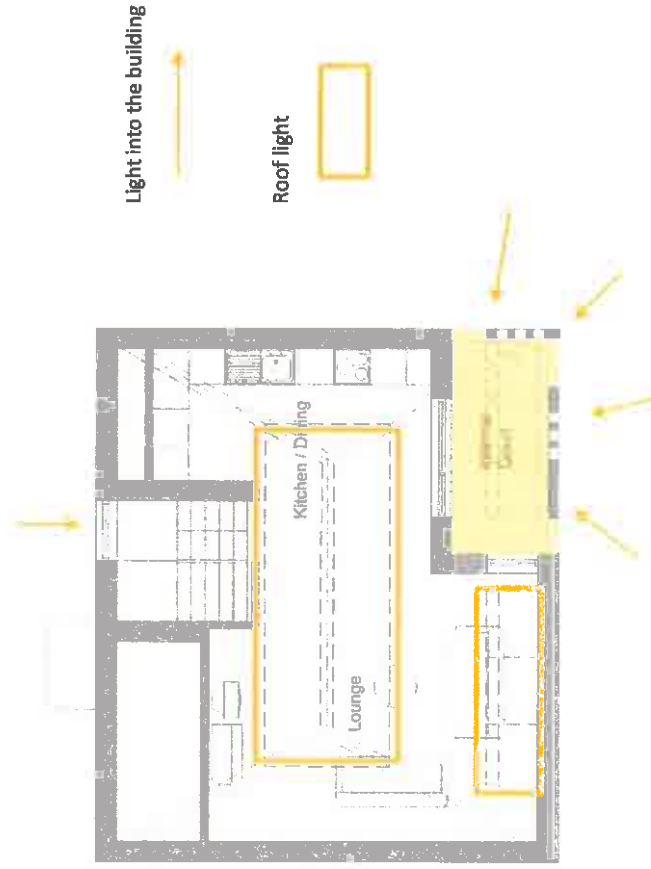
The proposal is a one and a half storey house with minimal impact on the surrounding area and demolition of the existing constructions. On site parking is to be provided.

Design solution:

This project aims not only to minimise its impact on the area but also to preserve the views of the neighbours.

In order to achieve this privacy, the house is perceived as an envelope with just one window on it, a window which allows plenty of light to enter into the staircase.





To ensure access to natural light and ventilation an internal courtyard is created to the South where the windows from the main rooms are facing. The daylight streams into it through small openings in the walls (random hit and miss brickwork) and through a roof light.

A skylight is located on the top floor bringing plenty of light into the day area.

Translucent glass bricks have been utilised in the exterior walls of the toilets to ensure daylight comes into the room.

Although the proposed building is higher than the existing, it improves the relationship with neighbours in terms of daylight because of increased distance between the proposed building and the neighbour's garden. The high quality design will also add and improve the urban fabric of the back green where visible from the main road.



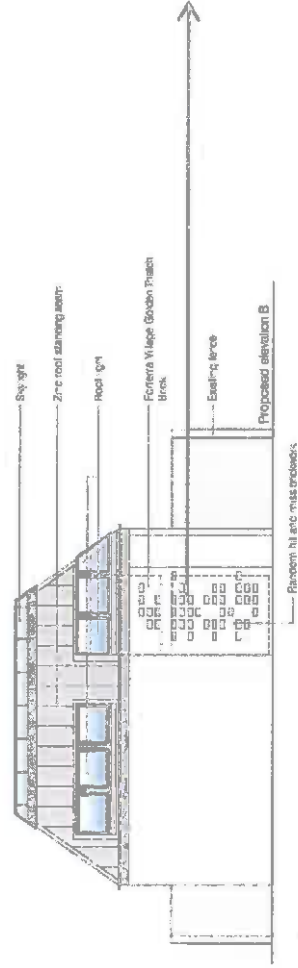
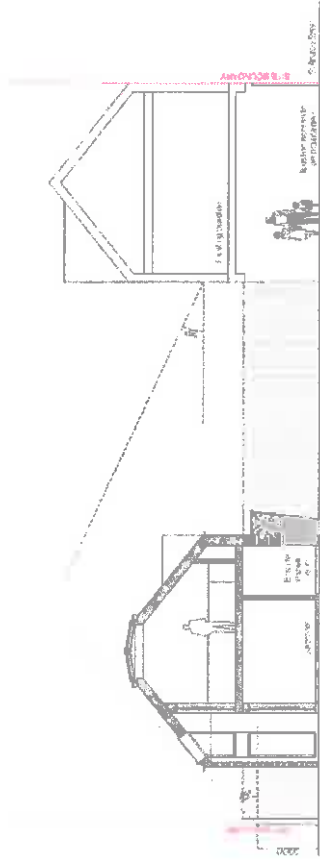
Concerning the impact of the shadows in the surroundings, special care has been taken regarding the design of the building. The height has been reduced to the minimum and the separation with the boundaries has been calculated in order not to overshadow the private gardens of the neighbours.

The roof gradients have been designed to be more in keeping with its context so that the building fits into its surrounding environs.

The proposed materials are brickwork with areas of random hit and miss brickwork and pitched zinc roof. The brick selected is Forterra Village Golden Thatch Brick.

Windows and roof windows shall be composite aluminium/timber colour grey to match the zinc roof and porch cladding, with matching grey entrance door.

Rainwater goods shall be grey.



Maggie's Centre Lanarkshire
Relach and Hall Architects

Gavin Yuill

From: Gavin Yuill
Sent: 16 March 2016 16:12
To: Clarke, Carlos
Subject: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL
Attachments: SKM_C224e16031616160.pdf

Dear Carlos,

Prior to determining the above application; please find attached a letter setting out the clients thoughts regarding any potential Section 75.

If you have any queries, please don't hesitate to give me a call.

Kind Regards
Gavin Yuill BA Arch Hons, Dip Arch, MArch
Director
Chartered Architect, RIAS, RIBA, ARB

For and on behalf of:

Camerons
1 Wilderhaugh
Galashiels
TD1 1QJ

Camerons Ltd Registered in Scotland No: 195183
VAT Reg No: 345 3077 62

gavin.yuill@camerons.ltd.uk
www.camerons.ltd.uk

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Architects Registration Board Number: **075142A**
<http://search.arb.org.uk/>

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From: info @ Camerons
Sent: 16 March 2016 16:17
To: Gavin Yuill
Subject: Message from KM_C224e



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architecture • health & safety

15th March 2016

Our ref: GY/9249/A4

F.A.O Mr Carlos Clarke
Lead Planning Officer
Development management

Scottish Borders Council
Council Headquarters,
Newtown St Boswells,
MELROSE,
Scottish Borders,
TD6 0SA

Wickchaugh
Galashiels TD1 1QJ
Tel: 01896 753077
Fax: 01896 756046
Email: galash@camerons.td.uk

Dear Carlos,

Application 15/01557/FUL
Builders Yard Land South West Of 76 St Andrew Street Galashiels Scottish Borders:

In relation to Jon Bowie's (Development Negotiator) letter of the 8th of February, outlining developer contributions of £16,195, we write to confirm the following on behalf the applicant:

As part of Section 75 agreement, Book Developments Ltd are seeking to make the above dwelling, should the application be granted, an affordable property.

The principals that the applicant would be seeking to apply to the property are stated below:

Affordable Category

On the basis of the Scottish Borders Supplementary Planning Guidance on Affordable Housing; the house will be constituted as 'Private Below Market Rent' affordable home. The minimum rental period for the home would be 15 years, as suggested in the guidance.

Tenure and Management of the Affordable Houses.

The accommodation would be privately rented; and managed by the applicant or an agent on the applicants behalf. The properties would be rented at 95% of local housing allowance rates, as outlined below:

- *Local Housing Allowance for a 2no bed property is £92.05 per week (current LHA Allowance rates).*
- *At 95% thereof; the rental for each 2 bedroom property is £87.45 per week.*
- *The rental amount would only vary in relation to the Local Housing Allowance Rates*

Affordable House for Sale

During the 15 year period; the property will only be rented out at 95% of the current Local Housing Allowance rates, for the equivalent property profile in that area. After this the property could be sold, but only at 95% of its market value, at the time of sale. Subsequent sales would be sold at market value.

Developer Contributions

The only contribution if required, would be a contribution towards local Play Facility or Access Contributions.

Based on experience; the above outline complies with the Council's definition of affordable housing. If this can be confirmed in relation to this application, it would be appreciated.

If you require any further information, please don't hesitate to get in touch.

Yours sincerely



Clavin W. Yell
Director
For and on behalf of
CAMERONS

Gavin Yuill

From: Clarke, Carlos <CGClarke@scotborders.gov.uk>
Sent: 17 March 2016 09:21
To: Gavin Yuill
Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Gavin

I confirm this is our final decision for the following reasons:

- The application was determined via our delegated procedures (signed by our Chief Planning Officer) before your information was received
- Our PPA did not include any agreement to submit information on affordability, and you gave no indication at any point that such a case would be presented. Had the PPA accounted for it then I would not have determined until it had been received and I would have had no difficulty in considering it had it been before me
- The PPA stated a determination by, not on. We do not routinely inform applicants that we will determine *before* a target date. I have not heard of that being an expectation before.

I think this application was determined fairly and in accordance with how I outlined it to you before it had been determined. My decision aligned entirely with what I advised you. As far as I am concerned, I have nothing further I can add on this matter.

Regards,

Carlos Clarke MRTPI
Lead Planning Officer
Development Management
Regulatory Services
01835 826735
cgclarke@scotborders.gov.uk

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The Scottish Government's on line portal for Planning applications is changing from January 2016

Make your Building Warrant applications on line from August 2016 using the Scottish Government's portal

From: Gavin Yuill [mailto:gavin.yuill@camerons.ltd.uk]
Sent: 17 March 2016 09:09
To: Clarke, Carlos
Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Carlos,

We have given the information to you as soon as it was agreed with our client yesterday, on the same day of the determination, and 5 working days before the date outlined in the PPA.

If you were determining before the date of the PPA, we would have expected to have been warned of the fact so that something like this didn't occur.

If this is your final decision we will have to appeal on the basis of the information supplied before the affordable housing statement, but I have to say it feels pretty unreasonable.

Thank you.

Kind Regards
Gavin Yuill *BA Arch Hons, Dip Arch, MArch*
Director
Chartered Architect, *RIAS, RIBA, ARB*

For and on behalf of:

Camerons
1 Wilderhaugh
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Architects Registration Board Number: **075142A**
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From: Clarke, Carlos [<mailto:CGClarke@scotborders.gov.uk>]
Sent: 17 March 2016 08:13
To: Gavin Yuill
Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Gavin

The information you sent yesterday was not received before the application was determined so it would not be possible for it to be considered at Local Review. The Local Review Body can only review the application submission that was determined. Our PPA included a date by which the application was to be determined *by*, not *on*. I was not aware that you planned to submit any proposal regarding the affordability of the unit so I did not anticipate the issue being material to the application, otherwise I would, of course, have waited until any such information was received and considered.

Regards,

Carlos Clarke MRTPI
Lead Planning Officer
Development Management
Regulatory Services
01835 826735

cgclarke@scotborders.gov.uk

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From: Gavin Yuill [<mailto:gavin.yuill@camerons.ltd.uk>]

Sent: 16 March 2016 17:21

To: Clarke, Carlos

Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Dear Carlos,

Thank you for this, albeit it is disappointing.

Based on the processing agreement, we would expect that the information provided today will be included with the application for consideration at any appeal; given it was stated that the application would be determined on the 24th of March. Is this agreeable?

Thank you.

Kind Regards

Gavin Yuill *BA Arch Hons, Dip Arch, MArch*

Director

Chartered Architect, RIAS, RIBA, ARB

For and on behalf of:

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1 Wilderhaugh

Galashiels

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From: Clarke, Carlos [<mailto:CGClarke@scotborders.gov.uk>]

Sent: 16 March 2016 17:14

To: Gavin Yuill

Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Gavin

Thank you. However, the application was determined earlier today prior to receipt of your email. The decision reflects my previous email on the issues (with the exception of the bat survey which was addressed). The decision notice will be with you shortly. In the meantime, my report is attached for convenience.

Regards,

Carlos Clarke MRTPI
Lead Planning Officer
Development Management
Regulatory Services
01835 826735
cgclarke@scotborders.gov.uk

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Make your Building Warrant applications on line from August 2016 using the Scottish Government's portal

From: Gavin Yuill [<mailto:gavin.yuill@camerons.ltd.uk>]

Sent: 16 March 2016 16:15

To: Clarke, Carlos

Subject: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Dear Carlos,

Prior to determining the above application; please find attached a letter setting out the clients thoughts regarding any potential Section 75.

If you have any queries, please don't hesitate to give me a call.

Kind Regards

Gavin Yuill *BA Arch Hons, Dip Arch, MArch*
Director
Chartered Architect, *RIAS, RIBA, ARB*

For and on behalf of:

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From: info @ Camerons
Sent: 16 March 2016 16:17
To: Gavin Yuill
Subject: Message from KM_C224e

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PLANNING PROCESSING AGREEMENT

This processing agreement between Scottish Borders Council and *Book Developments* 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.

Application Reference: *15/01557/FUL*

Site Address: *Builders Yard Land South West Of 76 St Andrew Street Galashiels Scottish Borders*

Brief description of proposal: *Erection of dwellinghouse*

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	Submission of bat survey	Applicant by 10 March
2	Determination (assuming the bat survey does not require follow up measures to be considered)	SBC by 24 March

Agreed by email dated *25th February 2016* by *Carlos Clarke* on behalf of SBC and *Book Developments* per *Camerons Ltd* for the Applicants

