

LOCAL REVIEW BODY

2 MARCH 2022

PLANNING APPLICATION FOR REVIEW

**MR GRAEME GALBRAITH
ERECTION OF A 6M FLAGPOLE WITHIN FRONT CURTILAGE OF PROPERTY (IN
RETROSPECT)
53 VICTORIA ROAD, GOUROCK (21/0229/IC)**

Contents

- 1. Planning Application dated 28 July 2021 together with Supporting Statement and Location Plan.**
- 2. Site Photographs**
- 3. Appointed Officer's Report of Handling dated 28 September 2021**
- 4. Inverclyde Local Development Plan 2019 Policy Extracts**

To view the Inverclyde Local Development Plan see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

- 5. Inverclyde Local Development Plan 2019 Map Extract**
- 6. Scottish Planning Policy**
- 7. Historic Scotland – Historic Environment Policy for Scotland**
- 8. Historic Scotland – Managing Change in the Historic Environment (Guidance on External Fixtures)**
- 9. Historic Scotland – Managing Change in the Historic Environment (Guidance on Setting)**
- 10. Representations in relation to Planning Application**
- 11. Decision Notice dated 7 October 2021 issued by Head of Regeneration & Planning**
- 12. Notice of Review Form dated 23 December 2021 with supporting statement**

Note: Inverclyde Proposed Local Development Plan 2021 has been attached to the rear of the agenda papers as supplementary content.

**1. PLANNING APPLICATION DATED 28 JULY 2021
TOGETHER WITH SUPPORTING STATEMENT AND
LOCATION PLAN**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100449239-001

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

Description of Proposal

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

Erection of 6m flagpole within the front curtilage of my property, 53 Victoria Road, Gourock.

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

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

28/06/2021

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

I was unaware that planning permission was required for the erection of a flagpole

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Kinloch"/>
First Name: *	<input type="text" value="Graeme"/>	Building Number:	<input type="text" value="53"/>
Last Name: *	<input type="text" value="Galbraith"/>	Address 1 (Street): *	<input type="text" value="Victoria Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Gourock"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Renfrewshire"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA191DB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="53 VICTORIA ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GOUROCK"/>
Post Code:	<input type="text" value="PA19 1DB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="677080"/>	Easting	<input type="text" value="223163"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

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)

I have briefly discussed the application with David Sinclair of Inverclyde Council who was very helpful and answered any queries that i had regarding the application process.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="David"/>	Last Name:	<input type="text" value="Sinclair"/>
Correspondence Reference Number:	<input type="text" value="N/A"/>	Date (dd/mm/yyyy):	<input type="text" value="28/07/2021"/>

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 proposed 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) REGULATION 2013

One Certificate must be completed and submitted along with the 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: Mr Graeme Galbraith

On behalf of:

Date: 28/07/2021

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 the 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 Proposal. 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: Mr Graeme Galbraith

Declaration Date: 28/07/2021

Payment Details

Online payment: ICPP00001199

Payment date: 28/07/2021 14:05:00

Created: 28/07/2021 14:05

Kinloch
53 Victoria Road
Gourock
Renfrewshire
PA19 1DB

28th July 2021

To whom it may concern,

**ERECTION OF UNAUTHORISED FLAGPOLE AT 53 VICTORIA ROAD GOUROCK –
DCE(GOUR)VICTORIAROAD(53)**

Please accept this letter as a supporting document for the retrospective planning application for the erection of a flagpole within the front curtilage of my property.

Until receiving a letter, dated 16th July 2021, from Planning Officer David Sinclair of Inverclyde Council, I was unaware that planning permission was required to erect a flagpole at my property. I moved to the area in February 2020 and was aware of a number of flagpoles within the area, most notably at nearby properties on Victoria Road, Barrhill Road and Tower Drive. Due to the number of flagpoles I assumed, wrongly in this case, that there would be no issues with erecting one within my property at 53 Victoria Road.



My apologies for any inconvenience that this may have caused and I look forward to hearing from you in due course.

Yours sincerely

Graeme Galbraith (owner of property)

53 Victoria Road

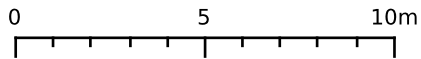
LEGEND

-  Land relating to this application
-  Adjoining land that we own

Produced: 28/07/2021

Reference: 21-61368236-1

Scale: 1:200 (at A4)

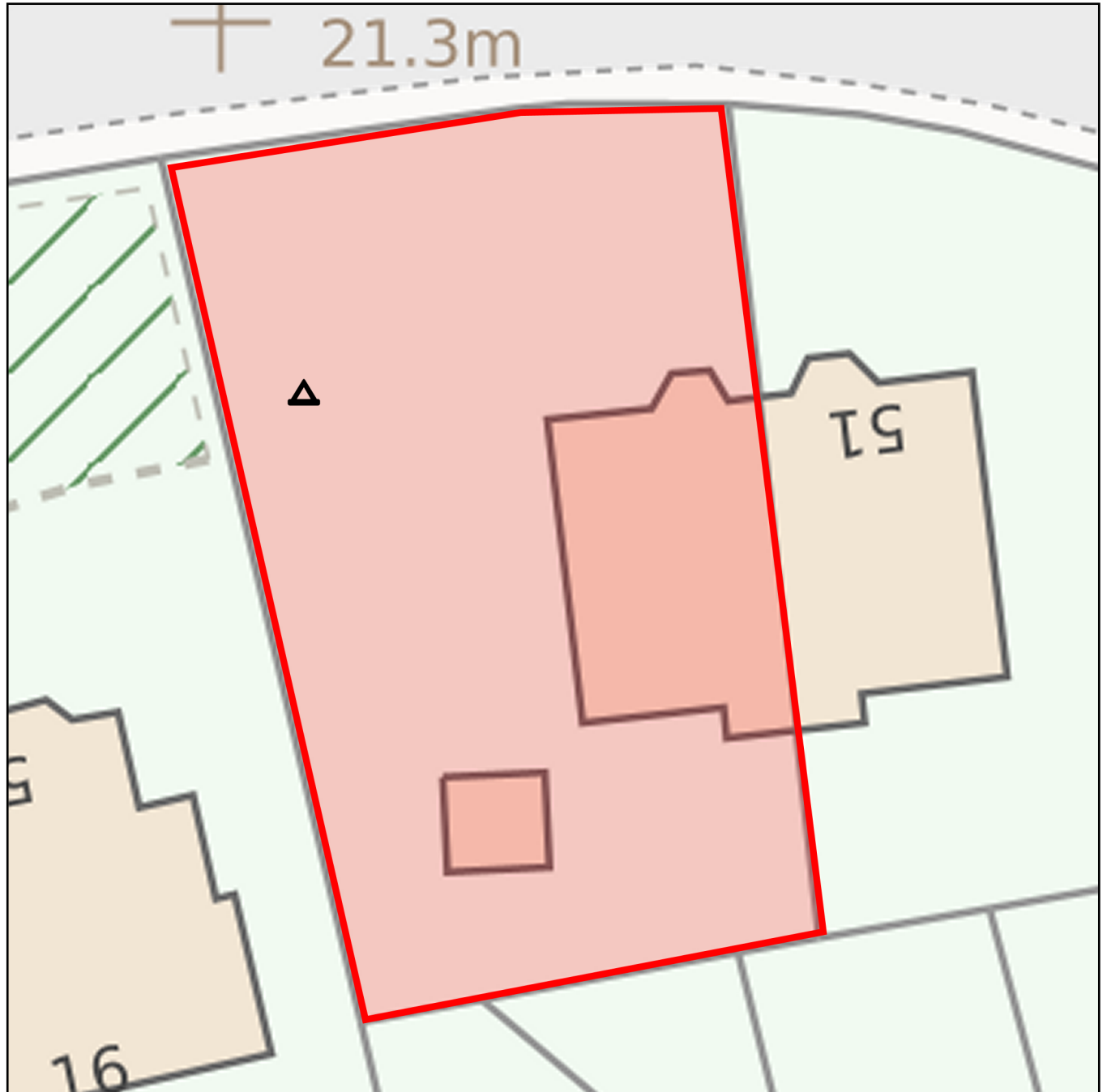


Centre Coordinates: 223158.599994 E,
677080.466669 N

This map contains Ordnance Survey data.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.



2. SITE PHOTOGRAPHS





3. APPOINTED OFFICER'S REPORT OF HANDLING DATED 28 SEPTEMBER 2021

REPORT OF HANDLING

Report By: David Sinclair

Report No: 21/0229/IC

**Local Application
Development**

**Contact
Officer:** 01475 712436

Date: 28th September 2021

Subject: Erection of 6m flagpole within front curtilage of property (in retrospect) at
53 Victoria Road, Gourock.

SITE DESCRIPTION

The application site comprises a two storey, semi-detached dwelling located on the south side of Victoria Road, Gourock. The building is finished with a grey slate roof topped with red ridge tiles; off-white render walls with red brick base course; white timber sash and case windows and front door, with red stone surrounds around the ground floor bay window and front door; and stone lintel, mullion and cill on the upstairs window.

The site sits on a steep north facing slope, with gradients up to 1 in 2 resulting in the ground floor level of the house being raised above Victoria Road by around 5 metres. A raised stone entrance landing sits in front of the main door, topped with black railings and steps down to the garden to the west. The front garden is mostly covered in grass, with a paved path curving up from the road to the house. A white flagpole sits in line with the front of the entrance landing beside the western boundary. The flagpole sits on ground approximately 1.5 metres lower than the ground floor of the dwellinghouse. The rear garden contains a raised patio with a glazed balustrade to the side of the building which was granted consent in January 2019. Boundary treatments include a white stone wall to the front, with a mixture of bushes along both side boundaries to the front.

The site is bound by two storey residential properties which are similar in age and contain similar built to garden ground ratios, with variations in design, materials and finishes.

PROPOSAL

Retrospective planning permission is sought for the erection of the white flagpole within the front curtilage of the dwellinghouse. The flagpole measures 6 metres in height and has been positioned to the north-west of the dwellinghouse, approximately 8 metres from the nearest corner of the dwellinghouse, 1.5 metres from the western boundary and approximately 1.3 metres forwards of the principal building line.

The application is accompanied by a supporting statement.

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out

in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 28 – Conservation Areas

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 20 – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Policy 28 – Conservation Areas

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area.

Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Applicants should demonstrate that every reasonable effort has been made to secure the future of the building. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

CONSULTATIONS

None required.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on the 6th August 2021 due to development affecting a conservation area.

SITE NOTICES

A site notice was posted on the 6th August 2021 due to development affecting a conservation area.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Six representations were received, objecting to the proposal. Concerns were raised as follows:

- No requirement for flagpole and not in keeping with the area. Types of flag could also cause issue as can be deemed unacceptable regarding what it represents. This could also cause disharmony amongst neighbours and the general public taking offence.
- Visitors to the area immediately comment on how odd and potentially offensive the overly large pole is with its Union Flag. If the owner wished to garner attention to their political persuasion, it has already succeeded and circumvented local community good will.
- This private property serves neither community nor public service for which a flagpole and display of national symbols would be appropriate and subject to local democratic decisions.
- The flag pole ruins the view from neighbouring windows and decking areas. The person who has put the flag up has done it strategically to avoid ruining his own view by planting it to the side of his patio area.
- Objections to individuals displaying as a matter of routine a flag of any kind.
- It is not usual in Scotland to display flags outside domestic premises and whatever flag is flown will no doubt upset or rile someone.
- Putting flags or bunting out for a special occasion is fine but otherwise flag poles and flags are for public buildings.
- Visual eyesore in direct line of sight from neighbouring gardens.
- Whilst being in close proximity to the Royal Gourock Yacht Club, the use of flags flying is not completely unexpected in the area, particularly on the yachts and boats alike, but in this particular instance it is really prominent and takes away from the view.
- The flag would be less of a concern if it was in the rear garden, as it just isn't in keeping with the surrounding environment.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); Scottish Planning Policy (SPP); Historic Environment Scotland's "Historic Environment Policy for Scotland" and the "Managing Change in the Historic Environment" guidance notes on 'External Fixtures' and 'Setting'; and the representations received.

SPP recognises that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. The application site is located within an established residential area within the Gourock West Bay Conservation Area and requires assessment against Policies 1 and 28 of the adopted LDP and Policies 1, 20 and 28 of the proposed LDP. Policy 28 of both LDPs require development to preserve or enhance the character and appearance of the area, whilst having regard to Historic Environment Scotland's policy and guidance. Policy 20 requires development within residential areas to be assessed with regard to their impact on the amenity, character and appearance of the area.

Policy 1 of both LDPs require all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance. There are no guidance notes relevant to this proposal. The relevant qualities are being 'Distinctive' and 'Safe and Pleasant'. The relevant factors to being 'Distinctive' in the adopted LDP are whether the development reflects local architecture and urban form and contributes positively to historic buildings and places. In the proposed LDP, the relevant factors to being 'Distinctive' are

whether the proposal respects landscape setting and character, and urban form; and contributes positively to historic buildings and places. The relevant factor of being 'Safe and Pleasant' in both LDPs is whether the proposal avoids conflict with adjacent uses.

Firstly, in considering the impacts of the proposal on the character of the building and surrounding Conservation Area (Policy 28), I note the "Managing Change in the Historic Environment" guidance notes on 'External Fixtures' and 'Setting'. The guidance note on 'External Fixtures' states that flagpoles should relate to the building's character, scale, proportions and architectural detailing. The guidance note on 'Setting' states that planning authorities must take into account the setting of historic assets or places when making decisions on planning applications. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

The flagpole is positioned within the front garden close to the side boundary with 55 Victoria Road, being set back from Victoria Road by around 8 metres and sited slightly forwards of the principal building line of the dwellinghouse by around 1.5 metres and considerably forwards of the neighbouring property at 55 Victoria Road by around 7 metres. The flagpole forms a prominent feature within the site which contrasts with the established character of the area. The contrast occurs in two ways: firstly, by the position of the flagpole which sits forwards of the established building line and, secondly, by the unexpected nature of a 6 metre high flagpole within a domestic front garden. I concur with the points raised in the objections that consider flagpoles are not normally flown outside domestic premises and would be a more expected feature outside community or public buildings. Furthermore, none of the nearby domestic properties contain flagpoles within their front gardens and as such, I consider the proposal forms a dominant and unexpected feature which is detrimental to the established residential amenity of the area.

On this basis I consider that the proposal cannot be supported under Policy 1 as it fails to reflect the established urban form and cannot be considered to meet the quality of being 'Distinctive' in this regard. As the flagpole forms an unexpected feature in contrast with the character of the building, it cannot be considered to comply with the "Managing Change in the Historic Environment" guidance note on 'External Fixtures'.

In considering the impacts on the wider conservation area setting, I note the comments raised in the supporting statement regarding other properties containing flagpoles and acknowledge that flags are flown at Gourock Royal Yacht Club which are visible when travelling west along Victoria Road and are visible in the distance when viewed from the application site. Furthermore, flagpoles can be found within the Gourock West Bay Conservation Area at Gourock Bowling Club and within the front garden of 14 Barrhead Road, Gourock. Whilst not visible in context with the proposal, these form part of the established character of the conservation area. Taking this into account, the development cannot be considered to harm the overall value of the conservation area. As the proposal does not harm the conservation area, it stands that it can be considered to preserve the conservation area and therefore does not conflict with SPP or Policy 28 of both LDPs. Furthermore, I am satisfied that the flagpole does not detrimentally impact on the historic setting and can be considered to have acceptable regard to the "Managing Change in the Historic Environment" guidance note on 'Setting'.

The proposal does not create conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it can be considered to meet the quality of being 'Safe and Pleasant' in LDP Policy 1.

Turning to concerns raised in the representations not yet addressed, the type of flag flown is not a material planning consideration and forms no bearing on the determination of this application. Impacts on neighbouring views are not a planning related consideration.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Local Development Plan unless material considerations indicate otherwise. With regard to the relevant Plan Policies, I consider that the proposal is in accordance with Policy 28 of both LDPs and conflicts with Policy 1 of both LDPs and Policy 20 of the proposed LDP. As the proposal fails to accord with all relevant Plan

Policies and there are no material considerations which would suggest the development should be supported contrary to these Policies, in accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, I am unable to support the application.

RECOMMENDATION

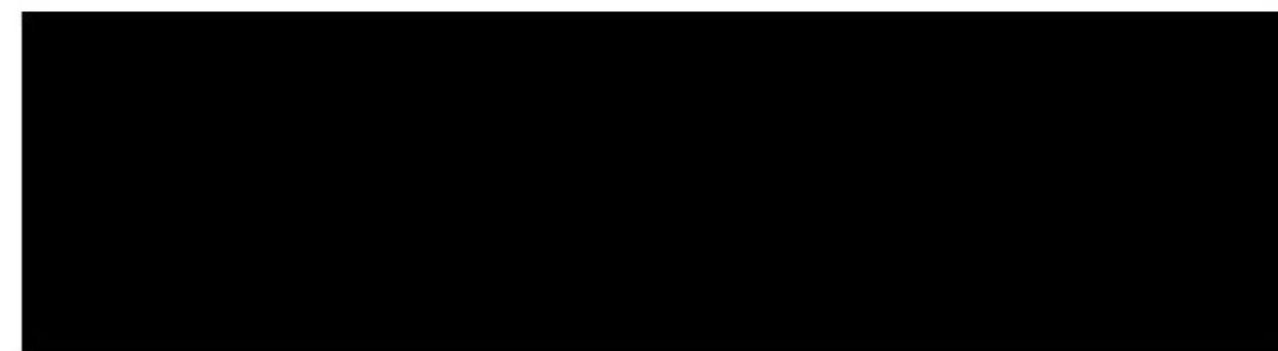
That the application be refused for the following reasons:

1. By reason of height and position within the front garden, the development forms an unexpected and dominant feature on the streetscape. As such it fails to reflect the urban form of the area as required by Policy 1 of the Inverclyde Local Development Plan.
2. The installation of a flagpole within the front garden of a domestic residence forms an unexpected feature which is incompatible with the character of the surrounding area, contrary to Policy 20 of the proposed Inverclyde Local Development Plan.

Signed:



David Sinclair
Case Officer



Stuart W. Jamieson
Interim Service Director
Environment and Economic Recovery

4. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 POLICY EXTRACTS

FIGURE 3: Factors Contributing to Successful Places



3.0 CREATING SUCCESSFUL PLACES

Introduction

3.1 Inverclyde has many fantastic and unique places. Examples include the Free French Memorial and Lyle Hill, which offer panoramic views over the Firth of Clyde; Quarriers Village, built in the 19th century as an orphans' village and filled with individually designed homes of that period; the A-listed Edwardian Wemyss Bay railway station; and the grid-pattern Greenock West End conservation area, which is contained to the north by the popular Greenock Esplanade. These, and other places, have stood the test of time and remain places where people want to live and visit.

3.2 The Council is keen to have more successful places in Inverclyde, and all new development will be expected to contribute to creating successful places. This is particularly important in relation to the Plan's Priority Projects and Priority Places, which reflect major Council investments and the larger scale regeneration opportunities in Inverclyde.

Creating Successful Places

3.3 The Council is keen that all development contributes to making Inverclyde a better place to live, work, study, visit and invest. To differing degrees, all scales and types of development have the potential to make an impact on the surrounding environment and community. It is important to the Council that this impact is a positive one. To this end, the Council will have regard to the six qualities of a successful place when considering all development proposals.

Distinctive

Adaptable

Resource Efficient

Easy to Move Around

Safe and Pleasant

Welcoming

3.4 **Figure 3** illustrates the factors that contribute to the six qualities of a successful place. Not all will be relevant to every development proposal and planning application, but where they are, the Council will expect development proposals to have taken account of them, and it will have regard to them in the assessment of planning applications.



Quarriers Village

POLICY 1 – CREATING SUCCESSFUL PLACES

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.



Wemyss Bay Railway Station

10.0 OUR HISTORIC BUILDINGS AND PLACES

10.1 Inverclyde's buildings and places chart the long history of the area. Archaeological finds evidence the occupation of the area from pre-historic through to Roman times; Newark Castle and the initial growth of our towns and villages occurred during medieval times; and the industrialisation and urbanisation of the 18th to 20th centuries shaped Inverclyde as we know it now. Inverclyde's past has gifted the present day with a rich and varied legacy of historic buildings and places which significantly contribute to the culture, character and sense of place, and which support tourism and the economy. These include conservation areas, listed buildings, scheduled monuments and other archaeological sites, and gardens and designed landscapes. As well as the policies below, the Council will have regard to Historic Environment Scotland's Policy Statement (June 2016) and any successor document, when assessing proposals affecting these historic buildings and places.

Conservation Areas

10.2 Inverclyde has eight conservation areas: Greenock (West End and Cathcart Square/William Street), Gourock (West Bay and Kempock Street/Shore Street), Inverkip, Kilmacolm (South East and The Cross) and Quarrier's Homes. There are Article 4 Directions associated with five of these, the exceptions being The Cross, Kilmacolm and the two Gourock conservation areas, which were designated after the General Permitted Development Order was amended to restrict permitted development in conservation areas. Article 4 Directions remove permitted development rights from the conservation areas they cover.

10.3 Conservation Area Appraisals are useful documents for understanding the important features of conservation areas, assisting their positive management, and informing development management decisions. A Conservation Area Appraisal was completed for the Greenock West End in 2016 and it is intended that appraisals be undertaken for the other conservation areas over the lifetime of this Plan.

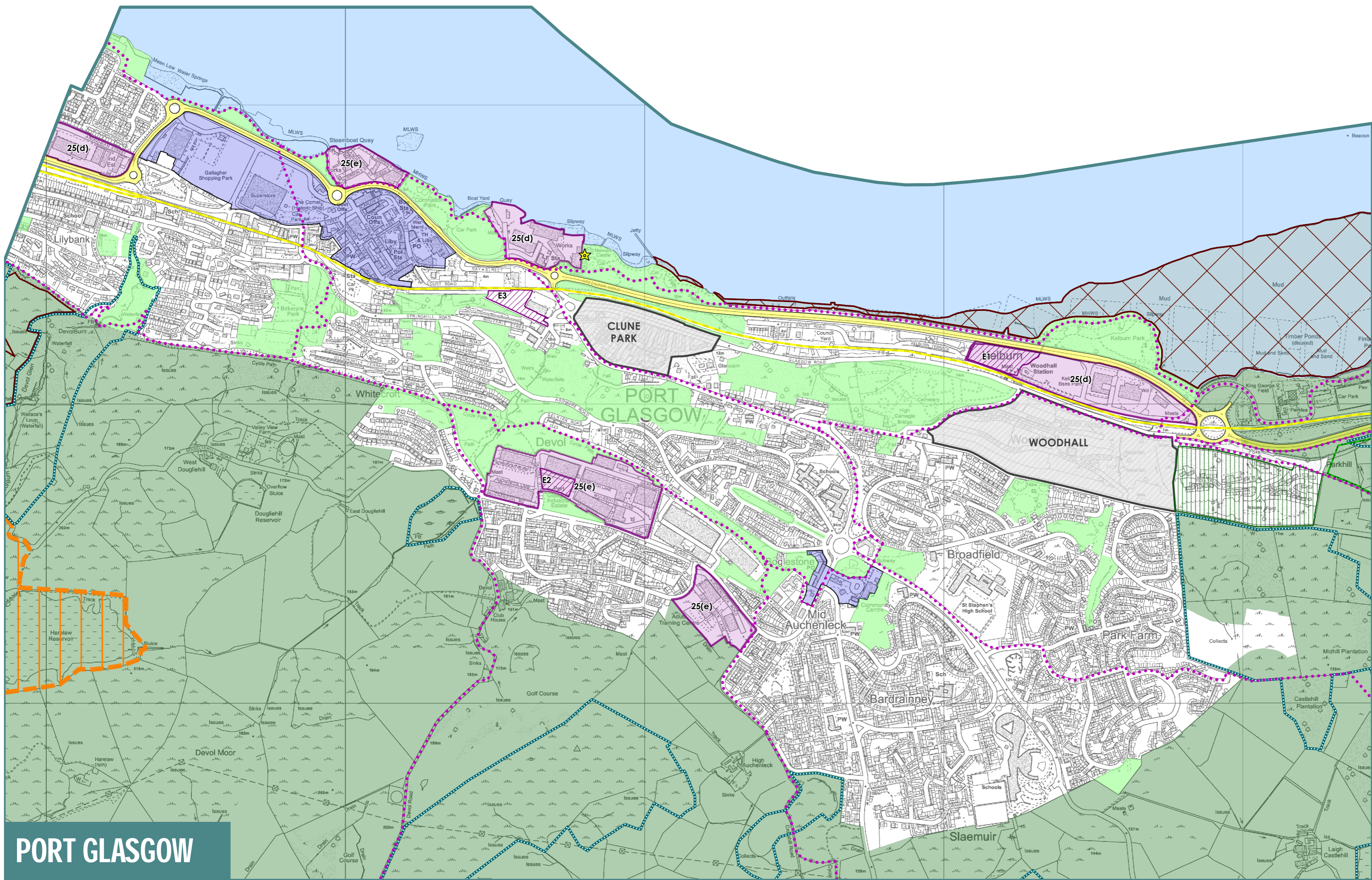
POLICY 28 – CONSERVATION AREAS

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.



Conservation Area - Main Street, Inverkip

5. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 MAP EXTRACT

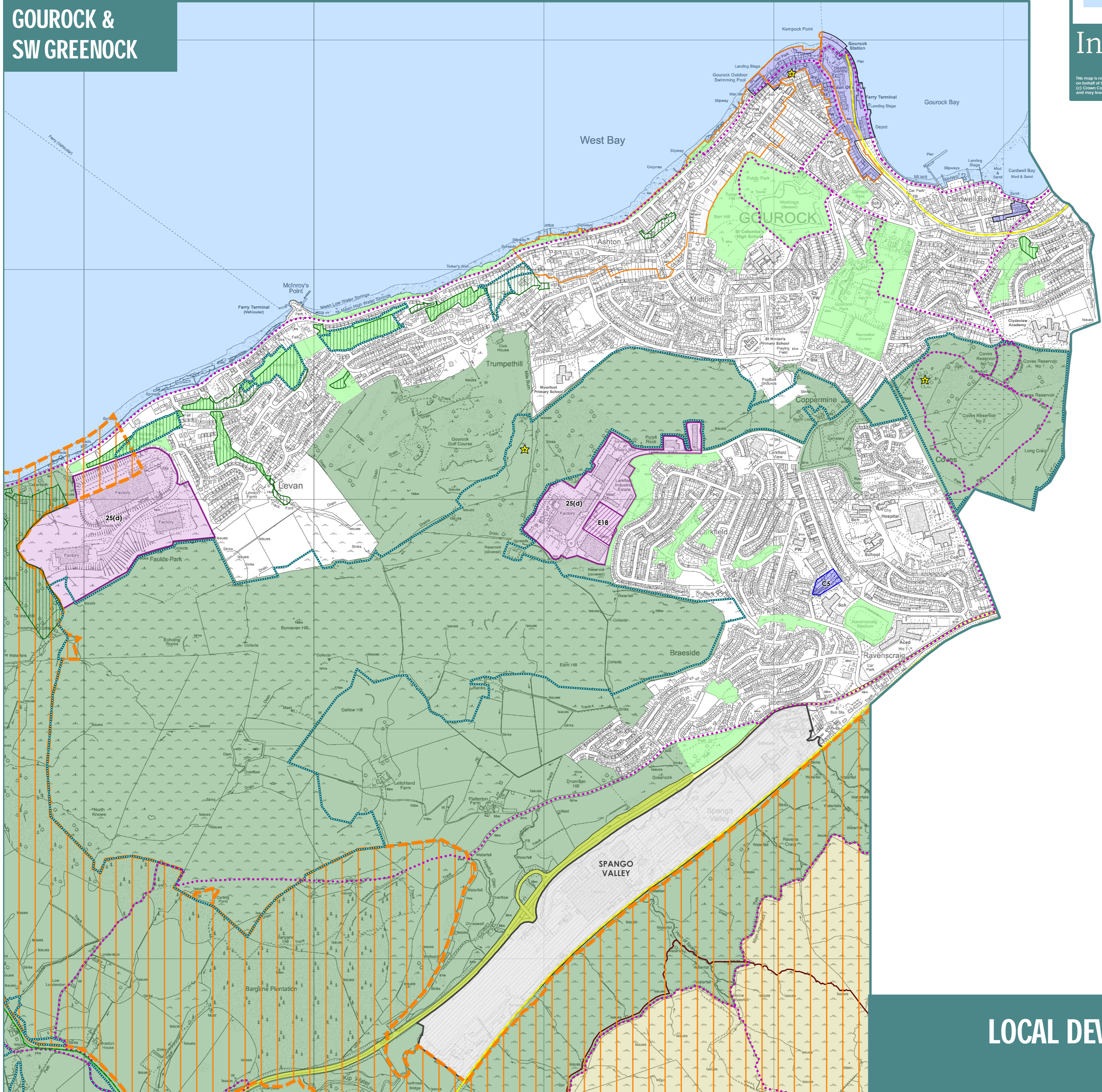


PORT GLASGOW

KEY

SUSTAINABLE DEVELOPMENT STRATEGY		
	Priority Place	POLICY 3
CONNECTING PEOPLE AND PLACES		
	Trunk Road	POLICY 11
	Railway	POLICY 11
SPATIAL DEVELOPMENT STRATEGY		
	Green Belt	POLICIES 14 & 19
	Countryside	POLICIES 14 & 19
OUR TOWN AND LOCAL CENTRES		
	Town Centre / Local Centre	POLICY 22
	Network of Centres Opportunity	POLICY 22
OUR JOBS AND BUSINESSES		
	Business & Industrial Area	POLICY 25
	Business & Industrial Development Opportunity	POLICY 26
OUR HISTORIC BUILDINGS AND PLACES		
	Conservation Area	POLICY 28
	Scheduled Monument	POLICY 31
	Gardens & Designed Landscapes	POLICY 32
OUR NATURAL AND OPEN SPACES		
	Special Protection Area / Ramsar Site	POLICY 33
	Site of Special Scientific Interest	POLICY 33
	Local Nature Conservation Site	POLICY 33
	Tree Preservation Order	POLICY 34
	Open Space	POLICY 35
	Clyde Muirshiel Regional Park	POLICY 37
	Core Path	POLICY 38
	River Clyde / Firth of Clyde	

GOUROCK & SW GREENOCK



Inverclyde council SCALE 1:10,000

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6. SCOTTISH PLANNING POLICY

Members of the Local Review Body should refer to the Scottish Planning Policy published in full under content item 8 of Agenda Item 2(a).

7. HISTORIC SCOTLAND – HISTORIC ENVIRONMENT POLICY FOR SCOTLAND

HISTORIC ENVIRONMENT POLICY FOR SCOTLAND



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

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Published May 2019

INTRODUCTION

The historic environment is our surroundings as they have been shaped, used and valued by people in the past, and continue to be today. It is central to our everyday lives and our sense of place, identity and wellbeing.

It is wide-ranging – including natural and built features – and it can be valued for both its tangible and intangible aspects.

The principles and policies that make up the Historic Environment Policy for Scotland (HEPS) help us to care collectively for this precious resource as we work towards a shared vision:



Scotland's historic environment is understood and valued, cared for and protected, enjoyed and enhanced. It is at the heart of a flourishing and sustainable Scotland and will be passed on with pride to benefit future generations”

OUR PLACE IN TIME

WORDS AND PHRASES USED IN THIS POLICY

These are definitions of terms and phrases as they are used in this policy, to ensure that we are all using them in the same way. Some of the following definitions have been adopted from other sources (named in brackets).

asset

An asset (or 'historic asset' or 'heritage asset') is a physical element of the historic environment – a building, monument, site, place, area or landscape identified as having cultural significance.

community

A community is a group of people connected by location or by a common interest.

community of place

A community of place, or place-based community, is a group of people connected because of where they live, work, visit or otherwise spend a large amount of time. It can also refer to a group of people connected to a particular geographic location.

communities of practice and interest

Communities of practice are groups of people who share a concern or a passion for a place or something they do. A community of interest is a group of people who identify with or share a similar interest or experience.

cultural heritage

Cultural heritage is an expression of the ways of living developed by a community and passed on from generation to generation. It can include customs, practices, places, objects, artistic expressions and values, aesthetic, historic, scientific, social or spiritual aspects. (ICOMOS 2002)

cultural significance

Cultural significance means aesthetic, historic, scientific or social value for past, present or future generations. Cultural significance can be embodied in a place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. (Australia ICOMOS Burra Charter 2013)

decision-maker

A decision-maker for the historic environment is anyone who has a role or interest in making decisions that might affect it. In this context the term often refers to planning authorities, but it could also mean individuals, public- or private-sector organisations, Ministers, communities or developers. The decisions might be about land use, funding, alterations to a building, site or place, or long-term strategies.

historic environment

The historic environment is ‘the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand’. (*Our Place in Time, the Historic Environment Strategy for Scotland*)

impact

The effect of changes on the historic environment is often referred to as the impact. This can be neutral, positive or negative. There can be impact on the physical elements of a place or on its setting, if its surroundings are changed so that our understanding, appreciation or experience is altered. Changes in the historic environment can also affect people’s associations with a place or its setting, and their responses to it.

mitigation

Mitigation refers to ways in which we can minimise the impact on the historic environment, avoid it, or make it less damaging. Sometimes it is possible to offset the impact, compensating for it through positive actions.

place

Place can refer to the environment in which we live, the people that inhabit these spaces and the quality of life that comes from the interaction of people and their surroundings. Architecture, public space and landscape are central to this. (*Creating Places: A Policy Statement on Architecture and Place for Scotland*)

planning system

The planning system is the process by which local and national government bodies make decisions about how and where development should take place. Change to some designated sites and places is also managed through separate consent regimes.

sustainable development

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. (*World Commission on Environment and Development*)

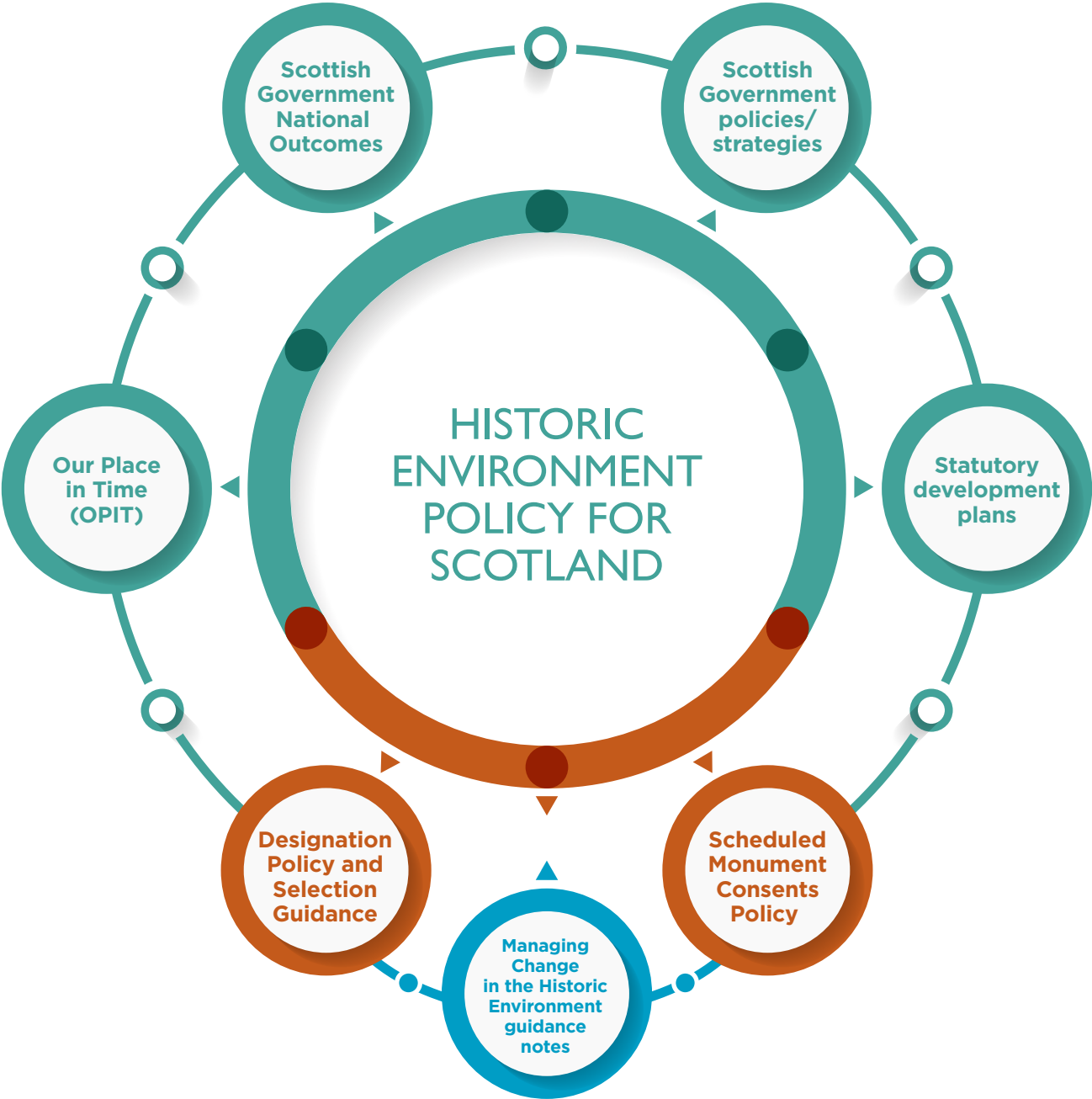
WHAT IS THE STATUS OF HEPS?

HEPS is a policy statement directing decision-making that affects the historic environment. It is non-statutory, which means that it is not required to be followed as a matter of law or statute. It is relevant to a wide range of decision-making at national and local levels. It is supported by detailed policy and guidance.

HEPS should be taken into account whenever a decision will affect the historic environment. This includes in plans and policies that deal with funding decisions or estate management, or other specific topics such as agriculture or energy. It is also a material consideration for planning proposals that might affect the

historic environment, and in relation to listed building consent and scheduled monument consent ('material consideration' means that decision-makers should take it into account when coming to a decision). Decisions on scheduled monument consent are made in line with Historic Environment Scotland's policy for determining consents at scheduled monuments (see 'Sources of further information and guidance').

The Scottish Government produces national policies for addressing land use matters and decisions. HEPS sits alongside these policies, and should be used with them.



WHAT IS HEPS FOR?

HEPS is designed to support and enable good decision-making about changes to the historic environment. Good decision-making takes into account all aspects of the historic environment and the different ways people value it. Good decision-making is transparent and open to challenge, and recognises that a wide range of factors can affect the historic environment in different ways. Changes might support its long-term survival, impact on its current management or even give us new information to improve our understanding of it.

HEPS sets out a series of principles and policies for the recognition, care and sustainable

management of the historic environment. It promotes a way of understanding the value of the historic environment which is inclusive and recognises different views. It encourages consistent, integrated management and decision-making to support positive outcomes for the people of Scotland. It also supports everyone's participation in decisions that affect the historic environment.

By doing these things, HEPS helps to deliver the vision and aims of *Our Place in Time*. It takes into account principles that the UK and Scottish governments have agreed to in international charters and conventions on cultural heritage and landscape.

HOW HAS HEPS BEEN DEVELOPED?

HEPS is for everyone who cares about decisions that affect the historic environment. This includes the people who make the decisions, as well as the people affected by or interested in them.

The policy has been developed using current research as well as established views about how to care for the historic environment. It also draws upon previous policy documents and related policy areas that affect or are affected by the historic environment.

HEPS has also been informed by work undertaken by HES to understand what the historic environment means to the people of Scotland. HES did this by listening to people's views on how to look after and manage the historic environment. These conversations have shaped this policy document.

POLICIES FOR MANAGING THE HISTORIC ENVIRONMENT

HEP1

Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.

HEP2

Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.

HEP3

Plans, programmes, policies and strategies, and the allocation of resources, should be approached in a way that protects and promotes the historic environment.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

HEP4

Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

HEP5

Decisions affecting the historic environment should contribute to the sustainable development of communities and places.

HEP6

Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.

WHAT ARE THE CHALLENGES AND OPPORTUNITIES FOR THE HISTORIC ENVIRONMENT?

There are a number of challenges and opportunities that affect how we understand, manage and care for the historic environment.

Decision-making has to be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes in society and the environment.

Good decisions will aim to achieve the best possible outcome for the historic environment and maximise its benefits.

LAND MANAGEMENT

Land management affects much of the historic environment. Changes to agricultural and land use policies and practice can have a significant impact.

CREATING AND MAINTAINING PLACES

The changing places where we live, work and play, and the ways we understand and relate to them, are among the wide range of factors that affect our wellbeing. The historic environment plays a key part in making good places.

DIVERSITY, EQUALITY AND ACCESS

Established ways of recognising and managing the historic environment haven't always reflected our whole society. It is important to talk about the past in a way that recognises its diversity. The historic environment should be accessible and inclusive, providing a source of inspiration, enjoyment and learning for all.

ROLES AND RESPONSIBILITIES

Taking care of the historic environment is a shared responsibility. Sometimes the interests of different groups and individuals overlap, and this can cause confusion and tension about roles and responsibilities.

FUNDING

Some historic places and sites will rely on external funding. There are difficult choices to be made about where to spend available money, and opportunities to think creatively about approaches to funding.

SUSTAINABLE TOURISM

Tourism brings huge benefits to the wider economy and can provide financial resources for looking after historic sites and buildings. High visitor numbers can also affect the sites themselves, sometimes creating management challenges.



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CLIMATE CHANGE

Climate change and the effort required to mitigate and adapt to its effects have a significant impact on the historic environment. We are still working as a society to understand this impact.

SOCIETAL CHANGE

Our communities and lifestyles are changing; our population is ageing and shifting. This can have an impact on the historic environment, changing how we interact with it and value it.

INTANGIBLE CULTURAL HERITAGE

Established ways of managing the historic environment are often based around physical structures such as buildings and monuments – but the historic environment is made up of both intangible and tangible cultural elements.

A HOLISTIC APPROACH TO THE ENVIRONMENT

All of our landscapes – rural and urban – are part of the historic environment. Established ways of managing them don't always recognise that natural and cultural benefits and outcomes are often interdependent.

ECONOMIC CHANGE

Changes to the economy, whether positive or negative, have an impact on the historic environment and how it is looked after and managed. The historic environment contributes to our economy and can be a source of sustainable growth.

COMMUNITY PARTICIPATION AND EMPOWERMENT

Decisions about the historic environment have an impact on people and communities. Empowering communities and broadening participation improves outcomes for people and for the historic environment.

REGULATORY CHANGE

Changes to a wide range of laws and regulations can affect the management of the historic environment. It can be hard to predict and fully understand the impact of these changes.

SKILLS AND CAPACITY

Good management relies on decision-makers having access to the right skills, expertise and capacity to look after the historic environment and make informed decisions.

CHALLENGES AND OPPORTUNITIES

POLICIES AND PRINCIPLES

The following policies and core principles set out HES's understanding of how the historic environment should be managed and how to apply these principles.

The principles in this document are the fundamental ideas that underpin desirable and positive outcomes for the historic environment. These principles are the basis for the policies outlined here. The policies describe how the principles should be implemented.

UNDERSTANDING AND RECOGNITION: POLICIES AND PRINCIPLES

Policy on understanding and recognition

HEP1

Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.

Core principles on understanding and recognition

- **Recognising the cultural significance of sites and places supports good decision-making.**
- **A place must be understood in order for its cultural significance to be identified.**
- **A wide range of factors contribute to cultural significance.**
- **Knowledge and information about the historic environment is critical to our understanding of our past, present and future.**
- **The historic environment changes over time, and so does how it is understood and appreciated.**
- **Research, discussion and exchange of ideas can all contribute to our understanding of the historic environment.**
- **Understanding will improve when information is made widely available and everyone has the opportunity to contribute to knowledge of the historic environment.**

How these principles are applied

People have created the character, diversity and distinctiveness of the historic environment over time. It is fundamental to people's sense of belonging; it provides tangible links with the past, helps to define who we are, and shapes our lives today. The qualities an asset or place has and expresses may be rare, finite and vulnerable to change. Sometimes the value of a place becomes apparent only through the process of change.

Decisions affecting the historic environment should be based on careful consideration of cultural significance. This helps to ensure that the historic environment can be appreciated today and passed on with confidence for the future.

To understand a place's cultural significance, we have to understand the place itself. This involves thinking about its physical and material elements – how much of it has survived or how much of it has changed through time, as well as its wider context and setting. Elements of places which may not have a physical presence but which contribute to cultural significance need to be recognised. These intangible qualities include the knowledge and associations people have with a particular place; they might involve elements such as language and poetry, stories and song, and skills and traditions.

Different individuals and groups of people value places in different ways. Understanding this helps us to understand the cultural significance of places for past, present and future generations. Recognising why places are culturally significant helps to fulfil a range of social, environmental and economic needs.

Access to as much information and knowledge as possible is essential for understanding cultural significance. This knowledge should be shared. An inclusive approach takes account of different ways of looking at things and valuing them, and diverse interpretations of our past and heritage.

As a society, we recognise value in many different ways: in records in archives, pieces in museum collections or the legal protection given to some of our most valued historic places. Many other ways of recognising value are part of our everyday lives. We share local knowledge, cultural practices, the language we use and the stories we tell. The diversity of Scotland's rich cultural heritage should be celebrated in all its forms. People should have the opportunity to contribute to our understanding, and influence decision-making for the historic environment.

MANAGING CHANGE: POLICIES AND PRINCIPLES

Policies on managing change

HEP2

Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.

HEP3

Plans, programmes, policies and strategies, and the allocation of resources, should be approached in a way that protects and promotes the historic environment.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

HEP4

Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

Core principles on managing change

- **Some change is inevitable.**
- **Change can be necessary for places to thrive.**
- **Caring for the historic environment benefits everyone, now and in the future.**
- **Good decisions take a long-term view.**
- **Good decisions reflect an understanding of the wider environment.**
- **Good decisions are well-informed, transparent, robust, consistent and proportionate.**
- **Good decisions make sure that nothing is lost without considering its value first and exploring options for avoiding its loss.**
- **To manage the historic environment in a sustainable way, its cultural significance and the cultural significance of elements within it have to be understood.**

How these principles are applied

The historic environment enhances our quality of life and is a hugely valuable social, cultural, economic and environmental resource. It is finite and much of it can't be replaced. Good management maintains the quality of this resource and secures its benefits, making sure that nothing is lost without considering its value and exploring options for avoiding its loss.

Cultural significance should be considered in order to manage change through national and local policies as well as other land use management systems. If a place has cultural significance or has the potential for important new discoveries, decision-makers need to consider this when making decisions. In the planning system, this is called a 'material consideration'.

When decisions are made that affect places of cultural significance, the focus should be on avoiding or minimising adverse impact. Wherever possible, special characteristics and qualities should be protected, conserved or enhanced. Lots of actions can contribute to this, including:

- conservation
- effective maintenance
- restoration and conversion
- land management
- sensitive use of materials
- building techniques and high-quality new design
- creative and informed approaches to new development
- robust and proportionate regulation

These principles apply to the whole of the historic environment. In some cases, sites are given legal protection through formal designations, which can bring more formal obligations. In the case of listed buildings, scheduled monuments and conservation areas, consent is required for many works.

Understanding the development of the environment through time helps to inform management decisions. It offers a longer-term perspective on issues affecting the historic environment – issues like the effect of past climate change and land management. The historic environment has to be managed in a sustainable way so that it can be understood and appreciated, and so that it can benefit present and future generations.

Before decisions are made, their impact should be understood. If there is no way of being confident about what the impact of an action will be, the only way to be certain that there will be no damage is to avoid the action. This is referred to as the precautionary principle.

Sometimes the best actions for the historic environment will not be the best actions for other interests. There will be occasions where decision-makers need to manage conflicting needs. Potential conflicts should be identified and reduced as much as possible.

When decision-makers are considering potential changes, whether as a result of a development proposal or arising from environmental processes, they should use this general approach:

Understand the historic environment

- Understand and analyse the historic environment, context, asset or place.
- Understand the cultural significance of any affected assets or places.

Understand the background for the change

- Identify and understand the nature of and reasons for the change.

Understand the likely impact of proposed actions or decisions

- Assess and predict the likely level of the impact of proposals on the historic environment, context, asset or place.
- Make the level of impact clear so that it can inform decision-making.

Making decisions about impact

- Avoid negative impact where possible.
- Minimise any impact that cannot be avoided.
- Keep intervention to a minimum.
- Ensure changes to a site or place are proportionate to its cultural significance.
- Consider less detrimental alternatives if they can deliver the same objectives.
- Identify opportunities for mitigation throughout, and as early as possible.
- Identify opportunities for furthering our knowledge and understanding where possible.

Monitoring

- Put monitoring measures in place to make sure that any mitigation has been implemented.
- Make sure measures are in place to identify any unforeseen or unintended consequences.
- Monitor the outcome and impact of the decision to provide a sound knowledge base for future policy and decision-making.

WORKING TOGETHER: POLICIES AND PRINCIPLES

Policies on working together

HEP5

Decisions affecting the historic environment should contribute to the sustainable development of communities and places.

HEP6

Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.

Core principles on working together

- **Everyone has a stake in the historic environment and how it is looked after.**
- **Effective management is a collective effort.**
- **Effective management takes wider interests into account.**
- **Good management empowers and involves communities.**
- **Early dialogue and close collaboration lead to better outcomes.**

How these principles are applied

Changes to our society, climate and economy create significant challenges for the historic environment. Resources need to be managed sustainably to balance competing demands. The different ways communities and individuals place value on the historic environment should be recognised.

Effective management of the historic environment is a shared endeavour involving individuals and organisations who own, use, manage or care about heritage. People should be empowered to use their heritage to develop their communities and places in a sustainable way. We all need to work collaboratively to respond to the challenges and opportunities we are facing, to make sure the outcome is as fair as possible.

When making decisions about the historic environment, different interests need to be taken into account. Decision-makers need to consider the consequences of decisions for a range of people. In doing this, tensions and conflicts can arise. Interrelationships and areas of common ground should be identified to encourage dialogue and collaboration, rather than focusing on competing views.

DELIVERY AND MONITORING

Good decision-making balances current circumstances with long-term aspirations. This is central to the sustainable management of the historic environment. It is a collective responsibility to ensure that we are all striking that balance.

Decision-makers should understand and monitor decisions affecting the historic environment to learn from experience and to improve future decisions. Historic Environment Scotland will monitor this policy in collaboration with other interested parties over a ten-year period until 2029.

SOURCES OF FURTHER INFORMATION AND GUIDANCE

Strategy, policy and procedure

Our Place in Time:
The Historic Environment
Strategy for Scotland

Historic Environment Scotland:
Designation Policy and
Selection Guidance
<https://www.historicenvironment.scot/designation-policy>

Designations application from
[historicenvironment.scot/
designation-application](http://historicenvironment.scot/designation-application)

Historic Environment Scotland:
Scheduled Monument
Consents Policy
<https://www.historicenvironment.scot/smc-policy>

Historic Environment Circular 1:
Process and Procedures
<https://www.historicenvironment.scot/circular>

Scotland's Archaeology Strategy
<http://archaeologystrategy.scot>

Guidance

Managing Change in the Historic
Environment guidance series

Managing Change Demolition of
Listed Buildings
<https://www.historicenvironment.scot/demolition>

Managing Change Use and
Adaptation of Listed Buildings
<https://www.historicenvironment.scot/use-and-adaptation>

HES case studies
<https://www.historicenvironment.scot/adaptation-case-studies>

HES Technical advice notes
(TANs), Short Guides, Inform
Guides, and Practitioners Guides
<https://www.historicenvironment.scot/archives-and-research/publications>

Scottish Government Planning
Advice Note (PAN) 2/2011:
Planning and Archaeology
[www.gov.scot/publications/pan-2-
2011-planning-archaeology](http://www.gov.scot/publications/pan-2-2011-planning-archaeology)

Scottish Government Planning
Advice Note (PAN) 71:
Conservation Area Management
[www.gov.scot/publications/
conservation-management-
planning-advice](http://www.gov.scot/publications/conservation-management-planning-advice)

Online resources

Historic Environment
Scotland website -
[www.historicenvironment.scot/
advice-and-support](http://www.historicenvironment.scot/advice-and-support)

Designation records
and decisions -
[www.portal.
historicenvironment.scot](http://www.portal.historicenvironment.scot)

Canmore: National Record
of the Historic Environment
www.canmore.org.uk



HISTORIC
ENVIRONMENT
SCOTLAND

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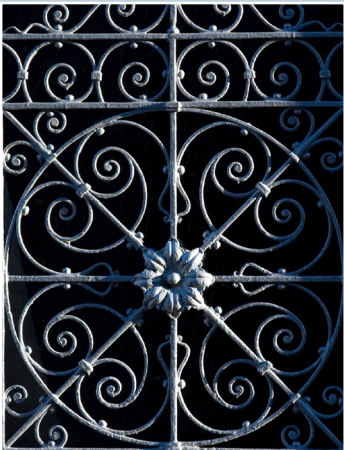
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8. HISTORIC SCOTLAND – MANAGING CHANGE IN THE HISTORIC ENVIRONMENT (GUIDANCE ON EXTERNAL FIXTURES)

External Fixtures



Key Issues

- 1. Historic external fixtures form an important element in defining the character of a historic building or group of historic buildings. New external fixtures can have an impact on the character of historic buildings or areas. Listed building consent is required for any works affecting the character of a listed building and planning permission may be required in a conservation area.**
- 2. The protection provided by statutory listing extends to all categories of listing, and to all parts of a building, including its external fixtures.**
- 3. Before undertaking repairs or alterations it is important to identify the interest of the fixture and seek to maintain its characteristics in the new work. This includes understanding the materials, method of construction, colour, texture and detailing.**
- 4. New external fixtures should be sited to maintain the special architectural or historic interest, integrity and fabric of the building.**
- 5. The means of new fixing should always be non-ferrous to prevent structural damage or staining.**
- 6. Planning authorities give advice on the requirement for listed building consent, planning and other permissions.**

1. INTRODUCTION

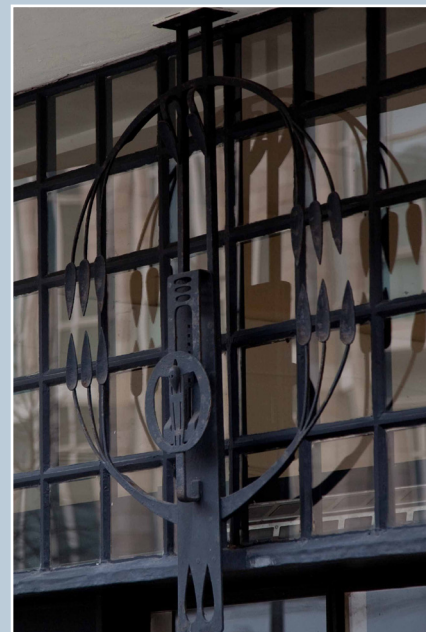
- 1.1 This is one of a series of guidance notes on managing change in the historic environment for use by planning authorities and other interested parties. The series explains how to apply the policies contained in the *Scottish Historic Environment Policy* (2009) ([SHEP](#), PDF 312K) and *The Scottish Planning Policy* (2010) ([SPP](#), PDF 299K).
- 1.2 This note sets out the principles that apply to altering the external fixtures of historic buildings. It should inform planning policies and the determination of applications relating to the historic environment, and replaces the equivalent guidance in *The Memorandum of Guidance on Listed Buildings & Conservation Areas* (1998).
- 1.3 Monuments scheduled under the Ancient Monuments & Archaeological Areas Act 1979 require scheduled monument consent for any works. Where a structure is both scheduled and listed, the scheduling controls have precedence. Separate advice is available from Historic Scotland's website: [Scheduled Monuments: Guidance for Owners, Occupiers & Land Managers](#) (PDF 718K).
- 1.4 Separate guidance in this series is available on new micro-renewable technology fixtures.

2. WHY ARE EXTERNAL FIXTURES IMPORTANT?

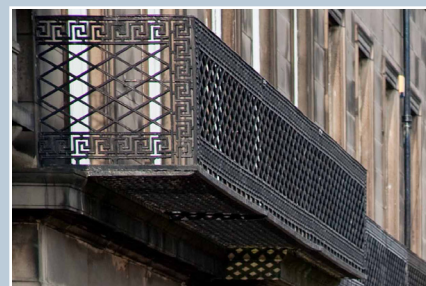
- 2.1 Historic external fixtures contribute to the architectural and/or historic character of a building and townscape. Decorative ironwork, balconies, lamps, clocks, street signs, rainwater goods, machinery, and other fixtures can be integral to the architecture and reveal information about the age and use of a building and may be examples of technological advances. Beyond their functional value they are often decorative and contribute to the visual attractiveness of a historic building. External fixtures can reveal a hierarchy of spaces within a building, perhaps indicating the location of the main entrance or principal floor or room.
- 2.2 New fixtures can have a substantial impact on the appearance of a historic building, and the means of attachment can cause damage to historic fabric. The location, size and number of fixtures and the method of fixing require careful consideration to protect the character of a historic building.

3. IDENTIFYING THE INTEREST OF HISTORIC EXTERNAL FIXTURES

- 3.1 From early times various sorts of fixtures have been applied to buildings, from simple tethering hoops to lamps. From the



Decorative ironwork by Charles Rennie Mackintosh fixed to the exterior of the Willow Tea Rooms in Sauchiehall Street, Glasgow.
© N. Haynes.



A cast-iron balcony marking the principal room on the first floor of a townhouse in Regent Terrace, Edinburgh, part of the development planned by William Henry Playfair in 1825 and built 1826–33. © N. Haynes.



The weather vane at New Lanark mill village was restored in 1980, made by a local craftsman with the names of the villagers stamped on the shaft.
© New Lanark Trust.



An elaborate cast-iron bootscraper at the entrance to a house in Randolph Crescent (1829), Edinburgh. Such fixtures were common in the early 19th century when road surfaces were generally muddy. © N. Haynes.



A cheese press built into the wall of a farm cottage at Reay, Highland. Although the press is no longer used, it provides insight into the type of farming of the area and past methods of cheese production.



A later 19th-century cast-iron 'barleysugar' downpipe and decorative bracket in Rothesay, Isle of Bute. © N. Haynes.

18th century the range and complexity of fixtures expanded enormously. Some fixtures were planned from the outset of a building, whilst others were added at a later stage. Fixtures can demonstrate a combination of architectural, associated and historical interest:

- 3.2 **Architectural interest:** in for example the design or style of fixtures, or the way in which they relate to the architectural form of the building.
- 3.3 **Associated interest:** a fixture, such as a clock, might be connected with a significant designer, craftsman, patron, or occasionally with historical events.
- 3.4 **Historical interest:** this derives from the potential of a fixture to provide evidence about the past, illustrating social change, revealing how an object was made, advances in technology, or how a building worked. For example the widespread provision of bootscrapers at the entrances to 18th- and 19th-century houses gives an insight into life before the advent of asphalt roads and cars.

4. GENERAL PRINCIPLES FOR ALTERATIONS AND REPAIRS TO HISTORIC EXTERNAL FIXTURES

- 4.1 Alterations or repairs to historic external fixtures must protect their character and special interest. Fixtures can be valuable in their own right as major elements in the design of a historic building, broader streetscape or landscape setting. Documentary research and fabric analysis will be useful in understanding the design and material properties of historic external fixtures before undertaking alterations or repairs.
- 4.2 The potential impact of repetition of alterations to fixtures in unified designs of streets and other groups of buildings should be considered.

Maintenance

- 4.3 Cast-iron fixtures require regular re-painting to prevent corrosion. Other types of metal may need different maintenance regimes. Where corrosion is severe and the structural integrity of the feature compromised, in rainwater goods for example, a careful record should be made and its replacement made to match in material and design. In some instances there may be a variety of styles employed and proposals to unify non-matching details should be carefully considered as they may relate to a significant historical alteration.

Removal

- 4.4 Certain historic fixtures may be functionally obsolete but continue to contribute to the architectural interest of a listed building and be of historical value. They should always

be retained. Should a historic fixture require removal and reattachment, non-ferrous fittings should be used and existing fixing points used where possible. Where ferrous fittings are required, an epoxy barrier must be used.

5. PRINCIPLES FOR THE ADDITION OF NEW EXTERNAL FIXTURES

General

- 5.1 A great number of possible new external fixtures associated with contemporary living can be proposed that may have an impact upon historic buildings, from alarm boxes to security cameras. A number of these may be small in size but their cumulative effect in a historic place can be detrimental. Consideration should be given to the lifespan of a new fixture and whether or not change of ownership could result in replacement or removal.
- 5.2 The potential for incremental damage by numerous fixtures of a similar nature can be avoided by the shared use of equipment on buildings in multiple occupation or on buildings grouped closely together.

Siting of new fixtures

- 5.3 New external fixtures must be sited to minimise impact on the architectural integrity and fabric of the building. Secondary elevations, outbuildings and roof valleys or flats that are out of sight from principal views can often accommodate new fixtures without significant impact. Close attention to the routing of any associated cabling or pipework away from principal elevations and features will help to minimise the visual effect of new equipment.
- 5.4 If a new fixture is necessary and no alternative to a prominent elevation is appropriate then it should be discreetly located without damaging any architectural feature. Painting the fixture to match the colour of stonework can sometimes minimise its impact. The fitting and means of fixing should always be non-ferrous to prevent damage and staining. Fixing into joints is normally the best option.

Telecoms and satellite technology

- 5.5 Telecommunication devices and satellite dishes can have an adverse impact upon the appearance of a building. These should be positioned so as not to alter a historic profile or skyline, or where impact is minimal.
- 5.6 Antennae associated with mobile phone technology can be situated within some prominent buildings where installation does not require the removal of original fabric or where timber components can be removed and stored for later restoration. A creative approach can result in successful camouflage in some



The cumulative effect of modern fixtures, including satellite dishes, air conditioning units, signage and street lighting, is damaging to the character of this 18th-century building.



These satellite dishes are positioned in a roof valley and are not visible from street level. Fixed to later service features, they do not damage architectural details. © N. Haynes.



The landmark tower of St Stephen's Church (1828), Edinburgh. Telecommunications antennae are positioned on either side of the clock face and on the parapet above behind GRP (glass-reinforced plastic) material that replicates the colour of the surrounding stonework. All the works are easily reversible if the technology changes or becomes redundant. © N. Haynes.



A small, discreet, brass plaque commemorates the reconstruction of Mitchell's Close in Haddington, East Lothian.



Discreet sprung wires are attached to the top surface of this cornice to deter birds. Miller Street, Glasgow.



Gallery of Modern Art, Glasgow. The floodlights are positioned behind a cornice and on the roof, therefore making little impact in daylight but providing atmospheric lighting after dark. © N. Haynes.

locations. Planning authorities are able to condition the removal of equipment when it becomes redundant.

Signage

- 5.7 New signage should be incorporated into the overall architectural composition of a building. It should not obscure or damage any architectural detail. Traditional signage materials and palettes of colour can complement the appearance of the building. Paint should not be applied directly to previously unpainted stonework. Separate guidance on shopfronts and shop signage is available in this series.

Flagpoles

- 5.8 Flagpoles should relate to the building's character, scale, proportions and architectural detailing.

Banners

- 5.9 Banners may sometimes be fixed to historic buildings if the means of attachment does not damage any architectural details. However, they should only be allowed on a temporary basis, and not where they would have an adverse impact upon the character or appearance of the building.

Bird control

- 5.10 Bird control devices require careful consideration to minimise the impact upon historic character. Wire mesh and spikes can be visually detrimental whereas sprung wires are generally less obtrusive. A balance should be sought between conserving the visual characteristics and protecting the building and its users from bird nuisance: less intrusive bird control devices should be considered first.

Lighting

- 5.11 Street and floodlighting must be considered carefully to minimise detrimental impact on the character of the building.
- 5.12 Street lighting fixed to a principal elevation should only be considered where independent lighting poles are not appropriate. The lamp and the associated cabling should be carefully integrated within the architectural composition.
- 5.13 The innovative and imaginative use of lighting can be an important component in enhancing the distinctiveness and character of a building or conservation area. Fixtures should always be located unobtrusively, on a basement wall for example.
- 5.14 New lamps to light an entrance should be sympathetic to the design and materials of the building.

Alarm boxes and utility meters

- 5.15 Alarm boxes and utility meters should be fixed in discreet positions without damaging architectural composition or details.

Lesser elevations, basement walls or beneath a platt may be appropriate solutions.

Security cameras

- 5.16 Security cameras require prominent positions to achieve maximum surveillance but should not be permitted in positions that damage the architectural character or appearance of a historic building. Careful consideration should be given to the size of the camera. Positioning of security cameras and cabling should be discrete.

Eye bolts and brackets

- 5.17 Eye bolts for window cleaning access or the attachment of seasonal street decorations should only be permitted where they will be situated discreetly and without damaging architectural details. The material and means of fixing should be non-ferrous, preferably coloured to match adjacent stonework.
- 5.18 Temporary scaffolding should not be anchored into stonework as the fixings will leave permanent damage. Scaffolding should be fixed around architectural features, ensuring no damage occurs during construction or dismantling. Protective materials fixed between steel scaffolding ends and stonework will help prevent accidental damage.
- 5.19 The location and number of hanging baskets and their associated fixings should be carefully considered, and where possible incorporated within the composition of an elevation. The baskets and fixings should not damage or obscure any architectural detailing.

6. CONSENTS

- 6.1 Listed building consent is required for any work to a listed building that affects its character. The local authority determines the need for consent.
- 6.2 Where listed building consent is required, an application is made to the local authority. This should include accurate scale drawings showing both the existing situation and the proposed works in context. It is normally helpful to provide detailed technical information and photographs. A brief description of the interest of the external fixture and an explanation of the impact of the alterations are always useful in assessing change.



Here the corner profile of the building is broken by the brackets for a security camera, an old lamp, and modern street lamp. High Street, Edinburgh.



Discreet stainless steel eye-bolts are re-used each year for the Christmas decorations in Bo'ness. © N. Haynes.

Other selected Historic Scotland publications and links

[Maintaining your Home – A Short Guide for Homeowners](#) (2007) (PDF 1.4MB)

Inform Guide: Finials & Terminals (2008)

Inform Guide: The Maintenance of Cast-iron Rainwater Goods (2007)

Inform Guide: Maintenance of Iron Gates and Railings (2007)

Inform Guide: Boundary Ironwork - A Guide to Reinstatement (2005)

Inform Guide: Bird Control on Buildings (2008)

Inform Guide: Bronze - The Care & Maintenance of Monumental Bronze (2005)

For the full range of Inform Guides, Practitioner Guides, Technical Advice Notes and Research Reports please see the [Publications](#) section of the Historic Scotland website.

FURTHER INFORMATION AND ADVICE

Details of all individual scheduled monuments, listed buildings, designated gardens and designed landscapes, and designated wrecks can be obtained from Historic Scotland (see contact details below) or at: www.pastmap.org.uk. Details of listed buildings can also be obtained from the relevant local authority for the area.

Advice on the requirement for listed building consent, conservation area consent, building warrants, and other permissions/consents should be sought from local authorities.

Historic Scotland
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH

Tel: 0131 668 8981 or 8717

Fax: 0131 668 8765

E-mail: hs.inspectorate@scotland.gsi.gov.uk

Web: www.historic-scotland.gov.uk

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www.historicscotlandimages.gov.uk

Cover images (all © N. Haynes)

Bronze torchère lamp (1929), Younger Hall, St Andrews, Fife.

Later 19th-century cast-iron window grille, Vicar Street, Falkirk.

Eighteenth-century sundial, Linton Kirk, Scottish Borders.

9. HISTORIC SCOTLAND – MANAGING CHANGE IN THE HISTORIC ENVIRONMENT (GUIDANCE ON SETTING)



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

MANAGING CHANGE IN THE HISTORIC ENVIRONMENT

Setting





Above: Kilmartin Glen, Argyll and Bute. An important prehistoric linear cemetery composed of a number of burial cairns and standing stones. Intervisibility between elements of the complex, and views along the line of monuments, through and along the valley, are key to understanding each monument and the complex as a whole. © Kilmartin House Trust'

Cover image: Bronze-Age stone circle at Tomnaverie, Aberdeenshire. Many recumbent stone circles are located on elevated positions and are positioned to have wide-ranging views over the landscape. Views towards these monuments are also an important part of their setting as many appear skylined against the horizon.

MANAGING CHANGE IS A
SERIES OF NON-STATUTORY
GUIDANCE NOTES ABOUT
MANAGING CHANGE IN THE
HISTORIC ENVIRONMENT.
THEY EXPLAIN HOW TO APPLY
GOVERNMENT POLICIES.

The aim of the series is to identify the main issues which can arise in different situations, to advise how best to deal with these, and to offer further sources of information. They are also intended to inform planning policies and the determination of applications relating to the historic environment.

INTRODUCTION

This note sets out the principles that apply to developments affecting the setting of historic assets or places, including scheduled monuments, listed buildings, Inventory historic gardens and designed landscapes, World Heritage Sites, conservation areas, historic battlefields, Historic Marine Protected Areas and undesignated sites.

Planning authorities usually make the initial assessment of whether a development will affect the setting of a historic asset or place. However, this may also be identified through other mechanisms such as an Environmental Impact Assessment (EIA) or Strategic Environmental Assessment (SEA). If a planning authority identifies a potential impact on a designated historic asset, it may consult Historic Environment Scotland, who act as statutory consultees in the planning process.

World Heritage Site status brings a commitment to protect the site's cultural significance and the Outstanding Universal Value for which the site is inscribed. This may include reference to aspects of setting.



Clava Cairns, Highland. An important Bronze-Age cemetery complex of burial cairns and standing stones. Intervisibility of elements of the complex is key to understanding the scheduled monument. © Crown copyright: Historic Environment Scotland. Licensor canmore.org.uk

Below: Fort Augustus lock flight, Caledonian Canal, Highland. Running from Inverness to Banavie, near Fort William, the scheduled Caledonian Canal represents the culmination of 18th-century canal construction in Scotland. The modern village of Fort Augustus developed along the locks, and views along the lock flight clearly reveal the relationships between the urban topography and the canal. © J. Malcolm



KEY ISSUES

1. Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance. Planning authorities must take into account the setting of historic assets or places when drawing up development plans and guidance, when considering environmental and design assessments/statements, and when making decisions on planning applications.
2. Where development is proposed it is important to:
 - identify the historic assets that might be affected
 - define the setting of each historic asset
 - assess the impact of any new development on this
3. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.
4. If proposed development is likely to affect the setting of a key historic asset, an objective written assessment should be prepared by the applicant to inform the decision-making process. The conclusions should take into account the significance of the asset and its setting and attempt to quantify the extent of any impact. The methodology and level of information should be tailored to the circumstances of each case.
5. In the light of the assessment described above, finalised development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.
6. Advice on whether a planning application should include an assessment of the development's impact on setting should be sought from the planning authority.

1. WHAT IS 'SETTING'?

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

Monuments, buildings, gardens and settlements were almost always placed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Over time, these relationships change, although aspects of earlier settings can be retained.

Setting can therefore not simply be defined by a line on a map, and is likely to be unrelated to modern landownership or to curtilage, often extending beyond immediate property boundaries into the wider area.

Baltersan Castle, South Ayrshire. A category A listed 17th-century tower house, viewed from the 15th-century gatehouse of the adjacent Crossraguel Abbey. The medieval burgh of Maybole lies beyond, marked by the bell tower of the tolbooth. These elements of the late medieval / early modern Maybole area have clear visual and spatial relationships. © J. Malcolm



2. WHAT FACTORS CONTRIBUTE TO SETTING?

The setting of a historic asset can incorporate a range of factors, not all of which will apply to every case. These include:

- current landscape or townscape context
- views to, from and across or beyond the historic asset or place
- key vistas (for instance, a 'frame' of trees, buildings or natural features that give the historic asset or place a context, whether intentional or not)
- the prominence of the historic asset or place in views throughout the surrounding area, bearing in mind that sites need not be visually prominent to have a setting
- aesthetic qualities

- character of the surrounding landscape
- general and specific views including foregrounds and backdrops
- views from within an asset outwards over key elements in the surrounding landscape, such as the view from the principal room of a house, or from a roof terrace
- relationships with other features, both built and natural
- non-visual factors such as historical, artistic, literary, place name, or scenic associations, intellectual relationships (e.g. to a theory, plan or design), or sensory factors
- a ‘sense of place’: the overall experience of an asset which may combine some of the above factors

Defining the setting of a historic asset or place is case-specific and will ultimately rely on informed judgement, based on a range of considerations, including those set out above.

Cullen Seatown, Moray. In this conservation area the layout of the buildings is closely linked to the landscape context: on the north side of the village, gables face the sea to maximise shelter; here, on the south side, the houses are aligned to maximise light. © N. Haynes



3. ASSESSING THE IMPACT OF CHANGE

There are three stages in assessing the impact of a development on the setting of a historic asset or place:

- **Stage 1: identify the historic assets** that might be affected by the proposed development
- **Stage 2: define and analyse the setting** by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced
- **Stage 3: evaluate the potential impact of the proposed changes** on the setting, and the extent to which any negative impacts can be mitigated (see Section 4)

Stage 1: identify the historic assets

A desk assessment of historic environment records and other relevant material will provide the baseline information, identifying which assets will be affected and what is significant about them.

The initial approach should include all the potentially affected historic assets and places (including those relatively distant from the proposal) and their settings. It may be necessary to engage a suitably qualified historic environment consultant to undertake this identification and assessment.

Neist Point Lighthouse, Skye, Highland. The remote location and open views are important elements in the function and setting of the category B listed lighthouse. Seaward views are important, and views towards the lighthouse from shipping channels also form part of the setting.



Stage 2: define and analyse the setting

The setting of a historic asset comprises our present understanding and appreciation of its current surroundings, and what (if anything) survives of its historic surroundings combined with subsequent historic changes. Answering the following questions often helps define a setting:

- How do the present surroundings contribute to our ability to appreciate and understand the historic asset or place?
- How does the historic asset or place contribute to its surroundings? For instance, is it a prominent or dominant feature in the landscape?
- When the historic asset or place was developed or in use (both originally and subsequently):
 - how was it intended to be viewed? From a distance? From other sites, buildings or specific points in the landscape?
 - what views was it intended to have? Wide views over the landscape or seascape? Confined views? Narrow alignment(s)?

Key viewpoints to, from and across the setting of a historic asset should be identified. Often certain views are critical to how a historic asset is or has been approached and seen, or understood when looking out. These views were sometimes deliberately manipulated, manufactured and/or maintained, and may still be readily understood and appreciated today. Depending on the historic asset or place these could include specific points

on current and historical approaches, routeways, associated farmland, other related buildings, monuments, natural features, etc.

Sometimes these relationships can be discerned across wide areas and even out to distant horizons. In other cases they have a more restricted view, defined and enclosed by topographical or built features. For some historic assets and places, both immediate and distant points of visual relationship are crucial to our understanding of them.

Changes in the surroundings since the historic asset or place was built should be considered, as should the contribution of the historic asset or place to the current landscape. In some cases the current surroundings will contribute to a sense of place, or how a historic asset or place is experienced.

The value attributed to a historic asset by the community or wider public may influence the sensitivity of its setting. Public consciousness may place a strong emphasis on an asset and its setting for aesthetic reasons, or because of an artistic or historic association. Such associative values can contribute to the significance of a site, and to the sensitivity of its setting.

Whether or not a site is visited does not change its inherent value, or its sensitivity to alterations in its setting. This should be distinguished from the tourism, leisure or economic role of a site. Tourism and leisure factors may be relevant in the overall analysis of the impact of a proposed development, but they do not form part of an assessment of setting impacts.

In certain circumstances the value attributed to a historic asset by the community or wider public may influence the sensitivity of its setting. Public consciousness may place a strong emphasis on an asset and its setting for aesthetic reasons, or because of an artistic or historic association. Such associative values can contribute to the significance of a site, and to the sensitivity of its setting. However, it is important to emphasise that an asset has a setting whether it is visited or not.

Stage 3: evaluate the potential impact of the proposed changes

The impact of a proposed development on the setting of a historic asset or place can be a material consideration in determining whether a planning or other application is given consent, so thought must be given to whether new development can be incorporated

Aerial view of Kinross House (1684) and gardens and Lochleven Castle, Perth and Kinross. The category A listed house and gardens which feature on the Inventory of Gardens and Designed Landscapes, designed by Sir William Bruce as his main residence, used the castle and the island as a picturesque focal point in the landscape.
© Crown copyright: Historic Environment Scotland.
Licensor canmore.org.uk



sensitively. Depending on the nature of the historic asset or place, relatively small changes in the wider landscape may affect its setting.

Certain types of development require an Environmental Impact Assessment (EIA), which might include assessing the impact on the setting of a historic asset or place. Further information and advice about EIA can be found on our [website](#).

Factors to be considered in assessing the impact of a change on the setting of a historic asset or place include:

- whether key views to or from the historic asset or place are interrupted
- whether the proposed change would dominate or detract in a way that affects our ability to understand and appreciate the historic asset
- the visual impact of the proposed change relative to the scale of the historic asset or place and its setting

- the visual impact of the proposed change relative to the current place of the historic asset in the landscape
- the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this
- the magnitude of the proposed change relative to the sensitivity of the setting of an asset – sometimes relatively small changes, or a series of small changes, can have a major impact on our ability to appreciate and understand a historic asset or place. Points to consider include:
 - the ability of the setting to absorb new development without eroding its key characteristics
 - the effect of the proposed change on qualities of the existing setting such as sense of remoteness, current noise levels, evocation of the historical past, sense of place, cultural identity, associated spiritual responses
 - cumulative impacts: individual developments may not cause significant impacts on their own, but may do so when they are combined



Rosyth Castle, Fife. Once located on an island in the River Forth, the site was incorporated into the naval dockyards in the 20th century resulting in significant change to the scheduled monument's original setting. Any changes, including enhancement, need to be considered against the current setting.

Many Geographical Information Systems (GIS) packages support useful interpretative models, such as wireframes, viewshed analyses and digital terrain models. Graphic presentations such as photomontages, and landscape data-sets such as Historic Land-use Assessment (HLA), may also assist in reaching an understanding of a historic asset or place in the landscape and how development may affect it.

4. MITIGATION OF IMPACTS AND ENHANCEMENT OF SETTING

Where the assessment indicates that there will be an adverse impact on the setting of a historic asset or place, even if this is perceived to be temporary or reversible, alterations to the siting or design of the new development should be considered to remove or reduce this impact.

The most effective way to prevent impacts on setting is during site selection and early design. Any mitigation and enhancement proposals should be discussed as part of the pre-application process.

Burghead Harbour, Moray. Early 19th century listed granaries line the quayside. Their even spacing, scale and relationship to the wet dock and to the grid-plan town are relevant to an understanding of the setting. © N. Haynes

Other mitigation measures include screening the development, for example with trees or bunding (enclosing structures). However, the screening itself needs careful consideration so that it does not cause an impact in its own right.

It is also important to bear in mind that vegetation such as trees are subject to environmental and other factors (e.g. wind blow, felling and seasonal changes which affect leaf cover) and cannot necessarily be relied upon to mitigate adverse impacts of a development. In some cases, there may be potential for improving the setting of a historic asset or place, for example by opening up views through removing vegetation.





The Inventory garden and designed landscape at Crathes Castle, Aberdeenshire. The formality of the late 18th and 19th century gardens contrasts with the farmland beyond. © N. Haynes

5. FURTHER INFORMATION AND ADVICE

Historic Environment Scotland is charged with ensuring that our historic environment provides a strong foundation in building a successful future for Scotland. One of its roles is to provide advice about managing change in the historic environment.

Information for designated heritage assets can be downloaded from Historic Environment Scotland's [spatial data warehouse](#) or viewed at [Pastmap](#).

The Hermitage. An 18th-century picturesque Inventory designed landscape, Perth and Kinross. Both William and Dorothy Wordsworth featured The Hermitage in their writing. Ossian's Hall (pictured) was placed to take advantage of views over the falls, and the sound created by them. These elements also contribute to an appreciation of the nearby woodland walks, and combine to form part of the setting.



Details of listed buildings and advice on the requirement for listed building consent, conservation area consent, building warrants and other permissions/consents should be sought from local authorities.

Most works at monuments scheduled under the Ancient Monuments and Archaeological Areas Act 1979 require scheduled monument consent. Where a structure is both scheduled and listed, the scheduling controls have precedence. Separate advice is available from Historic Environment Scotland's [website](#).

Planning authorities also have their own historic environment records and policies in local development plans and supplementary guidance.

Other sources of information

Mitigation measures in Environmental Impact Assessment (EIA) terms are explained in [Planning Advice Note \(PAN\) 1/2013](#):

Aerial photography and other records of the settings of historic structures or places can be obtained from Historic Environment Scotland, John Sinclair House, 16 Bernard Terrace, Edinburgh, EH8 9NX

Tel: 0131 662 1456,
Fax: 0131 662 1477
Email: info@rcahms.gov.uk
Web: www.historicenvironment.scot

The setting of heritage structures, sites and areas is the subject of the [ICOMOS Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas \(2005\)](#)

Historic Land-use Assessment (HLA)

The HLA, developed by Historic Environment Scotland, is a GIS-based map that depicts the historic origin of land-use patterns, describing them by period, form and function. Its purpose is to enhance our knowledge and understanding of the historic dimension of the landscape and to inform management decisions relating to it. It highlights relict archaeological landscapes, aids understanding of the landscape context of individual sites and helps identify areas where further survey could be useful. It is available [here](#).

Gardens and designed landscapes

The Gardens Trust has [Planning Conservation Advice Notes](#) on Development in the Setting of Historic Designed Landscape (Number 11 2008) and Briefs for Historic Landscape Assessments (Number 13 2008)

Scottish Natural Heritage (SNH) has also produced [landscape guidance](#):

Wind energy development

The Scottish Government has produced [guidance for wind planning applications](#).

SNH has produced a [suite of documents](#) to assist in the process of assessing the potential impacts of wind farm proposals on Scotland's landscapes.

Historic Marine Protected Areas

Guidance is located [here](#).



Balfarg henge and standing stones, Fife. An example of a scheduled monument now surrounded by a 1970s housing development: the two photos show the site before and after redevelopment. Upper image © Crown Copyright: HES. Licensor canmore.org.uk. Lower image © K. Brophy



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This edition published 2016

10. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION

Comments for Planning Application 21/0229/IC

Application Summary

Application Number: 21/0229/IC

Address: 53 Victoria Road Gourock PA19 1DB

Proposal: Erection of 6m flagpole within front curtilage of property (in retrospect)

Case Officer: David Sinclair

Customer Details

Name: Mr Dominic Kinsella

Address: Flat 3, 27 Ashton Road, Gourock PA19 1BY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: No requirement for flagpole and not in keeping with the area. Types of flag could also cause issue as can be deemed unacceptable regarding what it represents. This could also cause disharmony amongst neighbours and the general public taking offence.

Comments for Planning Application 21/0229/IC

Application Summary

Application Number: 21/0229/IC

Address: 53 Victoria Road Gourock PA19 1DB

Proposal: Erection of 6m flagpole within front curtilage of property (in retrospect)

Case Officer: David Sinclair

Customer Details

Name: Andrew Elliot

Address: Flat 4 27 Ashton Road Gourock Inverclyde

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not agree with individuals displaying as a matter of routine a flag of any kind. It is not usual in Scotland and whatever flag is flown will no doubt upset or rile someone.

Putting flags or bunting out for a special occasion is absolutely fine but otherwise flag poles and flags are for public buildings.

Comments for Planning Application 21/0229/IC

Application Summary

Application Number: 21/0229/IC

Address: 53 Victoria Road Gourock PA19 1DB

Proposal: Erection of 6m flagpole within front curtilage of property (in retrospect)

Case Officer: David Sinclair

Customer Details

Name: Mr Craig Davies

Address: 8 Ashgrove Avenue Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The flag pole which has been erect completely ruins our view from both our windows and decking area. The person who has put the flag up has done it strategically to avoid ruining his own view by planting it to the side of his patio area.

Comments for Planning Application 21/0229/IC

Application Summary

Application Number: 21/0229/IC

Address: 53 Victoria Road Gourock PA19 1DB

Proposal: Erection of 6m flagpole within front curtilage of property (in retrospect)

Case Officer: David Sinclair

Customer Details

Name: Mr Patrick Marron

Address: 12 Ashgrove Avenue Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is an eyesore in direct line of sight from my garden. I would like it removed please.

Comments for Planning Application 21/0229/IC

Application Summary

Application Number: 21/0229/IC

Address: 53 Victoria Road Gourock PA19 1DB

Proposal: Erection of 6m flagpole within front curtilage of property (in retrospect)

Case Officer: David Sinclair

Customer Details

Name: Mr Darrell Muir

Address: 22 Ashgrove Avenue Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Living accross from the Royal Gourock Yacht Club we're quite use to seeing flags flying and of course on the Yachts and boats alike, but in this particular instance it really does catch your eye and take away from the view regrettably.

I think it would be less of a concern for me personally if it was in the garden at the rear of the applicants property, as it just isn't in keeping with the surrounding enviroment.

My living room is setup facing toward Kempock Street so I can see the flag whilst sitting watching t.v, I can only imagine what it's like for my next door neighbours.

Many thanks for your time and through insight into this matter.

Darrell

**11. DECISION NOTICE DATED 7 OCTOBER 2021
ISSUED BY HEAD OF REGENERATION &
PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

**Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY**

Planning Ref: 21/0229/IC

Online Ref: 100449239-001

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)REGULATIONS 2013***

**Mr Graeme Galbraith
Kinloch
53 Victoria Road
GOUROCK
PA19 1DB**

With reference to your application dated 28th July 2021 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of 6m flagpole within front curtilage of property (in retrospect) at

53 Victoria Road, Gourock.

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. By reason of height and position within the front garden, the development forms an unexpected and dominant feature on the streetscape. As such it fails to reflect the urban form of the area as required by Policy 1 of the Inverclyde Local Development Plan.
2. The installation of a flagpole within the front garden of a domestic residence forms an unexpected feature which is incompatible with the character of the surrounding area, contrary to Policy 20 of the proposed Inverclyde Local Development Plan.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 7th day of October 2021


**Mr Stuart W. Jamieson
Interim Service Director
Environment and Economic Recovery**

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at: <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
21-613-68236-1		28/07/2021
Photo		30/07/2021
Photo		30/07/2021
Photo		30/07/2021

**12. NOTICE OF REVIEW FORM DATED 23 DECEMBER
2021 WITH SUPPORTING STATEMENT**

NOTICE OF REVIEW

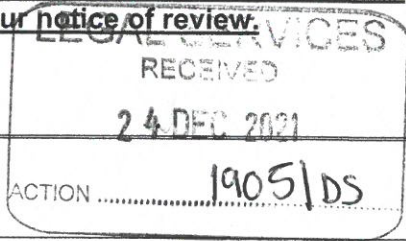
UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

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

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript



Applicant(s)

Name GRAEME GAUBRANTH

Address KINLOCH
53 VICTORIA ROAD
GOWLOCK

Postcode PA19 1DB

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:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority INVERCLYDE COUNCIL

Planning authority's application reference number 21/0229/1C

Site address 53 VICTORIA ROAD, GOWLOCK, PA19 1DB

Description of proposed development ERECTION OF 6M FLAGPOLE WITHIN FRONT CURTIAGE OF PROPERTY (IN RETROSPECT) AT 53 VICTORIA ROAD, GOWLOCK

Date of application 28TH SEPTEMBER 2021 Date of decision (if any) REFUSED.

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~~ N/A.

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 DECISION IS BASED ON A PERSONAL OPINION AND ARE A DIRECT CONTRADICTION OF COMMENTS MADE FOR SIMILAR APPLICATIONS.
 POINT 2 OF THE DECISION IS BASED ON A PROPOSED POLICY RATHER THAN ONE THAT HAS BEEN RATIFIED, ACCEPTED AND IMPLEMENTED.

Site inspection

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

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

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

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.

ATTACHED AS A SEPERATE 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.

THE APPLICATION WAS DISCUSSED WITH APPOINTED OFFICER PRIOR TO IT BEING SUBMITTED. IT WAS AGREED THAT IT WAS A STRAIGHTFORWARD APPLICATION AND SO I DID NOT FEEL THAT THE NEW MATERIAL BEING SUBMITTED WAS REQUIRED.

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.

PLEASE SEE ATTACHED STATEMENT FOR DETAILS.

- REPORT 21/0229/IC	- DOCUMENT VIC 3
- REPORT 19/0192/IC	- DOCUMENT VIC 4
- REPORT 15/0915/PP	- DOCUMENT VIC 5.
- DOCUMENT VIC 1	- DOCUMENT VIC 6
- DOCUMENT VIC 2	- DOCUMENT VIC 7
	- DOCUMENT VIC 8.
	- DOCUMENT VIC 9.

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

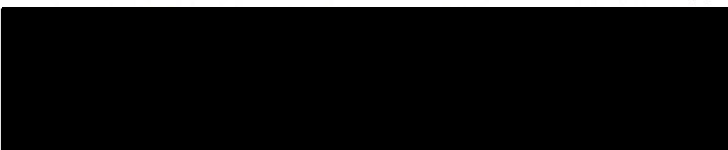
Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- 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  Date 23RD DECEMBER 2021

Data Protection: Inverclyde Council is obliged to comply with current Data Protection Laws and will use this information for the purpose of The Town and Country Planning (Scotland) Act 1997 and related purposes, legislation and regulation.

Further information can be found at www.inverclyde.gov.uk/privacy

REPORT OF HANDLING

Report By: David Sinclair

Report No: 21/0229/IC

Local Application
Development

Contact
Officer: 01475 712436

Date: 28th September 2021

Subject: Erection of 6m flagpole within front curtilage of property (in retrospect) at
53 Victoria Road, Gourock.

SITE DESCRIPTION

The application site comprises a two storey, semi-detached dwelling located on the south side of Victoria Road, Gourock. The building is finished with a grey slate roof topped with red ridge tiles; off-white render walls with red brick base course; white timber sash and case windows and front door, with red stone surrounds around the ground floor bay window and front door; and stone lintel, mullion and cill on the upstairs window.

The site sits on a steep north facing slope, with gradients up to 1 in 2 resulting in the ground floor level of the house being raised above Victoria Road by around 5 metres. A raised stone entrance landing sits in front of the main door, topped with black railings and steps down to the garden to the west. The front garden is mostly covered in grass, with a paved path curving up from the road to the house. A white flagpole sits in line with the front of the entrance landing beside the western boundary. The flagpole sits on ground approximately 1.5 metres lower than the ground floor of the dwellinghouse. The rear garden contains a raised patio with a glazed balustrade to the side of the building which was granted consent in January 2019. Boundary treatments include a white stone wall to the front, with a mixture of bushes along both side boundaries to the front.

The site is bound by two storey residential properties which are similar in age and contain similar built to garden ground ratios, with variations in design, materials and finishes.

PROPOSAL

Retrospective planning permission is sought for the erection of the white flagpole within the front curtilage of the dwellinghouse. The flagpole measures 6 metres in height and has been positioned to the north-west of the dwellinghouse, approximately 8 metres from the nearest corner of the dwellinghouse, 1.5 metres from the western boundary and approximately 1.3 metres forwards of the principal building line.

The application is accompanied by a supporting statement.

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out

in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 28 – Conservation Areas

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 20 – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Policy 28 – Conservation Areas

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area.

Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Applicants should demonstrate that every reasonable effort has been made to secure the future of the building. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

CONSULTATIONS

None required.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on the 6th August 2021 due to development affecting a conservation area.

SITE NOTICES

A site notice was posted on the 6th August 2021 due to development affecting a conservation area.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Six representations were received, objecting to the proposal. Concerns were raised as follows:

- No requirement for flagpole and not in keeping with the area. Types of flag could also cause issue as can be deemed unacceptable regarding what it represents. This could also cause disharmony amongst neighbours and the general public taking offence.
- Visitors to the area immediately comment on how odd and potentially offensive the overly large pole is with its Union Flag. If the owner wished to garner attention to their political persuasion, it has already succeeded and circumvented local community good will.
- This private property serves neither community nor public service for which a flagpole and display of national symbols would be appropriate and subject to local democratic decisions.
- The flag pole ruins the view from neighbouring windows and decking areas. The person who has put the flag up has done it strategically to avoid ruining his own view by planting it to the side of his patio area.
- Objections to individuals displaying as a matter of routine a flag of any kind.
- It is not usual in Scotland to display flags outside domestic premises and whatever flag is flown will no doubt upset or rile someone.
- Putting flags or bunting out for a special occasion is fine but otherwise flag poles and flags are for public buildings.
- Visual eyesore in direct line of sight from neighbouring gardens.
- Whilst being in close proximity to the Royal Gourock Yacht Club, the use of flags flying is not completely unexpected in the area, particularly on the yachts and boats alike, but in this particular instance it is really prominent and takes away from the view.
- The flag would be less of a concern if it was in the rear garden, as it just isn't in keeping with the surrounding environment.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); Scottish Planning Policy (SPP); Historic Environment Scotland's "Historic Environment Policy for Scotland" and the "Managing Change in the Historic Environment" guidance notes on 'External Fixtures' and 'Setting'; and the representations received.

SPP recognises that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. The application site is located within an established residential area within the Gourock West Bay Conservation Area and requires assessment against Policies 1 and 28 of the adopted LDP and Policies 1, 20 and 28 of the proposed LDP. Policy 28 of both LDPs require development to preserve or enhance the character and appearance of the area, whilst having regard to Historic Environment Scotland's policy and guidance. Policy 20 requires development within residential areas to be assessed with regard to their impact on the amenity, character and appearance of the area.

Policy 1 of both LDPs require all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance. There are no guidance notes relevant to this proposal. The relevant qualities are being 'Distinctive' and 'Safe and Pleasant'. The relevant factors to being 'Distinctive' in the adopted LDP are whether the development reflects local architecture and urban form and contributes positively to historic buildings and places. In the proposed LDP, the relevant factors to being 'Distinctive' are

whether the proposal respects landscape setting and character, and urban form; and contributes positively to historic buildings and places. The relevant factor of being 'Safe and Pleasant' in both LDPs is whether the proposal avoids conflict with adjacent uses.

Firstly, in considering the impacts of the proposal on the character of the building and surrounding Conservation Area (Policy 28), I note the "Managing Change in the Historic Environment" guidance notes on 'External Fixtures' and 'Setting'. The guidance note on 'External Fixtures' states that flagpoles should relate to the building's character, scale, proportions and architectural detailing. The guidance note on 'Setting' states that planning authorities must take into account the setting of historic assets or places when making decisions on planning applications. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

The flagpole is positioned within the front garden close to the side boundary with 55 Victoria Road, being set back from Victoria Road by around 8 metres and sited slightly forwards of the principal building line of the dwellinghouse by around 1.5 metres and considerably forwards of the neighbouring property at 55 Victoria Road by around 7 metres. The flagpole forms a prominent feature within the site which contrasts with the established character of the area. The contrast occurs in two ways: firstly, by the position of the flagpole which sits forwards of the established building line and, secondly, by the unexpected nature of a 6 metre high flagpole within a domestic front garden. I concur with the points raised in the objections that consider flagpoles are not normally flown outside domestic premises and would be a more expected feature outside community or public buildings. Furthermore, none of the nearby domestic properties contain flagpoles within their front gardens and as such, I consider the proposal forms a dominant and unexpected feature which is detrimental to the established residential amenity of the area.

On this basis I consider that the proposal cannot be supported under Policy 1 as it fails to reflect the established urban form and cannot be considered to meet the quality of being 'Distinctive' in this regard. As the flagpole forms an unexpected feature in contrast with the character of the building, it cannot be considered to comply with the "Managing Change in the Historic Environment" guidance note on 'External Fixtures'.

In considering the impacts on the wider conservation area setting, I note the comments raised in the supporting statement regarding other properties containing flagpoles and acknowledge that flags are flown at Gourock Royal Yacht Club which are visible when travelling west along Victoria Road and are visible in the distance when viewed from the application site. Furthermore, flagpoles can be found within the Gourock West Bay Conservation Area at Gourock Bowling Club and within the front garden of 14 Barrhead Road, Gourock. Whilst not visible in context with the proposal, these form part of the established character of the conservation area. Taking this into account, the development cannot be considered to harm the overall value of the conservation area. As the proposal does not harm the conservation area, it stands that it can be considered to preserve the conservation area and therefore does not conflict with SPP or Policy 28 of both LDPs. Furthermore, I am satisfied that the flagpole does not detrimentally impact on the historic setting and can be considered to have acceptable regard to the "Managing Change in the Historic Environment" guidance note on 'Setting'.

The proposal does not create conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it can be considered to meet the quality of being 'Safe and Pleasant' in LDP Policy 1.

Turning to concerns raised in the representations not yet addressed, the type of flag flown is not a material planning consideration and forms no bearing on the determination of this application. Impacts on neighbouring views are not a planning related consideration.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Local Development Plan unless material considerations indicate otherwise. With regard to the relevant Plan Policies, I consider that the proposal is in accordance with Policy 28 of both LDPs and conflicts with Policy 1 of both LDPs and Policy 20 of the proposed LDP. As the proposal fails to accord with all relevant Plan

Policies and there are no material considerations which would suggest the development should be supported contrary to these Policies, in accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, I am unable to support the application.

RECOMMENDATION

That the application be refused for the following reasons:

1. By reason of height and position within the front garden, the development forms an unexpected and dominant feature on the streetscape. As such it fails to reflect the urban form of the area as required by Policy 1 of the Inverclyde Local Development Plan.
2. The installation of a flagpole within the front garden of a domestic residence forms an unexpected feature which is incompatible with the character of the surrounding area, contrary to Policy 20 of the proposed Inverclyde Local Development Plan.

Signed:



David Sinclair
Case Officer



Stuart W. Jamieson
Interim Service Director
Environment and Economic Recovery

Kinloch
53 Victoria Road
Gourock
Renfrewshire
PA19 1DB

23rd December 2021

Planning Application 21/0229/IC 28th September 2021

Notice of Review

Statement

I would like to appeal against the decision to refuse planning permission for the erection of a flagpole and ask the review panel to take into consideration the supporting factors that are set out below.

- 1. By reason of height and position within the front garden, the development forms an unexpected and dominant feature on the streetscape. As such it fails to reflect the urban form of the area as required by Policy 1 of the Inverclyde Local Development Plan.***

Within the immediate vicinity of 53 Victoria Road there are over 20 different styles of architecture of houses and flats. There is no definitive style of architecture. On Victoria Road there are numerous different types of styles of house and flat several of which can be construed as being dominant in both height, design and position. With the differing style and construction throughout, there is no obvious consistency of an adherence to any established pattern of development. Additional developments that can be construed as dominant to the streetscape in a variety of styles and height can be found on Document VIC1 – VIC4. These include numerous road traffic signs, poorly maintained traffic calming measures and boundary structures.

The flagpole is of slimline construction with a below ground concrete base and is set back from the roadside well within the boundary of the property. The chosen design is similar in style to that already featured on many properties within Gourock and the wider area of Inverclyde. This demonstrates that it does reflect established local architecture and urban form. The height of the flagpole is well below the adjacent and nearby properties which substantially breach the skyline and in no way does it diminish the backdrop, Document VIC5

Victoria Road is approximately 750m long. Documents VIC6 – VIC9 show that the flagpole only becomes visible within 27m of the property when approaching on foot from the west and 30m when approaching on foot from the east with visibility being completely lost beyond these points. The flagpole is not visible when using the public highway.

Examples of similar developments being granted permission both within and out with the Inverclyde area are contained within Report 19/0192/IC which recommends that the application for the erection of a 6m flagpole be granted as it complies with relevant policies within the Inverclyde Local development Plan and within Report 15/00915/PP that recommends that the application for the erection of a 6m flagpole be granted as it complies with the relevant policies within the Argyll and Bute Local Development plan.

Extract from the handling report:

I concur with the points raised in the objections that consider flagpoles are not normally flown outside domestic premises and would be a more expected feature outside community or public buildings. Furthermore, none of the nearby domestic properties contain flagpoles within their front gardens and as such, I consider the proposal forms a dominant and unexpected feature which is detrimental to the established residential amenity of the area.

Firstly, with the consideration of flagpoles being installed on domestic premises, this statement is the personal opinion of the case officer and is completely unsupported by any meaningful evidence or fact. In addition, there is a direct contradiction of the case officer's personal opinion within Report No: 19/0192/IC which clearly states that ***Flagpoles are an occasional feature within public gardens.*** Personal opinions should not be taken into consideration of a planning decision. Secondly, while properties in the immediate vicinity do not have flagpoles installed, there are several examples of flagpoles on domestic properties within Gourrock and the wider area of Inverclyde, most notably on properties on Victoria Road, Barrhill Road, Tower Drive and Cloch Road.

- 2. The installation of a flagpole within the front garden of a domestic residence forms an unexpected feature which is incompatible with the character of the surrounding area, contrary to policy 20 of the proposed Inverclyde Local Development Plan.***

A proposed plan is just that, it is a proposal, and as such, not yet an accepted policy. Proposed policies are subject to challenge and change, and until ratified, accepted and implemented, should not be used to benchmark any current applications or processes.

I would like to thank the review panel for taking time to consider my appeal, and the points that I have put in response to the initial decision.



Graeme Galbraith

Enclosed are copies of the referenced reports and documents.

- Report 21/0229/IC
- Report 19/0192/IC
- Report 15/0915/PP
- Document VIC1
- Document VIC2
- Document VIC3
- Document VIC4
- Document VIC5
- Document VIC6
- Document VIC7
- Document VIC8
- Document VIC9

Document VIC1

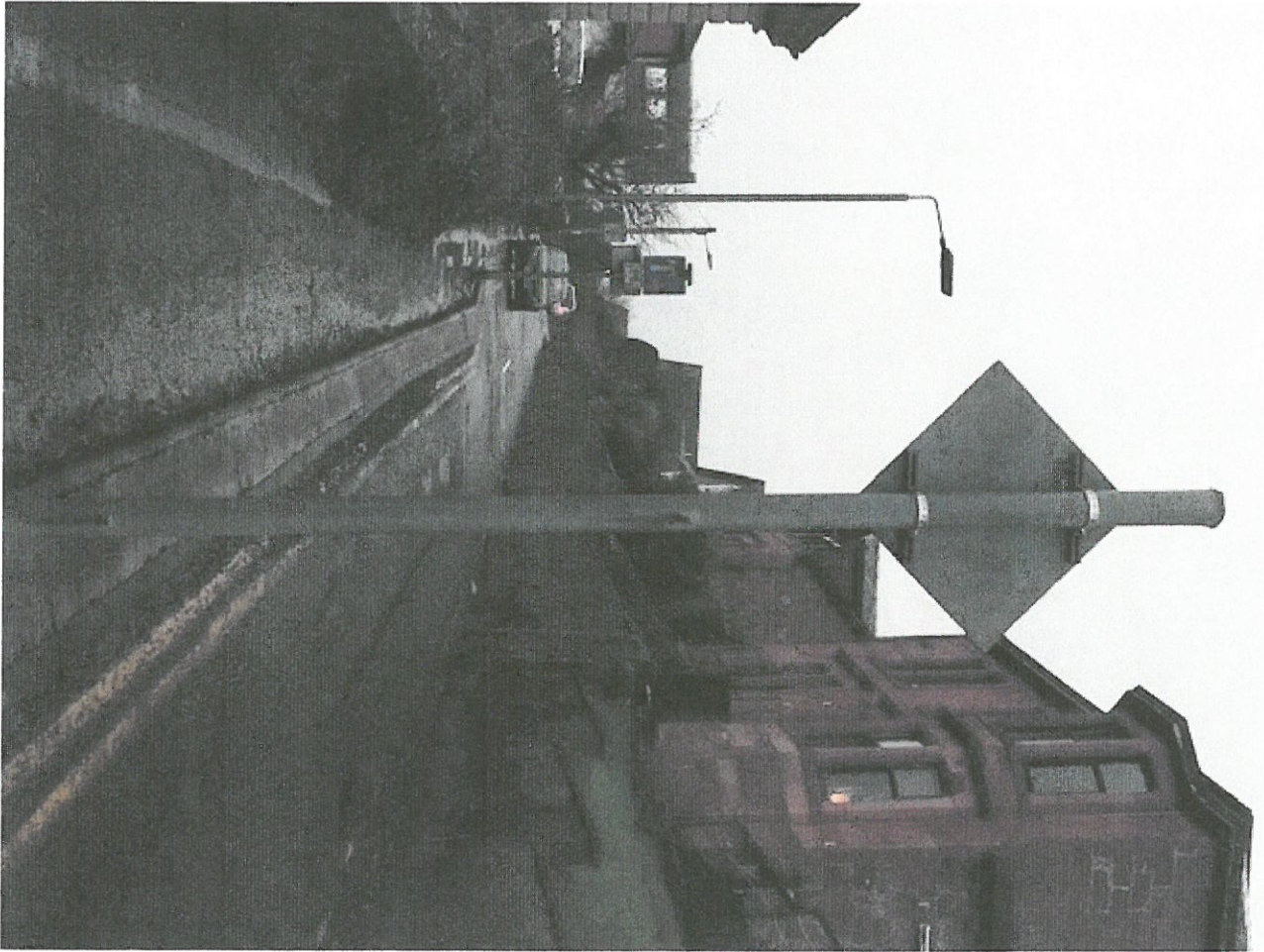




DOCUMENT VIC2



DOCUMENT VIC3



DOCUMENT 144



SEARCH OF REAR FOOTPATH THAT
FIND BECOMES VISIBLE

53 VICTORIA ROAD.

DOCUMENT VICK.



- Google Earth
- https://earth.google.com/web/@55.95418792,-4.83414916,25.98256,06a,167.4746539d,35y,324.70565159h,0t,0r
- Apps
- Greenock Tide Time...
- XCViveter - Forca...
- lshore.waters.fora...
- Online VAT Calcula...
- Arbia Network Supp...
- (13) Home | Twitter
- Facebook
- (4) Feed | LinkedIn
- Instagram
- Tech Sailing the F...
- Plan B



DOCUMENT VIC 7

53 VICTORIA ROAD.

SECTION OF RUBIC FOOTPATH THAT
FUTURE BECOMES VIBRABUE

DOCUMENT VICS

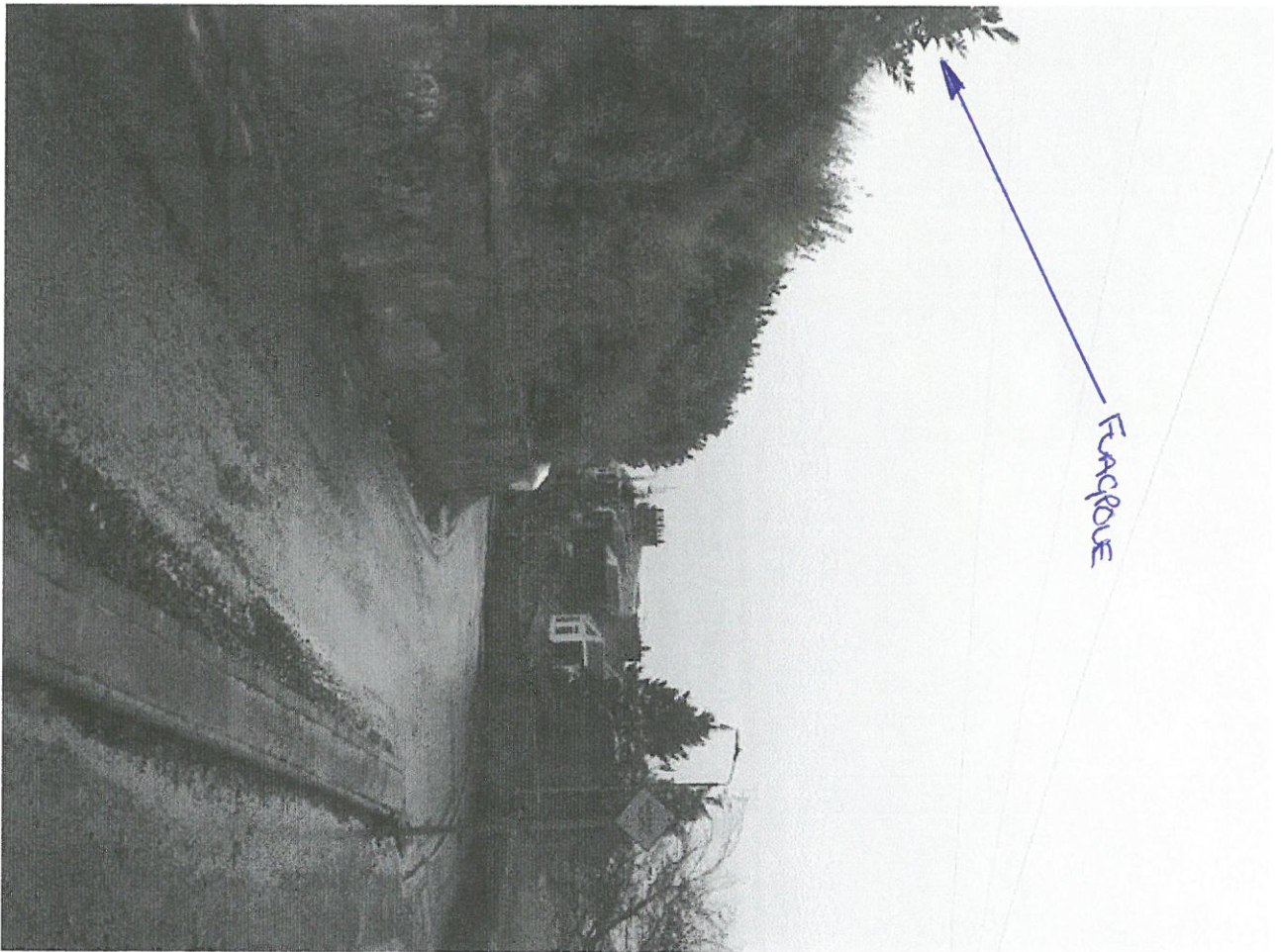


Google Earth x +

↑ <https://earth.google.com/web/@55.95424855,-4.833046227,27.06337371a,168.09382917d,35y,324.70621935h,0t,0r>

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DOCUMENT VIC9

Report To: The Planning Board

Date: 2 October 2019

Report By: Head of Regeneration and Planning

**Report No: 19/0192/IC
Plan 10/19**

**Local Application
Development**

Contact Officer: Alexandra Linn

Contact No: 01475 712422

**Subject: Erection of 6m high flagpole at
Kempock Place, Gourrock**



SUMMARY

- The proposal presents no conflict with the Inverclyde Local Development Plan.
- Nine objections have been received raising a wide range of concerns including impact on residential amenity, visual impact, loss of rose bushes and wildlife, noise, antisocial behaviour and vandalism and public spending.
- Consultations received present no impediment to development.
- The recommendation is to **GRANT PLANNING PERMISSION.**

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PVEHCMIMMI900>

SITE DESCRIPTION

The application site is the area of public garden between Kempock Place and Shore Street, Gourrock. Located within the Kempock Street/Shore Street Conservation Area the gardens are furnished by a variety of trees, bedding plants, rose bushes, a fountain, benches and an information hut. The well-maintained garden is surrounded by a mixture of residential and commercial buildings.

PROPOSAL

Planning permission is sought for the erection of a 6 metre high glass fibre flag pole with internal halyard and collar, all in white, and centrally located within the garden in an area currently occupied by a rose garden. The pole will be supported by a 2 square metre cobble stone base.

The flagpole is to be used by the Council to display flags to celebrate or commemorate national and local events and occasions.

DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 28 - Conservation Areas

Proposals for development within or affecting the setting of a conservation area are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

2014 INVERCLYDE LOCAL DEVELOPMENT PLAN

At the time of application submission, the 2014 Inverclyde Local Development Plan formed part of the Development Plan against which planning applications required to be assessed.

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

CONSULTATIONS

No consultations were required.

PUBLICITY

The application was advertised in the Greenock Telegraph on 9th August 2019 as development affecting a conservation area.

SITE NOTICES

A site notice was posted on 9 August 2019 for development affecting a conservation area.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Nine representations have been received from neighbours, members of the public and Gourock Community Council, all objecting to the proposal. The concerns raised can be summarised as follows:

Visual impact

- The flagpole will look “unsightly” and detract from the existing public gardens and open sky aspects of the area.
- The addition of a flagpole will contribute to the redundant clutter in this area.
- The location of the proposed flagpole within the conservation area is not considered in keeping therefore an alternative location should be sought.

Amenity

- There will be additional noise created by the flagpole and associated cord and flag.
- The flagpole will incite further antisocial behaviour and vandalism.

Other issues

- There will be a loss of some rose bushes and wildlife as a result of the installation of the flagpole.
- The proposal is not considered to be financially viable as there are more pressing issues where the funding is needed.

ASSESSMENT

The material considerations in the assessment of this application are Inverclyde Local Development Plan, Historic Environment Scotland’s Historic Environment Policy for Scotland (which supersedes the SHEP), the “Managing Change in the Historic Environment” guidance note series, the impact on the character and amenity of the Conservation Area and the impact on neighbouring amenity and the comments received.

The determining issues are is this an appropriate development within a public garden, is the impact on the Kempock Street/Shore Street Conservation Area acceptable and will there be a detrimental impact on residential amenity? In assessing the planning merits of this application issues of finance and the option of alternative locations can have no bearing on how this application is determined.

Flagpoles are an occasional feature within public gardens and traditionally are often found on or in the immediate environs of a town’s historic public offices and buildings. For example, in Inverclyde this is evident with a flagpole in Clyde Square outside the Municipal Buildings and on the former Municipal Buildings in Fore Street, Port Glasgow. The flagpole on the former Gourock Municipal Buildings may no longer be used as there is no safe access. The application site is immediately adjacent, and in historical context the location of a flagpole is appropriate within a town centre conservation area.

While it is recognised that this will result in the removal of a number of rose bushes, it is considered that in the context of how this area of public garden is viewed and interacts with wildlife, the refusal of planning permission for this reason is not merited. Visually, the flagpole is in the proximity of street lights, lighting decoration poles and trees. While concern over visual clutter is acknowledged, it is considered that this flagpole may be introduced without detriment to visual amenity and the Kempock Street/Shore Street Conservation Area.

In examining the impact on neighbouring residents, this is a town centre location with a range of activities and associated noise. Any noise impact from the flagpole is not such that the refusal of planning permission is merited. Likewise, concern over antisocial behaviour and vandalism is not a basis for refusing this application. While acknowledging concerns, it is not considered that this application should be refused on the basis of a detrimental impact on residential amenity.



Overall, this assessment leads to the conclusion that the proposal complies with LDP Policy 1 as it positively contributes to historic buildings and places and Policy 28 as there is a clear understanding of how the flagpole contributes to the wider streetscape and to the character and amenity of the Kempock Street/Shore Street Conservation Area. I am further satisfied that the proposal is compatible with Historic Environment Scotland's Historic Environment Policy for Scotland as it will protect the positive qualities of this location.

The approach to assessing this proposal has continued from that taken in the 2014 LDP.

RECOMMENDATION

That the application be granted.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Alexandra Linn on 01475 712422.

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 15/00915/PP
Planning Hierarchy: Local
Applicant: Mr Ian Thom
Proposal: Erection of 6 metre high flag pole
Site Address: 45 Bainfield Road, Cardross

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

- (i) Development Requiring Express Planning Permission**
 - Erection of 6 metre high flag pole
 - (ii) Other specified operations**
 - None
-

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the attached condition and reason.

(C) HISTORY:

14/02317/PREAPP – Pre application enquiry – erection of a 6m flag pole.

(D) CONSULTATIONS:

Cardross Community Council (e-mail dated 10 June 2015) wishes to raise concerns on behalf of members of the local community.

The applicant resides in a two storey building whilst other properties in the vicinity are single storey. As such the flagpole in terms of height is out of context. The prominence

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 15/00915/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 01/04/2015 and the approved drawings reference number:-

Plan 1/3 Location Plan
Plan 2/3 Site Plan
Plan 3/3 Flagpole details

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Halyards used for raising flags should be properly secured to the mast at all times.

Reason: In order to avoid the prospect of noise nuisance in the interests of residential amenity.

NOTES TO APPLICANT

1. The length of the permission: This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. It should be noted that the flying of flags should be limited to the National flag of any country. The use of the flagpole for the flying of flags displaying advertisements of other symbols or devices would require separate Advertisement Consent.

Author of Report: Karen Malloy

Date: 10.06.2015

Reviewing Officer: Howard Young

Date: 12.06.2015

Angus Gilmour
Head of Planning and Regulatory Services

within the settlement boundary, but is not within Cardross Conservation Area. The flagpole will be constructed on a small concrete base.

A National Flag can be flown on the flagpole but most, if not all other types flag would need separate advertising consent. The Advertisement Regulations define advertisement (which can include the content of flags) quite widely, to include any 'word, letter, model, sign, device or representation.....employed wholly or partly for the purposes of advertisement, announcement, or direction'

The key issue is the potential impact on the amenity of adjoining properties and surrounding area in terms of visual intrusion and noise. The residential properties within the vicinity of the application site will be afforded views of the proposed flagpole. However, any impact is primarily limited to the most immediate properties i.e. the adjoining property to the west and the dwellinghouses across the road. Although 6 metres high, the flagpole will be of slim-line construction and this combined with angle of view and separation distances will prevent it from having an unacceptable visual intrusion. As the site is within an established residential area close to the A814, any noise impact will be limited, intermittent and within acceptable limits.

It is considered that the size and design of the proposed flagpole is acceptable in this location. Given the nature of the proposal, a slim-line pole in a modern estate, there would be no significant visual impact or other amenity issues which would justify refusal. Other concerns raised by objectors about anti-social or sectarian issues associated with the flying of a flag from the flagpole are not material planning considerations. It is considered that the presence of the flagpole and the flying of a flag would not detract from the residential surroundings of the application property to a point where the proposal should be regarded as being unacceptable.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

Although located in a residential area, the flagpole will be of slim-line construction and its use will be limited to the flying of a National flag. The location, size and design are acceptable and there would be no significantly adverse visual impact or other amenity issues which, despite the views expressed by third parties, would warrant anything other than the determination of the application in accordance with Local Development Plan policy.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

(J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

(i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Local Development Plan 2015

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 9 – Development Setting, Layout and Design

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.** None

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No

(L) **Has the application been the subject of statutory pre-application consultation (PAC):** No

(M) **Has a sustainability check list been submitted:** No

(N) **Does the Council have an interest in the site:** No

(O) **Requirement for a hearing (PAN41 or other):** Eleven letters and e-mails of objection plus an objection from the Community Council have been received. However, the application is a straightforward one for the erection of a single flagpole in part of Cardross which is in a modern estate and not within the Conservation Area. It is therefore a matter without policy or technical complexities which would not warrant a local hearing being held.

(P) **Assessment and summary of determining issues and material considerations**

Planning Permission is sought to erect a 6 metre high flag pole at 45 Bainfield Road, Cardross. The flagpole is for domestic/personal use and will be situated in the front garden of a detached dwellinghouse located within an established modern residential area containing a mix of single and two storey buildings. The proposed development is

Comment: This is not a material planning consideration.

Potentially open to abuse via the selection of attachments placed upon it.

Comment: If approved only a national flag can be attached and any other attachment would require separate consent.

- Both neighbour notification and council department website show identifying point to the rear of the garden.

Comment: Neighbours who either share a boundary with the application site or are within 20 metres were notified of the proposal the Council by letter as required by regulation. The location plan accompanying the letters includes a dot to identify the application address. It is not intended to represent the development and recipients are specifically directed to the website or to Council offices to have sight of the application plans. The dot shown may have been mistaken for the intended location of the flagpole. Given the potential confusion more time has been allowed for any additional representations.

- The estate is not a military establishment.

Comment: If approved, only a National flag can be attached, as the Advertisement Regulations control displays for other purposes (see assessment below). The military do not have a monopoly on the flying of flags.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** No
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
-

of the location when a flag is flown creates an obscure sight. The position at the front of the dwellinghouse is not in keeping with the general conditions of a conservation area.

Comment: The application site is not within Cardross Conservation Area. See also the assessment below.

Rigging is prone to high winds can create large amounts of noise/rattle. The applicant's chosen site is exposed and will result in excess noise.

Comment: See assessment below.

Public Protection (memo dated 15th June 2015) – no objections in principle but it is noted that halyards used for raising the flag should be secured to the mast properly in order to avoid raising background noise in the surrounding area.

(E) PUBLICITY: None

(F) REPRESENTATIONS: Eleven letters and emails of objection have been received from the following individuals.

R C Seaward OBE, Ardtalla, Peel Street, Cardross, letter dated 24.04.2015 and letter dated 25.05.2015.

Mr Andrew Duncan, 3 Burnfoot, Cardross, Dumbarton, email dated 04.05.2015.

Mr Allan Stewart, 53 Bainfield Road, Cardross, email dated 27.04.2015.

Hector MacLean, 18 Bainfield Road, Cardross, letter dated 22.04.2015.

Mr Kitt Halsey, 22 Bainfield Road, Cardross, email dated 23.04.2015.

Mr Jim Durrant, 33 Bainfield Road, Cardross, email dated 07.05.2015.

John King, 41 Bainfield Road, Cardross, email dated 21.05.2015.

Thomas Smith, Bainfield Road, Cardross email dated 25.05.2015.

William H Carson, 20 Bainfield Road, Cardross, letter dated 27.05.2015.

Edith Courtney 4 Graham Crescent, Bainfield Estate, Cardross, email dated 21.05.2015

Summary of issues raised

- Visual appearance of the proposed development is neither in character or sympathetic with surroundings.

Comment: See assessment below.

- Cardross is designated as a Conservation Village and proposed development should preserve or enhance such areas.

Comment: The proposed development is not within the Conservation Area.

- Flagpoles situated in small domestic gardens are totally inappropriate and the proposal may set an undesirable precedent.

Comment: It is not considered that the proposal will set a precedent. Each application is judged on its own merits against development plan policy and other material considerations. See also the assessment below.

- Not a suitable structure as may cause anti-social behaviour.