



# Northumberland

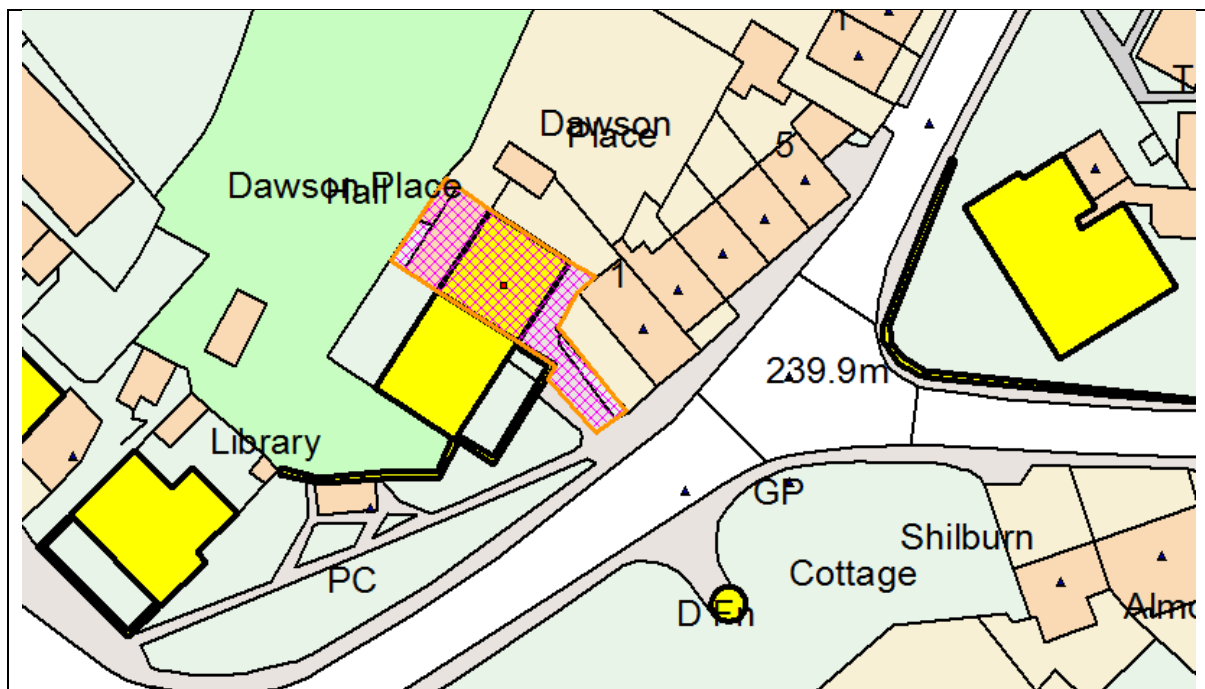
## County Council

### Tynedale Local Area Council Planning Committee

15 November 2022

<b>Application No:</b>	22/00236/LBC		
<b>Proposal:</b>	Listed Building Consent for a Solar Panel array to be installed on the South East facing roof		
<b>Site Address</b>	Dawson Place Hall Dawson Place Allendale NE47 9PP		
<b>Applicant</b>	Mr Andrew Lamb Dawson Place Hall Dawson Place Allendale NE47 9PP	<b>Agent</b>	
<b>Ward</b>	South Tyneside	<b>Parish</b>	Allendale
<b>Valid Date</b>	7 February 2022	<b>Expiry Date</b>	29 July 2022
<b>Case Officer Details</b>	Name: Mr Jonathon Lewis Job Title: Planning Technician Email: jonathon.lewis@northumberland.gov.uk		

**Recommendation:** That Listed Building Consent be Refused.



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## 1. Introduction

- 1.1 The application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Council's delegation scheme. It was agreed that the application raises issues of strategic, wider community or significant County Council interest, and so should be considered by the Committee.

## 2. Description of the Proposals

- 2.1 The application seeks Listed Building Consent to install 18 solar panels in 2no. rows of 9no. to the entire southeast facing roofscape, which is the front/principal elevation of the property known as Dawson Place Hall, Allendale, NE47 9PP.
- 2.2 The application property is a Grade II listed building and is located within the central part of the Allendale Conservation Area, as well as the North Pennines Area of Outstanding Natural Beauty. The front roofscape is highly visible in the streetscene. The dwellinghouse dates from the early 19th century, is of square rubble sandstone with a Welsh slate roof and is listed along with the adjoining library; the property was formerly used as a Methodist Chapel. When the adjacent building was built to replace it as a Chapel, it was used as a Sunday school. Eventually both buildings were taken out of use by the Methodists; the newer building being taken on by the County Council as a Library and the hall being offered, on a rental basis, to the local Scout group. In recent times, the floor to the Hall suffered from a serious case of dry rot. A combination of the problems caused by the dry rot, the desire of the Methodist Chapel to sell the building and the lack of suitable external space caused the Scout group to pursue accommodation elsewhere. In 2006 the building was converted into a 3 bedroomed property and in 2009, the property was restored and had a new roof installed at this time.

## 3. Planning History

**Reference Number:** T/20061194

**Description:** Change of use of redundant scout headquarters to residential accommodation

**Status:** Permitted

**Reference Number:** T/20061193

**Description:** Listed Building Consent: Internal alterations, installation of five rooflights, alterations to rear elevation door and windows, provision of stone cladding, and provision of steel flue pipe at rear roof pitch

**Status:** Permitted

**Reference Number:** T/89/E/555

**Description:** Installation of four L.P.G. tanks ancillary to the construction of four approved dwelling units, as amended by letter received on 23rd August, 1989.

**Status:** Permitted

**Reference Number:** T/89/E/514

**Description:** Extension to provide Toilets Shower and Storage.

**Status:** Permitted

**Reference Number:** T/20010932

**Description:** Construction of rear extension and access ramp at

**Status:** Permitted

**Reference Number:** T/20010931

**Description:** Listed Building Consent - Demolition of store, construction of rear extension, access ramp and internal alterations including mezzanine floor at

**Status:** Permitted

## 4. Planning Policy

### 4.1 Development Plan Policy

*Northumberland Local Plan (2022)*

Policy ENV 1 – Approaches to Assessing the Impact of Development on the Natural, Historic and Built Environment (Strategic Policy)

Policy ENV 7 – Historic Environment and Heritage Assets

Policy ENV 9 – Conservation Areas

Policy QOP 1 – Design Principles (Strategic Policy)

Policy REN 1 - Renewable and low carbon energy and associated energy storage

*Allendale Neighbourhood Plan (2015)*

Policy ANDP 10 – small scale renewable and low carbon energy schemes

### 4.2 National Planning Policy

*National Planning Policy Framework (NPPF) (2021)*

*National Planning Practice Guidance (NPPG) (2021)*

### 4.3 Other Documents/Strategies

Planning (Listed Buildings and Conservation Areas) Act (1990)

Historic England's 'Conservation Principles, Policies and Guidance' (2008)

Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2015)

## 5. Consultee Responses

Allendale Parish Council	Support due to being in-keeping with Allendale Neighbourhood Development (ANDP) Plan Policy 10: Small Scale Renewable and Low Carbon Energy Schemes
Building Conservation	Recommends refusal: They consider that the proposed location is not suitable as the panels would stand dissonant to the softer textures and natural materials of the existing Grade II Listed building.
County Ecologist	No Objection: the roof is new and the tiles well sealed so there is highly unlikely to be any impact to bats from this planning application. However, note that bats may be impacted as the

	remaining infrastructure is most likely outside the scope of this planning application.
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## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Listed Building Consent, 27th January 2022

Hexham Courant 6th January 2022

### Summary of Responses:

None Received.

## 7. Appraisal

- 7.1 The main issue in the determination of this application falls on whether the development would preserve the listed building and its features of architectural and historic interest, having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). As well as Section 72, with respect to any buildings or other land in a conservation area, and relevant policies in the development plan and the aims of the NPPF.
- 7.2 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires the local authority to have special regard to the desirability of preserving the listed building, its setting, and any features of special or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the local authority with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Chapter 16 of the NPPF also places emphasis on the preservation and enhancement of heritage assets.
- 7.3 Paragraph 199 of the NPPF advises *“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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.
- 7.4 Policy ENV 7 of the Northumberland Local Plan relates to the historic environment and heritage assets. Policy ENV 7 states *“development proposals will be assessed, and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland’s heritage assets and their settings”*. Policy ENV 7 follows on to states that *“development proposals, which will affect a site of archaeological interest, or a*

*site which has the potential to be of archaeological interest, will require an appropriate desk-based assessment, and, where necessary, a field evaluation”.*

- 7.5 Policy ENV 9 of the Northumberland Local Plan relates to Conservation Areas. It states development *“Within a conservation area, or where its setting may be affected: It will be ensured that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance;”* It also states that development that has harm that *“is less than substantial, this will be weighed against any public benefit that the same development may make to part 1(a) above, applying Policy ENV 7 (5);”*
- 7.6 As aforementioned, the application property is a Grade II Listed building located within the Allendale Conservation Area. The Council’s Built Heritage and Design Officer has been consulted on this application to assess the impact of the proposed development upon the special interest of the Grade II listed building. Built Heritage and Design has reviewed the application’s supporting documents which includes a design and access statement and heritage statement and visited the site.
- 7.7 The Built Heritage and Design Officer concluded that the photovoltaic panels, because of their crisp profile, machined lustrous and uniform finish and degree of projection from the plane of the roof, would stand in awkward and dissonant contrast to the softer textures and colours of the natural materials of the matt Welsh slate roof tiles and its integrity of form and the buff hue of the sandstone walls. It was considered that they would have a deleterious effect on the character, special interest and significance of the building and upon the adjacent Grade II listed building, thus having a harmful impact upon its setting.
- 7.8 Policy REN 1 of the Northumberland Local Plan sets out that proposals for renewable energy will be supported, however appropriate weight must be given to the landscape character and designated heritage assets and their setting within the AONB and Conservation Area. Weight was attributed to the comments of the Parish Council which referenced Policy ANDP 10 of the Allendale Neighbourhood Plan which supports small scale renewable energy schemes. Officers recommended that an alternative siting was sought from the applicant. However, siting the panels on the rear elevation would not change most of the issues, even more so as the rear elevation faces north which would reduce the benefit of solar panels to outweigh the harm to the listed building; there was also outlined to be no suitable location to site the panels on the grounds of the property. Whilst the LPA is supportive of renewable energy schemes generally, in this case the level of harm to the listed building is not sufficiently outweighed by the limited public benefit of the panels. It is concluded that the proposal fails the statutory test to preserve the special interest of the Grade II listed building.
- 7.9 For the above reasons, the proposal conflicts with Policies QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan and with the provisions of the NPPF.

### Equality Duty

- 7.10 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the

responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

### Crime and Disorder Act Implications

7.11 These proposals have no implications in relation to crime and disorder.

### Human Rights Act Implications

7.12 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.13 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.14 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 National and local planning policies have been taken into consideration when assessing this application. The proposed works would not preserve the special interest of the Grade II listed building. The proposal would not accord with Policies ENV 7 and ENV 9 of the Northumberland Local Plan or the principles within National Planning Policy Framework, which promote the preservation and enhancement of heritage assets including listed buildings.

## **9. Recommendation**

That this application be REFUSED Listed Building Consent for the following:

1. The proposed development would fail to preserve the special interest of the Grade II Listed Building. It has not been demonstrated that there would be sufficient public benefit to outweigh the identified harm and the development would therefore be contrary to policy ENV 7 of the Northumberland Local Plan and aims of the National Planning Policy Framework.