

Public Document Pack



LOCAL REVIEW BODY MONDAY, 19 OCTOBER, 2015

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 19 OCTOBER, 2015 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

12 October 2015

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Consider request for review of refusal of planning consent in respect of the installation of 16 No solar photovoltaic (PV) panels to roof at Raebank, Chapel Street, Selkirk. 15/00616/FUL 15/00021/RREF</p> <p>Copies of the following papers attached:-</p>	
	<p>(a) Notice of Review and accompanying papers including:</p> <p style="padding-left: 20px;">Decision Notice (Page 24)</p> <p style="padding-left: 20px;">Officer's report (Page 20)</p> <p style="padding-left: 20px;">Comment from Community Council (Page 19)</p>	(Pages 1 - 38)
	(b) Papers referred to in officer's report	(Pages 39 - 46)
	(c) List of policies	(Pages 47 - 52)
5.	<p>Consider request for review of refusal of planning consent in respect of external alterations and erection of 4 No flagpoles at West Grove, Waverley Road, Melrose. 15/00504/FUL 15/00022/RREF</p> <p>Copies of the following papers attached:-</p>	
	<p>(a) Notice of Review and accompanying papers including:</p> <p style="padding-left: 20px;">Decision Notice (Page 88)</p> <p style="padding-left: 20px;">Officer's report (Page 82)</p>	(Pages 53 - 122)
	(b) Consultations	(Pages 123 - 126)

	(c) Objections	(Pages 127 - 130)	
	(d) List of Policies	(Pages 131 - 134)	
6.	Any Other Items Previously Circulated		
7.	Any Other Items which the Chairman Decides are Urgent		

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B. White

Please direct any enquiries to Fiona Walling 01835 826504
email fwalling@scotborders.gov.uk



Chief Executive

Notice of Review

18 AUG 2015

Democratic Services

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name GETHIN CHAMBERLAIN

Address KAEBANK, CHAPEL STREET, SELKIRK

Postcode TD7 4LB

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority SCOTTISH BORDERS COUNCIL

Planning authority's application reference number 15/00616/FUL

Site address KAEBANK, CHAPEL STREET, SELKIRK TD7 4LB

Description of proposed development Installation of solar photovoltaic (PV) panels on the SE elevation of the dwelling. The array to be mounted on a 37 degree pitch roof comprising sixteen 250w panels 1.6m x 1m each. Not on principal elevation - to rear of property.

Date of application 29/05/15

Date of decision (if any) 13/07/15

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THE INTERPRETATION OF WHAT CONSTITUTES "UNACCEPTABLE" IMPACT ON THE CONSERVATION AREA IS SUBJECTIVE. THE APPLICATION NEEDS TO BE SEEN IN THE CONTEXT OF THE SURROUNDING STREET. AND THE PRECEDENT SET BY APPROVAL OF A LARGER APPLICATION BY THE PARISH CHURCH HAS BEEN OVERLOOKED

Site Inspection

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

- 1. Can the site be viewed entirely from public land?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- 2. Is it possible for the site to be accessed safely, and without barriers to entry?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED DOCUMENT

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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.

APPEAL STATEMENT
 PHOTOGRAPHS OF PARISH CHURCH AND CHAPEL STREET
 ORIGINAL APPLICATION DOCUMENTS INCLUDING PERSONAL STATEMENT
 MAP OF CONSERVATION AREA
 TOWN AND COUNTRY PLANNING DOMESTIC MICROGENERATION SCOTLAND AMMENDMENT ORDER 2009
 APPLICATION 09/00365/FUL - PARISH CHURCH SOLAR PANEL PLANNING APPLICATION + LBC
 NEWSPAPER CUTTING

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature Box]

Date

12/8/15

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

Statement to accompany appeal against refusal of planning permission for installation of 16 solar panels on the rear roof of Raebank, Chapel Street, Selkirk, TD7 4LB

Application reference: 15/00616/FUL

Applicant: Gethin Chamberlain, Raebank, Chapel Street, Selkirk, TD7 4LB.

Email: gethin.chamberlain@gmail.com

Telephone: 01750 21349 (h) or 07525 006350 (m)

The application is for the installation of solar photovoltaic (PV) panels on the SE elevation of the existing dwelling. The array to be mounted on a 37 degree pitch slate roof and comprise sixteen 250w panels measuring 1.6m x 1 m each. The panels to be set in a tidy sequence on the rear of the property which is not the principal elevation. Installation to follow the guidelines set out in the Town & Country Planning Order (Scotland) for domestic micro-generation equipment.

This statement should be read in conjunction with the original personal statement accompanying the application.

We are applying for a review of the refusal of planning permission on three grounds:

- 1) The original decision makes no reference to our contention - in our personal statement accompanying the original application - that the approval of the siting of 40 PV panels on the B-listed parish church, which also lies within the conservation area, sets a precedent for such development.
- 2) The original decision relies on a subjective view of what constitutes an unacceptable impact
- 3) The decision does not give sufficient weight to national and local policies on the importance of renewable energy and the merits of micro-generation schemes.

Having read through the officer's full report, we note that it is accepted that there were no objections to the application from neighbours; that there was no loss of amenity to those neighbours; and that it is accepted that the rear elevation of the property is not the principal elevation (the principal elevation faces north onto Ettrick Terrace and the property has an address on that street of 34 Ettrick Terrace).

The adjudication states that the proposed panels would have an unacceptable impact on the character and appearance of the Selkirk Conservation Area as a result of their prominent siting and the scale of the development. The development is said to be contrary to policies G1, BE4 and D4 of the Consolidated Scottish Borders Local Plan 2011 and it is argued that the benefits of the development do not outweigh what are considered to be conflicts with the development plan.

We do not believe that the impact on the character and appearance of this part of the conservation area justifies refusal. We would also argue that the scheme is compatible with policies on renewable energy and micro-generation and that the benefits of the scheme outweigh the subjective interpretation of the other policies.

Our starting point is application 09/00365/FUL, the application by Selkirk Parish Church approved in May 2009 for the installation of 40 photovoltaic cells on the south facing roof.

The report of the officer recommends approval, noting that "the proposed installation of 40 photovoltaic cells on the south facing roof of Selkirk Parish Church is acceptable, the development is not considered to have a detrimental affect to the character of the conservation area or amenity of neighbouring properties and complies with Structure Plan Policy I19, N18, N20 and Local Plan Policies BE4, D4, G1, H2. is acceptable, the development is not considered to have a detrimental affect on the special architectural or historic quality of the building and would comply with Policies BE1, DE4 of the Local Plan and Policies N17, I19 of the Structure Plan."

The report adds: "The church is set back from the fronting High Street allowing for this development to not appear over bearing against the traditional character of the surrounding area." It also notes: "The proposal is now considered to sit comfortable upon the slope appear visually acceptable from the wider surrounding area."

As a result the installation proceeded and the panels now generate a significant amount of electricity for the church. They are, however, clearly visible from the High Street for half its length and from various other viewpoints around the town. They are also visible from Chapel Street, looking south across the Sainsbury's car park. We would argue that the visual impact of 40 panels on the slate roof of the church clearly visible from the High Street and at the very heart of the conservation area must have a more significant impact on the character and appearance of the conservation area than the erection of 16 panels on the rear roof of a private dwelling on a back road.

The planning officer and the community council both note that a reduced number of panels might be acceptable in the case of this application: we would argue that the fact that the impact of the church's 40 panels was judged to be acceptable suggests that the same criteria should be applied to this application and it should be approved.

The officer's report suggests that the development would jar with the traditional appearance of the house and its traditional neighbours. We would suggest that a site visit is necessary for the review panel to make up their own minds on how traditional the streetscape is.

A plan of Selkirk from 1823 shows that Chapel Street was, at the time, known as Back Road. This is very much the case today and its very varied architectural content should be considered when assessing the impact of our proposed development on the conservation area.

Raebank was yet to be constructed, but the 2nd United Secession Church, for which it was built as a manse shortly after the plan was drawn up, stood facing down into the valley. The church was demolished in 1983 after falling into disuse. It was replaced with two modern buildings. Like Raebank, they face down onto the A7 Etrick Terrace. So too does the neighbouring property on the eastern side, another manse.

We have addressed the nature of the streetscape in our original submission. We include a series of photographs of the street to illustrate this point and simply contend that the reality - with its car parks, derelict spaces and a significant number of modern properties - is far less clear-cut and traditional than the report suggests. Indeed further up the road towards the Sainsbury's car park, two modern properties with roofs facing onto Chapel Street both sport solar panels.

It is also worth noting that anyone approaching the property along Chapel Street is presented with a view of the large side elevations of the hipped roof, both of which are of slate, and that the solar panels would only be seen in side profile, reducing their impact significantly. Only from the council offices opposite - 14-18 Chapel Street, home to the Scottish Borders Council Adult Protection Unit - would they be fully visible. None of the near neighbours objected: indeed several have evinced astonishment that anyone would contemplate rejecting such a progressive proposal.

The Scottish Government has set a target for all of Scotland's electricity to be generated by renewables by 2020, including from micro-generation, which includes domestic solar schemes. Scottish Borders Council's own policy on renewable energy development, Policy D4 in the 2011 consolidated local plan, states that "small scale or domestic renewable energy developments including community schemes, single turbines and micro-scale photovoltaic/solar panels will be encouraged where they can be satisfactorily accommodated into their surroundings in accordance with the protection of residential amenity and the historic and natural environment."

We would argue that our application is entirely in line with the sentiments of these policies. As acknowledged in the officer's report, there is no suggestion that the scheme would have a negative impact on residential amenity. The officer clearly states that the panels would comply with policy H2, which requires developments to be assessed on a range of criteria, including 2(iv) "the level of visual impact".

Despite this acknowledgement that the level of visual impact on the current environment is acceptable, it appears that it is the perceived visual impact of the panels on the historic environment that has prompted refusal.

Historic Scotland's guidelines on micro-generation schemes in conservation areas - Managing Change in the Historic Environment - states that "wherever possible, solar micro-renewable developments should be installed on inconspicuous areas of a roof, such as the inner slopes of a roof valley". This option is not available to us. It is the rear elevation which is correctly aligned in the south/southwesterly direction required for solar generation. But Historic Scotland go on to say that "principal elevations should always be avoided, and consideration given to the appearance of the development in views of the building from higher vantage points. For the integrity of the building it is usually desirable to mount photovoltaic modules as panels over existing slates, rather than replace historic fabric with look-alike photovoltaic materials in the form of slates. This will also allow straightforward replacement or upgrade in the future."

We would argue that while we do not have an inner slope, the location and aspect of the rear elevation of the house is relatively inconspicuous to anyone other than an observer choosing to look out through the windows of the council's own offices directly opposite. No objection was received from those premises.

The Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009, Part 1A, Installation of domestic microgeneration equipment, Class 6a, addresses the issue of the installation of solar panels on domestic properties in a conservation area and sets out the criteria for refusal and approval.

It states (in paragraph 5) that "development is not permitted by this class, in the case of land within a conservation area or World Heritage Site, if the solar PV or solar thermal equipment would be installed on a wall or part of a roof which (a) forms the principal elevation of the dwelling house or the building containing the flat; and (b) is visible from a road.

The wording makes clear that both conditions must be satisfied to require refusal of the application. Simply being visible from a road is not enough.

The order goes on to state, in paragraph 6, that "development is permitted by this class, subject to the following conditions - (a) solar PV or solar thermal equipment must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area; and (b) solar PV or solar thermal equipment no longer needed for or capable of domestic micro-generation must be removed as soon as reasonably practicable."

We would argue that it has already been acknowledged that there is no impact on the amenity of the neighbours; that the aspect of the property and its location on a small back road minimise its impact on the conservation area; and that in any event, the granting of permission for the 40 church panels has set a precedent for what does and does not constitute an unacceptable impact on the amenity of the area.

To save repetition, we would advance the same arguments in relation to the council's own policies BE4 and G1, which will be available to the review panel and can be summarised very broadly as requiring the development to be *in keeping with its surroundings*.

The reason given for the refusal is the prominence of the solar panels and the scale of the development.

We have addressed the prominence already, though we would like to again stress that anyone approaching the property along the street will see unadulterated slate roofing on both the east and west roofs, which are substantial, and that the entire front elevation is untouched. The officer's report suggests that the panels would sit uncomfortably on the hipped roof. He does not elaborate on why he feels the configuration would be uncomfortable and it does not appear to be so from the plans we have submitted. They would sit flat in a neat array, creating a uniform surface identical to that seen on the roof of the parish church.

With regard to the scale of the project, we are constrained to a large extent by the technical requirements of such a system. One suggestion in the report is that we reduce the number of panels, but this is hardly a viable proposition.

Sixteen panels are needed, facing south or south west, to provide the 4kW necessary to power a four-bedroom family home. A 4kW system is the industry standard: it would make us virtually self-sufficient in electricity. A solar panel system is a long-term investment and despite the savings on bills it will be several years before it starts to repay the investment. We are prepared to bite that bullet, but a reduced number of panels would amount to a token gesture that would still result in panels visible from the street while not seriously reducing our reliance on fossil fuels.

The other suggestion advanced by the planning officer was that it might be possible to conceal some panels behind the parapet wall. Again, a site visit is needed to appreciate the impracticality of this suggestion, but by way of a brief explanation, Raebank has a back door which opens onto steps leading up to a gate onto Chapel Street. There is a small sunken courtyard and a high wall extending 6ft above street level. If this suggestion was pursued, the panels would be facing north and would in permanent shade. Given the requirement for direct sunlight, this would not be a viable solution.

We hope this addresses the main objections to our application to the satisfaction of the panel and we would be happy to attend any hearing sessions or site visits to answer questions.

We are committed to doing what we can to preserve the best of the past while embracing the possibilities for improvement provided by technological advances such as solar panels. As the panel will see if they do make a site visit, we have done everything we can to improve the energy efficiency of the house while keeping a careful eye on external appearances. Inside we have quadrupled the insulation in the loft and installed the most energy efficient boiler we could find: but we have also replaced old and rotting windows with like-for-like double glazed wooden sashes, spent heavily on restoring the render and had the house repainted in traditional local colours. Sometimes, though, there is a limit to what can be done without making some visible external changes, as the parish church also found when it wanted to embrace the benefits of solar power. We hope you will consider our appeal with the same generosity of spirit that was shown to the church and its rather grander scheme.

Gethin Chamberlain
Carolynn Shaw
12 August 2015





COUNCIL OFFICES OPPOSITE RAEBANK



WEST END OF CHAPEL ST LOOKING TOWARD RAEBANK



RAEBANK, FROM COUNCIL OFFICES



LOOKING ALONG CHAPEL STREET EAST TO WEST - RAEBANK ROOF TO RIGHT



CAR PARK, EAST OF RAEBANK.



MODERN HOUSE, OPPOSITE SAINSBURY'S CAR PARK



MODERN HOUSING + SOLAR PANELS EAST END OF CHAPEL ST



NEXT DOOR NEIGHBOURS, WEST

ORIGINAL PERSONAL STATEMENT

When we moved into this house last year, we did so hoping to be able to live in as environmentally friendly manner as possible.

We had just moved back to Scotland from India, where we were based for six years, and where the ever-present pollution and disregard for the environment had focused our minds on the subject. My work as a foreign correspondent specialising in human rights and environmental investigations also has a bearing on the matter: it is important for me to be able to demonstrate that I do not merely criticise poor practice but that I take practical steps to set an example.

When we bought this house, which was built sometime in the 1820s, it had a low F rating on the EPC certificate. We replaced the boiler with the most efficient model we could find, had the loft properly insulated and paid a good deal of money to have double glazing panels inserted into the original sashes to maintain the look of the house, even though most of the other houses in the street, including the C-listed neighbouring building, have opted for the far cheaper (and in some respects more efficient, albeit less sustainable) uPVC alternative. We have managed to raise the EPC rating to a high D and with the additional of solar panels, as recommended in the original EPC, we would be into the B's, a remarkable achievement for a house of this age.

This matters to us. We care about the environment. We don't want to be reliant on fossil fuels. We have a young son and care about the world in which he must grow up. We would rather not be contributing to increased pollution and all the harmful side effects that entails, a sentiment which we note is reflected in the Scottish Borders Council policy on air quality. We have converted the lower section of the garden into an allotment and grow our own vegetables, to try to avoid buying produce that clocks up thousands of air miles. We are doing everything possible to live a carbon neutral lifestyle.

Solar power is a particularly attractive way of doing this, because both of us work from home and so much of our electricity consumption comes during the hours of peak solar production.

Appliances such as the washing machine and electric oven could be powered by a solar array; water, too, can be heated by an immersion heater in the tank, enabling us to also cut our dependence on the gas boiler.

When we saw that the Selkirk parish church had an array of 40 panels on the roof, clearly visible from much of the High Street and several other points in town, we were encouraged to think that we would also be allowed to take this progressive step despite being, like the church, within the conservation area.

We understand the need to maintain the character of the area, but the addition of the panels to the church roof has been widely accepted and appreciated and, from our point of view, is an encouraging sign that environmental conservation can coexist with historical conservation.

Our house was once the manse for a church which was demolished some time ago, presumably before the conservation area came into effect. In its place are two 1960s constructions, one a bungalow, one a two storey house. Our house looks out onto these buildings from the front, which faces onto Ettrick Terrace (the A7). It is on this side that the front door and entrance porch are located. The main entrance gate opens onto Ettrick Terrace.

The rear of the property backs onto Chapel Street and is reached down a short flight of steps from the back gate. Chapel Street itself is a back road running parallel to the High Street. At one end is the Sainsbury's supermarket; at the other a car park and lock up garages. In between, there is a modern building providing sheltered accommodation for the elderly. Adjoining this is an area of waste land and an abandoned concrete construction, plus a brick and tin roof garage. Opposite this is a more traditional dwelling with a wooden verandah extension on the front and the front roof broken up by two dormer windows. Beside that and set back slightly is a brick building with corrugated sheet roof. Moving towards our house there are on one side of the road the two 60s properties and opposite them a more traditional building. Beside that, and facing our property, is a block of Scottish Borders Council offices, seemingly built from some sort of concrete blocks and with an unconventional mix of flat roof and tiles. It is fronted by a car park. On the other side of our house is a similar property whose expanse of roof facing onto Chapel Street has also been broken up by the addition of two dormer windows. Facing this are a couple of traditional construction houses (one of which also sports dormer windows), separated from the council offices by a wynd containing garages and workshops.

Beyond this, heading towards the large supermarket car park at the rear of the supermarket (which includes the unloading bay) and recycling bins, are a line of 60s or 70s houses, around which the

conservation area swerves. One of these is fitted with solar panels facing onto the street. A car park and the rear of the Catholic church make up the rest of the street scene. Our roof can be seen most clearly from the council offices but is also visible as you approach from the east end of the street.

We would be grateful if you would take into consideration this streetscape when reaching your decision: it is far from the uniform traditional streetscape which we understand a conservation area might be intended to preserve.

If permission was to be granted to install panels flat to the rear elevation, a large area of slate roof - the entirety of the side and front elevations - would remain: we would only be using one quarter of the available roof space.

The use of solar power would be the only departure on our part from maintaining the traditional appearance of the house. We of course would argue that the panels do not detract from this in any way, being simply a new material that was unavailable at the time of construction and that we are simply replacing a large expanse of slate with a large expanse of solar panelling. But regardless of this, it is our intention to continue to restore the house in keeping with the area and we will shortly be starting work on the exterior walls to repair the ageing render and to repaint it in colours in keeping with the traditional Borders palette.

We are happy to discuss alternative suggestions for the distribution of the array, possibly making partial use of the west facing side elevation, though we are restricted by the technical requirements of the system and this would entail the removal of the redundant and leaking chimneys, as has already been done on the opposite side of the house. We need, ideally, to be able to fit the full 16 panels to achieve enough generation capacity to make it economically and practically viable. This means that the panels really need to be south-east to south west facing to maximise generation.

Were you minded to allow the removal of the chimney, it would be possible to arrange the panels in one single row at the base of the rear elevation and another single row at the base of the west elevation, which would allow a much greater area of the original slate to remain visible. It is a more expensive option and might require more expensive higher power panels to achieve it, but we are committed to this project and would be prepared to dig deep to reach an acceptable compromise. We would be grateful if you would bear in mind these points when making your decision and permit us to balance the need to conserve the built environment with the wider needs of environmental conservation in the same way that the parish church has achieved within the conservation area.

Gethin Chamberlain
Carolynn Shaw
29 May 2015

15/00616/fmc
4.6.15.



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000121567-001

The online ref number 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.

Description of Proposal

Please describe accurately the work proposed. * (Max 500 characters)

Installation of solar photovoltaic (PV) panels on the SE elevation of the existing dwelling. The array will be mounted on a 37 degree pitch slate roof and comprise sixteen 250w panels measuring 1.6m x 1m each. The panels will be set in a tidy sequence on the rear of the property which is not principal elevation. Installation will follow the guidelines set out in the Town & Country Planning Order (Scotland) for domestic microgeneration equipment

Has the work already been started and/or completed? *

No Yes - Started Yes - Completed

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

- 3 JUN 2015 -- AE

Agent Details

Please enter Agent details

Company/Organisation:	Safe & Protect Ltd
Ref. Number:	
First Name: *	Donna
Last Name: *	Lee Robertson
Telephone Number: *	01896753730
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	info@safeandprotectltd.co.uk

You must enter a Building Name or Number, or both: *

Building Name:	
Building Number:	8-10
Address 1 (Street): *	Bridge Place
Address 2:	
Town/City: *	Galashiels
Country: *	UK
Postcode: *	TD1 1SN

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	Gethin
Last Name: *	Chamberlain
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both: *

Building Name:	Raebank
Building Number:	
Address 1 (Street): *	Chapel Street
Address 2:	
Town/City: *	Selkirk
Country: *	Scotland
Postcode: *	TD7 4LB

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1: Address 5:

Address 2: Town/City/Settlement:

Address 3: Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement (note 1) is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Site visit carried out by Andrew Evens and brief email with Carlos Clarke. Both noted that it would be unlikely that consent would be granted for 16 panels but the property owner would like to pursue with an application and thus appeal if necessary.

Title: Other title:

First Name: Last Name:

Correspondence Reference Number: Date (dd/mm/yyyy):

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Donna Lee Robertson

On behalf of: Mr Gethin Chamberlain

Date: 29/05/2015

Please tick here to certify this Certificate. *

Checklist - Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of other plans and drawings or information necessary to describe the proposals (two must be selected) *

You can attach these electronic documents later in the process.

- Existing and proposed elevations.
- Existing and Proposed floor plans
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding * Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been received by the planning authority

Declare - For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying plans/drawings and additional information

Declaration Name: Donna Lee Robertson

Declaration Date: 29/05/2015

Submission Date: 29/05/2015

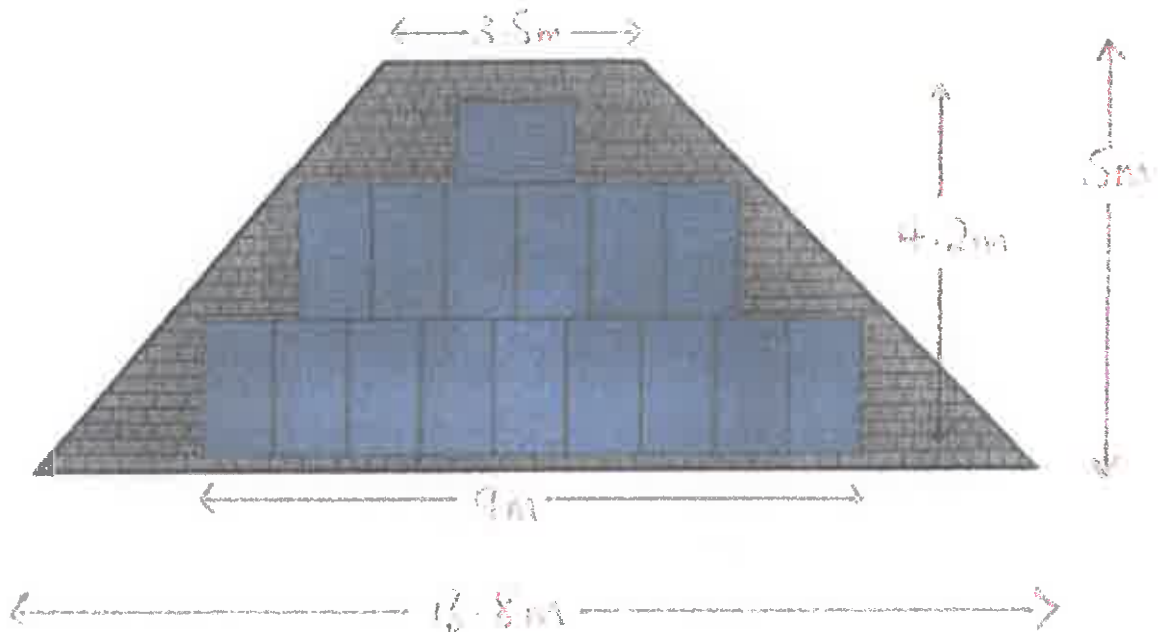
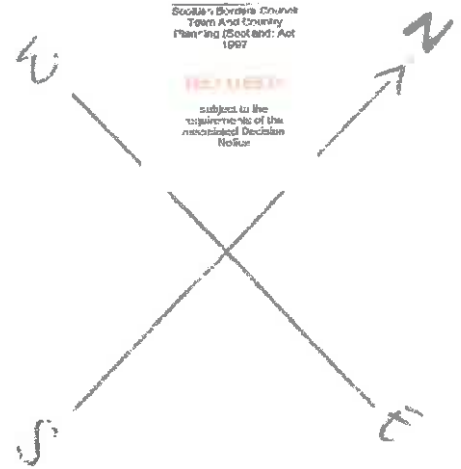
Payment Details

Online payment: XM0100000545

Created: 29/05/2015 17:27

Roof layout

Roof 1



Roof:

- 13.8m (L) x 5m (H)
- Orientation is South East

PV PANELS:

- 1m (L) x 1.6m (H) (per panel)
- 16 panels in total

15/00616/FUL Installation of 16 solar photovoltaic panels to roof, at Raebank, Chapel Street, Selkirk TD7 4LB

“The Royal Burgh of Selkirk and District Community Council at its meeting of 15 June 2015 discussed this application and suggests approval in principle but only with a reduced number of solar photovoltaic panels, to lessen the visual impact of the proposal – to the benefit of the Conservation Area and visual impact upon future improvements to the area which are hoped to be part of the current CARS Initiative.”

Ian King

Signed: Ian King (Vice Chairman and Planning Spokesperson)

Royal Burgh of SELKIRK and DISTRICT COMMUNITY COUNCIL

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00616/FUL

APPLICANT : Mr Gethin Chamberlain

AGENT : Safe & Protect Ltd

DEVELOPMENT : Installation of 16 No solar photovoltaic (PV) panels to roof

LOCATION: Raebank
Chapel Street
Selkirk
Scottish Borders
TD7 4LB

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
OS EXTRACT	Location Plan	Refused
ROOF LAYOUT	Planning Layout	Refused
SOLAR PANEL	Brochures	Refused
AS EXISTING	Photos	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

COMMUNITY COUNCIL: Suggests approval in principle but only with a reduced number of solar photovoltaic panels, to lessen the visual impact of the proposal - to the benefit of the Conservation Area and visual impact upon future improvements to the area which are hoped to be part of the current CARS Initiative.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of a site notice, a notice in the Southern Reporter, a notice on the national planning notification website, and by means of the direct postal notification of 18 neighbouring premises. No representations or objections were received from any neighbours or third parties.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan 2011
G1, H2, BE4, D4

Other

- SPG on Renewable Energy
- Managing Change in the Historic Environment "Micro-Renewables", Historic Scotland

Recommendation by - Andrew Evans (Planning Officer) on 13th July 2015

This householder application seeks planning permission for the installation of solar panels to the roof of this detached dwelling in Selkirk.

SITE

Raebank is a traditional detached dwelling with a slated roof. The principal frontage of the building is on to the A7 / Etrick Terrace. The building backs on to Chapel Street, and is accessed off of it. The property is not listed. The property is located within the Selkirk Conservation Area, as set out in the Consolidated Scottish Borders Local Plan (2011). 20th century housing was constructed on neighbouring land. The property is bound by Chapel Street to the South East, by the dwelling The Old Manse to the North East, by Etrick Terrace to the North West, and by the Dwellings at 19 Chapel Street and 32 Etrick Terrace to the West.

The main "Front" facade of the house is on the A7 facing elevation. However, the house has a roof slope facing Chapel Street to the rear which is readily visible from that elevation. Due to the setting of the house into the sloping land, the roof slope on the "back" of the house on the Chapel Street site is sited quite low relative to the street level on Chapel St.

PROPOSED DEVELOPMENT

It is proposed to install 16 solar panels, covering most of the Chapel Street facing roof slope. The panels would be installed in three rows of diminishing widths, but the same overall height to each row.

POLICY PRINCIPLE

- Policy D4 of the 2011 Consolidated Scottish Borders Local Plan (CSBLP) on Renewable Energy Development confirms support in principle for small scale and domestic renewable energy development, including solar panels, provided they can be satisfactorily accommodated in their surroundings in accordance with the protection of residential amenity and the historic and natural environment.

- Policy BE4 of the CSBLP seeks to ensure development within Conservation Areas protects the character and appearance of the area.

These policies are given consideration below, together with the other applicable policies noted.

SUPPORTING STATEMENT

In support of the application, the applicant has lodged a detailed supporting statement which can be viewed in full on the Public Access website. This statement sets out the applicants desire to live in a more environmentally friendly manner, and highlights that Chapel Street is a secondary street within the town (running as it does parallel to the High St).

AMENITY

Policy H2 of the CSBLP seeks to protect residential amenity. I am satisfied that none of the immediately surrounding dwellings would suffer any adverse impact on amenity resulting from glare from the panels. The location of the panels is such that they are not readily visible from the windows of the neighbouring dwelling facing them to the south. I am satisfied that the proposed panels would comply with local plan policy H2.

POLICY ON MICRORENEWABLE DEVELOPMENT

As noted above policy D4 of the CSBLP confirms support in principle for small scale and domestic renewable energy development, including solar panels, provided they can be satisfactorily accommodated in their surroundings in accordance with the protection of residential amenity and the historic and natural environment. It is accepted that the panels would have no adverse impact on neighbouring amenity or on the natural environment. It is in relation to the impact on the historic environment that concerns arise with these proposals.

HERITAGE CONSIDERATIONS

Policy BE4 of the local plan, states that the development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area.

The Councils Supplementary Planning Guidance on Renewable Energy states that solar panels are likely to be less visible on valley roofs, double pitched roofs, roofs contained within parapets, low pitched roofs not easily seen from the street, flat roofs and platformed roofs. Wherever possible solar panels should be flush with the roof and mounted at the same angle as the roof to minimise contrast. Historic Scotland's Managing Change in the Historic Environment guidance in relation to Micro Renewables states that solar micro-renewable developments should be installed on inconspicuous areas of a roof. The guidance advises that principal elevations should always be avoided, and consideration given to the appearance of the development in views of the building from higher vantage points.

Furthermore, policy G1 of the CSBLP sets out quality standards for all new development. Whilst the proposals would meet criteria 5 in so far as they involve provision of renewable energy technology, they would conflict with the other criteria of the policy - specifically, it would not be compatible with the character of the surrounding area (Criteria 1), and the alterations would not be of a scale appropriate to the existing building (Criteria 12).

The proposed solar panels would be located on a highly prominent elevation of the building. The panels would occupy the majority of the roof slope facing Chapel Street.

In assessing the impact on the Conservation Area, I would acknowledge that modern housing exists nearby, but in terms of Chapel Street Elevation on which this alteration would be visible, I would note that this is a traditional building with mainly traditional neighbours, and the roof is relatively narrow and located close to the road. The 16 panels would be on three rows occupying most of the roof and little of the slate of the roof slope would remain visible. The arrangement proposed would sit uncomfortably on the hipped roof, and would jar with the traditional character and appearance of the building and its relationship to its traditional neighbours.

PRE APPLICATION ADVICE

The applicant previously advised that solar panels for this scheme have already been purchased. A brief pre-application meeting was held. The applicant was advised that the scale and siting of panels proposed could not be supported, due to the inappropriate scale and siting of the panels, and the resultant adverse impacts upon the Selkirk Conservation Area.

OTHER OBSERVATIONS

There would be potential for an alternate arrangement of panels, perhaps concealed behind the parapet wall from the roadside, or a much reduced arrangement on the roof, which it may be possible to support. The proposals as submitted however cannot be supported for the reasons outlined.

REASON FOR DECISION :

The proposed panels would have an unacceptable impact upon the character and appearance of the Selkirk Conservation Area as a result of their prominent siting and the scale of development. As such, the proposed development is considered to be contrary to policies G1, BE4, and D4 of the Consolidated Scottish Borders Local Plan 2011. The benefits of the development do not outweigh these conflicts with the development plan

Recommendation: Refused

- 1 The proposed panels would have an unacceptable impact upon the character and appearance of the Selkirk Conservation Area as a result of their prominent siting and the scale of development. As such, the proposed development is considered to be contrary to policies G1, BE4, and D4 of the Consolidated Scottish Borders Local Plan 2011. The benefits of the development do not outweigh these conflicts with the development plan

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/00616/FUL

**To : Mr Gethin Chamberlain per Safe & Protect Ltd Per Donna Lee Robertson 8-10 Bridge Place
Galashiels Scottish Borders TD1 1SN**

With reference to your application validated on **4th June 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Installation of 16 No solar photovoltaic (PV) panels to roof

at : Raebank Chapel Street Selkirk Scottish Borders TD7 4LB

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

**Dated 13th July 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
Service Director Regulatory Services



APPLICATION REFERENCE : 15/00616/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
OS EXTRACT	Location Plan	Refused
ROOF LAYOUT	Planning Layout	Refused
SOLAR PANEL	Brochures	Refused
AS EXISTING	Photos	Refused

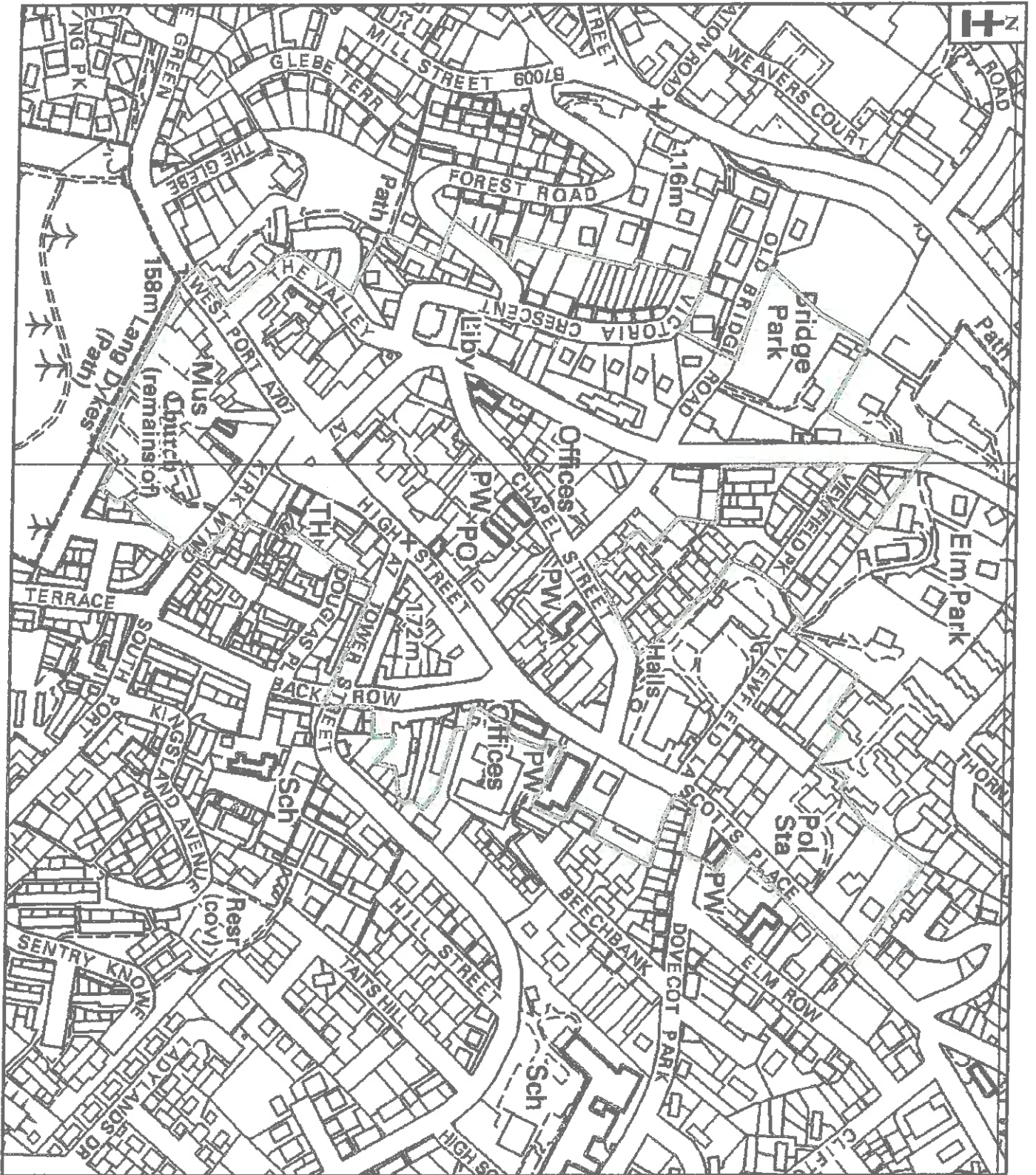
REASON FOR REFUSAL

- 1 The proposed panels would have an unacceptable impact upon the character and appearance of the Selkirk Conservation Area as a result of their prominent siting and the scale of development. As such, the proposed development is considered to be contrary to policies G1, BE4, and D4 of the Consolidated Scottish Borders Local Plan 2011. The benefits of the development do not outweigh these conflicts with the development plan

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 OSA.

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.



Scottish Borders Council
 Conservation Area March 2012

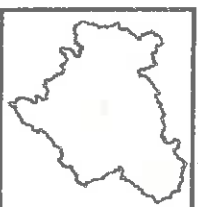
Selkirk

Scale 1:4,000

Key

 Conservation Area Boundary

 Development Boundary



Tel: 01835 826511
 Email: localplan@scob.org.uk

Plans and Research Team
 Planning and
 Economic Development
 Council Headquarters
 Newtown St Boswells
 Melrose TD6 0SA

For further information, including help reading this document, please contact

Disclaimer: Scottish Borders Council uses spatial information from a range of sources to produce the mapping contained within this document. The information is provided for illustrative purposes only. The original sources should be consulted to confirm information.
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2009 No. 34

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (General Permitted
Development) (Domestic Microgeneration) (Scotland)
Amendment Order 2009**

<i>Made</i> - - - -	<i>5th February 2009</i>
<i>Laid before the Scottish Parliament</i>	<i>6th February 2009</i>
<i>Coming into force</i> - -	<i>12th March 2009</i>

The Scottish Ministers make the following Order, in exercise of the powers conferred by sections 30 and 31 of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009 and comes into force on 12th March 2009.

Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

2.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the 1992 Order”)(b) is amended in accordance with paragraph (2).

(2) The provisions in the Schedule to this Order are inserted after Part 1 (Development within the curtilage of a dwellinghouse) of Schedule 1 to the 1992 Order.

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
5th February 2009

(a) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1978 (c.46).
(b) S.I. 1992/223, to which there are amendments not relevant to this Order.

“PART 1A

INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class 6A–

(1) The installation, alteration or replacement of solar PV or solar thermal equipment on–

- (a) a dwellinghouse or a building containing a flat; or**
- (b) a building within the curtilage of a dwellinghouse.**

(2) Development is not permitted by this class, in the case of solar PV or solar thermal equipment installed on a wall or pitched roof of a dwellinghouse, if:

- (a) any part of the solar PV or solar thermal equipment would protrude more than 200mm beyond the external surface of the wall or the plane of the roof; or**
- (b) any part of the solar PV or solar thermal equipment would project higher than the highest point of the roof (excluding any chimney) on which the equipment is fixed.**

(3) Development is not permitted by this class, in the case of a building containing a flat, if–

- (a) the solar PV or solar thermal equipment would be installed on any part of the external walls of the building; or**
- (b) in the case of solar PV or solar thermal equipment installed on a pitched roof, if the solar PV or solar thermal equipment would–**
 - (i) protrude more than 200mm beyond the plane of the roof; or**
 - (ii) project higher than the highest point of the roof (excluding any chimney) on which the equipment is fixed.**

(4) Development is not permitted by this class, in the case of solar PV or solar thermal equipment installed on a flat roof of a dwellinghouse or building containing a flat, if the solar PV or solar thermal equipment would–

- (a) be situated within 1 metre from the edge of the roof; or**
- (b) protrude more than 1 metre above the plane of the roof.**

(5) Development is not permitted by this class, in the case of land within a conservation area or World Heritage Site, if the solar PV or solar thermal equipment would be installed on a wall or part of a roof which–

- (a) forms the principal elevation of the dwellinghouse or the building containing the flat; and**
- (b) is visible from a road.**

(6) Development is permitted by this class, subject to the following conditions–

- (a) solar PV or solar thermal equipment must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area; and**
- (b) solar PV or solar thermal equipment no longer needed for or capable of domestic microgeneration must be removed as soon as reasonably practicable.**

Class 6B

(1) The installation, alteration or replacement of a free-standing solar within the curtilage of a dwellinghouse.

(2) Development is not permitted by this class if–

- (a) it would result in the presence within the curtilage of a dwellinghouse of more than one free-standing solar;
- (b) the surface area of the solar panels forming part of the free-standing solar would exceed 9 square metres;
- (c) any part of the free-standing solar would exceed 4 metres in height; or
- (d) the distance from the boundary of the curtilage of the dwellinghouse to the free-standing solar would be less than the height of the free-standing solar.

(3) Development is not permitted by this class in the case of land within a conservation area or World Heritage Site, if the free-standing solar would be visible from a road.

(4) Development is not permitted by this class if the free standing solar would be within the curtilage of a listed building.

(5) Development is permitted by this class, subject to the following conditions–

- (a) the free-standing solar must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area; and
- (b) a free-standing solar no longer needed for or capable of domestic microgeneration must be removed as soon as reasonably practicable.

Class 6C

(1) The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.

(2) Development is not permitted by this class if -

- (a) the height of the flue would protrude more than one metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;
- (b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse or building containing a flat; or
- (c) the flue would be within an Air Quality Management Area.

Class 6D

The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse or building containing a flat.

Class 6E

The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse or building containing a flat.

Class 6F

(1) The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse or building containing a flat.

(2) Development is not permitted by this class if–

- (a) the height of the flue would protrude more than 1 metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;

- (b) in the case of land within a conservation area or World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse, or building containing a flat; or
- (c) in the case of a combined heat and power system fuelled by biomass sources, the flue would be within an Air Quality Management Area.

Interpretation of Part 1A

For the purposes of Part 1A--

“Air Quality Management Area”, has the meaning given in section 83(1) of the Environment Act 1995(a);

“free-standing solar” means solar photo voltaics or solar thermal equipment which is not installed on a building;

“microgeneration” has the meaning given in section 82(6) of the Energy Act 2004(b) and “domestic microgeneration” means the production of electricity or heat for domestic consumption using microgeneration equipment;

“solar PV” means solar photovoltaics; and

“World Heritage Site” means land appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage(c).”

(a) 1995 c.25.

(b) 2004 c.20.

(c) See command paper 9424.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Schedule 1 confers permitted development rights in respect of certain development and where such rights apply, no specific application for planning permission is needed. This Order extends permitted development rights to certain individual microgeneration technologies.

Article 2(2) and the Schedule inserts a new Part 1A into Schedule 1 of the 1992 Order. It provides permitted development rights for the installation of specified types of microgeneration equipment on or within the curtilage of dwellinghouses or flats, subject to certain criteria. These types of microgeneration equipment include: solar thermal and photo-voltaic panels; flues for biomass systems; ground source heat pumps; water source heat pumps and flues for combined heat and power devices.

A regulatory impact assessment has been prepared in relation to this Order and can be obtained free of charge from the Scottish Government Planning Directorate, Area 2H, Victoria Quay, Edinburgh, EH6 6QQ.

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2009 No. 34

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (General Permitted
Development) (Domestic Microgeneration) (Scotland)
Amendment Order 2009**

£5.00

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND BUILDING STANDARDS**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 09/00365/FUL
APPLICANT : Mr David Bethune
AGENT :
DEVELOPMENT : Installation of 42 photovoltaic cells on the south facing roof
LOCATION: Selkirk Parish Church
High Street
Selkirk
Scottish Borders
TD7 4JX
TYPE : FUL Application
REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
AMENDED	Elevations	Approved
AMENDED	Sections	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

CONSULTATIONS CARRIED OUT AND SUMMARY OF CONSULTATION RESPONSES:
The Royal Burgh of Selkirk and District Community Council: Offer no objection

PLANNING CONSIDERATIONS AND POLICIES:

Structure Plan 2001 - 2018: N18, N20 , I19
Local Plan 2008: BE4, D4, G1, H2

Recommendation by - Scott Shearer (Planning Officer) on 28th May 2009

This application is seeking planning consent for the installation of photovoltaic modules upon the south facing roof of the Selkirk Parish Church, this property is within the conservation area of Selkirk.

Originally this application proposed the installation of 42 photovoltaic modules measuring 21 x 2.6m however this length of modules could not be positioned appropriately upon the roof slope creating an unbalanced appearance. Thus the application was amended to propose 40 modules measuring 20m in length, allowing this development to be suitably positioned upon the centre of the roof slope, further a gap 0.3m gap between the modules and the triangular vents was created to guard against damage. The church is set back from the fronting High Street allowing for this development to not appear over bearing against the traditional character of the surrounding area.

The community council supported this application.

No objections have been lodged and it is considered that this development will not facilitate and detrimental effects in relation to neighbouring amenity.

The adequate amendments have addressed concerns regarding the positioning of the cells. The proposal is now considered to sit comfortably upon the slope and appear visually acceptable from the wider surrounding area.

REASONS FOR DECISION: The proposed installation of 40 photovoltaic cells on the south facing roof of Selkirk Parish Church is acceptable, the development is not considered to have a detrimental effect to the character of the conservation area or amenity of neighbouring properties and complies with Structure Plan Policy I19, N18, N20 and Local Plan Policies BE4, D4, G1, H2.

Recommendation: Approved subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby approved shall be carried out wholly in accordance with the amended plans dated 15/05/2009 and 25/05/2009.
Reason: To safeguard the character and appearance of the Listed Building and ensure that the development is carried out as approved by the Planning Authority.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND BUILDING STANDARDS**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 09/00366/LBC
APPLICANT : Mr David Bethune
AGENT :
DEVELOPMENT : Installation of 42 photovoltaic modules on the south facing roof
LOCATION: Selkirk Parish Church
High Street
Selkirk
Scottish Borders
TD7 4JX
TYPE : LBC Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
AMENDED	Elevations	Approved
AMENDED	Sections	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

CONSULTATIONS CARRIED OUT AND SUMMARY OF CONSULTATION RESPONSES:
The Royal Burgh of Selkirk and District Community Council: Offer no objection

PLANNING CONSIDERATIONS AND POLICIES:

Structure Plan 2001 - 2018: N17, I19

Local Plan 2008: BE1, D4

Recommendation by - Scott Shearer (Planning Officer) on 28th May 2009

This application is seeking Listed Building Consent for the installation of photovoltaic modules upon the south facing roof of the B Listed Selkirk Parish Church, High Street, Selkirk.

The Heritage and Design Officer was content that the principle of this proposal would not detract from the special character of the Listed building, however it was recommended that in order to minimise the impact upon the character and appearance of the structure that the module panel should be centred upon the triangular roof vents and a greater gap should be left between these vents and the top of the panel. These observations led to an amendment, proposing 40 photovoltaic modules instead of 42, allowing the module panel to be centred upon the roof slope. The modules have also been repositioned closer to the eaves, allowing for a 0.3m gap to be left between the modules and the three triangular vents. This suitable positioning has resulted in a balanced appearance which respects the integrity of the Listed building.

The community council also supported this application.

The adequate amendments are considered to have appropriately positioned the cells upon the roof slope to enable the development to appear balanced and not have a detrimental effect upon the integrity and appearance of the Listed Building. No objections have been received.

The application will require referral to Historic Scotland in the event consent is to be granted.

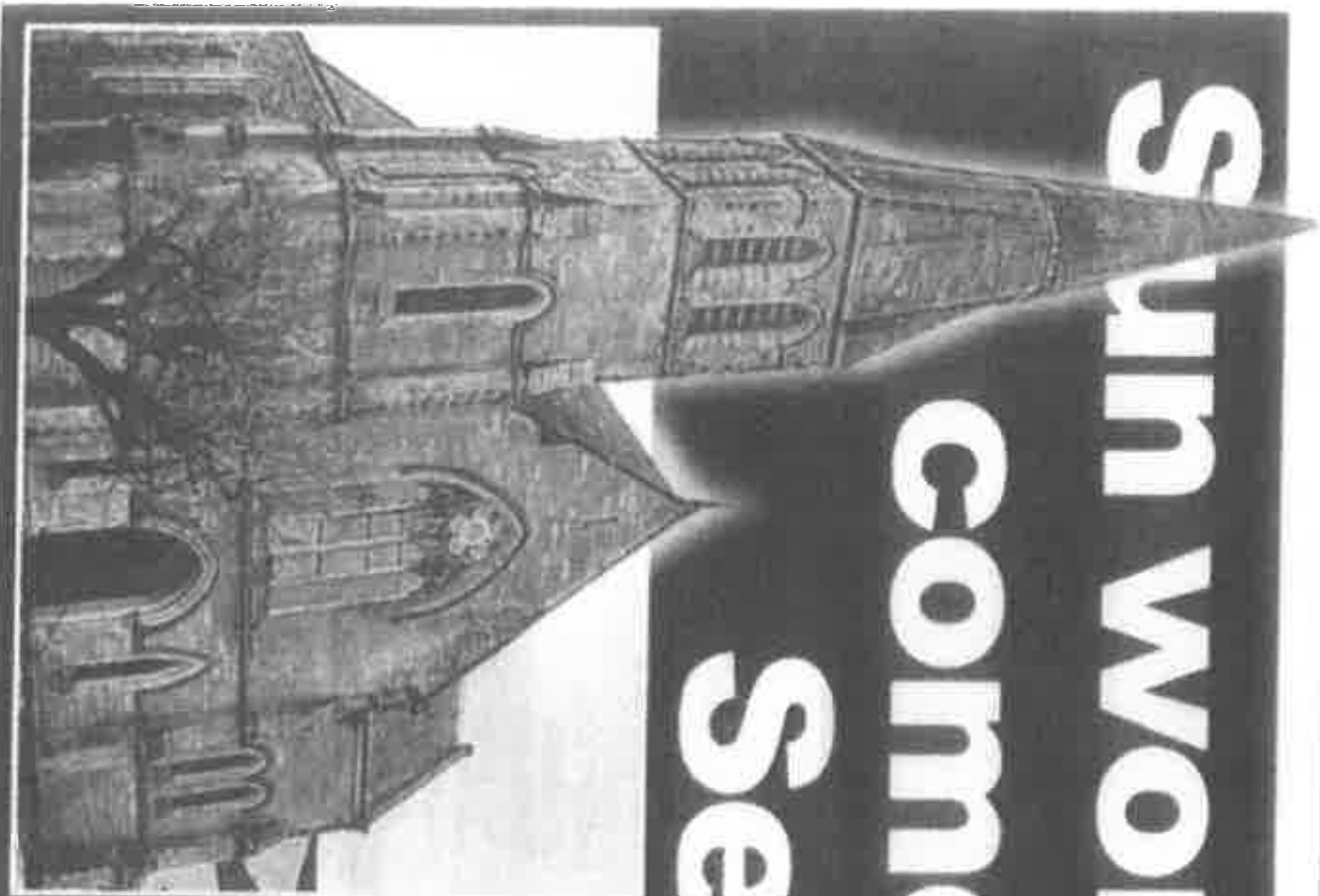
Reason for Decision: The proposed installation of 40 photovoltaic cells on the south facing roof of Selkirk Parish Church is acceptable, the development is not considered to have a detrimental affect on the special architectural or historic quality of the building and would comply with Policies BE1, DE4 of the Local Plan and Policies N17, I19 of the Structure Plan.

Recommendation: Approved subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby approved shall be carried out wholly in accordance with the amended plans dated 15/05/2009 and 25/05/2009.
Reason: To safeguard the character and appearance of the Listed Building and ensure that the development is carried out as approved by the Planning Authority.



Sun worship comes to Selkirk



David Knox

CHURCH 11,441 Rs in Selkirk will start by hoping that more than 1 and 1/2 million dollars will be spent on them.

The congregation of St. Nicholas Cathedral is now set to receive the first of the 11,441 Rs for the proposed almost entirely for solar panels.

Kirk others hope to install 40,000 solar panels in the city, which is the goal of the 11,441 Rs high school project.

It is expected that 10,000 solar panels will be installed through the project and that the cost of the project will be about 100,000 Rs.

It has been suggested that the solar panels will be a success. The 11,441 Rs from the church will be used to pay for the solar panels.

The church has been a success in the past. The church has been a success in the past. The church has been a success in the past.

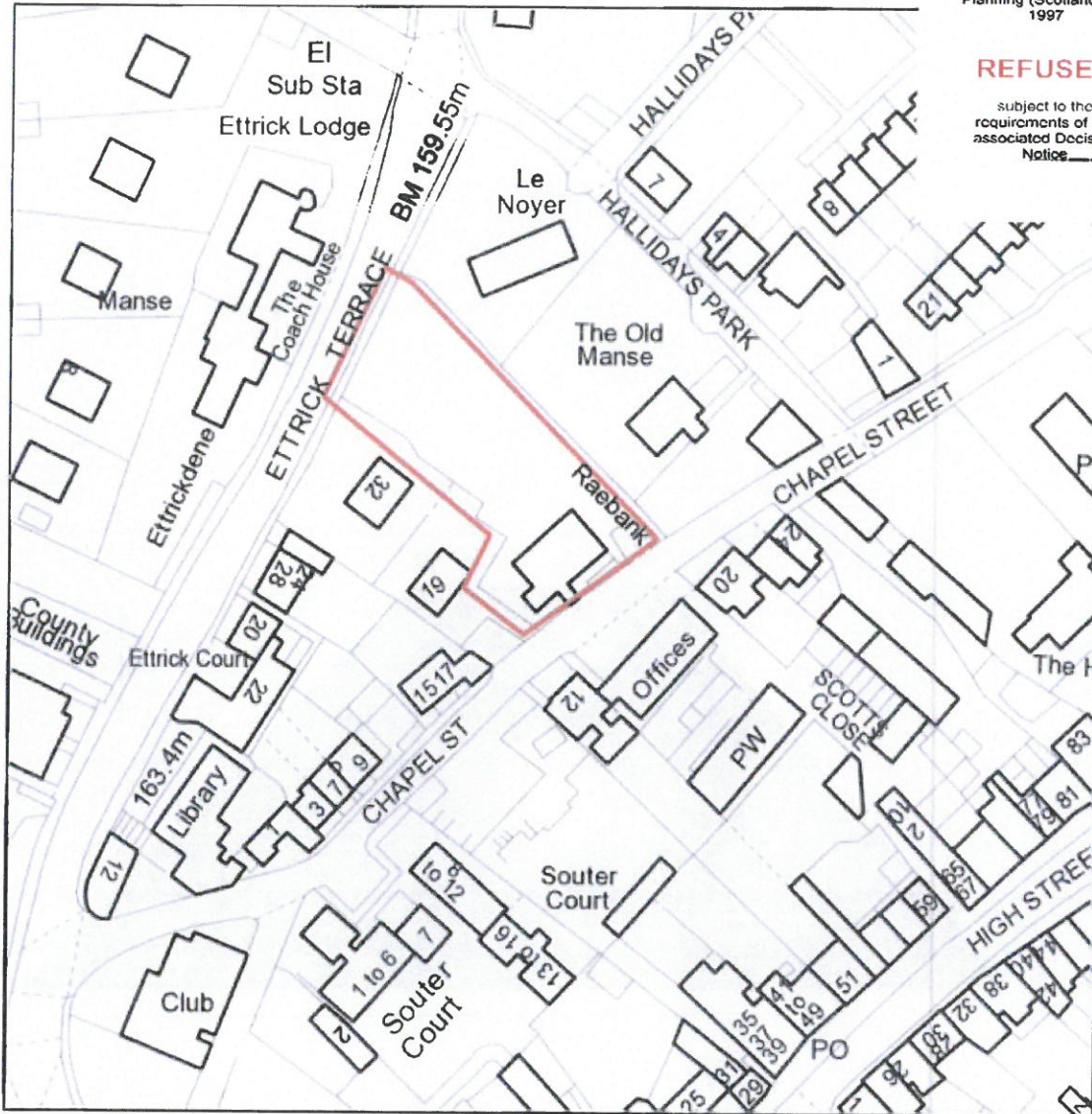
15/00616/FUL

RAEBANK, CHAPEL STREET, SELKIRK, TD7 4LB

Scottish Borders Council
Town And Country
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1997

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subject to the
requirements of the
associated Decision
Notice

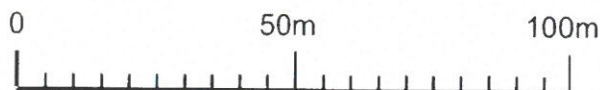


Information

- Application Boundary
- Land in Ownership

Online Ref:
000121567
Date: 29/5/2015

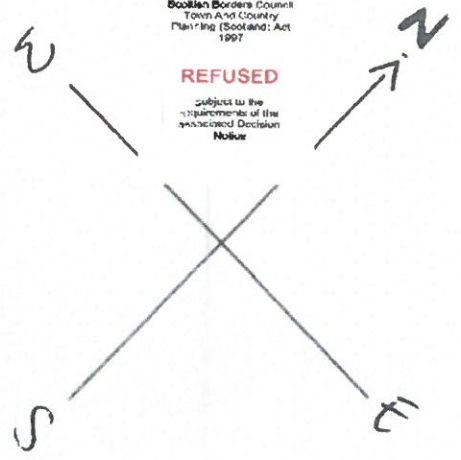
Scale 1:1250 (4Ha)



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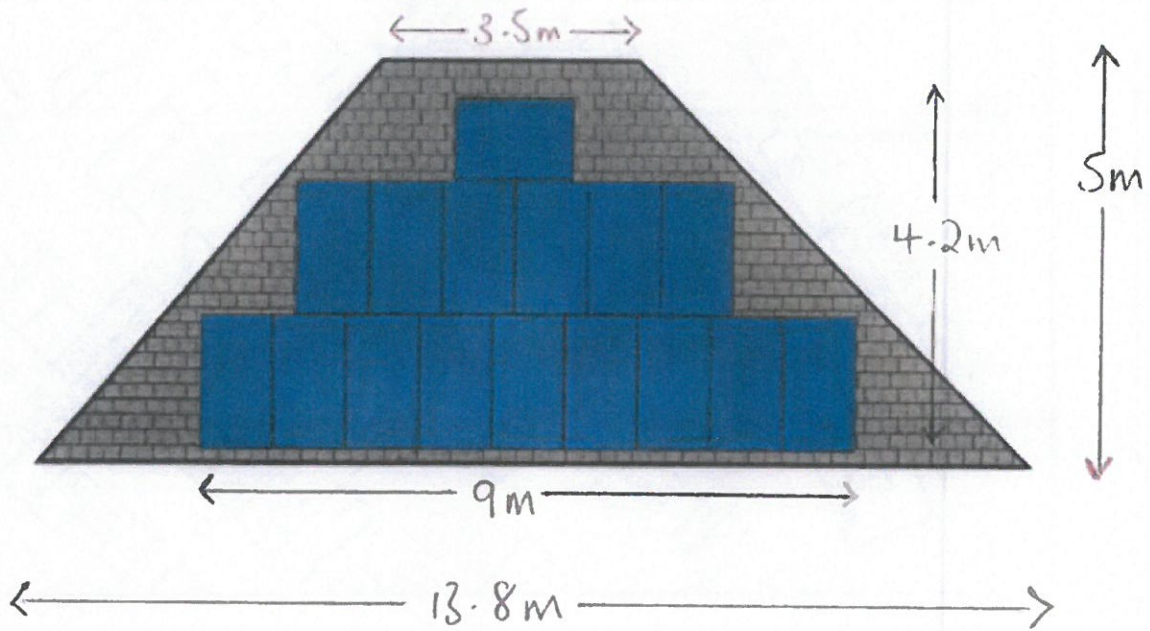
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Roof layout

Roof 1



Roof:

- 13.8m (L) x 5m (H)
- Orientation is South East.

PV PANELS:

- 1m (L) x 1.6m (H) (portrait)
- 16 panels in total.

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1987

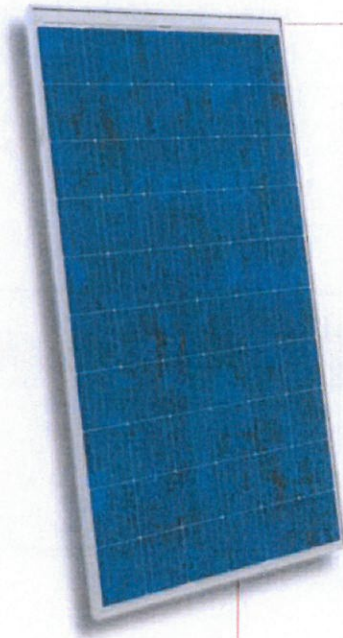


STP250 - 20/Wd
STP245 - 20/Wd
STP240 - 20/Wd

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250 Watt POLYCRYSTALLINE SOLAR MODULE



Features



High module conversion efficiency
Module efficiency up to 15.4% achieved through advanced cell technology and manufacturing capabilities



Excellent weak light performance
Excellent performance under low light conditions



Positive tolerance
Positive tolerance of up to 5% delivers higher outputs reliability



Suntech current sorting process
System output maximized by reducing mismatch losses up to 2% with modules sorted & packaged by amperage



Extended wind and snow load tests
Module certified to withstand extreme wind (3800 Pascal) and snow loads (5400 Pascal) *



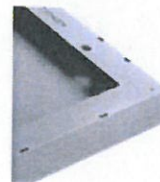
Withstanding harsh environment
Reliable quality leads to a better sustainability even in harsh environment like desert, farm and coastline

Certifications and standards:
IEC 61215, IEC 61730, conformity to CE



Trust Suntech to Deliver Reliable Performance Over Time

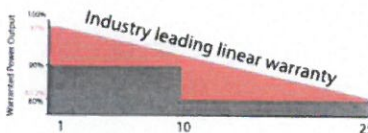
- World-class manufacturer of crystalline silicon photovoltaic modules
- Unrivaled manufacturing capacity and world-class technology
- Rigorous quality control meeting the highest international standards: ISO 9001: 2008, ISO 14001: 2004 and ISO17025: 2005
- Regular independently checked production process from international accredited institute/company
- Tested for harsh environments (salt mist, ammonia corrosion and sand blowing testing: IEC 61701, DIN 50916:1985 T2, DIN EN 60068-2-68)****



Compact and Durable Frame Design

Suntech's new compact frame design is light-weight and easier to handle during installation. The rigid and durable hollow chamber guarantees the same long-term and reliable performance.

Industry-leading Warranty based on nominal power



- 97% in the first year, thereafter, for years two (2) through twenty-five (25), 0.7% maximum decrease from MODULE's nominal power output per year, ending with the 80.2% in the 25th year after the defined WARRANTY STARTING DATE.****
- 10-year material and workmanship warranty



IP67 Rated Junction Box

Supports installations in multiple orientations. High reliable performance, low resistance connectors ensure maximum output for the highest energy production.

* Please refer to Suntech Standard Module Installation Manual for details. **PV Cycle only for EU market.

*** Please refer to Suntech Product Near-coast Installation Manual for details **** Please refer to Suntech Product Warranty for details.

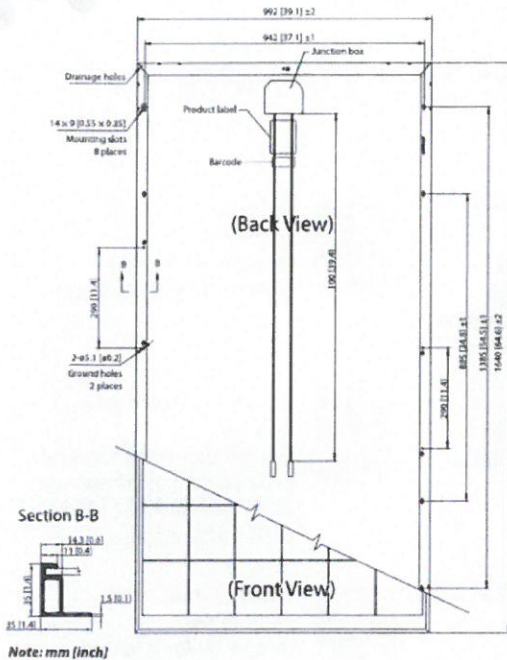
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STP250 - 20/Wd
STP245 - 20/Wd
STP240 - 20/Wd



Electrical Characteristics

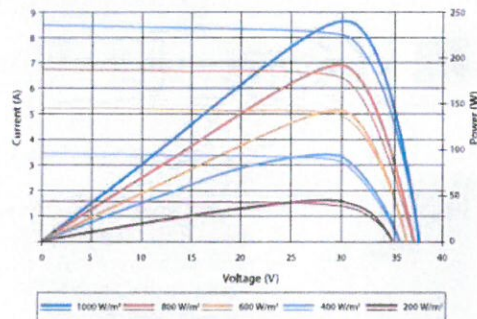
STC	STP250-20/Wd	STP245-20/Wd	STP240-20/Wd
Maximum Power at STC (Pmax)	250 W	245 W	240 W
Optimum Operating Voltage (Vmp)	30.7 V	30.5 V	30.2 V
Optimum Operating Current (Imp)	8.15 A	8.04 A	7.95 A
Open Circuit Voltage (Voc)	37.4 V	37.3 V	37.2 V
Short Circuit Current (Isc)	8.63 A	8.52 A	8.43 A
Module Efficiency	15.4%	15.1%	14.8%
Operating Module Temperature	-40 °C to +85 °C		
Maximum System Voltage	1000 V DC (IEC)		
Maximum Series Fuse Rating	20 A		
Power Tolerance	0/+5 %		

STC: Irradiance 1000 W/m², module temperature 25 °C, AM=1.5.
Best in Class AAA solar simulator (IEC 60904-9) used, power measurement uncertainty is within +/- 3%

NOCT	STP250-20/Wd	STP245-20/Wd	STP240-20/Wd
Maximum Power at NOCT (Pmax)	185 W	181 W	178 W
Optimum Operating Voltage (Vmp)	28.0 V	27.8 V	27.6 V
Optimum Operating Current (Imp)	6.59 A	6.51 A	6.44 A
Open Circuit Voltage (Voc)	34.5 V	34.3 V	34.1 V
Short Circuit Current (Isc)	7.01 A	6.94 A	6.86 A

NOCT: Irradiance 800 W/m², ambient temperature 20 °C, AM=1.5, wind speed 1 m/s.
Best in Class AAA solar simulator (IEC 60904-9) used, power measurement uncertainty is within +/- 3%

Current-Voltage & Power-Voltage Curve(245-20)



Excellent performance under weak light conditions: at an irradiation intensity of 200 W/m² (AM 1.5, 25 °C), 95.5% or higher of the STC efficiency (1000 W/m²) is achieved

Temperature Characteristics

Nominal Operating Cell Temperature (NOCT)	45±2°C
Temperature Coefficient of Pmax	-0.43 %/°C
Temperature Coefficient of Voc	-0.33 %/°C
Temperature Coefficient of Isc	0.067 %/°C

Mechanical Characteristics

Solar Cell	Polycrystalline silicon 156 × 156 mm (6 inches)
No. of Cells	60 (6 × 10)
Dimensions	1640 × 992 × 35mm (64.6 × 39.1 × 1.4 inches)
Weight	18.2 kgs (40.1 lbs.)
Front Glass	3.2 mm (0.13 inches) tempered glass
Frame	Anodized aluminium alloy
Junction Box	IP67 rated (3 bypass diodes)
Output Cables	TUV (2Pfg1169:2007) 4.0 mm ² (0.006 inches ²), symmetrical lengths (-) 1000mm (39.4 inches) and (+) 1000 mm (39.4 inches)
Connectors	MC4 connectors

Packing Configuration

Container	20' GP	40' HC
Pieces per pallet	30	30
Pallets per container	6	28
Pieces per container	180	840

Dealer information



Information on how to install and operate this product is available in the installation instructions. All values indicated in this data sheet are subject to change without prior announcement. The specifications may vary slightly. All specifications are in accordance with standard EN 50380. Color differences of the modules relative to the figures as well as discolorations of the modules which do not impair their proper functioning are possible and do not constitute a deviation from the specifications.

15/00616/FUL

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

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List of Policies

Local Review Reference: 15/00021/RREF

Planning Application Reference: 15/00616/FUL

Development Proposal: Installation of 16no solar photovoltaic (PV) panels to roof

Location: Raebank, Chapel Street, Selkirk

Applicant: Mr G Chamberlain

SESPlan

None applicable.

Consolidated Scottish Borders Local Plan 2011:

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport

- connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
 11. it provides for recycling, re-using and composting waste where appropriate,
 12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
 13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
 14. it incorporates, where required, access for those with mobility difficulties,
 15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY BE4 – CONSERVATION AREAS

1. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.
2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.
3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:
 - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
 - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and

- iii) the proposal will preserve or enhance the Conservation area, either individually or as part of the townscape.
- In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.
4. Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.
 5. The Council may require applications for full, as opposed to outline, consent. In instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any applications for major alterations or extensions, or for demolition and replacement.

POLICY D4 – RENEWABLE ENERGY DEVELOPMENT

The Council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology and solar power where they can be accommodated without unacceptable impacts on the environment. The siting and design of all renewable energy developments should take account of the social, economic and environmental context.

Renewable energy developments will be approved provided that,

1. there are no unacceptable adverse impacts on the natural heritage including the water environment, landscape, biodiversity, built environment and archaeological heritage, or that any adverse impacts can be satisfactorily mitigated;
2. there are no unacceptable adverse impacts on recreation and tourism, including access routes, or that any adverse impacts can be satisfactorily mitigated.

If there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the Council is satisfied that the contribution to wider economic and environmental benefits outweigh the potential damage to the environment or to tourism and recreation.

Commercial Wind Farms

1. Commercial wind farm development will normally be more acceptable in locations within 'preferred areas' outwith environmental designations as set out in Structure Plan Policy I19. As noted in the justification of the local plan policy on Areas of Great Landscape Value (page 60), the Council proposes to carry out a review of the whole Council area with a view to adding additional areas which merit safeguarding under Policy EP2. The results of that review will also be taken into account in assessing the suitability of locations for commercial wind farms.
2. Locations within large scale landscape settings defined as Upland type in the Landscape Classification hierarchy (contained within the Borders Landscape Assessment) will normally be more acceptable than other landscape character types subject to detailed assessment of the fragility of the area to change.

3. Locations where there is surrounding landform that minimises the external visibility of the development, where there is no interference with prominent skylines or where there is no conflict with sensitive habitats will be looked on more favourably than other locations.
4. In assessing the landscape impacts of windfarm developments, particular attention will be given to the effects on high sensitivity receptors including major tourist routes and important landscape viewpoints.
5. In addition to the general provisions for assessment as set out in paragraph 2 of this Policy, proposals for commercial wind farms will be assessed against the following criteria and will be approved where the overall impact is judged acceptable:
 - (i) Impact on landscape character and areas exhibiting remote qualities as guided by expert advice and relevant research including the *Scottish Borders Landscape Assessment 1995*;
 - (ii) Views of the turbines and associated transmission lines, tracks, plant and buildings from 'sensitive receptors' that include residential properties, important landscape features, prominent landmarks, major tourist routes and popular public viewpoints, including those outwith the Scottish Borders boundary;
 - (iii) Visual impact assessment will include cumulative impact, shadow flicker and the potential for driver distraction, and take account of the distance of the facility from receptors and screening. Decision-making will be guided by expert advice and relevant research.
 - (iv) Generation of noise;
 - (v) Traffic generation, including access during construction;
 - (vi) Ecology and ornithology, particularly statutorily protected species and habitats, species and habitats of conservation concern or species vulnerable to wind farms by virtue of their behaviour. Assessment of cumulative impacts on regional populations of birds will be required as appropriate.
 - (vii) Interference with radio telecommunications and aviation;
 - (viii) Provisions for decommissioning, land restoration, after care and after use;
 - (ix) Cumulative impact of wind farm development, including developments in adjoining local authority areas. Unacceptable cumulative impact may restrict development potential in otherwise appropriate areas. In assessing potential cumulative impact, account will be taken of the effect of perceived visual impact.
6. Reference should be made to Scottish Planning Policy (SPP) and PAN 45 Renewable Energy Technologies (revised 2002) in respect of assessing visual and other impacts of wind farm proposals, giving consideration to the size and the number of proposed turbines, the position and number of receptors affected and the distance of the receptors from the turbines.

Developers must demonstrate that they have considered options for minimising the operational impact of the development including:

1. Positioning of the wind farm in relation to landscape character, surrounding landform, wind farms and power lines;
2. Positioning of the wind farm in relation to the biodiversity interest of the site and surrounding area;
3. Siting and design of tracks and ancillary development;
4. Turbine positioning and separation from residential properties and radio telecommunications;
5. Turbine specification and technical controls, including consideration of predicted noise levels at specific properties closest to the wind farm at wind

- speeds corresponding to cut-in, full rated power and maximum operational wind speed, along with background noise levels and wind speeds;
6. Colours and finishes;
 7. Routeing and timing of construction traffic;
 8. Road access and improvements, taking account of constraints posed by wetland and upland habitats.

Other Renewable Energy Development

Small scale or domestic renewable energy developments including community schemes, single turbines and micro-scale photovoltaic/solar panels will be encouraged where they can be satisfactorily accommodated into their surroundings in accordance with the protection of residential amenity and the historic and natural environment.

Renewable technologies that require a countryside location such as the development of biofuels, short rotation coppice, 'biomass' or small scale hydro-power will be assessed against the relevant environmental protection policies.

Waste to energy schemes involving human, farm and domestic waste will be assessed against Policy Inf7 Waste Management Facilities.

Other Material Considerations

Supplementary Planning Guidance on Renewable Energy 2007

Supplementary Planning Guidance - Placemaking and Design 2010

Historic Scotland's Managing Change in the Historic Environment "Micro Renewables" 2010

Historic Scotland's Micro-renewables in the Historic Environment 2014

Scottish Historic Environment Policy 2011

Scottish Planning Policy

Scottish Borders Proposed Local Development Plan 2013

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1 Western Terrace Edinburgh EH12 5QF
T +44 (0) 131 337 9640

Philip Neaves

Mobile: 07446 897144

Philip@felshampd.co.uk

Head of Corporate Administration,

Scottish Borders Council

Council Headquarters

Newtown St Boswells

Melrose

TD6 0SA

2nd September 2015

Dear Sirs,

NOTICE OF REVIEW UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN

RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

Appeal to Local Review Body

External alterations and erection of 4 No flagpoles

West Grove Waverley Road Melrose TD6 9SL

Rural Renaissance Ltd 15/00504/FUL

Felsham Planning & Development Ltd are planning advisor to Rural Renaissance Ltd. We are instructed to submit an appeal to the Local Review Body following the refusal of the above application on 14th July 2015. Accordingly, please find enclosed:

1. Notice of Review form
2. Appeal statements
3. Relevant papers (Documents 1 – 9)

Please do not hesitate to contact me if you require any further information.

Yours faithfully





NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached Appeal Statement and supporting material

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review:

N/A

List of documents and evidence

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.

- 1.Planning Application Submission
 - 2.Existing and Proposed Plan
 - 3. Existing and Proposed Front Elevation
 - 4. Existing and Proposed Side Elevation
 - 5. Location Plan
 - 6. Planning Officer's Report
 - 7. Decision Notice
 - 8. Email Rural Renaissance to planning officer 7.7 15
 - 9. Flags - History and Use August 2015
- Please also see attached appeal statement*

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/ag [redacted] serve notice on the planning authority to review the application as set [redacted] ing documents.

Signed

[Redacted signature box]

Date

02/09/15

PHILIP REYES FELTHAM PFD

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

Appeal Statement

External alterations and erection of 4 No flagpoles

West Grove Waverley Road Melrose TD6 9SL Rural Renaissance Ltd 15/00504/FUL

1.0 Introduction

Felsham Planning and Development is planning adviser to Rural Renaissance Ltd. We are instructed to submit an appeal following Scottish Borders Council's decision to refuse our client's application for *External alterations and erection of 4 No flagpoles* using its delegated powers.

The site lies just outside of, but adjacent to, the Conservation Area in Melrose, and fronts Cross Avenue, on the main approach to the town centre at Melrose from the north and west. The building was originally a Congregationalist Church.

The application was refused on 14th July 2015 for the following reasons:

1. *The proposed development is contrary to Adopted Local Plan policy G1 in that the erection of four flagpoles would not be compatible with or respectful of the character of the surrounding area or neighbouring buildings*
2. *The proposal is contrary to Adopted Local Plan policy BE4 in that the erection of 4 flagpoles would have an unacceptably adverse impact on the character and appearance of the conservation area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the conservation area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated*

The Town and Country Planning (Scotland) Act requires full disclosure of an appeal case at the outset. The reasons for refusal cannot be added to or amended. Having regard to the above, we consider the main determining issues to be:

- Whether the proposed development is unusual and out of keeping in this location
- Whether there would be an *unacceptably adverse impact* on the character and appearance of the conservation area
- The policy test, both national and local, dealing with such impact
- The Council officer's assessment and reasoning and whether that is competent or reasonable. In this respect it is important to compare the Council officer's reasons and justification with the policy test set out in Scottish Planning Policy (SPP)

2.0 Planning Policy

The relevant development plan is the Consolidated Scottish Borders Local Plan 2011

Policy BE4 - Conservation Areas is criteria based policy. Its provisions are as follows:

- Development within or adjacent to the conservation area should not have an adverse impact on its character and appearance
- Development must be located to preserve and enhance the special character of the conservation area. It should accord with scale, proportion, density and alignment and boundary treatment of the conservation area
- Full consideration will be given to Scottish Historic Environment Policy (SHEP) when considering development in the conservation area

Policy G1 - Quality Standards for New Development is a criteria based policy and requires that new development should, inter alia:

- Be of a high quality and be designed to fit into the townscape
- Be compatible with the surrounding area and neighbouring uses
- Be satisfactorily accommodated within the site
- Able to allow for contemporary or innovative design
- Incorporate hard and soft landscaping

- Provide appropriate boundary treatments
- Be of a scale, mass and density compatible with the surrounding area
- Colours, textures and materials should complement surrounding architecture

Policy G7 - Infill Development. This policy states that, inter alia, 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 states that development should be compatible with a residential area and that visual impact will be a consideration.

Regard must also be had 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 sensitively 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

Paragraph 141 deals with listed buildings and conservation areas and states:

...the materials...scale and setting...of any development which will affect the setting of a listed building or conservation area...should be appropriate to the character and appearance of the building or conservation area...

Therefore, the recently published SPP has clarified the policy test, which is development appropriate to the conservation area. 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 building. In our view, the nature of the proposed use should not impact on the character of the conservation area.

The Scottish Historic Environment Policy (SHEP) sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations. Paragraph 2.37 states that conservation areas are defined as 'areas of special architectural or historic interest. Paragraph 2.44 states:

2.44. Once an area has been designated, it becomes the duty (see Note 2.23) of the planning authority and any other authority concerned, including Scottish Ministers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation and under Part I of the Historic Buildings and Ancient Monuments Act 1953.the character or appearance of which it is desirable to preserve or enhance.

3.0 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 same principles apply to an appeal. We set out below the basis for determining a planning application and we then consider the reasons for refusal against the prescribed methodology.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.

This judgement sets out a clear approach to determining a planning application and clarifies how the development should be used:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.

5. Assess whether these considerations warrant a departure from the Development Plan.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless any site specific matters preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

In assessing this proposal we believe that it is also relevant to refer to have regard to Tesco Stores v. Dundee [2012] PTSR 983 case. Paragraph 18 of the Dundee decision states:

The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority....the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.

Paragraph 19 continues:

The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

4.0 Assessment

Having regard to the House of Lords methodology we note:

Identify any provisions of the Development Plan that are relevant to the decision – the relevant policies are those identified in the reasons for refusal, namely G1 and BE4. There is no objection on the grounds of infill development (G7) or residential amenity (H2)

Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies – the aims and objectives of the development plan that are relevant to this proposal are to maintain the character and appearance of the conservation area; to protect residential amenity; and to ensure that the scale, design and materials that are used are appropriate to the area.

Consider whether or not the proposal accords with the Development Plan – There is no objection to the external alterations. The planning officer has noted:

The proposed external alterations to the building with respect to fenestration are an improvement upon the existing appearance in helping to restore a vertical emphasis. If the frames and detailing were finished in dark colours as indicated, this would be entirely beneficial in terms of the character and appearance of the building.

The proposed reinstatement of a sun dial in place of a clock-face raises no particular concerns in terms of what has been indicated, but the detail would be appropriately provided for prior approval since some recessed detail appears to be indicated but not described. This matter is capable of being addressed by planning condition.

Given the presence of render on the existing building, the proposed extension of this finish does not raise any concerns in principle.

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T +44 (0) 131 337 9640

Therefore, these alterations must be judged to be in accordance with the development plan. It should also be noted that prior to Rural Renaissance buying the site, NHS had approached SBC Planners and discussed the possibility to demolishing the building for housing to which SBC were agreeable in principle. Having regard to the Council's position regarding those discussions it can be deduced that the Council considers that this building and its associated fixtures and fittings do not have any significant meaning or purpose that contributes to the character and appearance of the conservation area.

The issue in this case relates to the alleged unacceptable impact on the character and appearance of the conservation area. In order to consider this aspect in policy terms it is necessary to consider why the planning officer thought the development should be refused and to set his argument against wider policy considerations, in particular SHEP and SPP, which both anticipate that change is inevitable in a conservation area. SPP contains a presumption in favour of positive change to the built environment. The test is no adverse impact; therefore, some change is anticipated.

The first weakness in the planning officer's report is the lack of a description of the character and appearance of this conservation area and an assessment of the qualities that led to the designation of the conservation area. Nowhere in his report is there any assessment of why this part of Melrose was designated a conservation area and how four flag poles will create an adverse impact on the characteristics that led to designation. This is a significant weakness because without such assessment the planning officer's argument is supposition and merely an assertion to say that there will be harm. The planning officer has not said how and why that harm will arise or considered whether it can be mitigated.

The officer states:

In the event of approval, these details could be appropriately regulated by planning condition. However, it is considered that the impacts of the proposal, and the justification for the principle of flag poles being sited in this location at all, require further consideration.

He continues:

At least, it is not accepted that the Applicant has any formal or informal need, let alone any statutory requirement, that would, and could, only appropriately be met by the installation of flag poles at the site for the purpose of flying civic, national and/or international flags.

This fails to recognise that except in exceptional circumstance need is not a planning matter. The officer does not like the flag poles and believes that there is not a need but lack of perceived need cannot be used to support an alleged unacceptable impact on the character and appearance of the conservation area. The officer must focus on adverse impact not whether there is a need for the flag poles. Without a proper character assessment of the conservation area and an assessment of the impact of the flag poles on that character the officer cannot demonstrate adverse impact.

The officer then states:

The erection of flagpoles in this context (particularly if they were to be as high and dominant as the photomontage indicates) would be liable to give the development an ambivalent appearance, which would more likely be read as a civic or institutional context, rather than interpreted as denoting a private office development or conference centre.

The officer makes reference to *ambivalent appearance* but again does not show how this will have a harmful impact on the character and appearance of the conservation area. How the building is perceived in operational terms and by the market it wishes to sell its services to is a matter for the owner and occupier not a planning matter. This is a former church. Its past use would have involved signs and notice boards outside. It would not have had a clear or uncluttered external appearance. Introducing flagpoles will not block a previously unobstructed view nor will it introduce clutter.

We attach as document 9 an article which sets out the history and use of flags. It is clear that flags, both in the past and now, have many uses and are not restricted to civic and institutional use. Rural Renaissance wrote to the planning officer on 7th July 2015 to address issues raised in discussions, including the flying of flags. That submission noted:

1. *Flying of flags at West Grove compliments and supports the positive aspects of SBC's recent decision on flags:-*

All modern business organisations must be inclusive and flying flags helps us to promote this policy, the removal of these flags would inhibit this. SBC report supports this argument.

2. *Promotes Melrose and reflects positively on its community:-*

We have been flying flags at our Priorwood Offices for a number of years. Initially just recognising the national days of countries within the UK, more recently we have expanded this to include a number of countries around the globe that we have a connection with. This has proved very popular.

Our welcome for the visiting teams at this year's Melrose 7s was retweeted by North Western University (South Africa) to their 10,600 followers. Not only did this promote Melrose and the Scottish Borders to an international audience, but promoted discussion within the town – as do most of our flags. Many people have told us they look to the Crawford's flags to see which national holiday it is! We share photographs of our flags on Facebook to enhance their reach. Our posts have a large, worldwide audience; one of our posts reached 3400 people, of which 1600 interacted with the post. This promotes the Borders – as a place to live, visit and do business.

Melrose is a cosmopolitan community with visitors and residents holling from all across the globe. These flags generate the welcoming and inclusive image.

The flags are removed and raised every day and never has there been an incident of vandalism. They do not interfere with any views or pose any threat to the community, but contribute to the surroundings.

3. *Flags are commonly found in conservation areas, and are not limited to public or government buildings – banks, hotels and offices fly flags.*

4. *We will not fly advertising banners from these poles, and as you have stated, this would require separate consent.*

The planning officer has shown a lack of appreciation for the use of flags. In our submission flag poles in this location would not be inappropriate or unusual.

The officer finally moves towards a consideration of harmful impact when stating:

The unusualness of this appearance would be highlighted further, firstly, by the prominence of this elevation within views from the public realm at a junction and on a gateway approach to Melrose's town centre, making this appearance highly visible in itself. Secondly, and with regard to setting, the application site is not in fact within a central location, but lies on the approach to, rather than within, the town centre. Its appearance within an outlying and predominantly residential area would be somewhat remarkable in itself, and arguably at odds with its surroundings.

This fails to recognise that the approach to a town centre, certainly in the case of Melrose, is one of transition and a mix of uses. This is a church not a residential building. The erection of flagpoles needs to be read in the context of signs and notice boards that would have previously been associated with the church. Flag poles are not unusual and in our submission create a simplified less cluttered external appearance to the building than would have been the case with the previous use.

The officer the states:

At least the appearance of flags at this prominent, outlying location relative to the town centre, would arguably be as likely, if not more likely, to denote the setting of a hotel, rather than an office or conference centre, thereby further confusing, rather than clarifying, the character of the development.

He has introduced subjective judgement in stating that the building could be interpreted as a hotel. Such a statement does not clarify how there will be harmful impact. This is plainly a church. The subsequent change of use to an office and the proposed introduction of 4 flagpoles will not change that perception of church architecture. Churches are increasingly subject to change of use and it is often difficult to tell the use because of the impact of distinctive church architecture. The introduction of 4 flagpoles will not alter the perception of the building in a negative way.

The officer then concludes:

The erection of flagpoles, even in isolation from the other proposals, would give the building, currently in office use, a very ambivalent character, and would appear significantly out-of-place within, and also out-of-scale with, their surroundings.....

For clarity, the objection here is to the principle of flagpoles being erected at all, rather than to the specific height of flagpoles that the supporting details indicate.

Nowhere in this report is there consideration of the proposal against the criteria of policies G1 and BE4 against which it has been refused. The officer clearly does not like the flagpoles and has, in our submission, allowed his own subjective judgement to inform his assessment rather than carrying out a systematic assessment against policy. In particular, the failure to assess the flag poles against the conservation area character assessment is a significant weakness in the Council's argument. The officer has not demonstrated:

- How or why an unacceptably harmful impact will arise
- Given consideration to the need to maintain prominent buildings in a beneficial use
- Assessed the flagpoles against the street furniture that would have been associated with the previous use
- Given any weight to the fact that flagpoles can be an iconic and attractive feature or given weight to the fact that the display of flags is long associated with buildings of many different kinds and that such display is not harmful or unusual
- Given any thought to the fact that the flying of flags is not restricted to civic or institutional buildings but has a long history of private use
- Given any consideration to the reasons for the flag poles, set out in our client's email to the officer (submitted with this appeal) or the controls our client intends to use (again set out in that email)

Therefore, we consider that the proposal complies with the development plan.

Identify and consider relevant material considerations for and against the proposal – Despite the alleged prominence of the site there were only 3 objections. The consultation responses were as follows

- *Roads Planning Section: I am content that the poles do not interfere with visibility sightlines for drivers exiting the site. No roads objections.*
- *Economic Development Section: has no objections and supports the improvements proposed for the frontage of this building.*
- *Community Council: supports the external changes and improvements proposed for this building, but has a concern regarding the flagpoles in this primarily residential area (where they) may be out of place.*

Whilst the Community Council made reference to the flagpoles their statement that they *may be out of place* is important. It is speculation and an afterthought and cannot be read as an objection.

SPP gives weight to objections in the planning process. The lack of objections is a material consideration when set against the assertion made in the reasons for refusal of *unacceptably adverse impact*. Clearly the community and local residents i.e. those most affected do not share the planning officer's concerns.

Assess whether these considerations warrant a departure from the Development Plan – we do not believe that there are any material considerations that override our conclusion on planning policy.

5.0 Conclusion

Having regard to the reasons for refusal we conclude:

- Reason 1 – the council has not justified why there will be a harmful impact on the character of the surrounding residential area. This is a building that is not in residential use. Its established use, appearance and role and function are different from the surrounding area. All that is proposed is the erection of 4 flagpoles, which in our submission will be distinctive and attractive and will have a lesser impact than the street furniture associated with the historic use as a church
- Reason 2 – the council has failed to demonstrate why there will be an unacceptably harmful impact on the character and appearance of the conservation area. SPP and SHEP anticipate change as inevitable in a conservation area. The alterations to the building are all considered acceptable. All that is in dispute is the erection of 4 flagpoles. These do not make an irrevocable alteration to the appearance of the building and are a minor alteration. On the approach into the town and in all views of the building what will be seen is a large building that will be judged as having an historic ecclesiastical with 4 flagpoles outside. The flagpoles and the flags will not obscure the vision of the building and may heighten the perception of its historic importance to this part of Melrose, thus adding to the feeling of grandeur and spectacle around the building and its immediate surrounds not undermining the character and appearance of the conservation area.

Flagpoles are not an unusual or alien feature in a town and they are often associated with a church, particularly a non-established church, where flags and banners whether placed inside or outside the church are an important part of its ceremony and function. Whilst the use has changed the building remains unmistakably ecclesiastical and flags are not out of keeping with the perception people are likely to have of the building and the features they would expect to find outside such a building. Therefore, the flagpoles cannot be judged as having an *unacceptable* harmful impact on the character of the conservation area.

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The officer has produced no evidence that he has considered what makes the conservation area special. He has not referred to the conservation statement and cannot judge whether there will be a harmful impact because he has no means to judge what will be impacted upon and whether that will result in harm. This is a very serious weakness in his assessment and judgement.

In our submission the decision rests on the judgement of *unacceptable harm*. There will be change and such change is anticipated by SPP and SHEP. The question is whether there will be unacceptable harm. In our submission the officer has allowed his subjective judgement too much scope in decision making and has not properly considered the question of harm. In particular there is no evidence in his report of the question of harm being applied to the policy criteria or to what makes the special character of this conservation area.

For these reasons we conclude that there is no basis to support the reasons for refusal and respectfully request that they be overturned and the appeal be granted.



Document 1



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000118988-001

The online ref number 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.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission In Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Window renovation and remedial elevational works

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

No Yes - Started Yes - Completed

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:	<input type="text" value="Camerons"/>
Ref. Number:	<input type="text"/>
First Name: *	<input type="text" value="Gavin"/>
Last Name: *	<input type="text" value="Yuill"/>
Telephone Number: *	<input type="text" value="01896 753077"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text" value="01896 756046"/>
Email Address: *	<input type="text" value="gala@camerons.ltd.uk"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="1"/>
Address 1 (Street): *	<input type="text" value="Wilderhaugh"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Galashiels"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="TD1 1QJ"/>

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>
Other Title:	<input type="text"/>
First Name:	<input type="text"/>
Last Name:	<input type="text"/>
Company/Organisation: *	<input type="text" value="Rural Renaissance Limited"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text" value="Priorwood"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="-"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Melrose"/>
Country: *	<input type="text" value="United Kingdom"/>
Postcode: *	<input type="text" value="TD6 9EG"/>

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

OFFICE WEST GROVE

Address 5:

Address 2:

WAVERLEY ROAD

Town/City/Settlement:

MELROSE

Address 3:

Post Code:

TD6 9SL

Address 4:

Please identify/describe the location of the site or sites.

Northing

634260

Easting

354106

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

2622.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Office

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

36

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

36

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

N/A

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 ? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided, before you can complete your certificate.

Notice 1 is Required

I understand my obligations to provide the above notice(s) before I can complete the certificates. *

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

NHS Borders, Rushbank, Newstead, Melrose, United Kingdom, TD6 9DA

Date of Service of Notice: *

01/05/15

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Gavin Yuill

On behalf of: Rural Renaissance Limited

Date: 05/05/2015

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Gavin Yuill
Declaration Date: 05/05/2015
Submission Date: 05/05/2015

Payment Details

Cheque: Rural Renaissance Limited, 91256

Created: 05/05/2015 13:26

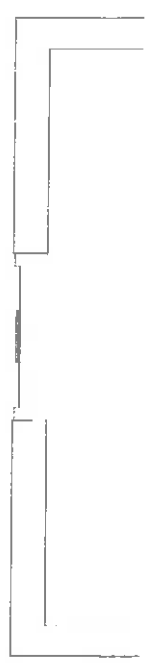


1 Western Terrace, Edinburgh, EH12 5QF
T: +44 (0) 131 337 9600

Document 2

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

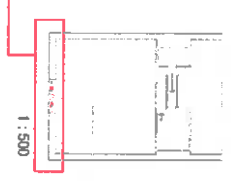
REVISED
Subject to the
requirements of the
Associated Decision
Notice



PROPOSED ATTIC PLAN (1:100)



ATTIC PLAN
(EXISTING)



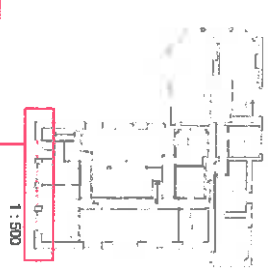
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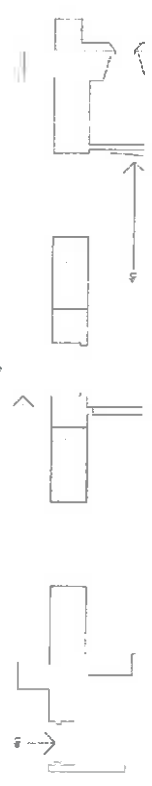
PROPOSED FIRST FLOOR PLAN (1:100)



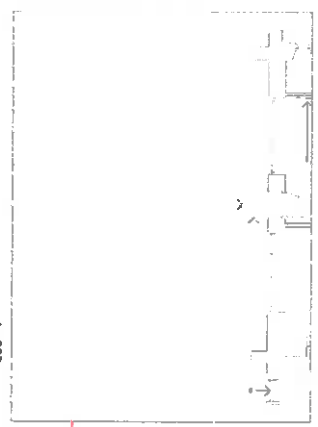
FIRST FLOOR PLAN
(EXISTING)



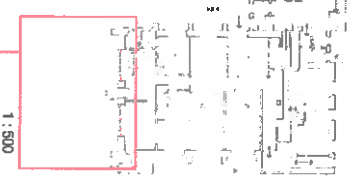
1:500



PROPOSED GROUND FLOOR PLAN (1:100)



GROUND FLOOR PLAN
(EXISTING)



1:500

20/01/2015



EXISTING INTERIOR VIEW



--- DOWNTAKINGS SHOWN WITH
DOTTED RED LINE

--- INFILL SHOWN WITH HATCH

camerons
1 Westbourne
1001 Old
18th Street
18th Street, Edinburgh
Edinburgh, Scotland
Tel: 0131 552 2992
www.cameronsgroup.co.uk

client: Rural Renaissance Limited

project: Westgrove, Waverley Road
Melrose
TD6 8SL

title: Existing and Proposed Plans

scale: 1:100, 1:200 & 1:500 @ A3

date: 28.04.15

drawn: HAM

file: 92208.1.02

number: 92208.1.02 rev: development



1 Western Terrace Edinburgh EH4 1SQ
T +44 (0) 131 357 9600

Document 3

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



PROPOSED FRONT ELEVATION



EXISTING FRONT ELEVATION

MATERIAL KEY

1. K-Rend, Supreme FT Render - Arjan
2. Aluminium cladding, Dark Finish
3. Veneer, Sun Oak
4. Panels - Stone
5. Textured Glass Door Curtains
6. Aluminium Flagpole
7. Ironstone
8. Aluminium Forward Glaze 200 x 1000
9. Aluminium Forward Glazing (Dark Finish)

1 Madenagh
Architectural
1011 101
The Old Mill
161 Riverside Lane
Fife KY12 8NR
Glen Colson Road
Fife KY11 8JH
www.madenagh.co.uk

camerlions

client: Rural Renaissance Limited

project: Westgrove, Waverley Road
Mafrose
TD8 9SL

title: Existing and Proposed Front Elevation

scale: NTS @ A3

date: 27.04.15

drawn: HMM

date: 27.04.15

number: 9208.1.03

development

architecture

design



1 Western Terrace Edinburgh EH12 5QF
T +44 (0) 131 337 9640

Document 4



1 Western Terrace, Edinburgh EH12 5DF
T: +44 (0) 131 337 9600

Document 5



Document 6

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00504/FUL

APPLICANT : Rural Renaissance Ltd

AGENT : Camerons Ltd

DEVELOPMENT : External alterations and erection of 4 No flagpoles

LOCATION: Office West Grove
Waverley Road
Melrose
Scottish Borders
TD6 9SL

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
9208.1.01	Location Plan	Refused
9208.1.02	Floor Plans	Refused
9208.1.04 SIDE	Elevations	Refused
9208.1.03 FRONT	Elevations	Refused

NUMBER OF REPRESENTATIONS: 3

SUMMARY OF REPRESENTATIONS:

Three representations have been received in objection to the proposal, on the following grounds:

- (i) height of flagpoles;
- (ii) detrimental to residential amenity;
- (iii) flagpoles detrimental to road safety due to limiting visibility or causing a driver/pedestrian distraction
- (iv) colour of render would be out-of-place and would have an adverse visual impact; a darker and traditional colour should be used;
- (v) appearance of flagpoles; out-of-context; flags attached to building would be preferable if flags are required.

Roads Planning Section: I am content that the poles do not interfere with visibility sightlines for drivers exiting the site. No roads objections.

Economic Development Section: has no objections and supports the improvements proposed for the frontage of this building.

Community Council: supports the external changes and improvements proposed for this building, but has a concern regarding the flagpoles in this primarily residential area (where they) may be out of place.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy BE4 - Conservation Areas
Policy G1 - Quality Standards For New Development
Policy G7 - Infill Development
Policy H2 - Protection of Residential Amenity

Recommendation by - Stuart Herkes (Planning Officer) on 14th July 2015

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site lies just outside of, but adjacent to, the Conservation Area in Melrose, and fronts Cross Avenue, on the main approach to the town centre at Melrose from the north and west.

The building was originally a Congregationalist Church, but following some fairly insensitive alterations in the twentieth century, was converted to office use. It has served as both Council (water board), and more recently, NHS offices. The Applicant advises in an email of 07 July that their plans are now to market the offices for commercial lettings: the main building as offices and conference facilities, and the rear as a wellness centre. The current proposals are being brought forward in this context, to upgrade the exterior of the building and its setting. The Applicant specifically advises that their intention is to make the building appear contemporary, international, cosmopolitan and welcoming. The proposals that require planning approval are specifically the external alterations and the erection of four flag poles.

EXTERNAL ALTERATIONS

The proposed external alterations to the building with respect to fenestration are an improvement upon the existing appearance in helping to restore a vertical emphasis. If the frames and detailing were finished in dark colours as indicated, this would be entirely beneficial in terms of the character and appearance of the building.

The proposed reinstatement of a sun dial in place of a clock-face raises no particular concerns in terms of what has been indicated, but the detail would be appropriately provided for prior approval since some recessed detail appears to be indicated but not described. This matter is capable of being addressed by planning condition.

Given the presence of render on the existing building, the proposed extension of this finish does not raise any concerns in principle. However, the proposed colour, 'Arran' - described as a yellow or off-white colour on the photomontage - would not be sensitive either to the character of the building which is still discernibly a stone-built church building or to the appearance of surrounding properties, which are all much darker and organic stone colours. A white, bright yellow or off-white would be liable to appear notably out-of-place in this context; particularly given the prominence of this siting; and a darker stone colour for the render would be sought. The Applicant has advised that they have no particular concerns with this matter being addressed by planning condition, which would certainly allow for this concern to be appropriately regulated in the event of the proposal being considered to be otherwise acceptable. However, since it is considered that this specific proposed colour, Arran, would not be acceptable, any planning condition requiring prior approval, would appropriately include reference to an informative, advising that account should be taken of the concern that an organic colour of render be used instead of a white, off-white or bright yellow colour (such as that indicated on the supporting details).

The proposed name above the main doorway raises no concerns, largely in being visually, only a small element, but it would appear to have an unnecessarily intricate form, that might have been more appropriately simplified. It would be reasonable to require the prior agreement of the darker infill material or panels at first floor level, to ensure an appropriate appearance.

FLAGPOLES

Minimal information has been presented to describe the proposed four flagpoles. These are described only within photomontages on which they are identified as being aluminium, and appear to be a white or light colour. No advice is given as to the proposed height, but they are shown to be of equal height overtopping

existing lamp-posts by around 1m, which suggests that they would be in the order of 8m or 9m in height. In the event of approval, these details could be appropriately regulated by planning condition. However, it is considered that the impacts of the proposal, and the justification for the principle of flag poles being sited in this location at all, require further consideration.

The Applicant has provided detailed background on their reason for seeking to fly flags, which it has explicitly advised would not be advertisements, but rather, national and international flags. The Applicant advises that it seeks to fly these for broadly equivalent reasons to those identified in supporting reports presented to the last main meeting of Scottish Borders Council, when the latter considered its flag flying protocol, including the proposed erection of new free-standing flagpoles.

It is not considered that the Applicant's concern to fly flags relative to their smaller private office development, is reasonably commensurate with the display of flags at the regional headquarters of a Local Authority. A private firm or private development is self-evidently not charged with the same roles and responsibilities as local government to represent the local community in the widest sense, and reflect the sensibilities of that community. It is appreciated that the Applicant has long-standing ties with the local area and has a particular concern to represent the local community, support local events and strengthen international ties, but it is ultimately self-appointed in these roles. Its advice that it requires the flagpoles in order to fulfil equality duties and promote inclusion in the same way as the Council, appears to be an over-statement of the position. At least, it is not accepted that the Applicant has any formal or informal need, let alone any statutory requirement, that would, and could, only appropriately be met by the installation of flag poles at the site for the purpose of flying civic, national and/or international flags.

More understandably, the Applicant has advised that it considers the flags to be integral to the image it seeks to present of the redevelopment of the site, as a contemporary, international, cosmopolitan and welcoming business venue and office accommodation. However, the aforementioned desire to rebrand the building, does not in itself reasonably outweigh any need in planning terms, to consider the specific impacts of the proposed flagpoles upon the environment and amenity of the site and the surrounding area.

While business premises, particularly those with international interests, may be accompanied by flags, the flying of flags is not in itself synonymous with the creation of a contemporary, international, cosmopolitan and welcoming environment. Flags may be flown within a wide variety of contexts; while equally well, the type of environment the Applicant wishes to establish is not self-evidently solely dependent upon the erection of flagpoles for its achievement. In this particular context, the proposal is that the flags are erected in front of a building that is still reasonably interpretable as a former church, rather than in relation to a purpose-built office building. The erection of flagpoles in this context (particularly if they were to be as high and dominant as the photomontage indicates) would be liable to give the development an ambivalent appearance, which would more likely be read as a civic or institutional context, rather than interpreted as denoting a private office development or conference centre.

The unusualness of this appearance would be highlighted further, firstly, by the prominence of this elevation within views from the public realm at a junction and on a gateway approach to Melrose's town centre, making this appearance highly visible in itself. Secondly, and with regard to setting, the application site is not in fact within a central location, but lies on the approach to, rather than within, the town centre. Its appearance within an outlying and predominantly residential area, would be somewhat remarkable in itself, and arguably at odds with its surroundings. At least the appearance of flags at this prominent, outlying location relative to the town centre, would arguably be as likely, if not more likely, to denote the setting of a hotel, rather than an office or conference centre, thereby further confusing, rather than clarifying, the character of the development. Taking account of these specific circumstances, the erection of flags on this site would not clarify the function of the building or reinforce any coherent new character. On the contrary, it would instead, be liable to confuse the character of a highly visible and prominently located site, on the approach to the Conservation Area and town centre at Melrose.

There is furthermore, a lack of space at the front of the building for any display of flags and particularly any of the height proposed. Rather than being displayed on a large and spacious forecourt or apron, the flags would instead be accommodated in relatively close proximity to both the building and the public pavement. If these flagpoles were to be any height at all (and certainly if they were indeed to be higher than the lamp-posts as is currently indicated), then they would be liable to appear out-of-scale with, as well as out-of-place relative to, their surroundings. Beyond this impact however, the flag poles would at any height, contribute to a sense of unnecessary clutter next to a prominent and highly visible junction. A simpler, more open outlook

to the front, would be visually more appropriate, and more in-keeping with the character of the building and surrounding area. The introduction of an array of four flagpoles would be liable to appear somewhat overstated relative to the building's modest setting.

All in all, the proposed flagpoles would be over-dominant, relative to the principal elevation of a building with a relatively modest setting, which is nonetheless prominently located and clearly visible from the public realm, including from the surrounding road network, and, moreover, prominently located within a 'gateway' approach to the Conservation Area and town centre at Melrose. Flagpoles are not in keeping either with the predominantly traditional and ecclesiastical character of the building, or with the predominantly traditional and residential character of surrounding buildings. The erection of flagpoles, even in isolation from the other proposals, would give the building, currently in office use, a very ambivalent character, and would appear significantly out-of-place within, and also out-of-scale with, their surroundings.

With respect to the latter point, the Applicant has offered to reduce the height of the flagpoles to an unspecified but lower height. A substantial reduction in height of the flagpoles would obviously have some potential to improve the visual impacts upon the amenity and environment of the surrounding area by making these at least slightly less prominent visually. However, it is not considered that a reduction is sufficient in itself to address the above noted concerns. For clarity, the objection here is to the principle of flagpoles being erected at all, rather than to the specific height of flagpoles that the supporting details indicate.

PRIORWOOD

The Applicant wishes account to be taken of the fact that it currently flies flags at its own headquarters building at Priorwood. It envisages that the proposed flagpoles would be used in broadly an equivalent way to these existing flagpoles. The latter, it advises, are used to promote local events, and/or to respect, and raise awareness amongst the local community of, national and international celebrations and commemorations.

Three flagpoles were approved at Priorwood in 2002, as the subject of an Advertisement Consent 02/00636/ADV, which took explicit account of the fact that the Applicant wished to fly national and international flags as opposed to advertisements. These flagpoles are located at the entrance to the Applicant's site at Priorwood. However, not only are these existing flagpoles smaller and offset, so as to be less prominent than the proposed would be in relation to its site, but the site itself at Priorwood is altogether less prominently located within Melrose than the application site.

Notwithstanding that the Applicant's concern to fly flags at their existing premises has previously been supported, it is not considered that this is reasonably an equivalent context to the current proposal. Priorwood is a more appropriate opportunity to accommodate flags than the application site by virtue of it being less substantially prominent than the application site.

It is not considered that the previous approval in relation to Priorwood has set, or has established, any precedent for the current proposal which is reasonably considered on its own planning merits.

OTHER CONSIDERATIONS

Although the Applicant has not applied for a change of use relative to the subject building, in the event of approval, an informative would need to advise that any proposal to accommodate conference facilities, or a wellbeing centre, would need to be discussed with the Planning Authority in case either or both of these proposals were to require to be made the subject of a planning application. Too little information has been provided, but both are potentially uses that would not be covered under use Class 4.

While the objectors raise concerns with respect to potential road safety concerns, the Roads Planning Section has no objections.

The proposed alterations to the exterior of the building raise no residential amenity concerns for surrounding dwellings. Although it is understood from verbal advice from Environmental Health to be extremely unlikely, it is nonetheless not inconceivable that the flags might have potential for causing disturbance to surrounding residential properties, due to noise nuisance impacts in windier conditions. The point is therefore not in itself

objectionable, but an informative would in the event of approval, be appropriately included to advise of the potential risk.

CONCLUSION

Notwithstanding some concerns about specific details, all matters relating to the proposed external alterations are ultimately capable of being regulated by planning conditions. However, the erection of flagpoles is considered to be objectionable in principle, since these are not compatible with, or respectful of, the character of the surrounding area and neighbouring built form, and as a consequence of its location adjacent to the Conservation Area, would have an unacceptable adverse impact upon the character and appearance of the Conservation Area.

Although the external alterations were capable of approval (subject to conditions) the flagpoles are part of the application, and have been maintained as such by the Applicant. Accordingly the application can only be refused in its entirety.

REASON FOR DECISION :

The proposed development is contrary to Adopted Local Plan Policy G1, in that the erection of the four no flagpoles, would not be compatible with, or respectful of, the character of the surrounding area and neighbouring built form.

The proposed development is contrary to Adopted Local Plan Policy BE4 in that the erection of the four no flagpoles would have an unacceptable adverse impact upon the character and appearance of the Conservation Area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the Conservation Area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated.

Recommendation: Refused

- 1 The proposed development is contrary to Adopted Local Plan Policy G1, in that the erection of the four no flagpoles, would not be compatible with, or respectful of, the character of the surrounding area and neighbouring built form.
- 2 The proposed development is contrary to Adopted Local Plan Policy BE4 in that the erection of the four no flagpoles would have an unacceptable adverse impact upon the character and appearance of the Conservation Area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the Conservation Area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.



Document 7

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 15/00504/FUL

To: Rural Renaissance Ltd per Camerons Ltd Per Gavin Yuill 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ

With reference to your application validated on **19th May 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : External alterations and erection of 4 No flagpoles

at: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

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

**Dated 14th July 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
Service Director Regulatory Services



APPLICATION REFERENCE: 15/00504/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
9208.1.01	Location Plan	Refused
9208.1.02	Floor Plans	Refused
9208.1.04 SIDE	Elevations	Refused
9208.1.03 FRONT	Elevations	Refused

REASON FOR REFUSAL

- 1 The proposed development is contrary to Adopted Local Plan Policy G1, in that the erection of the four no flagpoles, would not be compatible with, or respectful of, the character of the surrounding area and neighbouring built form.
- 2 The proposed development is contrary to Adopted Local Plan Policy BE4 in that the erection of the four no flagpoles would have an unacceptable adverse impact upon the character and appearance of the Conservation Area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the Conservation Area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated.

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 OSA.

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.



Document 8

From: Michael Crawford
Sent: 07 July 2015 11:35
To: Herkes, Stuart
Cc:
Subject: West Grove 15/00504/FUL, flag poles

Stuart,

I understand that they are currently two points of dispute which require resolution in order for this application to be approved under delegated powers.

- **Colour of the external render:-** we are content that this is dealt with post approval, as a condition, when we are able to produce sample colours, rather than rely on the computer generated image.
- **Flag poles:- These are an essential part of our proposals for this development.**

Background:-

My pension fund acquired the former NHS offices on 1st July, our plans are to market the offices for commercial lettings. The main building as offices and conference facilities and the rear as a wellness centre. Most other bidders, I understand, we proposing to develop the site for flats.

For this to be successful the building internal and externally must support the marketing strategy. The building must be appear contemporary, international, cosmopolitan and welcoming.

We request that you consider the following prior to finalising your recommendation:-

1. Flying of flags at West Grove compliments and supports the positive aspects of SBC's recent decision on flags:-

A report to councillors said: "This option allows Scottish Borders Council to actively and openly demonstrate its commitment to equality, to celebrate the diversity within our community and promote inclusion "

Councillors agreed to implement the policy and erect three flagpoles at a meeting of the full council on Thursday.

All modern business organisations must be inclusive and flying flags helps us to promote this policy, the removal of these flags would inhibit this.

SBC report supports this argument.

"However, this option may inhibit Scottish Borders Council's ability to actively demonstrate the two other elements of its equality duties (to promote equality of opportunity and to foster good relations) in relation to flag flying."

2. Promotes Melrose and reflects positively on its community:-
We have been flying flags at our Priorwood Offices for a number of years. Initially just recognising the national days of countries within the UK, more recently we have expanded this to include a number of countries around the globe that we have a connection with. This has proved very popular.

Our welcome for the visiting teams at this year's Melrose 7s was retweeted by North Western University (South Africa) to their 10,600 followers. Not only did this promote Melrose and the Scottish Borders to an international audience, but promoted discussion within the town – as do most of our flags. Many people have told us they look to the Crawford's flags to see which national holiday it is! We share photographs of our flags on Facebook to enhance their reach. Our posts have a large, worldwide audience; one of our posts reached 3400 people, of which 1600 interacted with the post. This promotes the Borders – as a place to live, visit and do business .



Melrose is a cosmopolitan community with visitors and residents hailing from all across the globe. These flags generate the welcoming and inclusive image.

The flags are removed and raised every day and never has there been an incident of vandalism. They do not interfere with any views or pose any threat to the community, but contribute to the surroundings.

3. Economic benefits to Melrose:-

When occupied by the NHS over sixty people worked there, this generated additional economic activity within Melrose. At present the building is empty, and will remain until we can complete the refurbishment and successfully market it. We do not expect to be able to secure a single tenant, as is the nature of the commercial property market in the Borders, instead we will need to attract many smaller companies on short flexible terms. To do this we must create the necessary ambiance, the flags will support this.

4 Flags are commonly found in conservation areas, and are not limited to public or government buildings – banks, hotels and offices fly flags.

5 We will not fly advertising banners from these poles, and as you have stated, this would require separate consent.

6 There were only three objections.

As a concession we can reduce the height of the poles.

We hope you will appreciate the positive impact these flags will have on this important development and the town of Melrose, and your department will be able to support the flags inclusion.

Best Regards

Michael Crawford

Michael J. Crawford BSc. MSc. MCIQB, MAPM

J.S Crawford 3rd Generation Ltd

Priorwood

Melrose

TD6 9EG

Good Morning

Application Ref 15/00504/FUL

Rural Renaissance
Office West Grove
Waverley Road
Melrose
TD6 9SL

External alterations and erection of 4 No flagpoles

**Melrose & District Community Council support the external changes and improvements proposed for this building
But have a concern regarding the flagpoles in this primarily residential area may be out of place**

Regards

Robin Chisholm for Melrose & District Community Council



Document 9

Flag

From Wikipedia, the free encyclopedia

Jump to: [navigation](#), [search](#)

For other uses, see [Flag \(disambiguation\)](#).



ASEAN members' national flags in Jakarta



Setting up a flag could also possess the meaning of conquering something. [Jaan Künnap](#) with the [flag of Estonia](#) in the top of [Lenin Peak](#) (7134 m) in 1989.

A **flag** is a piece of fabric (most often rectangular or quadrilateral) with a distinctive design that is used as a symbol, as a signaling device, or as decoration. The term *flag* is also used to refer to the [graphic design](#) employed, and flags have since evolved into a general tool for rudimentary signalling and identification, especially in environments where communication is similarly challenging (such as the maritime environment where [semaphore](#) is used). National flags are potent patriotic symbols with varied wide-ranging interpretations, often including strong military associations due to their original and ongoing military uses. Flags are also used in messaging, [advertising](#), or for other decorative purposes. The study of flags is known as [vexillology](#), from the [Latin](#) word *vexillum*, meaning flag or [banner](#).

Due to the use of flags by military units, "flag" is also used as the name of some military units. A flag (Arabic: [لواء](#)) is equivalent to a [brigade](#) in Arab countries, and in Spain, a flag (Spanish: *bandera*) is a [battalion](#)-equivalent in the [Spanish Legion](#).

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History[edit]

Further information: [Vexilloid](#), [Heraldic flag](#) and [Royal Standard](#)



This section **relies largely or entirely upon a [single source](#)**. Relevant discussion may be found on the [talk page](#). Please help [improve this article](#) by introducing [citations](#) to additional sources. *(May 2014)*



Bronze flag found in Iran, 3rd millennium BC

In antiquity, field signs or standards were used in warfare that can be categorized as vexilloid or "flag-like". Examples include the Sassanid battle standard Derafsh Kaviani, and the standards of the Roman legions such as the eagle of Augustus Caesar's Xth legion, or the dragon standard of the Sarmatians; the latter was let fly freely in the wind, carried by a horseman, but judging from depictions it was more similar to an elongated dragon kite than to a simple flag.

During the High Middle Ages flags came to be used primarily as a heraldic device in battle, allowing more easily to identify a knight than only from the heraldic device painted on the shield. Already during the high medieval period, and increasingly during the Late Middle Ages, city states and communes such as those of the Old Swiss Confederacy also began to use flags as field signs. Regimental flags for individual units became commonplace during the Early Modern period.



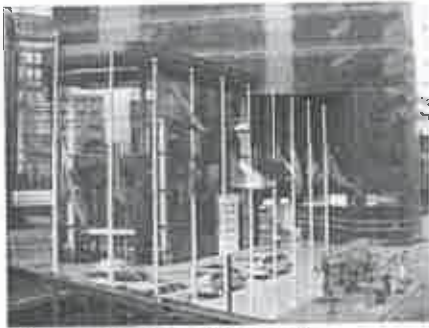
Sujagi of Eo Jae-yeon, captured in 1871

During the peak of the age of sail, beginning in the early 17th century, it was customary (and later a legal requirement) for ships to carry flags designating their nationality;^[1] these flags eventually evolved into the national flags and maritime flags of today. Flags also became the preferred means of communications at sea, resulting in various systems of flag signals; *see*, International maritime signal flags.

Use of flags outside of military or naval context begins only with the rise of nationalist sentiment by the end of the 18th century; the earliest national flags date to that period, and during the 19th century it became common for every sovereign state to introduce a national flag. ^[*citation needed*]

National flags[\[edit\]](#)

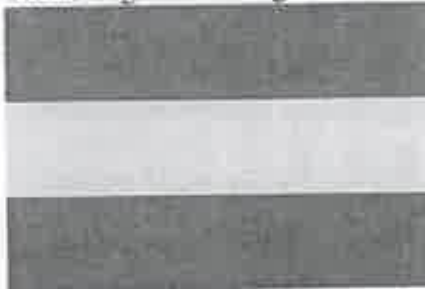
Main article: National flag



Flags at half-staff outside Central Plaza, Hong Kong, after the 2008 Sichuan Earthquake. The Flag of Saudi Arabia is exempted.



Tribal flags at Meeting Place Monument/Flag Plaza at the Oklahoma State Capitol.



The Flag of Ethiopia's colors inspired the colors of many African national flags.



The flag of the Arab Revolt of 1916 inspired the flags of many Arab states.

One of the most popular uses of a flag is to symbolize a nation or country. Some national flags have been particularly inspirational to other nations, countries, or subnational entities in the design of their own flags. Some prominent examples include:

- The flag of Denmark, the *Dannebrog*, is attested in 1478. It inspired the cross design of the other Nordic countries: Norway, Sweden, Finland, Iceland, and regional Scandinavian flags for the Faroe Islands, Åland, Scania and Bornholm, as well as flags for the non-Scandinavian Shetland and Orkney.^[2]
- The flag of the Netherlands is the oldest tricolour. Its three colors of red, white and blue go back to Charlemagne's time, the 9th century. The coastal region of what today is the Netherlands was then known for its cloth in these colors. Maps from the early

16th century already put flags in these colors next to this region, like Texeira's map of 1520. A century before that, during the 15th century, the three colors were mentioned as the coastal signals for this area, with the 3 bands straight or diagonal, single or doubled. As state flag it first appeared around 1572 as the Prince's Flag in orange–white–blue. Soon the more famous red–white–blue began appearing, becoming the prevalent version from around 1630. Orange made a come back during the civil war of the late 18th century, signifying the orangist or pro-stadtholder party. During WW2 the pro-nazi NSB used it, so using that version today would be the same as hoisting the red swastika flag. Any symbolism has been added later to the three colors, although the orange comes from the House of Orange-Nassau. Surprisingly, this use of orange comes from Nassau, which today uses orange-blue, not from Orange, which today uses red-blue. However, the usual way to show the link with the House of Orange-Nassau is the orange pennant above the red-white-blue.

It's said that the Dutch Tricolor has inspired^[citation needed] many flags but most notably those of Russia, New York City, and South Africa (the 1928–94 flag as well the current flag). As the probable inspiration for the Russian flag, it is the source too for the Pan-Slavic colors red, white and blue, adopted by many Slavic states and peoples as their symbols. Examples: Slovakia, Serbia, and Slovenia.

- The national flag of France was designed in 1794. As a forerunner of revolution, France's tricolour flag style has been adopted by other nations. Examples: Italy, Costa Rica, Dominican Republic, Ireland, Haiti, Romania, Mexico, etc.
- The Union Flag (Union Jack) of the United Kingdom is the most commonly used. British colonies typically flew a flag based on one of the ensigns based on this flag, and many former colonies have retained the design to acknowledge their cultural history. Examples: Australia, Fiji, New Zealand, Tuvalu, and also the Canadian provinces of Manitoba, Ontario and British Columbia, and the American state of Hawaii; see *commons:Flags based on British ensigns*.
- The flag of the United States, also nicknamed *The Stars and Stripes* or *Old Glory*. Some nations imitated this flag so as to symbolize their similarity to the United States and/or the American Revolution. Examples: Liberia, Chile, Uruguay^[citation needed], Taiwan (ROC), Malaysia and the French region of Brittany.
- The original tricolor Flag of Iran, the source for the Pan-Iranian colors green, white and red adopted by many Indo-Iranian or Aryan states and peoples as their symbols. Examples: Tajikistan, Kurdistan, Republic of Ararat, Talysh-Mughan.
- Ethiopia was seen as a model by emerging African states of the 1950s and 1960s, as it was one of the oldest independent states in Africa. Accordingly, its flag became the source of the Pan-African colors, or "Rasta colors". Examples: Benin, Togo, Senegal, Ghana, Mali, Guinea.
- The flag of Turkey, which is very similar to last flag of the old Ottoman Empire, has been an inspiration for the flag designs of many other Muslim nations. During the time of the Ottomans the crescent began to be associated with Islam and this is reflected on the flags of Algeria, Azerbaijan, Comoros, Libya, Mauritania, Pakistan and Tunisia.
- The Pan-Arab colors, green, white, red and black, are derived from the flag of the Great Arab Revolt as seen on the flags of Jordan, Libya, Kuwait, Sudan, Syria, the United Arab Emirates, Western Sahara, Egypt, Iraq, Yemen and Palestine.
- The Soviet flag, with its golden symbols of the hammer and sickle on a red field, was an inspiration to flags of other communist states, such as East Germany, People's Republic of China, Vietnam, Angola, Afghanistan (1978–1980) and Mozambique.

- The flag of Venezuela, created by Francisco de Miranda to represent the independence movement in Venezuela that later gave birth to the "Gran Colombia", inspired the flags of Colombia and Ecuador, both sharing three bands of yellow, blue and red with the flag of Venezuela.
- The flag of Argentina, created by Manuel Belgrano during the war of independence, was the inspiration for the United Provinces of Central America's flag, which in turn was the origin for the flags of Guatemala, Honduras, El Salvador, and Nicaragua.
- Flags of Native American nations in the United States are common and many tribes have chosen a flag as their symbol of choice.

National flag designs are often used to signify nationality in other forms, such as flag patches.

Civil flags[[edit](#)]

Main article: [Civil flag](#)

A *civil flag* is a version of the national flag that is flown by civilians on non-government installations or craft. The use of civil flags was more common in the past, in order to denote buildings or ships that were not manned by the military. In some countries the civil flag is the same as the war flag or state flag, but without the coat of arms, such as in the case of Spain, and in others it's an alteration of the war flag.

War flags[[edit](#)]

Main articles: [War flag](#) and [Colours, standards and guidons](#)



Standing for the UK's Royal Air Force, the Ensign of the RAF displays the RAF roundel.

Several countries (including the United Kingdom and the Soviet Union) have had unique flags flown by their armed forces, rather than the national flag.

Other countries' armed forces (such as those of the United States or Switzerland) use their standard national flag. The Philippines' armed forces may use their standard national flag, but during times of war the flag is turned upside down. Bulgaria's flag is also turned upside down during times of war. These are also considered war flags, though the terminology only applies to the flag's military usage.

Large versions of the war flag flown on the warships of countries' navies are known as battle ensigns. In war waving a white flag is a banner of truce or surrender.

Four distinctive African flags currently in the collection of the National Maritime Museum in Britain were flown in action by Itsekiri ships under the control of Nana Olomu during conflict in the late 19th century. One is the flag generally known as the Benin flag and one is referred to as Nana Olomu's flag.^[3]

International flags[edit]

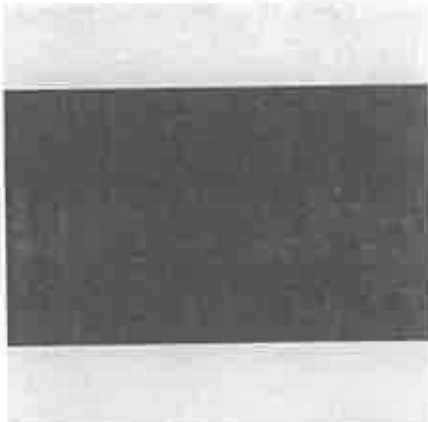
Among international flags are the Flag of the United Nations, the Olympic flag, and the Paralympic flag.



The Flag of the United Nations

At sea[edit]

Main article: Maritime flag



The international maritime signal flag *Delta* (letter *D*)

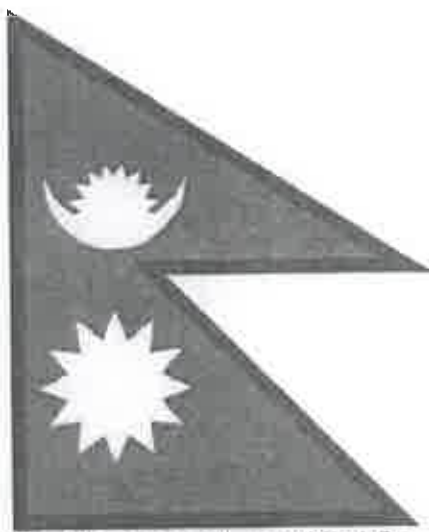
Flags are particularly important at sea, where they can mean the difference between life and death, and consequently where the rules and regulations for the flying of flags are strictly enforced. A national flag flown at sea is known as an ensign. A courteous, peaceable merchant ship or yacht customarily flies its ensign (in the usual ensign position), together with the flag of whatever nation it is currently visiting at the mast (known as a courtesy flag). To fly one's ensign alone in foreign waters, a foreign port or in the face of a foreign warship traditionally indicates a willingness to fight, with cannon, for the right to do so. As of 2009, this custom is still taken seriously by many naval and port authorities and is readily enforced in many parts of the world by boarding, confiscation and other civil penalties.

In some countries yacht ensigns are different from merchant ensigns in order to signal that the yacht is not carrying cargo that requires a customs declaration. Carrying commercial cargo on a boat with a yacht ensign is deemed to be smuggling in many jurisdictions. There is a system of international maritime signal flags for numerals and letters of the alphabet. Each flag or pennant has a specific meaning when flown individually. As well, semaphore flags can be used to communicate on an *ad hoc* basis from ship to ship over short distances.

Traditionally, a vessel flying under the courtesy flag of a specific nation, regardless of the vessel's country of registry, is considered to be operating under the law of her 'host' nation.

Another category of maritime flag flown by some United States Government ships is the distinguishing mark. Although the United States Coast Guard has its own service ensign, all other U.S. Government ships fly the national ensign their service ensign, following United States Navy practice. To distinguish themselves from ships of the Navy, such ships historically have flown their parent organization's flag from a forward mast as a distinguishing mark. Today, for example, commissioned ships of the National Oceanic and Atmospheric Administration (NOAA) fly the NOAA flag as a distinguishing mark.

Shapes and designs[edit]



The flag of Nepal, a national flag that is not rectangular



The flag of Kiribati, a banner of arms



Flags are usually rectangular in shape (often in the ratio 2:3, 1:2, or 3:5), but may be of any shape or size that is practical for flying, including square, triangular, or swallow tailed. A more unusual flag shape is that of the flag of Nepal, which is in the shape of two stacked triangles. Other unusual flag shapes include the flag of Ohio and the flag of Tampa.

Many flags are dyed through and through to be inexpensive to manufacture, such that the reverse side is the mirror image of the obverse (front) side, generally the side displayed when the flag is flying from the observer's point of view from left, the side of the pole, to right. This presents two possibilities:

1. If the design is symmetrical in an axis parallel to the flag pole, obverse and reverse will be identical despite the mirror-reversal, such as the Indian Flag or Canadian Flag

2. If not, the obverse and reverse will present two variants of the same design, one with the hoist on the left (usually considered the obverse side, see flag illustrations), the other with the hoist on the right (usually considered the reverse side of the flag). This is very common and usually not disturbing if there is no text in the design. See also US reverse side flag.

Some complex flag designs are not intended for through and through implementation, requiring separate obverse and reverse sides if made correctly. In these cases there is a design element (usually text) which is not symmetric and should be read in the same direction, regardless of whether the hoist is to the viewer's left or right. These cases can be divided into two types:

1. The same (asymmetric) design may be duplicated on both sides. Such flags can be manufactured by creating two identical through and through flags and then sewing them back to back, though this can affect the resulting combination's responsiveness to the wind. Depictions of such flags may be marked with the symbol , indicating the reverse is congruent to (rather than a mirror image of) the obverse.
2. Rarely, the reverse design may differ, in whole or in part, from that of the obverse. Examples of flags whose reverse differs from the obverse include the flag of Paraguay, the flag of Oregon, and the historical flag of the Soviet Union. Depictions of such flags may be marked with the symbol .

Common designs on flags include crosses, stripes, and divisions of the surface, or *field*, into bands or quarters—patterns and principles mainly derived from heraldry. A heraldic coat of arms may also be flown as a banner of arms, as is done on both the state flag of Maryland and the flag of Kiribati.

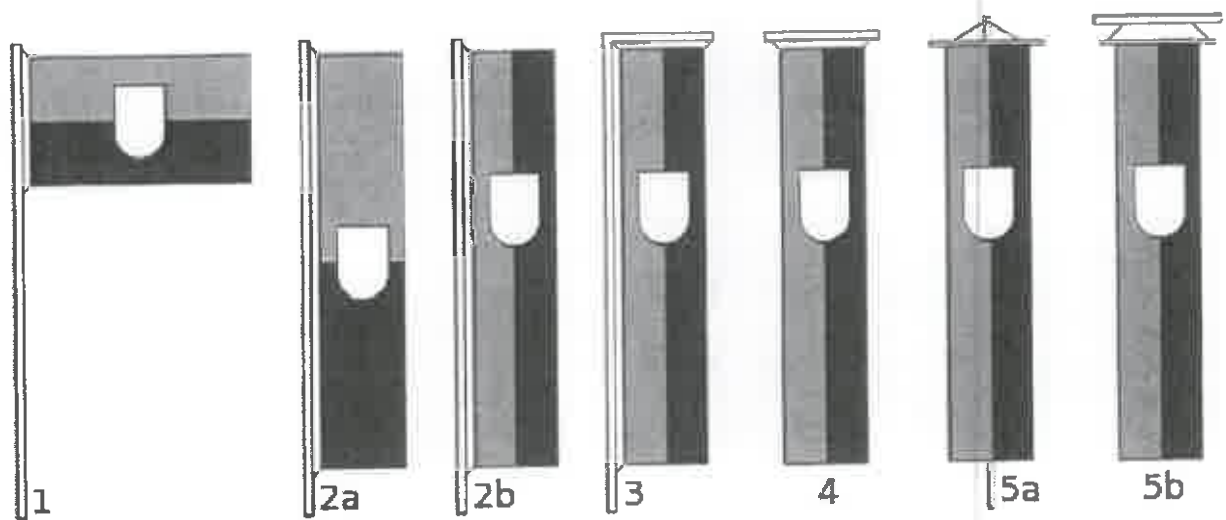
The *de jure* flag of Libya under Muammar Gaddafi, which consisted of a rectangular field of green, was for a long period the only national flag using a single color and no design or insignia. However, other historical states have also used flags without designs or insignia, such as the Soviet Republic of Hungary, whose flag was a plain field of red.

Colors are normally described with common names, such as "red", but may be further specified using colorimetry.

The largest flag flown from a flagpole worldwide, according to Guinness World Records, is the flag of Mexico flown in Piedras Negras, Mexico. This flag was about 2058 square meters.^[4] The largest flag ever made was the flag of Qatar; the flag, which measures at 101,978 square meters, was completed in December 2013 in Doha.^[5]

Vertical flags[\[edit\]](#)

Vertical flags are sometimes used in lieu of the standard horizontal flag in central and eastern Europe, particularly in the German-speaking countries. This practice came about because the relatively brisk wind needed to display horizontal flags is not common in these countries.^[6]



The standard **horizontal flag** (no. 1 in the preceding illustration) is nonetheless the form most often used even in these countries.^[7]

The **vertical flag** (German: *Hochformatflagge* or *Knatterflagge*; no. 2) is a vertical form of the standard flag. The flag's design may remain unchanged (No. 2a) or it may change, e.g. by changing horizontal stripes to vertical ones (no. 2b). If the flag carries an emblem, it may remain centered or may be shifted slightly upwards.^{[6][8]}

The **vertical flag for hoisting from a beam** (German: *Auslegerflagge* or *Galgenflagge*; no. 3) is additionally attached to a horizontal beam, ensuring that it is fully displayed even if there is no wind.^{[6][9]}

The **vertical flag for hoisting from a horizontal pole** (German: *Hängeflagge*; no. 4) is hoisted from a horizontal pole, normally attached to a building. The topmost stripe on the horizontal version of the flag faces away from the building.^{[6][10]}

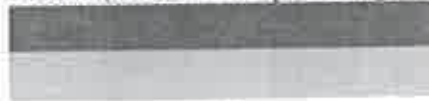
The **vertical flag for hoisting from a crossbar or banner** (German: *Bannerflagge*; no. 5) is firmly attached to a horizontal crossbar from which it is hoisted, either by a vertical pole (no. 5a) or a horizontal one (no. 5b). The topmost stripe on the horizontal version of the flag normally faces to the left.^{[6][11]}

Religious flags[edit]

See also: Religion in national symbols



Poland (Gorzów Wlkp.). Religious flag



Jain – Five-Colored Flag

Flags can play many different roles in religion. In Buddhism, prayer flags are used, usually in sets of five differently colored flags. Many national flags and other flags include religious symbols such as the cross, the crescent, or a reference to a patron saint. Flags are also adopted by religious groups and flags such as the Jain flag and the Christian flag are used to represent a whole religion.

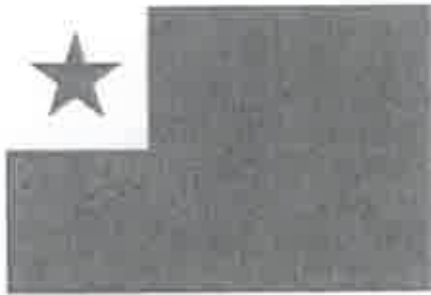
Linguistic flags[[edit](#)]



Flag of La Francophonie



Flag of Hispanicity



Flag of Esperanto

As languages rarely have a flag designed to represent them,^[12] it is a common but unofficial practice to use national flags to identify them. The practice is deprecated^[13] because it is often considered insulting^[14] and because flags tend to evoke feelings other than the intended meaning. Examples of such use include:

- representing language skills of an individual, like a staff member of a company
- displaying available languages on a multilingual website or software.

Though this can be done in an uncontroversial manner in some cases, this can easily lead to some problems for certain languages:

- languages generating language dispute, such as Romanian and Moldavian which some consider two different languages; and
- languages spoken in more than one country, such as English or Arabic.

In this second case, common solutions include symbolising these languages by:

- the flag of the country where the language originated
- the flag of the country having the largest number of native speakers
- a mixed flag of the both (when this is not the same)
- the flag of the country most identified with that language in a specific region (e.g. Portuguese Language: Flag of Portugal in Europe and Flag of Brazil in South America). A Portugal-Brazil mixed flag, usually divided diagonally, is also a possibility.

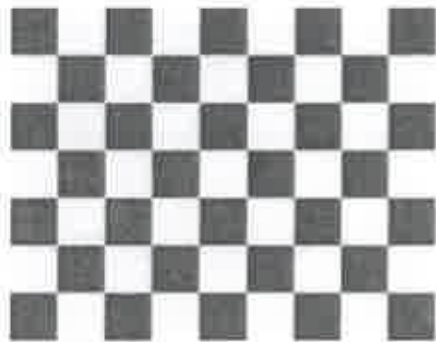
Thus, on the Internet, it is common to see the English language associated with the flag of the United Kingdom, or sometimes the flag of England, the flag of the United States or a U.S.-UK mixed flag, usually divided diagonally.

In sports[edit]

Because of their ease of signalling and identification, flags are often used in sports.

- In association football, linesmen carry small flags along the touch lines. They use the flags to indicate to the referee potential infringements of the laws, or who is entitled to possession of the ball that has gone out of the field of play, or, most famously, raising the flag to indicate an offside offence. Officials called *touch judges* use flags for similar purposes in both codes of rugby.

- In American and Canadian football, referees use penalty flags to indicate that a foul has been committed in game play. The phrase used for such an indication is *flag on the play*. The flag itself is a small, weighted handkerchief, tossed on the field at the approximate point of the infraction; the intent is usually to sort out the details after the current play from scrimmage has concluded. In American football, the flag is usually yellow; in Canadian football, it is usually orange. In the National Football League, coaches also use red challenge flags to indicate that they wish to contest a ruling on the field.
- In yacht racing, flags are used to communicate information from the race committee boat to the racers. Different flags hoisted from the committee boat may communicate a false start, changes in the course, a cancelled race, or other important information. Racing boats themselves may also use flags to symbolize a protest or distress. The flags are often part of the nautical alphabetic system of International maritime signal flags, in which 26 different flags designate the 26 letters of the Latin alphabet.



Flags flown at a car race

- In auto and motorcycle racing, racing flags are used to communicate with drivers. Most famously, a checkered flag of black and white squares indicates the end of the race, and victory for the leader. A yellow flag is used to indicate caution requiring slow speed and a red flag requires racers to stop immediately. A black flag is used to indicate penalties.

Main article: Racing flags

- In addition, fans of almost all sports wave flags in the stands to indicate their support for the participants. Many sports teams have their own flags, and, in individual sports, fans will indicate their support for a player by waving the flag of his or her home country.
- Capture the flag is a popular children's sport.
- In Gaelic football and Hurling a green flag is used to indicate a goal while a white flag is used to indicate a point
- In Australian rules football, the goal umpire will wave two flags to indicate a goal (worth six points) and a single flag to indicate a behind (worth one point).
- For safety, dive flags indicate the locations of underwater scuba divers or that diving operations are being conducted in the vicinity.
- In water sports such as Wakeboarding and Water-Skiing, an orange flag is held in between runs to indicate someone is in the water.
- In golf, the hole is marked with a flag. The flagpole is designed to fit centered within the base of the hole and is removable. Many courses will use color-coded flags to

determine a hole location at the front, middle or rear of the green. However color-coded flags are not used in the professional tours.

- Flag poles with flags of all shapes and sizes are used by marching bands, drum corps, and winter guard teams use flags as a method of visual enhancement in performances.

Diplomatic flags[[edit](#)]

Some countries use diplomatic flags, such as the [United Kingdom](#)^{([image of the Embassy flag](#))} and the [Kingdom of Thailand](#)^{([image of the Embassy flag](#))}

In politics[[edit](#)]



The [Rainbow flag](#) of the [LGBT](#) social movement. Similar flags are used in Europe to support pacifism and in Peru and Bolivia to represent the indigenous peoples of the Andes.

Social and political movements have adopted flags, to increase their visibility and as a unifying symbol.

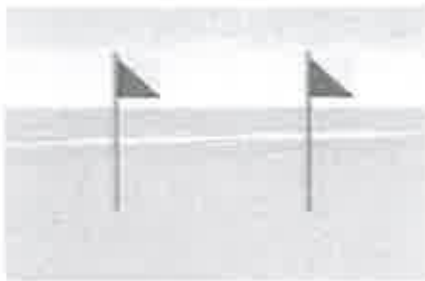
The [socialist](#) movement uses [red flags](#) to represent their cause. The [anarchist](#) movement has a variety of different flags, but the primary flag associated with them is the [black flag](#). In the [Spanish civil war](#), the anarchists used the red-and-black bisected flag. In the 20th century, the [rainbow flag](#) was adopted as a symbol of the [LGBT social movements](#). [Bisexual](#) and [transgender pride flags](#) were later designed, in an attempt to emulate the rainbow flag's success.

Some of these political flags have become national flags, such as the red flag of the [Soviet Union](#) and national socialist banners for [Nazi Germany](#). The present [Flag of Portugal](#) is based on what had been the political flag of the Portuguese Republican Party previous to the [5 October 1910 revolution](#) which brought this party to power.

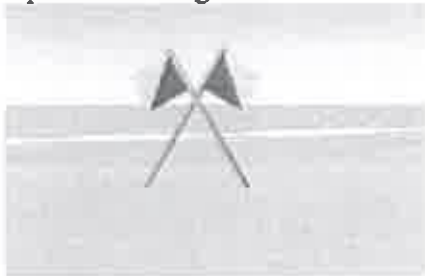
Vehicle flags[[edit](#)]

Flags are often representative of an individual's affinity or allegiance to a country, team or business and can be presented in various ways. A popular trend that has surfaced revolves around the idea of the 'mobile' flag in which an individual displays their particular flag of choice on their vehicle. These items are commonly referred to as car flags and are usually manufactured from high strength polyester material and are attached to a vehicle via a polypropylene pole and clip window attachment.

Swimming flags[[edit](#)]



Open swimming area



Closed swimming area

In Australia, Canada, New Zealand, the Philippines, and the United Kingdom a pair of red/yellow flags is used to mark the limits of the bathing area on a beach, usually guarded by surf lifesavers. If the beach is closed, the poles of the flags are crossed. The flags are colored with a red triangle and a yellow triangle making a rectangular flag, or a red rectangle over a yellow rectangle. On many Australian beaches there is a slight variation with beach condition signaling. A red flag signifies a closed beach (in the UK also other dangers), yellow signifies strong current or difficult swimming conditions, and green represents a beach safe for general swimming. In Ireland, a red and yellow flag indicates that it is safe to swim; a red flag that it is unsafe; and no flag indicates that there are no lifeguards on duty. Blue flags may also be used away from the yellow-red lifesaver area to designate a zone for surfboarding and other small, non-motorised watercraft.

Reasons for closing the beach include:

- dangerous rip
- hurricane warning
- no lifeguards in attendance
- overpolluted water
- sharks
- tsunami
- waves too strong

A surf flag exists, divided into four quadrants. The top left and bottom right quadrants are black, and the remaining area is white.

Signal flag "India" (a black circle on a yellow square) is frequently used to denote a "blackball" zone where surfboards cannot be used but other water activities are permitted.

Railway flags[[edit](#)]

Railways use a number of colored flags. When used as wayside signals they usually use the following meanings (exact meanings are set by the individual railroad company):

- red = stop
- yellow = proceed with care
- green or white = proceed.
- a flag of any color waved vigorously means stop
- a blue flag on the side of a locomotive means that it should not be moved because someone is working on it (or on the train attached to it). A blue flag on a track means that nothing on that track should be moved. The flag can only be removed by the person or group that placed it. In the railway dominated steel industry this principle of "blue flag and tag" was extended to all operations at Bethlehem Steel, Lackawanna, NY. If a man went inside a large machine or worked on an electrical circuit for example, his blue flag and tag was sacrosanct.^[15] The "Lock Out/Tag Out" practice is similar and now used in other industries to comply with safety regulations.

At night, the flags are replaced with lanterns showing the same colors.

Flags displayed on the front of a moving locomotive are an acceptable replacement for classification lights and usually have the following meanings (exact meanings are set by the individual railroad company):

- white = extra (not on the timetable)
- green = another section following
- red = last section

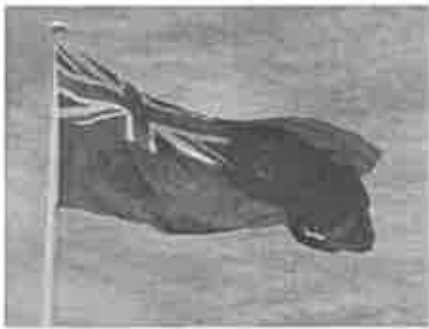
Additionally, a railroad brakeman will typically carry a red flag to make his or her hand signals more visible to the engineer. Railway signals are a development of railway flags.^[16]

Flagpoles[[edit](#)]

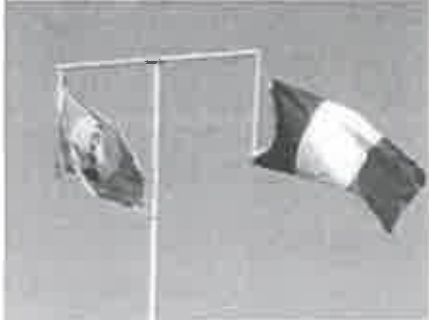
"Flagpole" redirects here. For the magazine, see Flagpole Magazine.



Flagpole of modest size, with simple truck



Large flagpole, showing structured truck (New Zealand)



New Caledonia has two official flags, flown here in Nouméa, the capital city, on a single flagpole with a crossbar.



Dwajasthambam (flagstaff) at Brihadeeswarar Temple, Thanjavur, Tamil Nadu, India.

A flagpole, flagmast, flagstaff, or staff can be a simple support made of wood or metal. If it is taller than can be easily reached to raise the flag, a cord is used, looping around a pulley at the top of the pole with the ends tied at the bottom. The flag is fixed to one lower end of the cord, and is then raised by pulling on the other end. The cord is then tightened and tied to the pole at the bottom. The pole is usually topped by a flat plate or ball called a "truck" (originally meant to keep a wooden pole from splitting) or a finial in a more complex shape. Very high flagpoles may require more complex support structures than a simple pole, such as a guyed mast.

Dwajasthambam are flagstaffs commons at the entrances of South Indian Hindu temples.^[12]

Record heights[edit]

Since 2011, the tallest free-standing flagpole in the world has been the Dushanbe Flagpole in Tajikistan,^[18] with a height of 165 m (541 ft), beating the formerly record holding National Flagpole in Azerbaijan (size: 162 m; 532 ft)^[19] and the North Korean flag at Kijōng-dong (size: 160 m; 525 ft).

The tallest flagpole in the United Kingdom from 1959 until 2013 stood in Kew Gardens. It was made from a Canadian Douglas-fir tree and was 68.5 m (225 ft) in height.^[20]

The current tallest flagpole in the United States (and the tallest containing an American flag) is a 400 feet (120 m) pole completed near Memorial Day 2014 and custom-made with a large 11 feet (3.4 m) base in concrete by wind turbine manufacturer Broadwind Energy, which is situated on the north side of the Acuity Insurance headquarters campus along Interstate 43 in Sheboygan, Wisconsin and is visible from Cedar Grove. The pole will hold a 220-pound flag for pleasant conditions and a thicker 350-pound flag for harsh weather.^[21] Acuity had made three separate attempts in the 2000s at the tallest flagpole which were all removed due to collapses or wind-swaying, following the example of a nearby Perkins location which had put up a flag visible on their property from the WI 28 exit.

Design[edit]

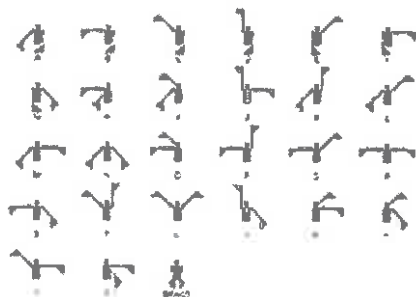
Flagpoles can be designed in one piece with a taper (typically a steel taper or a Greek entasis taper),^[22] or be made from multiple pieces to make them able to expand. In the United States, ANSI/NAAMM guide specification FP-1001-97 covers the engineering design of metal flagpoles to ensure safety.

Hoisting the flag[edit]

Hoisting the flag is the act of raising the flag on the flagpole. Raising or lowering flags, especially national flags, usually involves ceremonies and certain sets of rules, depending on the country, and usually involve the performance of a national anthem.

A flag-raising squad is a group of people, usually troops, cadets, or students, that marches in and brings the flags for the flag-hoisting ceremony. Flag-hoisting ceremonies involving flag-raising squads can be simple or elaborate, involving large numbers of squads. Elaborate flag-hoisting ceremonies are usually performed on national holidays.

Flags and communication[edit]



Semaphore signals for the letters of the English alphabet

Semaphore is a form of communication that utilizes flags. The signalling is performed by an individual using two flags (or lighted wands), the positions of the flags indicating a symbol. The person who holds the flags is known as the signalman. This form of communication is primarily used by naval signallers. This technique of signalling was adopted in the early 19th century and is still used in various forms today.

The colors of the flags can also be used to communicate. For example; a white flag means, among other things, surrender or peace, a red flag can be used as a warning signal, and a black flag can mean war, or determination to defeat enemies.

Orientation of a flag is also used for communication, though the practice is rarely used given modern communication systems. Raising a flag upside-down was indicative that the raising force controlled that particular area, but that it was in severe distress^[*citation needed*].

Flapping^[*edit*]



[Play media](#)

Video of U.S. Flag Flapping

When blown by the wind, flags are subject to wave-like motions that grow in amplitude along the length of the flag. This is sometimes ascribed to the flag pole giving vortex shedding, however flags that are held by lanyards also can be seen to flap.

Commercial Products^[*edit*]

Flags have been widely used on commercial products, such as T-shirts,^[23] mugs,^[24] baseball caps,^[25] earrings, and flashcards^[26] etc.

See also^[*edit*]

Lists and galleries of flags

- [Gallery of sovereign-state flags](#)
- [List of flag names](#)
- [Lists of flags](#)
- [Timeline of national flags](#)
- [Unofficial flags](#)

Notable flag-related topics

26. Jump up ^ Cardia Flashcards. Flag collections



Wikimedia Commons has media related to ***Flags***.



Wikidata has a property, ***P163***, for Flag (see uses)

- Australian Botany pages
- William G. Crampton; *The World of Flags*; Rand McNally; ISBN 0-528-83720-6 (hardcover, 1994).
- Samuel Finley Breese Morse
- *Ultimate Pocket Flags of the World*; Dorling Kindersley; ISBN 0-7894-2085-6; (1st American edition, hardcover, 1996).

[hide]

- v
- t
- e

Lists of flags

- Master list
- Reference list

State-related

- Arab states
- Civil flag
- Country
- Date of Adoption
- Formerly independent
- Heads of state
- Historical flags
- State flag
- State flags and ensigns
- Sovereign
- Special and fictional
- Unrecognized

Mobile military

- Armed Forces
- Army & Ground Forces

		<ul style="list-style-type: none"> • <u>Air Forces</u> • <u>Air Forces Roundels</u> • <u>Air Forces Fin Flashes</u> • <u>Border & Coast Guard Forces</u> • <u>Maritime</u> • <u>Ministry of Defense</u> • <u>Naval Ensigns</u> • <u>Naval Jack</u> • <u>Police Flag</u>
	<p>Mobile civilian</p>	<ul style="list-style-type: none"> • <u>Civil air</u> • <u>Civil and Merchant Navy</u> • <u>Civil ensign</u> • <u>Pilot boat flags and ensigns</u> • <u>Yacht flags and ensigns</u>
<p>Other entities</p>		<ul style="list-style-type: none"> • <u>Active autonomist and secessionist movements</u> • <u>Cities</u> • <u>Country subdivisions</u> • <u>Cultural</u> • <u>Dependent territories</u> • <u>Ethnic</u> • <u>Gay pride and Lesbian Bisexual Transgender flags</u> • <u>Micronations</u> • <u>Political</u> • <u>Religious</u>
<p><u>By design</u></p>	<p>By elements</p>	<ul style="list-style-type: none"> • <u>Animals</u> • <u>Astronomical</u> • <u>Bicolor</u> • <u>Borders</u> • <u>British ensigns</u> • <u>Buildings</u> • <u>Canton</u> • <u>Circles</u>

- Color
 - by number
 - by combination
- Crescents
- Crosses (Nordic)
- Devices
- Diamonds
- Geographical
- Headgear
- Inscriptions
- Nautical
- Plants
- Solids
- Stars
- Triangles
- Tribands
- Two-sided
- Weapons

- Proportions

By shape

By nations

- Argentina
- Armenia
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bangladesh
- Barbados
- Belarus
- Belgium
- Bosnia & Herzegovina
- Brazil
- Cambodia
- Canada
- Chile

- China
 - Hong Kong
 - Macau
 - Taiwan
- Colombia
- Costa Rica
- Croatia
- Denmark
- Dem. Rep. Congo
- Dominican Republic
- Egypt
- Estonia
- Finland
- France
 - regions
- Germany
- Georgia
- Greece
- Haiti
- Iceland
- India
- Ireland
- Israel
- Iraq
- Italy
- Jamaica
- Japan
- Kazakhstan
- Kenya
- Korea
 - South Korea
- Latvia
- Lithuania
- Luxembourg
- Macedonia
- Malaysia
- Mexico

- Malta
- Moldova
- Morocco
- Montenegro
- Netherlands
- New Zealand
- Norway
- Pakistan
- Peru
- Philippines
- Poland
 - naval and maritime
 - voivodeships
- Portugal
- Rhodesia
- Romania
- Russia
 - federal subjects
 - Russian Navy
- Serbia
 - Kosovo
- Singapore
- South Africa
- Soviet Union
 - republics
 - Soviet Navy
- Spain
- Sri Lanka
- Sweden
- Switzerland
- Tajikistan
- Thailand
- Ukraine
- United Kingdom
 - England
 - Northern Ireland
 - Scotland

- *Wales*
- *Falkland Islands*
- *Gibraltar*
- United States
 - *states*
 - *Puerto Rico*
 - *CSA*
- Uzbekistan
- Vatican City
- Vietnam
- *Yugoslavia*
- Zimbabwe

By continent

- Africa
- Antarctica
- Asia
- Europe
- North America
- Oceania
- South America

Names in *italics* indicate non-sovereign (dependent) territories, disputed states and/or former countries.

Authority control

- NDL: 00563007

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Retrieved from "<https://en.wikipedia.org/w/index.php?title=Flag&oldid=677764667>"

Categories:

- Flags
- National symbols
- Vexillology

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 19th May 2015

Contact: Stuart Herkes ☎ 01835 825039

Ref: 15/00504/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 9th June 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 9th June 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Rural Renaissance Ltd

Agent: Camerons Ltd

Nature of Proposal: External alterations and erection of 4 No flagpoles

Site: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

The Economic Development section has no objections and supports the improvements proposed for the frontage of this building.

Good Morning

Application Ref 15/00504/FUL

Rural Renaissance
Office West Grove
Waverley Road
Melrose
TD6 9SL

External alterations and erection of 4 No flagpoles

**Melrose & District Community Council support the external changes and improvements proposed for this building
But have a concern regarding the flagpoles in this primarily residential area may be out of place**

Regards

Robin Chisholm for Melrose & District Community Council

REGULATORY SERVICES



To: **Development Management Service**
FAO Stuart Herkes

Date: 8th June 2015

From: **Roads Planning Service**
Contact: **Ashley Hogg**

Ext: 5396

Ref: 15/00504/FUL

Subject: External alterations and erection of 4 No flagpoles
Office West Grove Waverly Road Melrose

I am content that the poles do not interfere with visibility sightlines for drivers exiting the site.

No roads objections.

JAF

-----Original Message-----

From: Knight, Jim On Behalf Of Landscape Consultations

Sent: 15 July 2015 14:25

To: Herkes, Stuart

Subject: RE: SBC 15/00504/FUL Office West Grove

Stuart,

With apologies for the late response, there is no objection to this application. The only landscape comment is that 4 flagpoles plus a lamp post produces a degree of visual clutter.

Regards Jim

Application Comments for 15/00504/FUL

Application Summary

Application Number: 15/00504/FUL

Address: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

Proposal: External alterations and erection of 4 No flagpoles

Case Officer: Stuart Herkes

Customer Details

Name: Mr Rodger Johnston

Address: 14 High Cross Avenue, Melrose, Melrose, Scottish Borders TD6 9SQ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road safety

Comment: The siting of the 4 flagpoles may restrict oncoming drivers vision, as I leave my driveway to get on to the road. Turning right for Galashiels can be difficult due to the fast speed of many cars heading in to Melrose, and the alignment of the 4 flagpoles could present a blind spot. I also feel, that the flags themselves would be unsightly for the town and a distraction at a very busy and fast moving junction.

Application Comments for 15/00504/FUL

Application Summary

Application Number: 15/00504/FUL

Address: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

Proposal: External alterations and erection of 4 No flagpoles

Case Officer: Stuart Herkes

Customer Details

Name: Mr Alan Young

Address: Tweedside Tweedmount Road, Melrose, Scottish Borders TD6 9ST

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Height of
- Road safety

Comment: I feel it necessary to comment on this application, the proposed alterations to the building are very welcomed. The flagpoles are however out of context for this residential area, their positioning will distract drivers and pedestrians at this very busy junction. Their height would also appear excessive.

Should this number of flagpoles be required, necessary angular poles attached at various heights to the face of the building could facilitate this in a far more aesthetically pleasing nature.

Application Comments for 15/00504/FUL

Application Summary

Application Number: 15/00504/FUL

Address: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

Proposal: External alterations and erection of 4 No flagpoles

Case Officer: Stuart Herkes

Customer Details

Name: Mr Robin Purdie

Address: 16 High Cross Avenue, Melrose, Melrose, Scottish Borders TD6 9SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Height of
- Road safety

Comment: I have no objection to the development of the building per se, however I do object to the following:

1) The flagpoles - these will further hinder the line of sight when exiting the driveway of numbers 14 and 16 High Cross Avenue. The view is already restricted enough and vehicles come round that corner at a ridiculous speed. I also feel that the poles will look completely out of place in this particular area and are far from in-keeping. If there are to be flags then a compromise would be to attach them to the building.

2) The colour - once again I have no issues with the building being developed but the light cream colour is more in-keeping with a scheme of modern properties rather than the existing buildings in this area, particularly given that this building is on the main road in/out of Melrose, and the surrounding buildings are much darker and traditional in colour.

List of Policies

Local Review Reference: 15/00022/RFEF

Planning Application Reference: 15/00504/FUL

Development Proposal: External alterations and erection of 4no flagpoles

Location: Office West Grove, Waverley Road, Melrose

Applicant: Rural Renaissance Ltd

SESPLAN 2013:

None applicable

Consolidated Scottish Borders Local Plan 2011

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will

- 10. be encouraged to support more sustainable travel patterns, it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
- 11. it provides for recycling, re-using and composting waste where appropriate,
- 12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- 13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- 14. it incorporates, where required, access for those with mobility difficulties,
- 15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY G7 – INFILL DEVELOPMENT

Within Development Boundaries, as shown on Proposals Maps, development on non-allocated, infill or windfall, sites, including the re-use of buildings, will be approved if:

- 1. in the case of a gap site, it can be justified under Policies BE6 (Protection of Open Space), Policy NE3 (Local Biodiversity) and Policy Inf11 (Developments that Generate Travel Demand);
- 2. in the case of employment land the proposed new use can be justified under Policy ED1 to prevent the loss of employment land with prospects of future use;
- 3. in the case of garden ground or backland sites, it can be justified under Policy H2 to safeguard the amenity of residential areas;

In all cases, the following criteria will apply to proposed infill development:-

- i) where relevant, it does not conflict with the established land use of the area; and
- ii) it does not detract from the character and amenity of the surrounding area; and
- iii) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- iv) it respects the scale, form, design, materials and density of its surroundings; and
- v) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- vi) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY BE4 – CONSERVATION AREAS

1. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.
2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.
3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:
 - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
 - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and
 - iii) the proposal will preserve or enhance the Conservation area, either individually or as part of the townscape.In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.
4. Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.
5. The Council may require applications for full, as opposed to outline, consent. In instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any applications for major alterations or extensions, or for demolition and replacement.

Other Material Considerations

Scottish Planning Policy

Scottish Borders Proposed Local Development Plan 2013