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| Application Reference: | P/FUL/2021/03959 |
| Site Location: | Weymouth Connect, 5 Grosvenor Road, Weymouth, DT4 7QL |
| Proposal: | Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure |
| Applicant: | Dorset Council - Assets and Property |
| Case Officer: | Mr Huw Williams |
| Ward Member[s]: | Councillor Pete Barrow (Radipole Ward) Councillor David Gray (Radipole Ward) |
| Background Papers: | The application, the plans and further information about the application may be inspected by entering the application reference at https://planning.dorsetcouncil.gov.uk/ . |
| Reason Referred to Committee: The application is made by Dorset Council in relation to land owned by Dorset Council and is reported to Committee in accordance with Dorset Council's constitution. | |

1. Recommendation

- 1.1 That the Committee would be minded to grant planning permission subject to the conditions set out in paragraph 13.1 below and recommends that the Head of Planning determines the application accordingly.

2. Reason for Recommendation

- 2.1 The recommendation is made taking account of:
- (i) information submitted in support of the application;
 - (ii) the development plan;
 - (iii) national planning policy and guidance; and
 - (iv) other material planning considerations set out in this report.
- 2.2 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.3 The application has been duly made and has been the subject of appropriate publicity and consultation affording those consulted on the application and the public adequate opportunity to make representations about the application.
- 2.4 The proposal is for an appropriate and sustainable form of development which is in general accordance with the development plan and national planning policy. No objections have been raised in representations made about the application and it is considered that there are no social, environmental, economic or other considerations either warranting or necessitating the determination of the application other than in accordance with the development plan.

3. Summary of Main Issues

| Issue | Conclusion |
|--------------------------|--|
| Principle of Development | Supported by both national and local planning policy and acceptable. |
| Environmental Impact | In accordance with the environmental policies of the development plan. |

4. Description of Site

- 4.1 The Application Site is shown edged red on the submitted application Location Plan (Drawing Number 02) and comprises approximately 0.27 ha of previously developed land situated on the eastern side of Grosvenor Road in the Melcombe Regis area of Weymouth and which includes the Weymouth Connect adult day care centre.
- 4.2 The day care centre is a contemporary building with single and two storey components which are set back from the road frontage behind hard-surfaced parking and service areas.
- 4.3 The surrounding area is residential in character.
- 4.4 To the north of the Application Site are large semi-detached residential properties, whilst to the south are a number of purpose-built apartment blocks. To the west of the Application Site, on the opposite side of Grosvenor Road, are large detached and semi-detached houses and some period properties that have been converted into apartments. To the east of the Application Site, is a mix of residential and commercial properties fronting Dorchester Road.

5. Description of the Proposed Development

- 5.1 Planning permission is sought for the installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.
- 5.2 A total of 94 panels each measuring 996mm x 1689 mm would be installed in 4 arrays on western and southern facing roof slopes including the principle roof slope facing Grosvenor Road.
- 5.3 Each panel would be of a monocrystalline (all black), half-cell design with a black frame and white backsheet.

6. Relevant Planning History

- 6.1 Submission of the application follows informal pre-application discussions regarding the proposal.

7. Policy Framework, Designations and Constraints

- 7.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with an application for planning permission the authority shall have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) a post-examination draft neighbourhood development plan, so far as material to the application,
- (c) any local finance considerations, so far as material to the application, and
- (d) any other material considerations.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides 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 Development Plan

7.3 The Application Site is located entirely within the designated Weymouth Neighbourhood Area for which there is no made neighbourhood plan and no post-examination draft neighbourhood development plan, but wherein the development plan includes the [West Dorset, Weymouth & Portland Adopted Local Plan 2015](#) ('the Adopted Local Plan').

7.4 The proposals map of the Adopted Local Plan show the Application Site located:
(i) within the Weymouth Urban Area; and
(ii) within the designated Lodmoor Hill Conservation Area,
and not subject to any site specific policies or land use allocations.

7.5 Having regard to location and nature of the proposed development, the most relevant policies of the Adopted Local Plan are:

- INT1. Presumption in Favour of Sustainable Development;
- SUS2. Distribution of Development;
- ENV1. Landscape, Seascape and Sites of Geological Interest;
- ENV2. Wildlife and Habitats;
- ENV4. Heritage Assets;
- ENV10. The Landscape and Townscape Setting;
- ENV12. The Design and Positioning of Buildings;
- ENV13. Achieving High Levels of Environmental Performance;
- ENV16. Amenity; and
- COM11. Renewable Energy Development.

Local Finance Considerations

7.6 For the purposes of section 70(2) "local finance consideration" means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

7.7 To be material to the determination of an application of planning permission, a local finance consideration must have the potential to help make development acceptable in planning terms.

7.8 Funding for the installation of the proposed solar panels has been secured under the Government's Public Sector Decarbonisation Scheme. However, as such grant

funding is not provided in order to make development acceptable in planning terms, so the potential receipt of grant funding is not material to the determination of the application.

- 7.9 The Community Infrastructure Levy (CIL) operates in the former Borough of Weymouth and Portland, but the proposed development is not of a form liable to CIL.

Other Material Considerations

- 7.10 The term “any other material considerations” is broad in scope, a material consideration being any matter which is relevant to making the planning decision in question. In relation to planning policy, the term encompasses national planning policy and guidance; supplementary planning documents and guidance; emerging planning policy and other policy pronouncements such as ministerial statements. Account may also be taken of other policy and/or position statements

National Planning Policy and National Planning Practice Guidance

- 7.11 The National Planning Policy Framework (‘the NPPF’) sets out the Government’s planning policies for England and is material to the determination of all applications for planning permission in England.

- 7.12 The NPPF includes policy on a range of relevant matters including:

- Achieving Sustainable development – paragraphs 7-14;
- Decision making – paragraphs 38-59;
- Meeting the challenge of climate change, flooding and coastal change – paragraphs 152-173;
- Conserving and enhancing the natural environment – paragraphs 174-188; and
- Conserving and enhancing the historic environment – paragraphs 189-208.

- 7.13 National Planning Practice Guidance (NPPG) and other statements of national planning policy fall to be read in conjunction with the NPPF.

Emerging Planning Policy

- 7.14 The Dorset Council Local Plan Options Consultation took place between January and March 2021.

- 7.15 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given)
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

7.16 Being at a very early stage of preparation, the Consultation Draft Local Plan should be accorded very limited weight in decision making.

8. Consultation Response

8.1 Dorset Council Ward Members

No response received.

8.2 Weymouth Town Council

No objection.

8.3 Dorset Council Conservation and Design Officer

No response received.

9. Publicity and Other Representations

9.1 The application was advertised by site notice displayed on 22 October 2021. No representations have been received relating to the application.

10. Human Rights

10.1 The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on Human Rights. The articles/protocols of particular relevance are:

- (i) Article 6 - Right to a fair trial;
- (ii) Article 8 - Right to respect for private and family life; and
- (iii) The First Protocol, Article 1 - Protection of Property.

10.2 The recommendation is based on adopted development plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

11. Public Sector Equalities Duty

11.1 Section 149 of the Equalities Act 2010 (as amended) provides that in the exercise of its functions a public authority must have due regard to the need to:

- (i) eliminate discrimination, victimisation and any other conduct that is prohibited by or under the Act;
- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 Commonly referred to as 'the Public Sector Equalities Duty', the relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage.

11.3 Having considered the information provided by the applicant and the prevailing planning context, I am satisfied that the proposed development would have no material impact on individuals or identifiable groups with protected characteristics.

12. Appraisal

12.1 The main issues in the determination of the application relate to:

- (i) the acceptability in principle of the proposed development;
- (ii) the environmental implications of the proposed development including its impact on the character and appearance of the Lodmoor Hill Conservation Area and on the amenities of neighbouring occupiers.

Principle of Development

12.2 The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) and that for decision making this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11c).

12.3 Paragraph 152 of the NPPF provides that:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

12.4 Paragraph 158 of the NPPF provides 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.

12.5 The proposed arrays would provide a combined a generation capacity of approximately 33 kilowatts, which equates to a saving of approximately 7,200 kg of CO² per annum.

12.6 Policy INT1 of the Adopted Local Plan provides that there will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area.

12.7 The Application Site comprises previously developed land within an urban area wherein Policy SUS2 of the Adopted Local Plan provides that residential, employment and other development to meet the needs of the local area will normally be permitted.

12.8 Policy COM11 of the Adopted Local Plan provides that proposals for generating heat or electricity from renewable energy sources (other than wind energy) will be allowed

wherever possible providing that the benefits of the development, such as the contribution towards renewable energy targets, significantly outweigh any harm.

- 12.9 Policy COM11 further states that permission will only be granted provided:
- any adverse impacts on the local landscape, townscape or areas of historical interest can be satisfactorily assimilated;
 - the proposal minimises harm to residential amenity by virtue of noise, vibration, overshadowing, flicker, or other detrimental emissions, during construction, its operation and decommissioning;
 - adverse impacts upon designated wildlife sites, nature conservation interests, and biodiversity are satisfactorily mitigated.

12.10 Accordingly, there is no in principle objection to the proposed development.

Environmental Impact

- 12.11 The proposed development would involve the installation of manufactured solar panels on a contemporary building within the Lodmoor Hill Conservation Area wherein special attention must be paid to the desirability of preserving or enhancing the character and appearance of the designated area.
- 12.12 The application is supported by a detailed Heritage Statement which considers the impact of the proposed development on the building's setting and on the significance of heritage assets in its vicinity, finding no consequent harm to either designated or non-designated assets.
- 12.13 Having regard to the details of the design proposals and to the information provided in the submitted Heritage Statement, I am satisfied that the addition of the proposed solar panels and associated infrastructure would not detract from either the character or the appearance of the Application Site or its setting.
- 12.14 The proposal is to install panels designed and manufactured to maximise light absorption with low levels of reflectivity such that any material impact on surrounding occupiers in consequence of solar glare is unlikely.
- 12.15 There are a number of recorded bat roosts within the near vicinity of the Application Site but no roosts recorded within the Application Site itself. Where present, installation of solar panels can impact on bat roosts, but all bats and their roosts are fully protected by the Wildlife and Countryside Act 1981 Act and related regulations such that no harm to biodiversity interests is anticipated.
- 12.16 The application proposal is therefore considered to be in accordance with the environmental policies of the development plan.

Conclusion

- 12.17 The application proposal is in general accordance with the development plan and there are no material considerations warranting determination of the application other than in accordance with the development plan. Accordingly, planning permission can and should be granted.

13. Details for Inclusion in Decision Notice

13.1 Recommended Planning Conditions

(1) Time Limit – Commencement of Development

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Development in Accordance with Approved Plans and Drawings

The development hereby permitted shall be carried out in accordance with the following plans and drawings submitted in support of the application for planning permission:

- (i) Drawing Number 01 dated 25/08/2021 and titled SIE PLAN;
- (ii) Drawing Number 02 dated 25/08/2021 and titled LOCATION PLAN;
- (iii) Drawing Number 03 dated 25/08/2021 and titled ROOF PLAN;
- (iv) Drawing Number 05 dated 25/08/2021 and titled PROPOSED ELEVATIONS.

Reason: To regulate the development having regard to Policies ENV1, ENV4, ENV10, ENV12, ENV13 and COM7 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

13.2 Informative Notes to be Included on Decision Notice

(1) Statement of Positive Involvement

In accordance with the National Planning Policy Framework, as the local planning authority, Dorset Council takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by providing a pre-application advice service.

(2) Further Information

Further information relating to this decision may be viewed online through the application webpages accessible by entering the application details at <https://planning.dorsetcouncil.gov.uk/>.

Report Prepared By: Huw Williams MRTPI - Lead Project Officer
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