

APPENDIX I

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

**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**

Local Review Reference: 16/00004/RREF

Planning Application Reference: 15/01354/FUL

Development Proposal: External alterations and erection of 4no flagpoles

Location: Office, West Grove, Waverley Road, Melrose

Applicant: Rural Renaissance Ltd

DECISION

The Local Review Body (LRB) reverses the decision of the appointed planning officer and grants planning permission as set out in the decision notice.

DEVELOPMENT PROPOSAL

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

Plan Type	Plan Reference No.
Location Plan	9208.2.01
Planning Layout	9208.2.02
Floor Plans	9208.2.03
Elevations	9208.2.04
Elevations	9208.2.05

PRELIMINARY MATTERS

The LRB considered at its meeting on 18th April 2016, that the review had competently 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 including Decision Notice and Officer's report; b) Papers referred to in report; c) Consultations; d) Objections; e) List of policies, the LRB considered they had enough information to determine the review and proceeded to consider the case. In coming to the conclusion, the LRB noted the request from the appellant for a site inspection and one or more hearing sessions.

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 was:

- Local Plan policy : G1

The LRB also noted that the emerging new Local Plan 2016 would shortly be adopted and that any relevant policies within it should be material considerations to the appeal. It was agreed that relevant policies, including policy PMD2, which will replace policy G1, did not raise any new material considerations in this instance.

Other material considerations the LRB took into account related to:

Other Material Considerations

- Scottish Planning Policy

Members recalled a planning application relating to these premises being referred to them in October 2015. The proposal was for alterations to the main building and 4no flagpoles at the front of the main entrance. Members visited the site and ultimately refused the plans in respect of the location and height of the flagpoles. Members refused the application and were reminded that the decision note stated that members considered "an alternative proposal for the siting and scale of the flagpoles could be more acceptable".

Following the refusal the applicant lodged an amended application which is subject to this Review. The application sought to propose the same alterations to the main building, but to relocate the flagpoles to an alternative location on the western side of the site.

The alterations to the building included a K-render "Arran" roughcast finish which was a yellow / off white colour, dark aluminium cladding, a vertical sundial and lettering above the door. Members confirmed their agreement to support this part of proposal and that planning conditions could be attached to any consent granted in order to obtain more detailed information regarding some of these works.

Members noted that the plans proposed the relocation of the flagpoles onto the western side of the site and they considered this to be a more preferable location. Members acknowledged that the applicants had reduced the height of the flagpoles

from approximately 8 or 9 metres to 5.2 metres. The flagpoles were located 0.5m apart and set back 1.5m back from the boundary fence. Members noted the 4no letters of objection submitted and the concerns they raised.

There were mixed feelings regarding the suitability of the flagpoles in principle, it being suggested that they were acceptable within the grounds of what is a commercial property but it was also stated that they served little practical purpose. It was suggested the lanyards in particular may cause noise issues to nearby residents and that Environmental Health should comment on this should the application be approved.

Discussion took place regarding the number of flagpoles and whether the proposal would be more acceptable if the number was reduced as there was some feeling that they had a cluttered appearance. It was agreed that for the proposal to be acceptable the number of flagpoles required to be reduced to 3no. It was further agreed that if the proposal was to be supported then a condition should ensure the flags were not used for advertisement purposes.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that, subject to the number of approved flagpoles being reduced to 3no, the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

DIRECTION

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

CONDITIONS

1) The number of flags approved to be limited to 3no

Reason : To ensure a satisfactory form of development, which contributes appropriately to its setting.

2) Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials and any colours to be used in the alterations to the front elevation as shown on drawing no 9108.2.04 has been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

Reason : The materials require further clarification to ensure a satisfactory form of development, which contributes appropriately to its setting.

3) The colour of the external render to be agreed with the Planning Authority

Reason : To ensure a satisfactory form of development, which contributes appropriately to its setting

4) The flags not to be used for advertisement purposes

Reason : To ensure the flags are not used to advertise any business operations

5) The flagpoles and lanyards to be regularly maintained to ensure their satisfactory operation and steps to be taken to prevent any unacceptable noise levels

Reason : To ensure the proposal has no unacceptable adverse impact in terms of noise on nearby residencies

Informative – In relation to condition no 3 it is not considered that the use of the proposed colour of the “Arran” external render is suitable and an alternative colour should be agreed with the Planning Authority

In relation to condition no 5 any further guidance on carrying out any noise reduction measures should be discussed with the Council’s Environmental Health (Noise) section (contact DBrown@scotborders.gcsx.gov.uk) to give advice on best practice operations. It was also the advice of the Local Review Body that in order to eliminate any potential unnecessary noise to nearby residencies at unreasonable times any flags should be removed from the flagpoles at night.

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...10 May 2016