

DELEGATED REPORT

Report by Sam Summers	Date of report: 09/02/2024	Ref: 70110/FUL
Registration: 03/10/2023	LDfC: 01/02/2024	Expiry Date: 28/11/2023
Site Visit: 11/01/2024	Site Notice: 11/01/2024	Press Date: 11/01/2024
Objections: 0	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Installation of solar panels onto roof

Location: 89-91 Holcombe Old Road, Ramsbottom, Bury, BL8 4NF

Description

Planning application for installation of solar panels onto roof of 89-91 Holcombe Old Road. Holcombe Old Road contains two storey cottages built from local stone. The building is a two storey dwelling, it is not listed but is located within Holcombe Conservation Area. The proposal is for multiple solar panels on the front and back roof of the property.

Relevant Planning History

55121 - Demolition of existing store and extension to existing detached garage - Approve with Conditions 13/06/2012

Publicity

Letters to neighbours dated - 11/01/2024

Site Notice dated - 11/01/2024

Press Notice dated - 11/01/2024

Statutory/Non-Statutory Consultations

Conservation Officer - Response dated

Pre-start Conditions - None

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

NPPF National Planning Policy Framework

Issues and Analysis

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposal would not impact on the residential amenity of any adjacent neighbouring properties.

Heritage & Visual Amenity

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 205 of the National Planning Policy Framework (NPPF) requires 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 of the NPPF states 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 proposed solar panels would occupy parts of the western and eastern roof slopes of the building and would have visibility from Holcombe Old Road and some limited visibility from Lumb Carr Road. There would also be longer range visibility from up to approximately 350 metres away from public rights of way that crisscross the eastern shoulder of Holcombe Hill.

The proposal relates to a single private dwellinghouse and is very small in scale, however the panels would be visible from various vantage points representing an incongruous and urbanising feature in what is otherwise a rural conservation area with no 20th or 21st century development in the immediate area of that part of the conservation area.

The proposed solar panels would neither preserve or enhance the special character or appearance of that part of the conservation area and it is not considered that a reduction in the size of the solar panels or their omission from one of the roof slopes would mitigate the harm identified and as such would represent less than substantial harm to it. In representing less than substantial harm it is required to weigh any public benefits of the proposal against the harm identified that would be caused to the character and appearance of the conservation area including, where appropriate, securing its optimum viable use.

The applicant has not provided evidence of any public benefit or provided any evidence to support the need for the proposal to secure the buildings' optimum viable use.

It is accepted that the generation of power through renewable sources would lead to lower carbon energy production. The scale of the proposal and therefore its benefits are very minor in scale and not on a far reaching public level and as such are not considered to outweigh the harm identified, to any tangible amount, that would be caused to the character and appearance of the conservation area.

The proposal would not therefore be acceptable in heritage conservation terms as it would either not comply with or be contrary to Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, paragraphs 205 and 208 of the NPPF and adopted UDP policies EN1/1 – Visual Amenity, EN1/2 – Townscape and Built Design, EN2/1 – Character of Conservation Areas and EN2/2 – Conservation Area Control.

The building is prominently situated in Holcombe conservation area, both sides of the property can be seen from public roads. The solar panels would take up a large portion of the roof of the property. They would look incongruous and alien in the street scene given the age and character of the building, the surrounding properties and the conservation area itself. As such the proposals would be contrary to UDP Policy H2/3 and guidance in SPD6.

Nearby appeal decision

An application for solar panels was refused by the council and allowed on appeal on a different property on Holcom Road (2 Hey House Mews, Holcombe Old Road, Holcombe, Bury, BL8 4QS - Ref: 54528 App Ref: APP/T4210/D/11/2167278). The appeal decision for this was issued on 30/04/2012. Since that appeal decision there have been two court decisions which affect this proposal specially which the council feel mean this application should be refused where 54528 was approved.

The first court case (Between: Forest of Dean District Council v Secretary of State for Communities and Local Government and Gladman Developments Ltd. Neutral Citation Number: [2016] EWHC 421 (Admin) Case No: CO/4852/2015) confirms that an application requires a decision maker to consider if the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. It also confirms that you should consider whether there are specific policies in the NPPF that would mean development should be restricted. It is important for any environmental impact assessment, heritage statement and planning statement to ensure that the test is fully and correctly applied and then this is transposed robustly by the decision maker. As previously explained in the report the public benefit of these solar panels would be very minor and as such would not outweigh the harm to the conservation area.

The second court case (R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin). Case No: CO/1863/2019) confirms that any level of harm is sufficient to engage the heritage paragraphs within the NPPF. As such an assessment weighing the public benefit and the impact on the conservation area must be made.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would cause harm to the character and appearance of the Holcombe Conservation Area, due to its visual impact. The proposed development would conflict with Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, paragraphs 205 and 208 of the NPPF and adopted UDP policies EN1/1 – Visual Amenity, EN1/2 – Townscape and Built Design, EN2/1 – Character of Conservation Areas and EN2/2 – Conservation Area Control.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	09/02/2024		