

Application Number:	P/FUL/2021/03944
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Thorners Church of England Primary School, School House Lane, Litton Cheney, DT2 9AU
Proposal:	Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.
Applicant name:	Dorset Council – Assets and Property
Case Officer:	Huw Williams
Ward Member(s):	Cllr Mark Roberts, Chesil Bank Ward

1.0 Reason application is going to committee

The application is made by Dorset Council and relates to land owned by Dorset Council. The application is reported to Committee in accordance with Dorset Council's Constitution.

2.0 Summary of recommendation:

That the Committee would be minded to grant planning permission subject to the conditions set out in section 17.0 below and recommends that the Head of Planning determines the application accordingly.

3.0 Reason for the recommendation:

The recommendation is made taking account of:

- (i) the nature and details of the application proposal;
- (ii) information submitted in support of the application;
- (iii) the development plan;
- (iv) national planning policy and guidance;
- (v) consultation responses; and
- (vi) other material planning considerations set out in this report.

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application has been publicised affording those consulted and the public adequate opportunity to make representations about the application.

In response to consultation responses, the application has been amended by the withdrawal of proposals for the installation of solar panels on the Grade II listed Litton Cheney School and the adjacent 19th century classroom block. The amended proposal is for an acceptable form of development that would be in general accordance with the development plan. With no material considerations either necessitating or warranting the determination of the application other than in

accordance with the development plan, planning permission can and should be granted.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The development plan is supportive of solar energy generation provided that the benefits of the development significantly outweigh any harm.
Impact on character, appearance and heritage significance	Harm to the character and appearance of the Litton Cheney Conservation Area and the Dorset Area of Outstanding Natural Beauty would be so slight as to result in no harm to heritage significance of the Conservation Area, other heritage assets or the AONB.
Balance between harm and benefits	Harm to the character and appearance of the Litton Cheney Conservation Area and Dorset Area of Outstanding Natural Beauty would be slight and significantly outweighed by the public benefits associated with the proposed development rendering an otherwise unacceptable development acceptable.

5.0 Description of Site

Thorners Church of England Primary School ('Thorners School') is located on the southern side of School Lane on the southern edge of the village of Litton Cheney.

The School Site is shown edged red on the submitted Location Plan and extends to approximately 0.63 ha. The surrounding area is residential and semi-rural in character.

The original school building dates from the 18th century and is of stone construction with a slate roof and brick stack. The original building was extended in the 19th century by the addition of a classroom block erected at 90° to the original building. The original school building and the 19th century classroom block have each been further extended with more recent additions to their rear. The more recent additions are of utilitarian design with painted and rendered elevations of felt roofs.

To the south of the school buildings are an outdoor swimming pool and the school playing fields, beyond which is an area of woodland and open countryside.

To the west of the School Site are residential properties and to the east is the Litton and Thorners Community Hall and further residential properties.

To the north of the School Site, on the opposite side of School Lane, is an area of paddock.

6.0 Description of Development

Planning permission is sought for the installation of roof-mounted solar photovoltaic (PV) panels and associated infrastructure.

As originally submitted, the application sought planning permission for the installation of a total of 150 solar panels with panels to be installed on the southward facing (rear) roof plane of the original school building, on both roof planes of the 19th century classroom block and on east, west and southward facing roof planes of later school buildings.

The application has since been amended by the deletion of the panels from the rear roof plane of the original school building and from both roof planes of the 19th century classroom block such that the remaining proposal is for 4 arrays on the later school buildings.

Each panel would be of a monocrystalline (all black), half-cell design with a black frame and white backsheet.

The panels would be mounted to lie flush with the roof planes; would be wholly contained within the existing roof areas; and would be set back from the roof peaks so as not to increase the overall height of the buildings.

7.0 Relevant Planning History

An associated application has been submitted seeking listed building consent and is the subject of a separate report (Application Reference: P/FUL/2021/03945).

Submission of the applications follows informal pre-application discussions regarding the proposal and informal consultation with Dorset Council's Senior Conservation Officer who noted concern over the extent of the proposed array.

8.0 List of Constraints

The School Site is located within the designated Litton Cheney Conservation Area and also within the designated Dorset Area of Outstanding Natural Beauty (AONB).

In the exercise of any functions under the planning Acts with respect to any buildings or other land in a Conservation Area special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty (AONB), local planning authorities must have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

'Litton Cheney School' comprising the original school building is a Grade II listed building (NHLE 1214877).

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must 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 statutory list entry (listing description) makes clear that the listing does not include the 19th century classroom block, but the Litton Cheney Conservation Area Appraisal identifies the '1877 classroom block' as an Important Local Building of visual and historical value, such that the classroom block constitutes a non-designated heritage asset.

9.0 Consultations

Consultees

1. Ward Member – Chesil Bank Ward

No response received.

2. DC Conservation & Design Officer

Responded to related application for listed building consent on 9th December 2021 indicating conditional support and commenting that:

“At present the scheme is not considered to preserve or enhance the Conservation Area streetscene, impacting detrimentally by introducing an element of erosion to the significance of a key, locally listed building and the overall historic group value.

In addition, the proposed extent of attachment of panels to the main listed building fails to give great weight to the conservation of the heritage asset, failing to safeguard its special architectural character and historic interest, and instead contributing less-than-substantial harm.

Although the solar panels may contribute an element of public benefit the extent of their proposed instatement is considered excessive and cannot be sufficiently outweighed by any public benefit.

As such officer support for the present scheme cannot be supported. It is recommended that modifications are undertaken.”

Further comments that:

“Direction has been previously provided on the heritage impact of such proposals as follows:

We have some concerns over the extent of the proposed array. Whilst the addition to the later buildings to the rear could be achievable, the extent should be considerably reduced from the two earlier blocks: the main building should be avoided altogether, whilst the adjoining classroom block could potentially only have three panels added to the inner (i.e. eastern) face, where they would not feature in prominent views to the building.

Having visited site:

It is agreed that the positioning of the solar panels flush to the shallow slopes of the various modern additions, to the rear of the historic buildings, is considered acceptable, as any juxtapositioning with the heritage assets would have limited impact on the overall appreciation and experience of the listed building.

- It is noted that no panels are proposed to the two flat roofed areas, the far southern classroom and the area that wraps around the northern side of the dual pitched C20 wing. Consideration could be given to flat panels on these, dependant on pitch and resulting visibility.

As to the proposed panels for the main building and that of the attached C19 schoolroom.

- These would not be supported, as it would be considered that they would impact detrimentally on the designated and undesignated heritage assets and the setting of both. The outer western elevation of the schoolroom, as seen clearly from the Conservation Area streetscene and the inner eastern seen in close relationship with the rear elevation of the main building.

No consideration appears to have been given to mounting panels on racking and on the ground, as is commonly undertaken in the setting of listed buildings.

It was noted that the location along the rear southern boundary of the swimming pool enclosure could be a potential opportunity.

Details of cabling routing etc will be required to ensure that there is no impact on the setting or fabric of the historic buildings – provided upfront or conditioned.”

3. Litton Cheney Parish Council

Responded on 12th November 2021 expressing support for the application due to the environmental and financial benefits of the proposed solar panels, which will contribute to the Climate and Ecological Emergency Strategy. Further noted that the Parish Council does not consider the proposed solar panels will have a detrimental impact on either the amenities of local residents or within the AONB landscape, but requests the views of the AONB Team be taken into account.

Representations received

The application was advertised by site notice displayed on 22nd October 2021.

Total – Objections	Total - No Objections	Total – Comments
0	0	0

Petitions Objecting	Petitions Supporting
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0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

Development plan

- (1) West Dorset, Weymouth & Portland Adopted Local Plan 2015 ('the Adopted Local Plan'):
- 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.

Other material considerations

- (1) National Planning Policy Framework, July 2021 ('the NPPF'):
- 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.
- (2) Dorset Area of Outstanding Natural Beauty Management Plan ('the Dorset AONB Management Plan'):
- C3 Necessary Development in Supported.
- (3) Puncknowle, Burton Bradstock, Litton Cheney, Winterbourne Abbas & Shipton Gorge Conservation Area Appraisal (October 2015).

11.0 Human rights

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.

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

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected; and characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage.

The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Having considered the information presented in the application, consultation responses 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.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Carrying out the proposed development would have a minor beneficial impact on the local economy through associated expenditure and employment.	Unknown
Information submitted in support of the application indicates that operation of the solar panels would likely result in energy cost savings and a potential revenue stream.	Uncertain
Non Material Considerations	
By definition, non material financial considerations are not relevant to the determination of the application.	Not material

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:

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

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.

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.

It is understood that 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, the potential receipt of grant funding is not material to the determination of the application.

The Community Infrastructure Levy (CIL) operates in the former district of West Dorset, but the proposed development is not of a form liable to CIL.

Accordingly, there are no local finance considerations that are material to the determination of the application.

14.0 Climate Implications

Paragraph 152 of the NPPF provides that:

“The planning system should support the transition to a low carbon future in a changing climate and 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.”

The application proposal is focussed on harnessing a renewable source of energy and forms part of Dorset Council's wider estate decarbonisation strategy. The proposed development would make a valuable contribution to cutting greenhouse gas emissions.

15.0 Planning Assessment

The main issues in the determination of the application are:

- (i) the acceptability in principle of the proposed development; and
- (ii) the impact of the proposed development on the setting and heritage significance of the original school building and the 19th century classroom block;
- (iii) the impact of the proposed development on the character and appearance of the Litton Cheney Conservation Area and the Dorset AONB; and
- (iv) whether any harms associated with the proposed development are significantly outweighed by the benefits associated with the proposed development.

Principle of Development, Environmental Impact and Benefits

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 School Site is located entirely within the parish of Litton Cheney where the development plan includes the West Dorset, Weymouth & Portland Adopted Local Plan 2015 ('the Adopted Local Plan'). The term material considerations is broad in scope but includes national planning policy set out in the National Planning Policy Framework ('the NPPF') and supplementary planning policy and guidance documents.

The proposals map of the Adopted Local Plan shows the School Site as located:

- (i) within the Dorset Area of Outstanding Natural Beauty;
- (ii) within the Litton Cheney Conservation Area; and
- (iii) outside of the defined development boundaries.

The School Site is not subject to any site specific land use policy or allocation.

The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) and that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives (paragraph 8). Paragraph 38 of the NPPF provides that local planning authorities should approach decisions on proposed development in a positive way and further states that decision-makers at every level should seek to approve applications for sustainable development where possible.

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

Policy SUS2 of the Adopted Local Plan provides that outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints, and be restricted to specified form of development. Such development is identified to include:

- alterations and extensions to existing buildings in line with their current lawful use;
- educational/training related development; and
- proposals for the generation of renewable energy or other utility infrastructure.

Policy ENV1 of the Adopted Local Plan provides that the plan area's exceptional landscapes will be protected, taking into account the objectives of the Dorset AONB Management Plan and that development which would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Beauty, including their

characteristic landscape quality and diversity, uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness, will not be permitted. Policy ENV1 of the Adopted Local Plan further states that development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character and that where proposals relate to sites where existing development is of visually poor quality, opportunities should be taken to secure visual enhancements. Amongst other matters, Policy ENV10 of the Adopted Local Plan provides that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness and that development should be informed by the character of the site and its surroundings.

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. Policy COM11 of the Adopted Local Plan further states that permission will only be granted provided:

- (i) any adverse impacts on the local landscape, townscape or areas of historical interest can be satisfactorily assimilated;
- (ii) the proposal minimises harm to residential amenity by virtue of noise, vibration, overshadowing, flicker, or other detrimental emissions, during construction, its operation and decommissioning;
- (iii) adverse impacts upon designated wildlife sites, nature conservation interests, and biodiversity are satisfactorily mitigated.

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.

In relation to planning for renewable and low carbon energy the Government's online Planning Practice Guidance (NPPG) comments that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses and further states that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable (NPPG ID Reference 5-001-20140306).

The NPPG further comments that:

“The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them (Reference ID: 5-003-20140306).”

Specifically, in relation to the particular planning considerations that relate to active solar technology (photovoltaic and solar water heating), the NPPG comments that installations are often permitted development but where a planning application is required, factors to be borne in mind include:

- the importance of siting systems in situations where they can collect the most energy from the sun;
- need for sufficient area of solar modules to produce the required energy output from the system;
- the effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas; and
- the colour and appearance of the modules, particularly if not a standard design (NPPG Reference ID: 5-012-20140306).

Policy C3 of the Dorset AONB Management Plan supports renewable energy production where compatible with the objectives of AONB designation. The relevant objectives relate to the conservation and enhancement of the natural beauty and special qualities of the AONB.

Having regard to the location and nature of the proposed development, there is no in-principle land use objection to the application proposal.

The proposed panels are of a standard manufactured design with a black frame and a white backsheet. On most roof coverings, black-framed panels tend to be less visually intrusive than those with uncoated metal frames. Mounting panels close to or flush with roof planes as proposed can also assist to visually integrate the panels and pre-existing built fabric, moderating visual impact.

The application site is not located within a statutorily designated nature conservation area and no adverse impacts on designated wildlife sites, nature conservation interests or biodiversity are anticipated.

Solar panels are designed to absorb rather than to reflect light and are typically less reflective than standard glazing. Taking into account the design of the proposed panel and their proposed positioning, material impact on residential amenity by reason of glint, glare or any other emission is unlikely.

Presence of the solar panels on the original school building and the 19th century classroom block as originally proposed would have had a pronounced and detrimental modernising impact on the character and appearance of these buildings with associated harm to the character and appearance of the Litton Cheney Conservation Area. By contrast, the panels proposed on the more modern buildings within the School Site would not appear unduly alien or intrusive in their setting and their impact on the character and appearance of the School Site and the surrounding area would be so slight that their presence would not harm the heritage significance of the Conservation Area, the wider landscape setting or the setting and heritage significance of any other heritage assets.

Paragraph 189 of the NPPF is clear that heritage 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. National policy is equally clear that:

- (i) that where there is evidence of deliberate neglect or, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision (NPPF paragraph 196);
- (ii) 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 (NPPF paragraph 199);
- (iii) 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 (NPPF paragraph 200);
- (iv) 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 (NPPF paragraph 202); and
- (v) the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF paragraph 203).

Policy ENV4 of the Adopted Local Plan similarly provides that any harm to the significance of a designated or non-designated heritage asset must be justified and that applications will be weighed against the public benefits of the proposal.

The carbon savings associated with the installation of the proposed solar panels would make a valuable contribution to cutting greenhouse gas emissions with associated cost savings and revenue receipts potentially being to the benefit of education services and the continued use of the historic school buildings for a purpose for which they were constructed.

With consequent harm to the character and appearance of the Litton Cheney Conservation Area so slight as to result in no harm to heritage significance, such harm is clearly justified and significantly outweighed by the public benefits associated with the proposed development.

16.0 Conclusion

For the reasons set out above and subject to the imposition of the conditions set out in section 17.0 below, the proposed development would be in general accordance with the development plan. With no material considerations warranting or necessitating the determination of the application other than in accordance with the development plan, planning permission can and should be granted.

17.0 Recommendation

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

Conditions

- (1) 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) Unless otherwise required by the conditions of this planning permission, 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 20/08/2021 and titled SITE PLAN;
 - (ii) Drawing Number 02 dated 20/08/2021 and titled LOCATION PLAN;
 - (iii) Drawing Number 05 dated 16/09/2021 and titled PROPOSED ELEVATIONS EAST AND WEST Rev A;
 - (iv) Drawing Number 06 dated 16/09/2021 and titled PROPOSED ELEVATIONS NORTH AND SOUTH Rev A; and
 - (v) Drawing Number 07 dated 20/08/2021 and titled ROOF PLAN Rev A.

Reason: To regulate the development having regard to Policies ENV1, ENV4, ENV10, ENV12 and COM11 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

- (3) Prior to the commencement of the development hereby permitted a method statement providing full details of all infrastructure works to be undertaken and a cable routing plan shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved method statement.

Reason: To ensure that the installation of the solar panels, cabling, fixings and all associated infrastructure does not result in unacceptable damage to the historic fabric of any school buildings or is otherwise inappropriately sited in the interest of the character and appearance of the area and of preserving heritage significance having regard to Policies ENV1, ENV4, ENV10, ENV12 and COM11 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

- (4) Within three months of any solar panel hereby permitted no longer being used for the generation of electricity, the panel and any associated mounting brackets and framework shall be removed and the underlying roof covering shall be restored to its pre-development condition.

Reason: To secure the timely removal of any unused solar panels and to secure the appropriate restoration of the roof in the interest of minimising harm to heritage significance having regard to Policies ENV1, ENV4, ENV10, ENV12 and COM11 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

Informative Notes

- (1) 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. Dorset Council worked with the applicant/agent in a positive and proactive manner by providing a pre-application advice service.
- (2) 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/>.