

Application Report

Strategic Development & Planning
Place Services

North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	65895	Application Expiry:	15 August 2019
Application Type:	Full application	Ext Of Time Expiry:	NA
		Publicity Expiry:	31 July 2019

Parish/Ward:	Barnstaple / Barnstaple Central Town		
Location:	Commercial House, 11 The Strand, Barnstaple, Devon, EX31 1EU		
Proposal:	Retrospective application for the installation of solar panels		
Agent:	Source PV		
Applicant:	Mr Matthews		
Planning Case Officer:	Mr. M. Brown		
Departure:	N		
EIA Development:	N	EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee Request By Cllrs Prowse & Mack. 'In view of recent changes in national and local attitudes to the issue of climate change the Planning Committee should look at the balance of the issues in this case. The Committee should also judge the level of impact or harm on the Conservation Area these panels have from prominent viewpoints'.		

Site Description

This application relates to 11 The Strand, part of a larger late 19th century building which occupies the corner of Cross Street and The Strand. Its position is prominent and readily visible within the Barnstaple Town Centre with views available from the open green area adjacent Queen Anne's Walk, to the south. The latter is a grade I listed building, incorporating the grade II listed Tome Stone. Within the vicinity there is a relatively high density of other grade II listed buildings, including the Tea on the Taw

(former Bus Station), Bridge Chambers, 12 Cross Street, the Old Custom House, the Masonic Hall, the four lamp-posts and the two K6 telephone boxes.

Recommendation:

Refuse

Legal Agreement Required:- No

Planning History

Planning Reference	Decision	Decision Date
36270	Full Planning Approval	28 November 2003
Proposal: Alterations to entrance doors to make level with external pavements		
38788	Full Planning Approval	9 December 2004
Proposal: Replacement of first floor windows with wood framed double glazed units		
53259	Full Planning Approval	31 January 2012
Proposal: Demolition of toilet building & glazed porch & erection of roof to create an internal courtyard		
7171	Full Planning Approval	16 December 1988
Proposal: Proposed non-illuminated projecting sign		

Constraints/Planning Policy

Barnstaple Town Centre Conservation Area
 Landscape Character Area: Main Cities and Towns
 DM01 Amenity Considerations
 DM04 Design Principles
 DM07 Historic Environment
 ST02 Mitigating Climate Change
 ST15 Conserving Heritage Assets

Consultees

Name	Comment	Date
Heritage & Conservation Officer	This application relates to 11 The Strand, part of a larger late 19th century building which occupies the corner of Cross Street and The Strand. Its position is prominent and readily visible within the Barnstaple Town Centre with	24 July 2019

views available from the open green area adjacent Queen Anne's Walk, to the south. The latter is a grade I listed building, incorporating the grade II listed Tome Stone. Within the vicinity there is a relatively high density of other grade II listed buildings, including the Tea on the Taw (former Bus Station), Bridge Chambers, 12 Cross Street, the Old Custom House, the Masonic Hall, the four lamp-posts and the two K6 telephone boxes. The whole area is a good example of how rich, diverse and significant the historic environment of Barnstaple is, and efforts are continually being made, through enforcement, pro-active discussions with owners, and enhancement schemes, to maintain and improve this key area of historic Barnstaple.

The area is, therefore, very sensitive to change. There is a statutory duty (P(LBCA)Act 1990 p 66(1))for the LPA to have special regard to the desirability of preserving listed buildings and their settings, and the application building itself falls within the setting of all of the listed building mentioned above. The application building and its neighbour to the north are designed to read as a coherent whole, with a pitched natural slate roof behind a parapet, and the frontage divided by pilasters marked to appear as ashlar. The windows are generally timber sash, and the doors are timber. The appearance as existing is traditional, historic, and fits well into the street scene.

The proposed works, which have already been implemented, are to fit solar PV panels on the south-western roof elevation. The solar PV panels are readily visible and do not maintain the traditional appearance of the building. Instead they have a shiny reflective appearance, and appear incongruous in this context. I do not consider that they preserve the settings of the various listed buildings, and my view is that their installation has caused less than substantial harm to the significance of the various heritage assets, therefore under the provisions of paragraph 196 of the NPPF, the public benefits of the proposal should be weighed in the balance when the decision is made.

This comment is made in relation to the effect of the solar PV panels on the Conservation Area and the setting of the various listed buildings. I recognise, of course, that there are environmental benefits to the installation, and need to make it clear that this is not an objection 'in principle' to solar PV panels, but, in this instance, to their detrimental effect on the significance of heritage assets. There are various other instances in the town where solar PV panels have been installed on buildings and harm has not been

	caused. These include the solar PV panels on the western roof areas of the grade II listed Christ Church, on Bear Street, and those on the unlisted 30 Boutport Street, which were moved to the east (inner) roof elevation of the building following enforcement action. The point is, that it is likely that there would be no objection to the installation of solar PV panels on 11 The Strand if they were installed on the inner, north-east elevation.	
Parish / Town Council	Recommend approval. The sustainability benefit appears to outweigh the impact on heritage.	25 July 2019

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

Considerations

Proposal Description

This application seeks retrospective planning permission for the retention of 14 solar panels of the southern roof slope of a commercial building. The panels are dark in colour, including the frames, and are partially set behind a roof parapet

Planning Considerations Summary

- Design and Heritage Assets
- Sustainable Development

Planning Considerations

In terms of planning constraints the site is located in the Conservation Area of Barnstaple and within the setting of a number of listed buildings.

Such development is not permitted by Class J of Part 14 of the General Permitted Development Order 2015 as amended; in the case of a building in a Conservation Area where the solar PV equipment would be installed on a wall or roof slope which fronts a highway. There is also a planning appeal decision from elsewhere in Barnstaple Town Centre supporting this view. The current planning application is therefore considered necessary.

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

Policies ST15 and DM07 seek to conserve and enhance the historic built environment. Policy ST02 promotes opportunities for renewable and low-carbon energy generation whilst conserving and enhancing the natural and built environment;

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework (NPPF) is a material consideration and reflects the above policy context. It goes on to set out in Section 16 at Paragraph 193 that 'when considering the impact of a proposed development on the significance of a designated heritage asset (conservation areas and listed buildings), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

Paragraph 196 of the NPPF goes on to state that '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 securing its optimum viable use.'

The Conservation Area Management Plan for Barnstaple Town Centre follows on from the Conservation Area Character Appraisal for the town that was adopted in March 2010. The management plan document acts as a reference and guide for all those who make decisions which may impact on the special character of Barnstaple. It states that the roofscape is a prominent part of the conservation area and the roofscape is generally of importance throughout the conservation area. The enclosed streets and height of buildings hides many roof slopes from view from short distances although some can be seen and others can even be considered prominent. The management plan goes on to conclude that the use of traditional roofing materials is an important contribution to the Conservation Area.

The whole area is a good example of how rich, diverse and significant the historic environment of Barnstaple is, and efforts are continually being made, through enforcement, pro-active discussions with owners, and enhancement schemes, to maintain and improve this key area of historic Barnstaple.

The application building and its neighbour to the north are designed to read as a coherent whole, with a pitched natural slate roof behind a parapet, and the frontage

divided by pilasters marked to appear as ashlar. The windows are generally timber sash, and the doors are timber. The appearance as existing is traditional, historic, and fits well into the street scene.

The solar PV panels are on the front (south) elevation of the building and are prominent in the street scene on a building which is within a designated conservation area and visible for some distance, from both the riverside walk and the southern side of the River.

Negotiations with the applicant to move the PV Panels to the rear elevation, to address the concerns by reducing impacts on the street scene and the conservation area as a whole, have not been successful. This approach has been successful on other sites.

The PV panels introduce a modern feature juxtaposed to the traditional roofing materials seen on the site previously and are not in keeping with the traditional character of the street scene as a whole.

The applicant has set out verbally that the solar panels help with the power demands of the IT business which operates from the building, helping to ensure the business remains viable. This in turn helps to ensure that the building remains occupied and in a good state of repair, thus preserving the Conservation Area.

Conclusion

The proposal will lead to less than substantial harm to the significance of a designated heritage asset. This harm needs to be weighed against the public benefits of the proposal, including securing its optimum viable use.

There is a balance to be struck between the conservation of the historic built environment and the promotion of opportunities for renewable and low-carbon energy generation and the wider economic benefit to the economy of a business operating.

This is a prominent site and located in an important heritage area where traditional roof coverings are important. As such great weight can be attached to the impact on the heritage asset. Given the importance of heritage in this instance lesser weight is attributed to the environmental gain and the wider economic benefit, on balance.

Having regard to the foregoing it is concluded that the benefits of the scheme do not outweigh the harm having particular regard to Policies ST15, DM04 and DM07 of the Adopted Local Plan and the Duties set out above.

The unauthorised installation of the solar panels has occurred within the last 4 years and as set out above the panels should be removed from the front elevation. It is therefore recommended that the application be refused and a Planning Enforcement Notice be issued to secure the removal of the solar panels.

HUMAN RIGHTS ACT 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained

in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life
THE FIRST PROTOCOL – Article 1: Protection of Property

Recommendation

Refuse and a Planning Enforcement Notice be issued to secure the removal of the solar panels.

Legal Agreement Required:- No

Reason for Refusal

1. This is a prominent site and located in an area rich with heritage and located in a Designated Conservation Area. The PV panels introduce a modern feature juxtaposed to the traditional roofing materials seen on the building previously and its neighbour to the north which is designed to read as a coherent whole, with a pitched natural slate roof behind a parapet, and are not in keeping with the traditional character of the street scene as a whole. The proposal is therefore considered to be contrary to Policies ST15, DM04 and DM07 of the Adopted Local Plan and Paragraphs 193 and 196 of the National Planning Policy Framework.

Informatives

1. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This has included suggesting resiting the solar panels. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

Inserts

O.S. Location Plan



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

65895 - Commercial House, 11 The Strand, Barnstaple

Copy Supplied to
Accompany Planning
Committee Report

Scale: 1:2500
Date: 14 August 2019