

Application Number:	P/FUL/2021/04519
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Stickland's CE VA Primary School, Summer Lane, Evershot, DT2 0JP
Proposal:	Install roof mounted solar photovoltaic (PV) panels), 2 No. wall mounted air source heat pumps and associated infrastructure.
Applicant name:	Dorset Council – Assets and Property
Case Officer:	Huw Williams
Ward Member(s):	Cllr Mary Penfold

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 duly made and has been the subject of publicity and consultation affording those consulted and the public adequate opportunity to make representations about the application.

Subject to the imposition of conditions precluding the installation of solar panels on the southwest-ward and the southeast-ward facing roof planes of the original school building and requiring the removal of any installed solar panels and air source heat pumps when no longer being used for the generation of electricity or heat, it is

considered that the remaining proposed development would be in general accordance with the development plan and that there are no material considerations either necessitating or warranting the determination of the application other than in accordance with the development plan such that planning permission can and should be granted.

4.0 Key planning issues

Issue	Conclusion
Principle of development and	The development plan is supportive of non-wind based renewable energy generation provided that the benefits of the development significantly outweigh any harm.
Environmental impact and public benefits	With no solar panels placed on the southwest-ward and the southeast-ward facing roof planes of the original school building, the low level of less than substantial harm to the character, appearance, setting and heritage significance of the school is justified and significantly outweighed by the public benefits associated with the proposed development.

5.0 Description of Site

Stickland's CE VA Primary School ('Stickland's School') is located on the eastern side of Summer Lane towards the southern edge of village of Evershot.

The School Site is shown edged red on the submitted application Location Plan and extends to approximately 0.49 ha.

The original school building dates from 1874 and is attached to a residential property (School House) that is in separate ownership. Both buildings are of stone construction with brick stacks and slate roofs.

Substantial extensions have been added to the rear of the original school building and a separate building ('the Discovery Centre') erected on its south-eastern side. The Discovery Centre is also of stone construction, has a slate roof and features a front gable that echoes the design of the original school building. An outdoor swimming pool is located to the rear of the Discovery Centre.

Between the school buildings and Summer Lane is the school playground. On the opposite side of Summer Lane are a number of residential properties.

To the south east of the school buildings is the school playing field and car park, beyond which is open countryside.

To the north of the School Site is the Little Acorns Nursery and Forest School and Evershot Village Hall.

6.0 Description of Development

Planning permission is sought for the installation of:

- (i) 94 roof mounted solar photovoltaic (PV) panels;
- (ii) 2 wall-mounted air source heat pumps; and
- (iii) related infrastructure.

It is proposed that the solar panels be installed as 7 arrays on various roof spaces including the principal south-westward facing roof plane of the original school building, 3 south-east facing roof planes (including 2 roof planes on the original school building) and 2 sections of flat roof.

Each panel would measure 996mm x 1689mm and be of a monocrystalline (all black), half-cell design with a black frame and white backsheet.

On the pitched roof planes, the panels would be mounted to lie flush with the roof profile. Those on the flat roofed areas would be mounted in frames to tilt them 10 degrees up from the horizontal.

The air source heat pumps would each measure 1050mm x 1020mm x 480mm and would be mounted on the rear (northeastern)] elevation of the building.

7.0 Relevant Planning History

Submission of the application follows informal pre-application discussions regarding the need for planning permission and information requirements.

8.0 List of Constraints

None of the buildings within the School Site are statutorily listed but the site is located entirely within the designated Evershot Conservation Area and also within the designated Dorset Area of Outstanding Natural Beauty ('the Dorset AONB'), engaging statutory duties:

- (i) to pay special attention to the desirability of preserving or enhancing the character or appearance of the Evershot Conservation Area; and
- (ii) to have regard to the purpose of conserving and enhancing the natural beauty of the Dorset AONB.

There are a number of listed buildings in the near vicinity of the School Site including the Grade II listed Summer Cottage and Summer Lane Cottage on the western side of Summer Lane (NHLE 1323923) and a number Grade II listed properties along either side of Fore Street that have limited intervisibility with the school.

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 school is identified as a Key Unlisted Building in the Evershot Conservation Area Appraisal wherein it is noted:

“Stickland School’s Victorian block dominates the corner with Summer Lane, with its Bell Turret and date of inscription.”

The Discovery Centre building is described in the Conservation Area Appraisal as:

“... a handsome example of the use of traditional materials and architectural forms.”

As an identified Locally Important Building, the school constitutes a non-designated heritage asset.

9.0 Consultations

Consultees

1. Ward Member - Yetminster Ward

No response received.

2. DC Conservation & Design Officer

No response received.

3. Dorset AONB Team

No response received.

4. Evershot Parish Council

No response received.

Representations received

The application was advertised by site notice displayed on 19th November 2021.

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

Petitions Objecting	Petitions Supporting
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 ('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.

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 prejudicial 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 proposed development would likely result in energy cost savings.	Uncertain

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

The Planning, Design and Access Statement submitted in support of the subject application indicates that the proposed solar panels have a generation capacity of 32.43 kilowatts (kW) and would result in a saving of approximately 6,710 kg in CO₂e emissions per annum and that the air source heat pumps have a generation capacity of 22 kW, resulting in a saving of approximately 2,166 kg in CO₂e emissions.

15.0 Planning Assessment

The main issues in the determination of the application are:

- (i) the acceptability in principle of the proposed development;
- (ii) the impact of the proposed development on the character, appearance, setting and heritage significance of the school building; and
- (iii) whether any consequent harm is justified and significantly outweighed by public benefits associated with the proposed development.

Principle of Development and Environmental Impact

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 Evershot for which 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 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 Evershot 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.

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 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.

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. When installed on slate covered roofs, 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.

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. However, the proposed solar panels would be more reflective than the existing slate roof and the presence of the solar panels and the air source heat pumps would have a detrimental modernising impact on the character and appearance of the School Site, with the panels proposed on the pitched roof planes being clearly visible from locations along Summer Lane. By contrast, the panels proposed on the flat roofed areas to the rear of the original school building would not be prominent from any public vantage points.

The Heritage Statement submitted in support of the application considers the impact of the proposed development on the character, appearance and heritage significance of the school, on the Evershot Conservation Area and on the setting and heritage significance of the listed buildings in the near vicinity of the School Site.

Harmful impact is identified in respect of the Grade II listed Summer Cottage and Summer Lane Cottage (NHLE 1323923) as follows:

“The proposed solar panels will cover the south-eastern roof planes of the main school building, and further panels will be visible on the main roof elevation to the south west, as well as the AHSP to the south western elevation of the extension building. They will be highly visible from Summer Cottage and Summer Lane Cottage and have an impact on the relationship between the two buildings, presenting a modernising element that is out of character within the historic townscape. The proposals represent a degree of harm to the significance of the heritage asset, through the impact on its historic setting, which is considered to represent a very low level of less than substantial harm.”

Further harm described as being at the lowest level of less than substantial harm is identified to the Rectory House (NHLE 1323917, Grade II) and No. 4 Fore Street (NHLE 1119293, Grade II).

Impact on Evershot Conservation Area is described thus:

“As outlined in the assessment of Sticklands School below, the proposals are considered to deliver a minor level of harm to the significance of the locally listed asset. Whilst this is acceptable in heritage terms in relation to the non-designated heritage asset, as an important building within the Conservation Area, the harm generated leads to harm to the character and appearance of the conservation area. The proposals have also been found to deliver the lowest levels of less than substantial harm to three Grade II buildings, experienced in the context of the school and the proposals. Whilst it is the case that much of the conservation area is not at all impacted by the

proposals, and the key features identified within the appraisal are not impacted in any way, case law precedent has established that harm found to part of a conservation area cannot be neutralised by the fact of no impact to the remainder of the character and appearance of the conservation area. The harm does, however, need to be considered in the context of the whole of the designated asset per planning guidance, and in this regard it is considered that the proposals deliver the lowest level of less than substantial harm to the significance of the asset.”

Impact on the Dorset AONB is described thus:

“The Evershot Conservation Area contributes to the cultural heritage element of the Limestone Hills character area of the AONB, and it has been identified in the Conservation Area assessment above that the proposals cause the lowest level of less than substantial harm to the Conservation Area. Local Policy, however, does not specifically refer to the cultural heritage component of the AONB character, and Policy 176 in the NPPF (2021) states: The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The requirement to give great weight to the cultural heritage within the AONB is therefore not required in either national or local policy. In this instance it would seem that the approach employed under paragraph 203 in respect of non-designated heritage assets, namely a balanced judgement regarding scale of harm and the significance of the asset, is an appropriate guide, and it is considered that the lowest level of harm to the Evershot Conservation Area would not negatively impact on its contribution in cultural heritage terms to the AONB.”

Impact on Sticklands School is described thus:

“The proposed solar panels will cover the south-eastern roof planes of the main school building, and further panels will be visible on the main roof plane to the south west, as well as the AHSP to the south western elevation of the extension building. They will have a modernising and somewhat detrimental impact on the appearance of the school from Fore Street, and impact its contributory role to the southern entry to the conservation area. In terms of the level of harm to the significance of the building it is considered that the proposals represent a minor level of harm, and given the local importance of the building, this degree of harm is considered to be acceptable in heritage terms.”

Whilst it is apparent that care has been taken in the design and specification of the application proposal, it is also apparent that the proposed development would detract from the character and appearance of the School Site and of the Evershot Conservation Area, with consequent harm to the heritage significance of School and designated 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) 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);
- (ii) 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);
- (iii) 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
- (iv) 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 proposed development would make a valuable contribution to cutting greenhouse gas emissions and associated cost savings could be to the benefit of both education services and the continued use of a historic building for the purpose for which it was constructed.

However, great weight must be accorded to the harm to the heritage significance of designated heritage assets and consideration should be given to the potential for avoiding or reducing such harm. If no solar panels were to be installed on the more prominent roof planes of the original school building, some of the public benefit associated with the application proposal could potentially still be realised but with less impact on the historic environment and heritage significance. Such harm could be further reduced by the removal of the solar panels and restoration of the roof when the solar panels are no longer used for electricity generation.

Taking into account the potential for reduced harm and having carefully considered the application proposal and its implications, in my opinion, the harm to heritage significance of Stickland's School and its setting is not clearly and convincingly outweighed by the public benefits associated with the development as proposed, but would be were the solar panels to be omitted from the sloping roof planes of the original school building.

Paragraph 38 of the NPPF provides that local planning authorities should approach decisions on proposed development in a positive and creative way, using the full range of planning tools available and working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and further provides that decision-makers at every level should seek to approve applications for sustainable development where possible. Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.

With the imposition of conditions precluding the installation of any solar panels on the southwest-ward and the southeast-ward facing roof planes of the original school building and further requiring the removal of any solar panels and air source heat pumps when no longer used, the public benefits associated with renewable energy generation would both justify and significantly outweigh the lower level of harm to heritage significance, rendering an otherwise unacceptable development acceptable. Enacting such a change by planning condition would not change either the nature or the details of the remaining development and hence would not involve a substantive change to the application proposal and no interests would be prejudiced by the determination of the application without further publicity or re-consultation. Accordingly, imposition of such conditions is considered practicable, lawful, reasonable and necessary and is therefore recommended.

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 remaining proposed development would be in general accordance with the development plan. With no material considerations warranting of necessitating the determination of the application other than in accordance with the development plan, conditional 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 condition 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 02 dated 05/10/2021 and titled PROPOSED ELEVATIONS Rev A;
 - (ii) Drawing No 03 dated 05/10/2021 and titled ROOF PLAN;
 - (iii) Drawing No 04 dated 06/10/2021 and titled LOCATION PLAN; and
 - (iv) Drawing No 05 dated 06/10/2021 and titled SITE PLAN.

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) Notwithstanding the details shown on the plans and drawings submitted as part of the application, no solar panels and no externally visible plant or

equipment shall be installed on the southwest-ward and the southeast-ward facing roof planes of the original school building.

Reason: In the interest of preserving the character and appearance of the Evershot Conservation Area and to limit harm to 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 or air source heat pump hereby permitted no longer being used for the generation of electricity or heat, the panel or air source heat pump and any associated mounting brackets shall be removed and any underlying roof covering and stonework shall be restored to its pre-development condition.

Reason: To secure the timely removal of any unused solar panels and air source heat pumps and to secure the appropriate restoration of the building in the interest of minimising harm to heritage significance and of preserving the character and appearance of the Evershot Conservation Area 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/>.