

**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:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
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”.**



**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:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
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.



**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND  
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

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**Local Review Reference: 15/00022/RREF**

**Planning Application Reference: 15/00504/FUL**

**Development Proposal: External alterations and erection of 4no flagpoles**

**Location: West Grove, Waverley Road, Melrose**

**Applicant: Rural Renaissance Ltd**

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice on the following grounds:

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.

**DEVELOPMENT PROPOSAL**

The application relates to external alterations and the erection of 4no flagpoles at West Grove, Waverley Road, Melrose. The application drawings consisted of the following drawings :

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	9208.1.01
Floor Plans	9208.1.02
Elevations	9208.1.03 Front
Elevations	9209.1.04 Side

## **PRELIMINARY MATTERS**

The Local Review Body considered at its meeting on 19<sup>th</sup> October 2015, that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review and accompanying papers including Decision Notice and Officer's report; b) Consultation Responses; c) Objections and d) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicants for a site inspection, further written submissions and one or more hearing sessions.

Within the Notice of Review it was noted that reference was made to a previous approval for flagpoles at the entrance to the applicant's site at Priorwood within the town. The Appellant considers this a precedent whilst the planning officer states that the site location, site characteristics and proposals are different. Members were advised that they should consider the Local Review proposals "de novo", with the issue of whether Priorwood set any precedent that was material to the current case also being a matter for the LRB to consider.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan 2013 and the consolidated Scottish Borders Local Plan 2011. The LRB considered that the most relevant of the listed policies were:

- Local Plan policies : G1 and BE4

Other material key considerations the LRB took into account related to:

### **Other Material Considerations**

Scottish Planning Policy  
 Scottish Borders Proposed Local Development Plan 2013

LRB members noted the full extent of all parts of the application proposal, and whilst not located within the Conservation Area the application site immediately adjoined it. Some concerns were raised regarding the proposed colour of the external render and that details of the proposal sun dial were limited. However, it was considered that

appropriately worded conditions could be attached to any consent issued requiring the agreement of an alternative render and the submission of further details for approval regarding the sun dial. It was therefore not considered there would be any insurmountable issues to resolve these matters.

Members considered that the most contentious part of the proposal was the erection of the 4no flagpoles. Members noted that information regarding the flagpoles was limited, particularly that no specific heights were stated and that it could only be estimated they would be between 8 and 9 metres taking cognisance of plan ref 9208.1.03 which suggests they may be approximately 1 metre above the existing lighting column on site.

In order to fully assess the proposal members visited the site. On site members took cognisance of the proposed location of the flagpoles and their estimated heights, that the surrounding buildings were primarily residential properties, they considered how prominent they may be from a number of locations within the immediate vicinity and considered any perceived impacts the flagpoles will have on the Conservation Area.

The LRB agreed with the planning officer that Priorswood did not set a precedent effecting this proposal in that the site location, site characteristics and proposals are different.

Whilst having no general objections in principal to flagpoles, the LRB considered that in this specific instance their perceived overall heights, their prominent appearance due to their locations close to the roadside, their cluttered nature, the impact on the adjoining Conservation Area and that they were considered out of character with the residential area prevented members supporting the proposal. Although members considered that an alternative proposal for the siting and scale of the flagpoles could be more acceptable, members agreed that the application required to be judged as submitted.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of

the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

**Signed....**Councillor R Smith  
Chairman of the Local Review Body

**Date ...**2<sup>nd</sup> November 2015

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