

Item No 08:-

19/02989/FUL

**1 Fivebells
Church Street
Bledington
Chipping Norton
Gloucestershire
OX7 6XG**

Item No 08:-

Installation of solar panels to outbuilding at 1 Fivebells Church Street Bledington Chipping Norton Gloucestershire OX7 6XG

Full Application 19/02989/FUL	
Applicant:	Mr Christopher Kubale
Agent:	Project Solar UK
Case Officer:	Amy Hill
Ward Member(s):	Councillor Julian Beale
Committee Date:	13th November 2019
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Provision of Renewable Energy
- (b) Character, Appearance and Impact on Heritage Assets
- (c) Landscape Impact
- (d) Impact on Residential Amenity

Reasons for Referral:

The application has been referred to the Planning and Licensing Committee due to the nature of the application and weight to be given to the public benefit resulting from the provision of a renewable energy source. Officers consider that this balance would benefit from consideration by the Planning Committee.

1. Site Description:

The site consists of a grade II listed two-storey (with attic rooms above) Cotswold stone dwellinghouse, formally an Inn and now one of two cottages. The outbuilding which is subject to this application is located within the garden of No 1 and is curtilage listed. No historical information has been provided on the outbuilding but from reviewing historic maps the building is identified on the 1890 1st edition historic epoch and formed a complex of courtyard buildings. It is a red brick building with a profile metal roof, which is a recent replacement.

There are a number of other grade II listed buildings near the site, including 2 Fivebells, Maylyns and Jasmine Cottage, and the grade I listed St Leonard's Church, with surrounding grade II listed monuments.

The site is within the Bledington Conservation Area and Cotswolds Area of Outstanding Natural Beauty (AONB).

2. Relevant Planning History:

The site:

09/00265/FUL - Refurbishment of outbuilding including reinstatement of chimney - Permission February 2009

09/00266/LBC - Refurbishment of outbuilding including reinstatement of chimney - Approval February 2009

The Old Forge Adjacent To Jasmine Cottage:

19/00056/FUL - Demolition of existing buildings and erection of a detached dwelling and 1.8m high wall to frontage - Permitted

3. Planning Policies:

NPPF National Planning Policy Framework
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN15 Pollution & Contaminated Land
INF10 Renewable & Low Carbon Energy Develop't

4. Observations of Consultees:

Conservation Officer: Views incorporated within the Officer's report

5. View of Town/Parish Council:

Bledington Parish Council raised no objection to the proposal but are concerned regarding the precedence of solar panels in a conservation area.

6. Other Representations:

3 Letters of Objection have been received. Concerns raised include:

- i) Impact on listed property, Jasmine Cottage;
- ii) Views from Jasmine Cottage (including of the Church);
- iii) Glare from solar panels;
- iv) Impact on recently extended parts of Jasmine Cottage;
- v) Impact on enjoyment of garden due to solar panels presence;
- vi) Inappropriate impact on recently permitted new dwellinghouse including glare;
- vii) Not within the character of the setting;
- viii) Harm to the historic location within the Conservation Area;
- ix) Visibility of these from the road once dwelling built;
- x) Concern over precedence within beautiful part of the village;
- xi) Would not preserve existing situation;
- xii) Overlooking from panels of garden area and a wish for these to be camouflaged.

7. Applicant's Supporting Information:

Specifications of Solar Panels
Proposed Drawings
Design And Access Statement
Heritage Statement
Photographs
System Information

8. Officer's Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

As the building is curtilage listed and adjacent to other listed buildings, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest they possess. This duty is required in relation to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

The building is located within the Bledington Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In 2009, an application was submitted, and approved, to restore this outbuilding, including the reinstatement of a chimney. This application seeks to install 16 solar panels to the roof of the outbuilding (8 to the front and rear), which would protrude approximately 19cm above the plane of the roof.

The agent has advised that the front/north-west facing solar panels would be expected to provide 1251.36kWh/year and the rear/south-east facing solar panels 2219.92kWh/year, i.e. a total of 3471.28kWh/year. The annual consumption for the property is currently 5456kWh/year, and it is expected that at least 75% of the generation will be used (2603.46 kWh). The agent has also advised that the applicant is considering purchasing an electric vehicle which will also use generated electricity, which in turn will make any export to the grid from this system minimal.

(a) Provision of Renewable Energy

Local Plan Policy INF10 seeks positively to encourage renewable and low carbon energy development while ensuring any adverse impact is satisfactorily addressed. Applications therefore need to demonstrate that any adverse impacts individually and/or cumulatively, including; visual amenity; landscape character; heritage assets; biodiversity; water quality and flood risk; highways; residential amenity, including shadow flicker, air quality and noise, are, or can be, satisfactorily mitigated. Local Plan Policy INF10 also requires applications to demonstrate that proposals are of an appropriate type, scale, and design for the location and setting and are compatible with surrounding land uses.

Following a Full Council meeting on 3rd July 2019, Members adopted a Motion regarding climate change. The Council has committed to reviewing the adopted Local Plan to ensure that climate change is a strategic priority for planning and new development, and introduce Supplementary Planning Documents where necessary to provide greater clarity and ambition on planning for renewable energy generation and storage, housing energy efficiency, green infrastructure, sustainable drainage and low-carbon transport solutions. However, this review is at its early stages and as such does not form adopted policy.

Section 14 of the NPPF addresses climate change and incorporates the provision of renewable energy sources. Specifically Paragraph 148 states that "the planning system should support the transition to a low carbon future in a changing climate ... and support renewable and low carbon energy and associated infrastructure".

Paragraph 154 advises that:

When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."

The National Planning Practice Guidance (NPPG) also advises that:

- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions."

(Paragraph: 007 Reference ID: 5-007-20140306 Revision date: 06 03 2014)

As such, taking into account Policy INF10, NPPF Section 14 and the guidance with the NPPG, the provision of solar panels as a renewable energy source is supported in principle; however, this is subject to an assessment of adverse impacts. Given the domestic scale of the proposed works and location within the residential curtilage of the site, the scheme is considered not to cause an adverse impact to water quality, flood risk, biodiversity, highways, air quality or noise.

The panels would be installed onto a curtilage listed building, within the setting of other listed buildings and would be located in Bledington Conservation Area, the Cotswolds AONB, near residential properties. As such, these aspects will be assessed in further detail below.

(b) Character, Appearance and Impact on Heritage Assets

Local Plan Policy EN2 requires development to accord with the Cotswold Design Code. Paragraphs D.59 - D.62 provide guidance regarding sustainable design and states that 'the potential impacts of climate change can be addressed through a variety of means, from the incorporation of better insulation and renewable energy technologies'. The Design Code also stresses that sustainable design needs to be responsive to the character of the area and the sensitivities of the site.

Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. It supports proposals that sustain and enhance the character, appearance and significance of designated heritage assets and their setting, which put them in viable uses, consistent with their conservation. Where harm would be caused, it would not be supported unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

Local Plan Policy EN11 seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas. Hard and soft landscaping should respect the character and appearance of conservation areas and proposals should have regard to the relevant conservation area appraisal.

Section 16 of the NPPF states that historical 'assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. Specifically Paragraph 192 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their

conservation. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The present roof is of corrugated metal and of typical agricultural character for this form of outbuilding. The Historic England Guidance "Energy Efficiency and Historic Buildings - Solar Electric (Photovoltaics)" states that the location of the panels and managing their visual impact is an important part of the design. When assessing locations for solar installations these should be sympathetic to a building's historic character and architectural interest. The roof is a shallow pitched metal roof typical of such courtyard buildings. It is without a parapet or internal slope to hide the solar panels, as such these black panels will be visually prominent against the grey roof slope; this is exacerbated by the style of solar panels raised from the roof plane.

The panels are proposed to be added to the principal elevation of the outbuilding as well as the rear. The material, design and finish of the panels unavoidably gives a starkly modern and smooth appearance, when contrasted with the traditional materials of the curtilage listed building. This would appear incongruous against the traditional construction and character of this outbuilding. Officers consider that the panels would therefore fail to be sympathetic to the building's historic character and architectural interest.

At present the roof of the building is not prominent in the street scene but a change to the roofing material through the introduction of solar panels will enhance its prominence. The rear roof of the outbuilding is viewed from Church Lane and while these are glimpsed views, the solar panels would be prominent within them. There will be a change to the character and appearance of the street scene due to the change in the building's appearance from that of a rural nature. It is considered that this would have a harmful impact to the character and appearance of the designated conservation area.

Solar panels can be accommodated on many buildings, for example, where they are hidden from view by parapets, or internal roof slopes which cannot be seen from ground level. Where there are exposed roof pitches as in this instance, it is recommended that alternative locations for panels be reviewed. This is due to the harmful impact of the panels on the rural and agricultural character of the asset itself and views of the roof from Church Lane and the designated conservation area.

Whilst alternative suggestions of ground mounted panels within the garden were suggested, these were not considered feasible by the applicant. The Conservation Officer has also advised that a further alternative could be in the future when being re-roofed that natural blue slates be added with an element of solar slates incorporated. This technology is advancing and provides a seamless and unobtrusive method of adding new technology without having a harmful visual impact on designated heritage assets. Alternative renewable energy solutions were raised with the agent, who advised that options were limited for installation elsewhere on the site, and that due to the roof covering, in-roof systems or solar slates could not physically be installed. It is noted that the roof was replaced relatively recently and is in good condition.

It is acknowledged that a planning permission has been granted for a new dwellinghouse immediately to the rear of the outbuilding. This includes a 1.8m wall along the boundary, which would potentially limit some views into the site. However, such development could not be ensured, nor could the potential for the removal of the existing outbuildings obscuring much of the view be discounted.

As noted above, there are a number of listed buildings within the vicinity. The grade I listed church is sufficiently separated from the proposal that it is considered not to affect its setting. The

grade II listed buildings which back onto the site, including Jasmine Cottage, whilst visible in the context with the solar panels, the impact on their setting would be limited due to the separate relationship with the building.

The harm to the curtilage listed building, and by virtue of this, to the conservation area, is less-than-substantial but is nevertheless considerable. In weighing the public benefits of the solar array against the level of harm in this case, and giving the conservation of the heritage assets great weight, it is considered that the public benefits of providing a level of renewable energy to a single dwelling (even with a potential small contribution to the national grid) would not outweigh the harm.

The proposal therefore fails to accord with Local Plan Policies EN2, EN10 and, EN11 and Section 16 of the NPPF.

(c) Landscape Impact

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN4 supports development where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. Local Plan Policy EN5 relates specifically to the Cotswold AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight. Section 15 of the NPPF supports these Policies.

The proposal is within a built up area of the Cotswolds AONB, and whilst there would be some visibility of these, the impact on the landscape would be minimal. Any potential glare would be limited. The agent has advised the level of reflection from the panels would be as little as 7%. Whilst in practice this may be more, the light surface of the metal roof would be expected to be more reflective. The proposal would not encroach into open countryside nor harm the character or appearance of the Cotswold AONB.

(d) Impact on Residential Amenity

Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

Local Plan Policy EN15 states development will be permitted if it will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through pollution of the air, land, surface water, or ground water sources and/or generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

Owing to the type of development, its scale and separation from neighbouring dwellinghouses (including that permitted but not yet built), the proposed development is not considered to impinge on the residential amenities of these properties having regard to loss of light, loss of privacy or overbearing.

The main residential amenity consideration would be the potential disturbance by virtue of glare from the solar panels. Whilst this potential is noted, as are the concerns raised by the neighbours, the current roof is a metal roof, though somewhat matt externally. The solar panels would be situated on the front and rear roof slope of the outbuilding, with the rear facing over the garden of Jasmine Cottage (and where the permitted new dwellinghouse would be located). Whilst there is a potential for glare, the purpose of solar panels is to capture light rather than to reflect it. The agent has advised that the panels are designed to absorb up to 93% of the available light, thus

reflect as little as 7% of the light. Whilst these measurements appear to be the maximum efficiency, nevertheless, given these would be against the backdrop of a pale metal, the degree of likely reflection and thereby glare is considered acceptable. As such, the proposal is considered to comply with the residential amenity considerations of Local Plan Policies EN2 and EN15, and Section 12 of the NPPF.

9. Conclusion:

By virtue of providing a renewable electricity source the proposal would result in some public benefit, although, given the amount of electricity expected to be produced, this is considered to be limited as it would predominantly provide a private benefit to the applicants. It is considered that the proposed development would result in harm to the significance of the curtilage listed outbuilding, and to the Bledington Conservation Area. The harm is less than substantial but is nevertheless considerable, given the nature of the proposals, the prominent location of the panels, and their impact on the fundamental character of this traditional outbuilding. In weighing the public benefits of the solar array against the level of harm in this case, and giving the conservation of the heritage assets great weight, it is not considered that the public benefits would outweigh the harm.

The proposal therefore fails to accord with Local Plan Policies INF10, EN2, EN10 and EN12, and paragraphs 154 and 196 of the NPPF. There is also a failure to preserve the building, which is contrary to our statutory duties within the 1990 Act.

Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it comprises less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

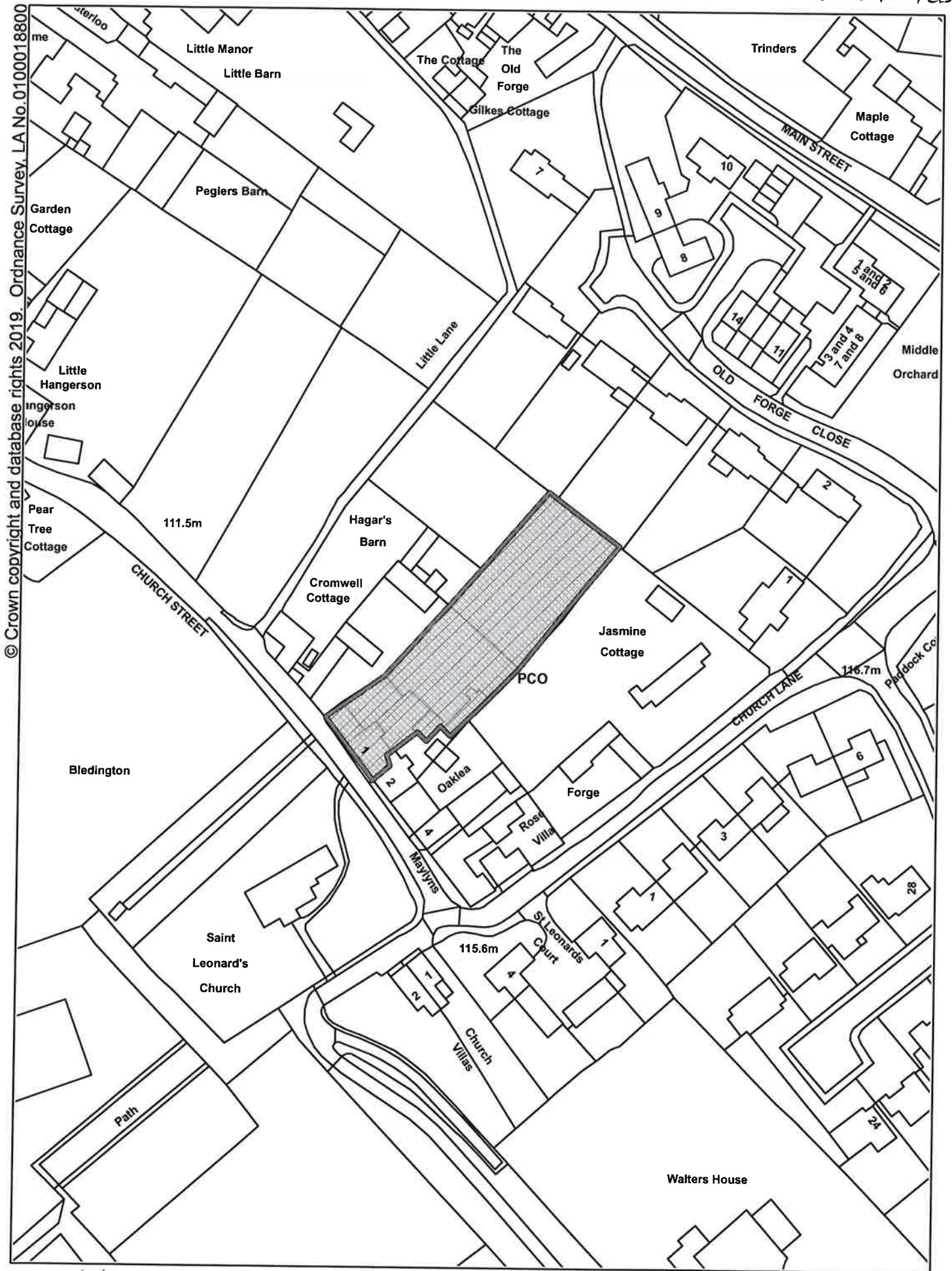
10. Reasons for Refusal:

1. The outbuilding is a curtilage grade II listed building, and formed part of a complex of courtyard buildings. It is a red brick single storey building with a profile metal roof, which is a recent replacement. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The current proposal, by virtue of the solar panels location and appearance, would neither preserve the special architectural or historic interest of the listed building, nor sustain its significance as a designated heritage asset. The harm would be less-than-substantial, but the harm would not be outweighed by any resultant public benefits. As such, to grant permission would be contrary to the statutory requirements of the Local Planning Authority under Section 66(1) of the 1990 Act. The proposal conflicts with paragraph 196 of the National Planning Policy Framework, and is also contrary to Cotswold District Local Plan Policies EN2, EN10 and INF10.

2. 1 Fivebells lies within the Bledington Conservation Area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The current proposal, by virtue of the solar panels positioning and appearance, would neither preserve nor enhance the character and appearance of the Bledington Conservation Area, nor sustain its significance as a designated heritage asset. The harm would be less-than-substantial, but would not be outweighed by any resultant public benefits. As such, to grant permission would be contrary to the statutory requirements of the Local Planning Authority under Section 72(1) of the 1990 Act. The proposal conflicts with paragraph 196 of the National Planning Policy Framework, and is also contrary to Cotswold District Local Plan Policies EN2, EN10, EN11 and INF10.

Informatives:

Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.



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1 FIVEBELLS CHURCH STREET BLEDDINGTON

Scale: 1:1250

Organisation: Cotswold District Council

Department:

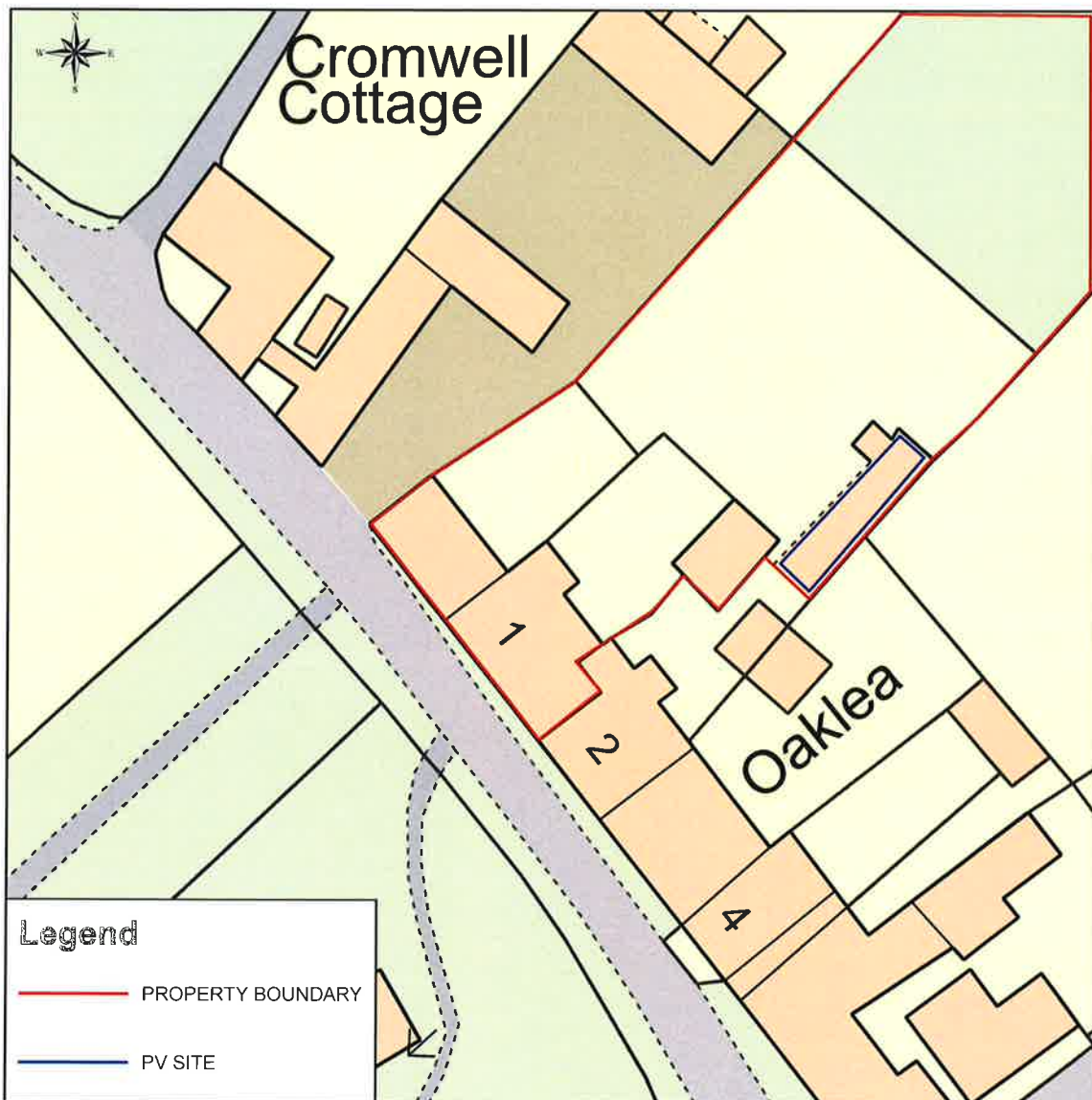
Date: 31/10/2019



COTSWOLD
DISTRICT COUNCIL



1 FIVEBELLS , CHURCH STREET



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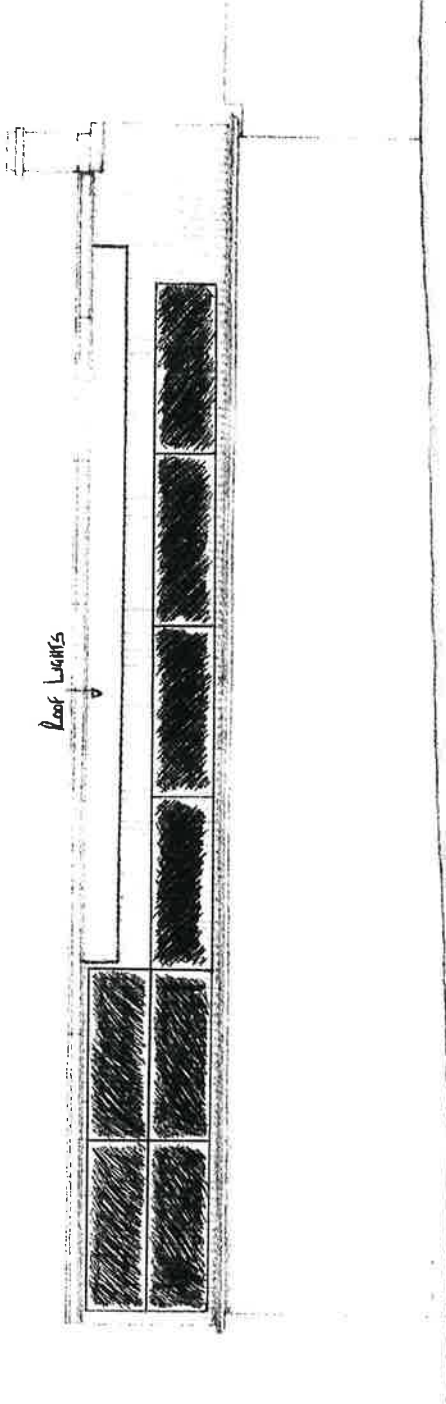
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SOLAR PV INSTALLATION

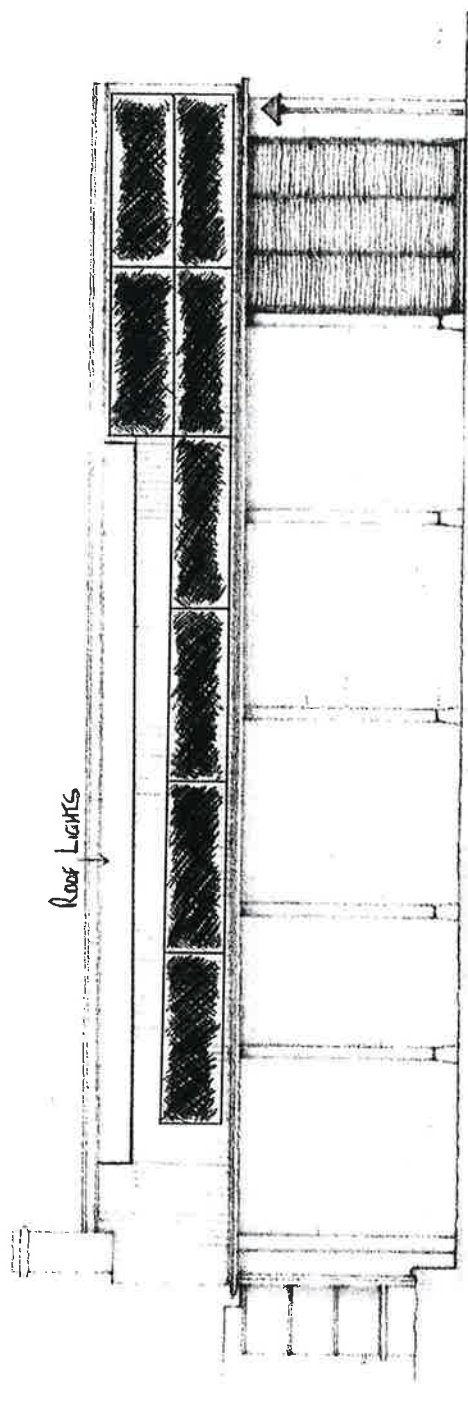
BLOCK PLAN SHOWING PROPERTY BOUNDARY AND PV SITE

BLOCK PLAN REQUIRED TO ACCOMPANY HOUSEHOLDER PLANNING AND LISTED BUILDING CONSENT APPLICATION FOR INSTALLATION OF A SOLAR PV INSTALLATION TO OUTBUILDING ROOF PITCHES WITHIN THE CURTILAGE OF LISTED BUILDING - 1 FIVEBELLS.



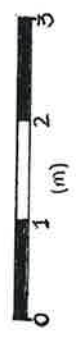
16 PANEL, SOLAR PV INSTALLATION
 SPLIT OVER EAST AND WEST ROOF
 FITCHES OF OUTBUILDING WITHIN 150m
 CURTLAGE OF LISTED ASSETS

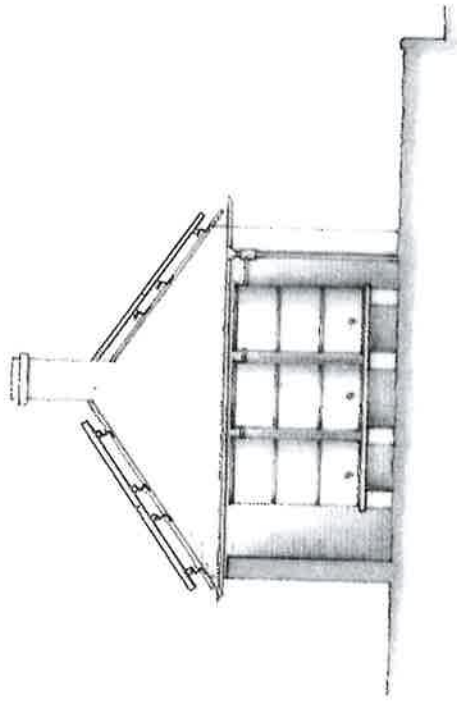
EAST



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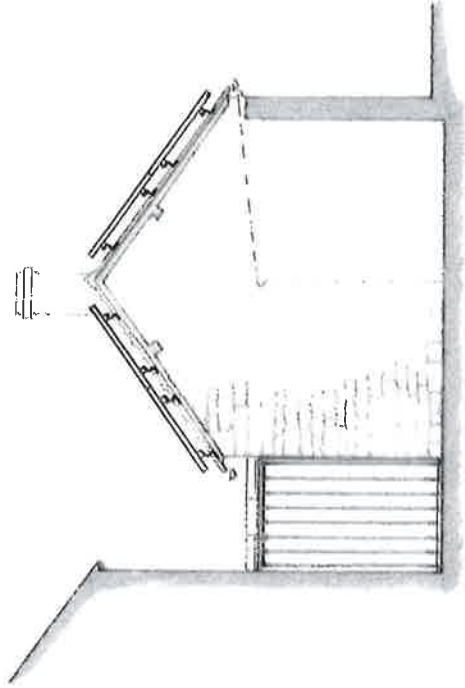
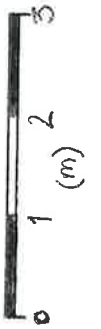
PROPOSED
 SOLAR PV ON
 OUTBUILDING • No.1 FIVE BELLS COTTAGES BIE DINGTON • 1:50





NORTH

PROPOSED ELEVATION · OUTBUILDING
 No 1 FIVE BELLS COTTAGE BLEDDINGTON · 1:50



SOUTH

PROPOSED ELEVATION · OUTBUILDING
 No 1 FIVE BELLS COTTAGE BLEDDINGTON · 1:50

