

Application reference:	P/FUL/2021/03534
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Cheselbourne Village School, Drakes Lane, Cheselbourne, DT2 7NT
Proposal:	Installation of roof mounted solar photovoltaics (PV) equipment and associated infrastructure
Applicant name:	Dorset Council - Assets and Property
Case Officer:	Huw Williams
Ward Member(s):	Cllr Haynes

1.0 Reason application is going 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.

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 proposed development;
- (ii) information submitted in support of the application;
- (iii) the development plan;
- (iv) national planning policy and guidance;
- (v) representations received; 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 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.

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable.
Environmental impact and public benefits	Beneficial and acceptable.

5.0 Description of Site

The School Site is shown edged red on the submitted application Location Plan (Drawing Number 02) and comprises approximately 950 square metres of previously developed land situated within the village of Cheslebourne and which includes the buildings and playground of Cheselbourne Village School.

The C34 (Drakes Lane) lies to the west and the C110 (Streetway Lane) to the east. The unclassified Northfield House Lane and Grade II listed Campion Cottage are situated to the north.

Campion Cottage comprises a detached residential dwelling.

Further residential properties and a village hall are located on the opposite (eastern) side of Streetway Lane.

The main school building comprises an attractive, brick built single storey building with tile covered pitched roofs. A playground area is located between the main school building and Campion Cottage.

6.0 Description of Development

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

A total of 28 panels each measuring 996mm x 1689 mm would be installed in 7 arrays on south-eastern and south-western facing roof slopes.

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

7.0 Relevant Planning History

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

Planning permission was granted for the demolition of a single storey flat roof extension and the erection extension and associated internal alterations together with the replacement/enlargement of a lean to garden store at Campion Cottage in July 2021 () as a variation of condition 1 of planning permission WD/D/002690.

8.0 List of Constraints

The School Site is located:

- (i) outside of the development boundaries defined in the West Dorset, Weymouth & Portland Adopted Local Plan 2015 ('the Adopted Local Plan') where development is to be (Policy SUS2);
- (ii) within the designated Dorset Area of Outstanding Natural Beauty – statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the designated area); and
- (iii) in the setting of the Grade II listed Campion Cottage – statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

1. W - Chalk Valleys Ward

No response received.

2. DC - Conservation Officers

Notes that Cheslebourne Village School is sited next to the Grade II listed Campion Cottage, a cob and thatch property thought to have been constructed within the early 18th century and that the proposed siting of solar panels will be on roof slopes least likely to harm the setting of the listed building, and that therefore there is no objection to the proposal.

3. P - Cheselbourne PC

Supports application.

Representations received

The application was advertised by site notice displayed on 08 October 2021.

Save for the consultation responses noted above, no representations have been received relating to the application.

10.0 Relevant Policies

The Development Plan

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

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.

This 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.

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 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 and in considering the merits of this planning application the planning authority has taken into consideration the requirements of 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.

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.

13.0 Financial benefits

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.

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.

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.

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.

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

Carrying out the development would have a minor beneficial impact on the local economy through associated expenditure and employment and information submitted in support of the application indicates that operation of the panels will result in energy cost savings.

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 to generate green electricity and forms part of Dorset Council’s wider estate decarbonisation strategy. The proposed development would make a valuable contribution to cutting greenhouse gas emissions.

The application indicates that the proposed development has a generation capacity of 10 kilowatts (kW) and that this would result in a saving of approximately 2,097 kg in CO2 emissions per annum.

15.0 Planning Assessment

The main issues in the determination of the application relate to the acceptability in principle of the proposed development and its environmental implications including its impact on the character and appearance of the locality and the setting and heritage significance of Campion Cottage.

Principle of Development

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 Cheselbourne 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’); supplementary planning policy and guidance; and emerging planning policy.

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.

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

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

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

The application proposal is focussed on harnessing a renewable source of energy to generate green electricity as part of Dorset Council's wider estate decarbonisation strategy.

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 forms 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 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 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.”

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.

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 of the proposed development, there is no in-principle land use objection to the proposal with acceptability resting primarily on the environmental implications of the application proposal.

Environmental Implications

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.

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

Although the solar panels would be visible from locations outside the School Site, it is considered that their presence would not detract from the character or appearance locality, nor harm the setting or heritage significance of Campion Cottage.

On the basis that the proposed development would make a valuable contribution to cutting greenhouse emissions without material harm to the local environment, the proposal is considered to be for a sustainable form of development that is in accordance with the development plan.

16.0 Conclusion

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

17.0 Recommendation

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

(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 08/09/2021 and titled SIE PLAN;
- (ii) Drawing Number 02 dated 08//09/2021 and titled LOCATION PLAN;
- (iii) Drawing Number 03 dated 08/09/2021 and titled ROOF PLAN;
- (iv) Drawing Number 06 dated 07/09/2021 and titled PROPOSED ELEVATIONS EAST AND WEST; and
- (v) Drawing Number 07 dated 07/09/2021 and titled PROPOSED ELEVATIONS NORTH AND SOUTH.

Reason: To regulate the development having regard to Policies ENV1, ENV4, ENV10, ENV12, ENV13 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. The Council worked with the applicant/agent in a positive and proactive manner by providing a pre-application advice service.

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/>.