

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 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name [REDACTED]

Address [REDACTED]

Postcode [REDACTED]

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

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 comfortably 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.

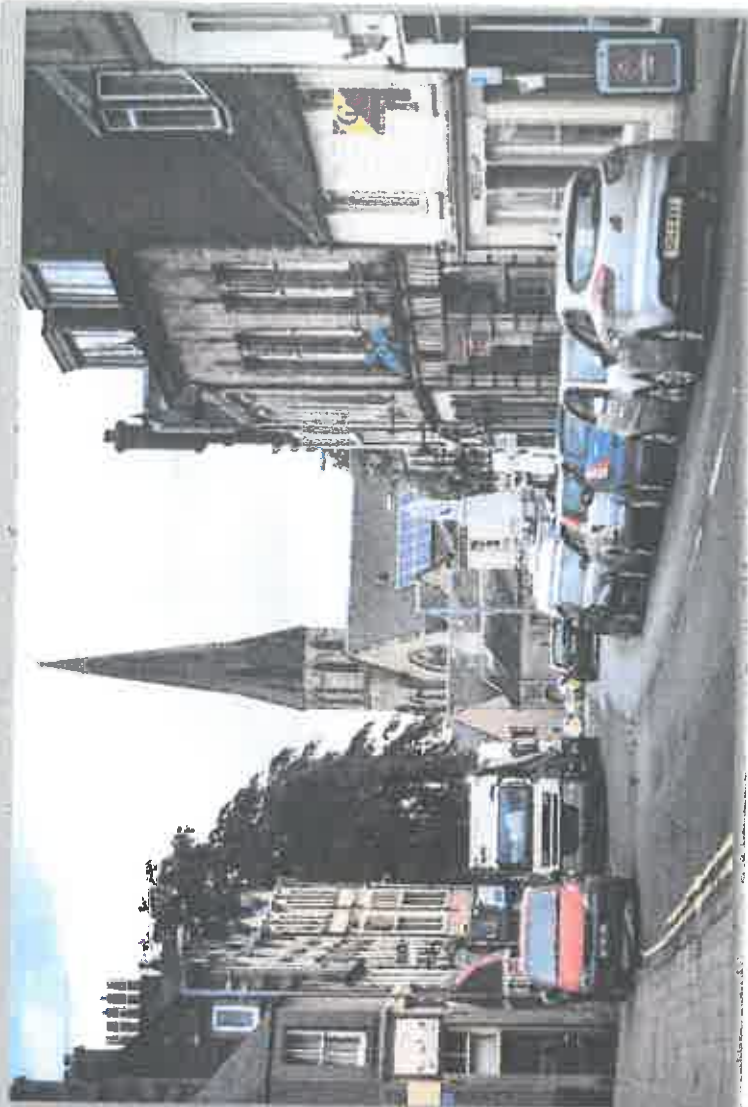
Sixteen panels are needed, facing south or south west, to provide the 4kW necessary to power a four-bedroom family home. A 4kW system is the industry standard: it would make us virtually self-sufficient in electricity. A solar panel system is a long-term investment and despite the savings on bills it 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





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



NEXT DOOR NEIGHBOURS, WEST



RAEBANK, FROM COUNCIL OFFICES



MODERN HOUSING + SOLAR PANELS
EAST END OF CHAPEL ST



WEST END OF CHAPEL ST LOOKING
TOWARD RAEBANK



MODERN HOUSE, OPPOSITE SAINSBURY'S
CAR PARK



COUNCIL OFFICES OPPOSITE RAEBANK



CAR PARK, EAST OF RAEBANK.

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

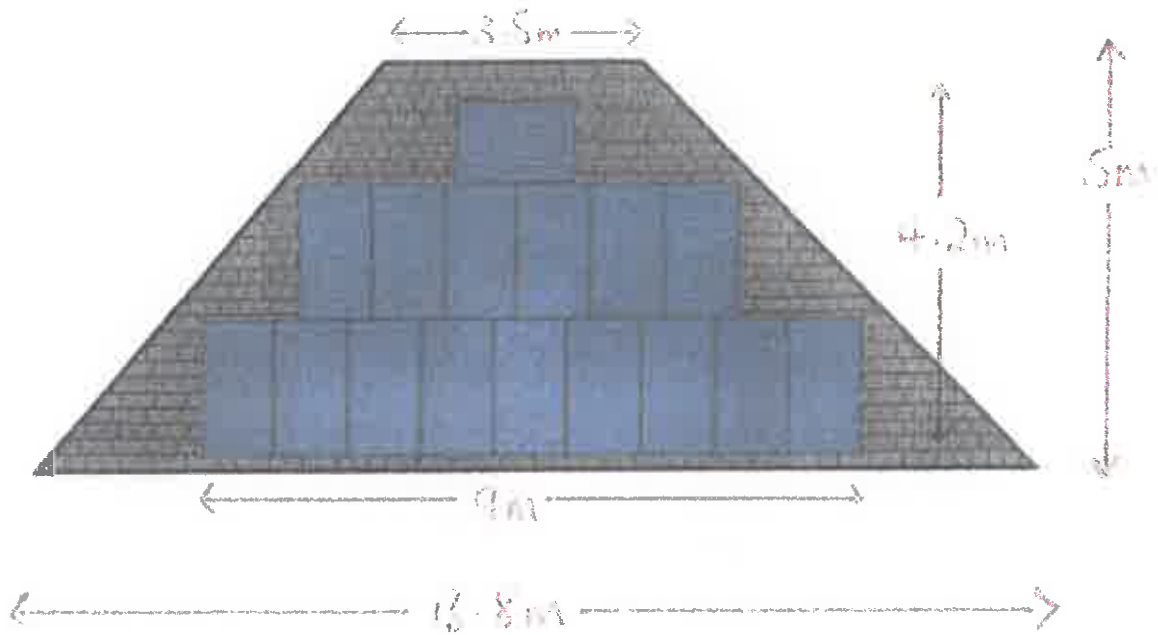
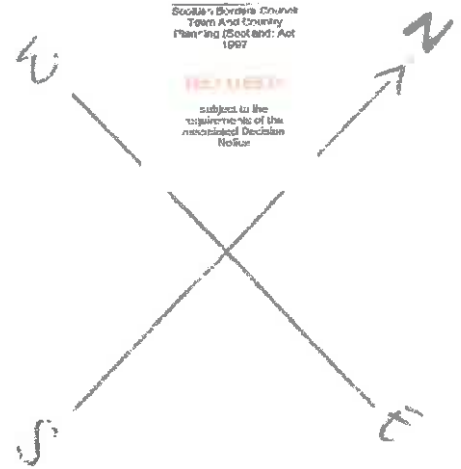
Payment Details

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) (portrait)
- 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

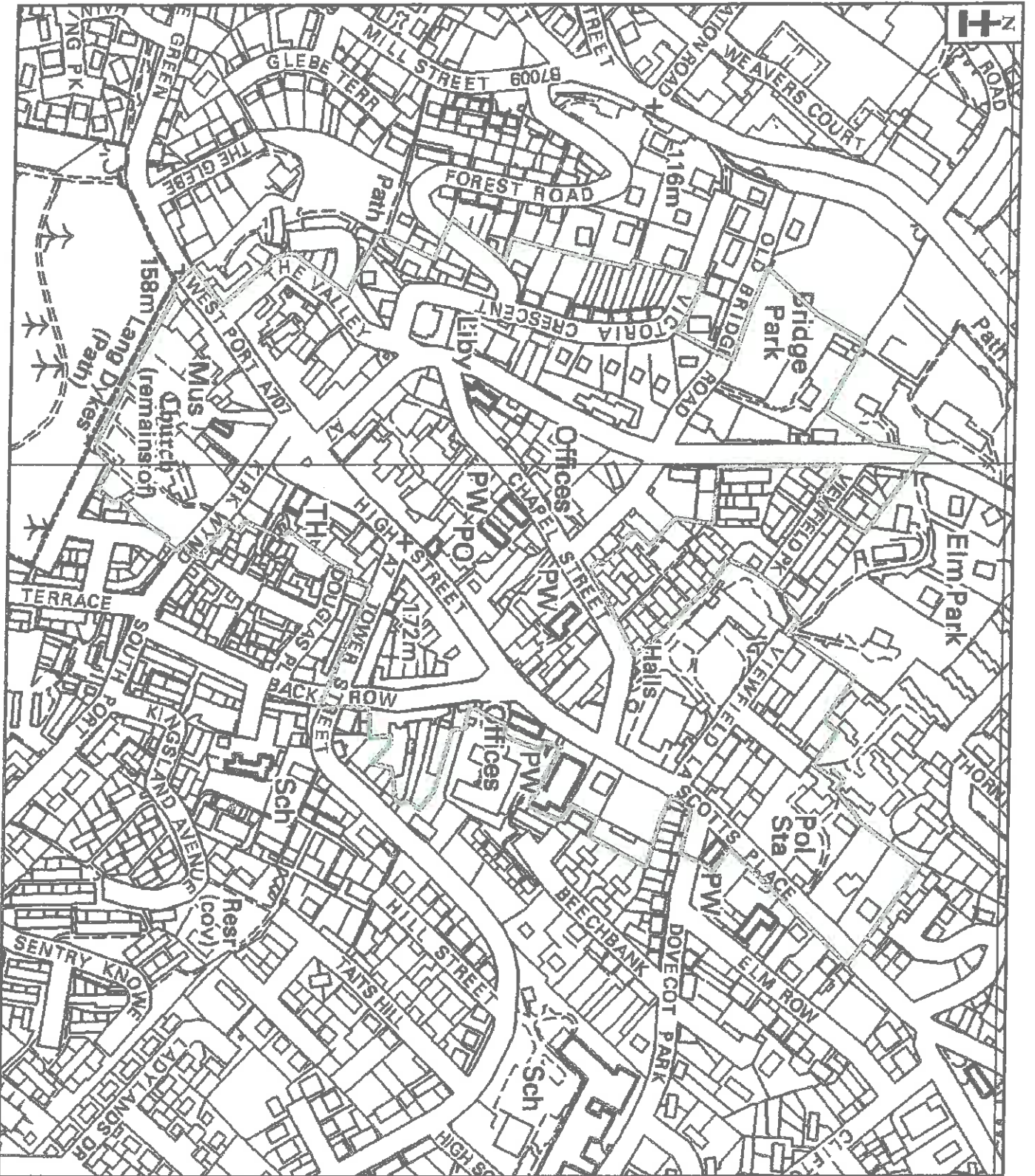
REASON FOR REFUSAL

- 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

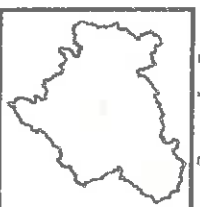
Key



Conservation Area Boundary



Development Boundary



Tel: 01835 826511

Email: localplan@scob.orders.gov.uk

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

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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 IA 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.

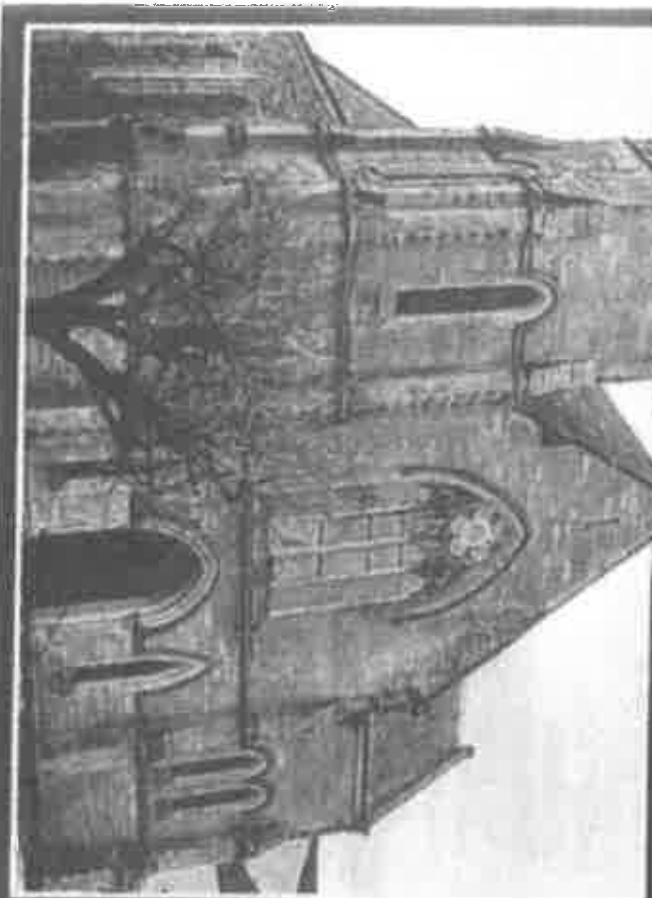
Reason for Decision: The proposed installation of 40 photovoltaic cells on the south facing roof of Selkirk Parish Church is acceptable, the development is not considered to have a detrimental affect on the special architectural or historic quality of the building and would comply with Policies BE1, 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 11,400 Rs in Selkirk will start by hoping that more than 1 and 1/2 million show up there.

The congregation of Selkirk Cathedral will be set to worship the first time. It will be the first of almost 100 churches in the city.

Kirk others hope to build 100 of them. It would be a significant step for the city.

It is expected that 10,000 people will be mainly invited through prayer and love, but to save the special parish near them 1,000 will be invited to the main hall.

I have visited the cathedral several times. The sun rays will be a success. It will be a great day for us.

It is estimated that the 50,000 people would be invited to the cathedral. It will be a great day for us.