

Committee Report

Item No: 7B

Reference: DC/23/05641

Case Officer: Vincent Pearce

Ward: Eye.

Ward Member: Councillor Lucy Elkin

RECOMMENDATION:

DELEGATE AUTHORITY to the CHIEF PLANNING OFFICER PLANNING to APPROVE the APPLICATION SUBJECT FIRST to SECURING the ADDITIONAL AMENDMENTS SPECIFIED in the RECOMMENDATION in ORDER to MAKE the PROPOSAL ACCEPTABLE. IN the EVENT it is NOT POSSIBLE TO SECURE THE AMENDMENTS THEN the CHIEF PLANNING OFFICER SHALL REFUSE THE APPLICATION.

Development of Description

Application under S73a for Variation of a Condition following grant of DC/20/01537 dated 30/07/2020 Town and Country Planning Act 1990 (as amended) – *“Erection of 16 no. affordable dwellings including vehicular accesses, footpaths, car parking, car port, bin and bike store buildings, open space and landscaping (following demolition of existing buildings)”*

Proposed variations

To Vary Condition 2 (Approved Plans & Documents) to allow for minor changes to:

- the positions and/or size of some windows to rear or side elevations
- small change to the location of the permitted bin/bike store

both in order to meet the requirements of Building Regulations Part O; and

- allow for the installation of PV panels to all dwellings to contribute to the development's sustainability.

Location Former Paddock House Care Home , Wellington Road, Eye, IP23 7BE,

Parish: Eye.

Site Area: not relevant

Key constraints: Site is within the Eye Conservation Area and opposite seven listed buildings (Grade II)

Expiry Date: subject to an extension of time

Application Type: FUW

Development Type: Major Small Scale - Dwellings

Applicant: Mid Suffolk District Council

Agent: Ms Nicol Perryman

Previous Committee/ Resolution: None

Previous Member Site Visit: None

Call in request from Council Member: None

Reason for reference to committee:

- i. The applicant is the Council

SUMMARY OF POLICIES

Development Plan

The following policies are considered relevant to the determination of this proposal. [The policies marked * and as appear in blue text are considered to be the most important for the determination of this application](#)

The policies are all contained within the Adopted Development Plan for Mid Suffolk which for the purposes of determining this application is comprised of the: Babergh and Mid Suffolk Joint Local Plan (2023) and Eye Neighbourhood Plan. (May 2021)

All policies are afforded full weight in the determination process as they are considered consistent with the policies of the NPPF in accordance with paragraph 225 of that document.

- **Babergh and Mid Suffolk Joint Local Plan (JLP) (2023)**

[LP19*](#) [The Historic Environment](#)

LP23 Sustainable Construction and Design

LP24 Design and Residential Amenity

LP25 Energy Sources, Storage and Distribution

- **Eye Neighbourhood Plan (ENP) 2021**

Eye 5 Paddock House

Eye 16 Development Within the Settlement Boundary

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2023 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within

the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Particularly relevant chapters of the NPPF include:

Chapter 2: Achieving Sustainable Development

Chapter 12: Achieving Well-Designed and Beautiful Places

Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 16: Conserving and Enhancing the Historic Environment:

National Conservation Legislation

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character and appearance of buildings or other land within a conservation area

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.

National Heritage Guidance

Historic England: 'Statements of Heritage Significance' (Historic England Advice Note 12) (2019)

Historic England: 'Energy Efficiency and Historic Buildings' (2018), Solar Electric (Photovoltaic)

CPRE¹/BRE²: 'Ensuring Place-Responsive Design for Solar Photovoltaics on Buildings' (2016)

CPRE: Shout from the Rooftops (May 20023)

Other Considerations

- The national Planning Practice Guidance (PPG) provides guidance and advice on procedure and elaboration of existing policy, as well as providing for new Government policy.

SUMMARY OF CONSULTATIONS

[Link to Consultee Comments Online](#)

Any updates to consultee responses in light of late information shall be reported to Members in the Tabled Papers or verbally at the meeting.

¹ CPRE Campaign for the Protection of Rural England . UK charity whose vision is 'We believe in countryside and green spaces that are accessible to all, rich in nature and playing a crucial role in responding to the climate emergency

² BRE Building Research Establishment it is a centre of building science and building research in the United Kingdom

Town/ Parish Council Responses

Eye Town Clerk Comments Received - 19/01/2024

“Eye Town Council has no issue with the conditions in this application. Indeed we applaud the addition of PV Panels. However, the Dec 23 drawing of Paddock House were lifted from the original planning application, DC/20/01537. A later application, DC/20/04530, amended the drawings, particularly the garden area. The application was approved on 8 July 2022. While we realise, the drawings in DC/20/0430 came from a separate source (Paul Abbott), ETC would like an acknowledgement of DC/20/0430 in this consultation and any further consultations so it does not get lost.”

National Consultee Responses

None

County Council Responses

None

Internal Consultee Responses

Design and Wellbeing - 16/02/2024

“Along Church Street, buildings are predominantly situated at the back of the pavement. The gentle curve of Church Street adds to its visual interest and describes the perimeters of the Castle’s outer bailey. The significance of the listed buildings within this area is derived from their evidence of multiple phases of development from the 16th century upwards, which reflects the town’s urban development. Externally much of the physical fabric dates from the 1700s and the 1800s, and the value of the building derives much from their role in a group of buildings of similar age, form and materials, whilst individual buildings are distinguished by features such as step roofs and roofing materials and the prominent first-floor jetty of Nos.24-26.

The green open space to the front of Paddock House, located along Church Street is also an important historic open space. This open space is also interesting, as it interrupts the continuous active frontage along Church Street, which is characterised by buildings located in very close proximity and close to the edge of the highway. This space provides a break in the densely populated part of Church Street, providing an attractive green interlude in the street scene. However, due to this, the proposal will be in a prominent location, being due to its location behind the green open space and not at the back of pavements as is characterised within this part of the conservation area.

The roof can often be the most dominant and striking feature of any building, and especially within the Eye Conservation Area, as there is a wide variety in the roofing materials, that help to illustrate the rich social and economic history of the Town. Therefore, the proposal for PV panels, even on a modern roof form needs to be carefully considered and the impact on the wider Conservation

Area is required to be assessed, as the proposal is required to significantly outweigh the harm or adverse impacts caused.

The National Planning Policy Framework (2021) states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

Due to the location of the proposal, situated at the back of open space -of which there are limited examples within the Conservation Area, - the PV panels would become a dominant feature within the historic Conservation Area. The addition of PV panels would be an incongruous, modern element which would detract significantly for the overall aesthetic quality of the street scene. When considered against paragraph 208 of the NPPF by the Local Authority, it is judged that the proposal would result in less than substantial harm to the significance of the Eye Conservation Area, a designated Heritage Asset. The public benefits of the proposal are judged to not outweigh this harm, and therefore the application is contrary to Paragraph 202.

Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act (1990) is also applicable, as the proposal does not preserve or enhance the appearance of the Conservation Area. The addition of such dominant modern element would harm the significance of the Conservation Area and would have a detrimental impact on the wider streetscape. It should also be noted that there are no examples of PV panels present within the Conservation Area on front roof slopes and their presence would be an uncharacteristic feature within the Conservation Area. When considering the impact of a proposal on the significance of a designated heritage asset – Eye Conservation Area- great weight should be given to the assets conservation, and the addition of PV panels would cause

harm to the significance of the asset.

The Paddock House development, by nature of its location and relationship to the streetscape, is already within a prominent location, and therefore the addition of Solar PV panels would lead to the panels becoming a dominant feature in the wider townscape, at the detriment to the significance of the Conservation Area.

PV panels can be added in less prominent and publicly visible areas, such as rear roof slopes or freestanding behind the development, in order to significantly reduce their impact on the wider Conservation Area.”

Strategic Housing Comments Received - 20/12/2023

“Given that this s.73 proposal does not change the mix of units, I have no comments to make at this time.”

Environmental Health - Noise/Odour/Light/Smoke Comments Received - 18/12/2023

“Having reviewed the documents we do not wish to make comments in respect of this proposal”

MSDC - Waste Manager (Major Developments) Comments Received - 21/12/2023

“No objections subject to conditions”

- Bin collection points to be moved to the rear of plots 1, 2 & 3
- Ensure the development is suitable for 32 tonne Refuse Collection Vehicle (RCV) and has adequate manoeuvring room

Other Consultee Responses

Mid Suffolk Disability Forum Comments Received - 10/12/2023

The Mid Suffolk Disability Forum has no comments to make on this application.

SUMMARY OF REPRESENTATIONS

No letters/emails/online comments have been received. (76 issued)

RELEVANT PLANNING HISTORY

REF: DC/20/01537	Full Planning Application - Erection of 16 no. affordable dwellings including vehicular accesses, footpaths, car parking, car port, bin and bike store buildings, open space and landscaping (following demolition of existing buildings)	DECISION: GRANTED 30.07.2020
REF: DC/20/04530	Discharge of Conditions Application for DC/20/01537- Condition 15 (Landscaping Scheme)	DECISION: GRANTED 08.07.2022
REF: DC/22/01169	Discharge of Conditions Application for DC/20/01537- Condition 10 (Demolition _ Site Clearance Management Statement/Construction Management Statement) (Part-Discharge for Demolition Stage), Condition 14 (Protection of Former Garden Area), Condition 22 (Archaeological Written Scheme of Investigation) and Condition 30 (Surface Water Management Plan) (Part-Discharge for Demolition Stage)	DECISION: GRANTED 06.05.2022

REF: DC/22/03095

Discharge of Conditions Application for DC/20/01537 - Condition 10 (Demolition Management Plan) (Part-discharge for Demolition Stage), Condition 14 (Protection of Former Garden Area) and Condition 30 (Construction Surface Water Management Plan) (Part-discharge for Demolition Stage)

DECISION:
GRANTED
08.07.2022

APPLICATION ASSESSMENT

1.0 Proposed Development

1.1. The proposal seeks approval for the amendment of the approved drawing condition attached to the original planning permission to facilitate the following:

- Changes to some window positions and sizes and the removal of a limited number of openings
- Adjustment to the position of a bin store adjacent to plot 7 to accommodate the requirement for window position changes in the dwelling on plot 7
- The installation of solar pv panels on the roofs of all the 16 dwellings

2.0 Site and Surroundings

2.2 The site of the former Paddock House care home (now demolished) occupies a prominent corner location surrounded on three sides by streets. To its east/north - Wellington Road and south - Church Street.



figure 2: **Location of the Site of Paddock House (now demolished)**

2.3 It is within the Eye Conservation Area and is adjacent to numerous Grade II listed buildings



figures 3: **Images of Paddock House (now demolished)**

3.0 Principle of Development

- 1.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 1.3. This application does not require the principle of development to be re-considered as the application relates only to the proposed amendment of specific previously approved details.

4.0. ASSESSMENT

- 4.1.0. The planning and heritage merits of the proposed amendments are now considered in turn.

4.2.0. Changes to Windows Details

4.2.1. The applicant describes the changes as being necessary to achieve compliance with the Building Regulations, Part 0 (overheating) changes to which post-date the granting of the original planning permission.

4.2.2 The proposed changes to the previously approved details are described visually below.



affected windows of Plots 1-3 showing approximate permitted window outlines in orange (rear and west elevations)



affected windows of Plots 4-6 showing approximate permitted window outlines in orange (rear elevations)



affected windows of Plots 7-10 showing proposed additional windows in blue and permitted features, orange (rear and east elevations)

figures 4: (top, middle, bottom above) **Proposed Changes to Previously Approved Window**

4.2.2 The proposed changes, bar one, relate to rear elevations and so all but the removal of a first-floor window in the side elevation of plot 1 will not be seen from a public vantage point. In the case of plot 1 the change will be visible from the new community garden. What is more the proposed changed windows details are modest in terms of their overall impact on the appearance and character of the buildings and involve some slight repositioning of some and in a few cases slightly adjusting size. Three windows are to be removed in rear elevations.

4.2.3 Whilst the proposal to remove the approved window at first floor in the west facing side elevation of plot 1 is in and of itself acceptable, it is however considered desirable to replace it with a recessed 'bricked up'³ window (with cill and lintel) to give the impression of a former window rather than simply to build up the wall at first-floor level with flush brickwork. Whilst some may consider this requirement to be an architectural/heritage deceit and mere artifice, Members may recall that this 'Council's Own' development was approved as setting something of an exemplar in terms of architectural quality within a conservation area after what was a very controversial and inauspiciously weak original design. The use of a 'blank' window is a commonly used device to introduce visual interest into a prominent and otherwise blank brick elevation.



figure 5:

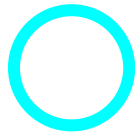
Example of a traditional bricked up window, a feature once associated with the application of the 'window tax'

Window tax was a property tax (introduced 1696 under King William III, based on the number of windows in a house. To avoid the tax, some houses from the period can be seen to have bricked-up window-spaces (which can be (re)glazed later). It was repealed in 1851.

4.2.4 The approved front elevation (Church Street frontage) already includes such a feature.



figure 6:



**Blank window detail
previously approved on
the dwelling on plot 1**

4.2.4.0 RECOMMENDED ACTION POINT

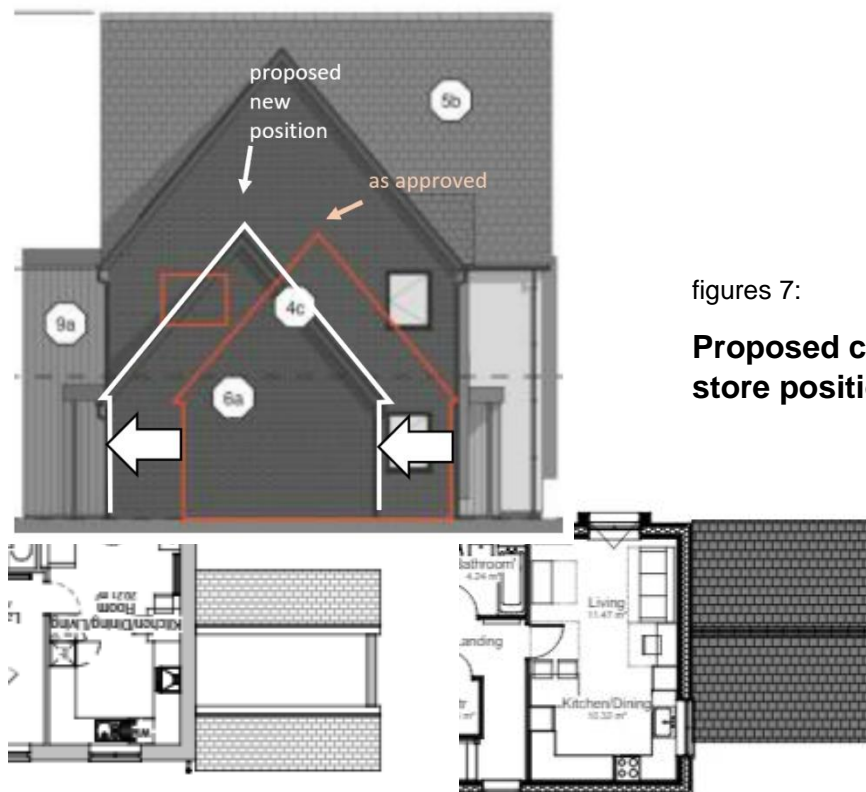
4.2.4.1 Secure an amended drawing showing the detail above in respect of the first floor west facing side elevation to plot 1

4.2.5.0 With the amendment described at 4.2.4.1 the proposals are not considered to harm the character of the Eye Conservation Area and will continue to support the benefits associated with the redevelopment of the former Paddock House care home in terms of not just preserving its character but also enhancing it. Members familiar with this part of Eye will recall the now demolished Paddock House was a functional, modern and visually insensitive imposition into the traditional built -form of the conservation area within what is the historic core of the Town. It did however at the time provide valuable care facilities.

4.2.5.1. The adjusted window details pose no new material residential amenity issues as they afford no new risk of overlooking because the positions are little different to those already approved and the orientation of buildings was carefully considered at the time of determination of the original application to avoid such issues, particularly at the rear.

4.3.0 Changes to Bin Store Location (plot 7 - to accommodate proposed new window positions)

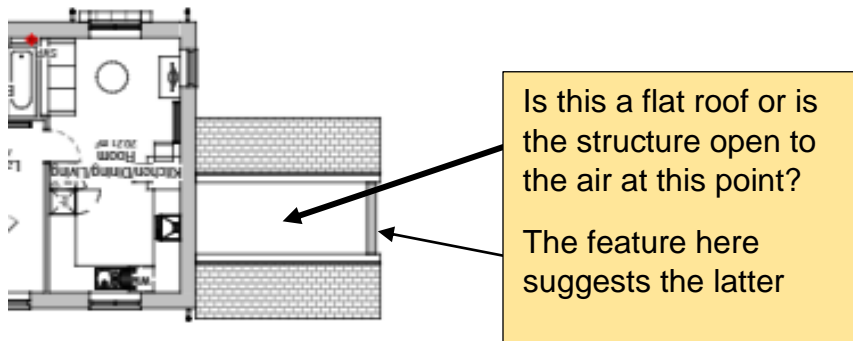
4.3.1



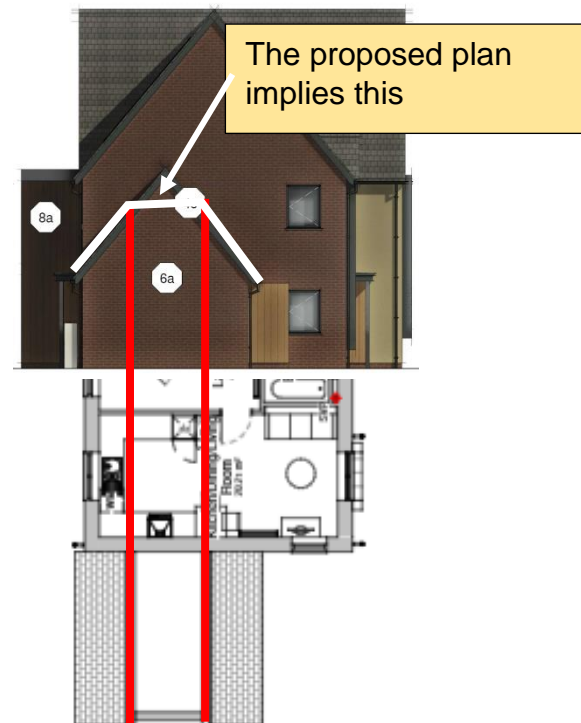
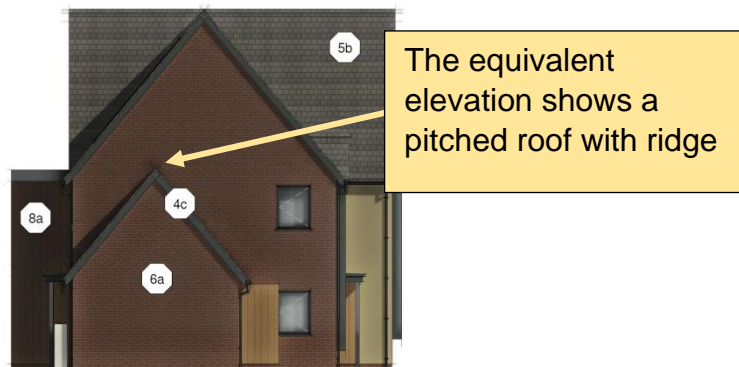
figures 7:

**Proposed change to bin
store position**

4.3.2 It is noted that there is an unexplained discrepancy between the proposed roof plan of the re-positioned bin store and the relevant elevation drawing. This needs to be resolved in order that design certainty is established. The figure below highlights the issue.



figures 8:
The highlighted inconsistency in amended bin store detail



4.3.3 If it is intended to change the roof profile to the bin store as shown (right - white outline) then this will appear as incongruous and odd visually and is unacceptable.

4.3.4 RECOMMENDED ACTION POINT

4.3.4.1 Secure an amended drawing showing the bin store roof plan and elevation as being a fully pitched roof with a ridge line running at right angles to the attached dwelling.

4.3.5 Subject to it being confirmed that the bin store adjacent to plot 7 will have a fully pitched roof (with appropriate amended drawing) its marginal setting back will not pose any new material heritage, design, operational or amenity issues and would be acceptable.

4.4.0 Solar Panel Installation to Roofs

4.4.1.0 Why is This Application Necessary?

- 4.4.1.1 The planning permission reference DC/20/01537 granted on 30 July 2020 carries a condition, (Condition 2), that requires the development to be implemented in accordance with the approved details.
- 4.4.1.2 The approved drawings under that reference do not show roof mounted solar (pv) panels.
- 4.4.1.3 The applicant has sought the advice from the Development Management Service as to whether the installation of solar (pv) panels across the development constitutes a non-material amendment not requiring further approval. The applicant was advised that the addition of solar (pv) panels, particularly on the street facing roof slopes to Church Road within the Eye Conservation would in the opinion of the Development Management Service be a material amendment requiring the submission of a S73 application.
- 4.4.1.4 Whilst there is no formal definition of what is or isn't a 'non-material' amendment, if the proposed change is likely to have amenity, highways or other impacts, increase the size or clearly change the appearance of a development, or conflict with conditions imposed it is not likely to be considered to be non-material. In this case officers considered the addition of solar (PV) panels to front facing roof slopes would change the appearance of the approved buildings and the character of this development such as to require consideration of the type of impact this would have on the character of the Eye Conservation Area and the setting of adjacent Listed Buildings.

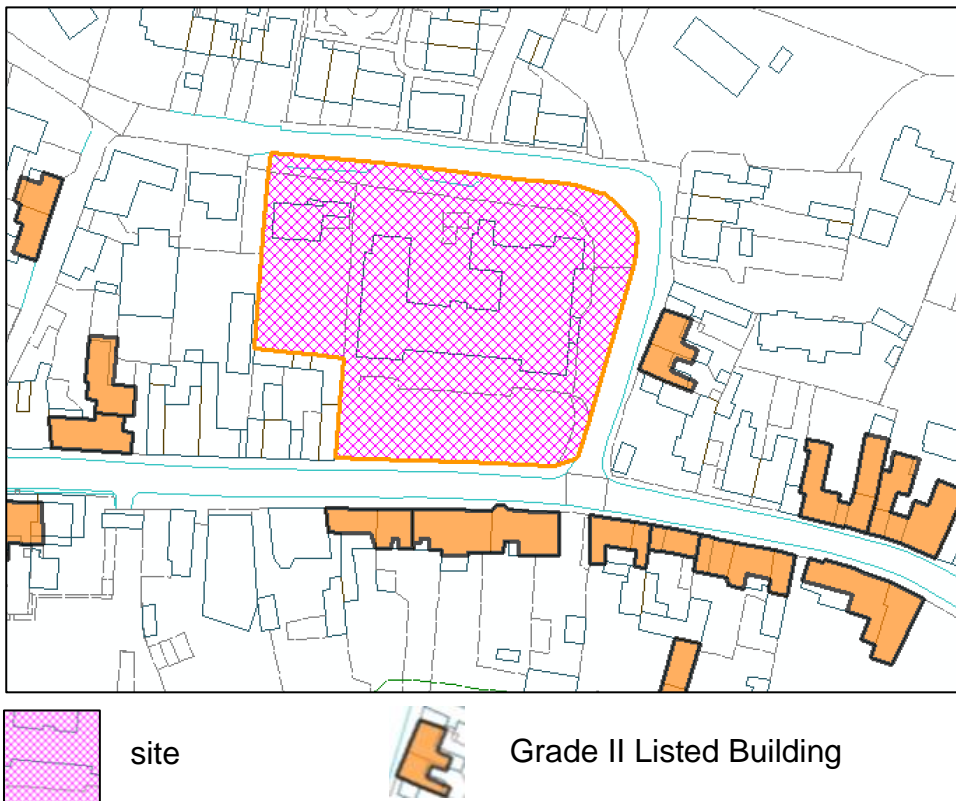


figure 9: **Constraints: Listed Buildings**

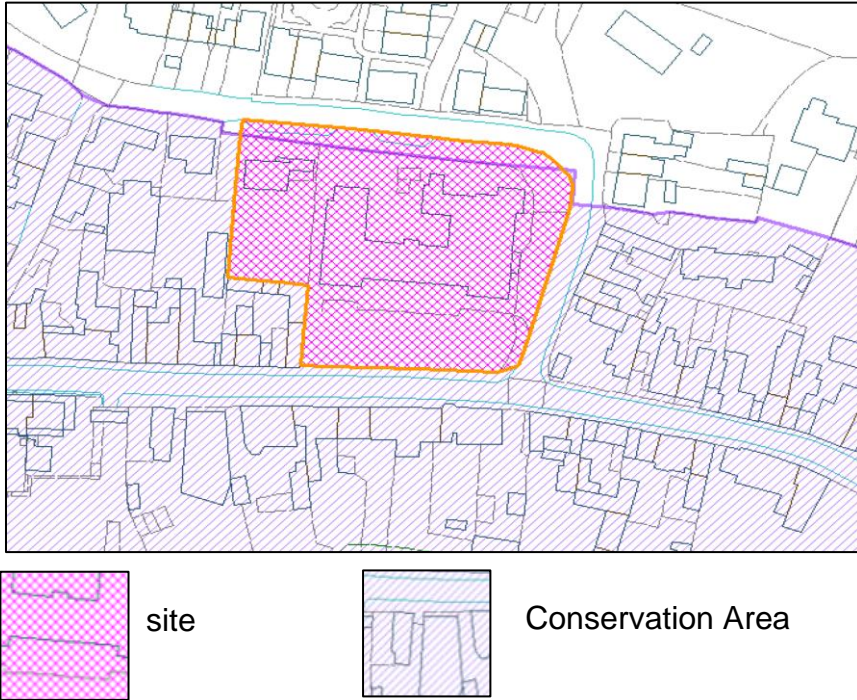


figure 10: **Constraints: Conservation Area**

4.4.2.0 What is the applicant seeking by way of this amendment to Condition 2

4.4.2.1 This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks approval for the amendment of approved drawings to include the addition of solar (pv) panels to roofs across the development in the positions shown on the plan below within what would become (if agreed by Members) amended approved drawings.

4.4.2.2 The proposed location of the solar panels is shown below.



figures 11:

Proposed location of pv panels and 3D model of approved development

position on rear roof slope
 position on side roof slope
 position on front roof slope

4.4.3.0 Character of this part of the Eye Conservation Area - significance

4.4.3.1 Along Church Street, buildings are predominantly situated at the back of the pavement. The gentle curve of Church Street adds to its visual interest and describes the perimeters of the Castle's outer bailey. The significance of the listed buildings within this area is derived from their evidence of multiple phases of development from the 16th century upwards, which reflects the town's urban development. Externally much of the physical fabric dates from the 1700s and the 1800s, and the value of the building derives much from their role in a group of buildings of similar age, form and materials, whilst individual buildings are distinguished by features such as step roofs and roofing materials and the prominent first-floor jetty of Nos.24-26.

4.4.3.2 The green open space (what will become a Community Garden accessible to the public) to the front of Paddock House, located along Church Street is also an important historic open space. This open space is also interesting, as it interrupts the continuous active frontage along Church Street, which is characterised by buildings located in very close proximity and close to the edge of the highway. This space provides a break in the densely populated part of Church Street, providing an attractive green interlude in the street scene. However, due to this, the proposal will be in a prominent location, being due to its location behind the green open space and not at the back of pavements as is characterised within this part of the conservation area.

4.4.3.3 The roof can often be the most dominant and striking feature of any building, and especially within the Eye Conservation Area, as there is a wide variety in the roofing materials, that help to illustrate the rich social and economic history of the Town.

4.4.3.4 That is certainly the case in the vicinity of the application site within Church Street.



figures 12:

Long street views showing visibility of roofscape

4.4.3.5 Roofs on frontage properties to Church Street are devoid of solar panels with no evidence of modern intrusion, as is to be expected within a conservation and amongst listed buildings. They present a uniformly traditional vernacular plane to the street. The hotch-potch of clay tiles and slates mingle and roof planes often exhibit the unevenness associated with the movement over time of timber framed buildings. This is part of the historic core of Eye - a Town that has its own castle such is its rich history.



figure 13: **No evidence of pv panels in the vicinity**

4.4.3.6 Therefore, the proposal for PV panels, even on a modern roof form needs to be carefully considered and the impact on the wider Conservation Area is required to be assessed, as the public benefits of proposal (such as they may be) are required to significantly outweigh the harm identified to the heritage assets.

4.4.3.7 In this particular case, the harm to the character of the Eye Conservation Area and the Setting of adjacent Listed buildings has been assessed as resulting in material heritage

harm within the category of “*Less Than Substantial*”⁴ within the definition provided by paragraph 208 of the National Planning Policy Framework (NPPF) (December 2023).

4.5.0 “Less Than Substantial Harm”

4.5.1 Members are reminded that when assessing levels of harm to heritage assets the starting point is effectively -

Harm. “*Is there Harm or No Harm to significance?*” This first step is a binary choice. Harm is

4.5.2 If harm is identified, then the highest level possible is ‘SUBSTANTIAL’.

Substantial Harm

Paragraph 207 NPPF (December 2023)

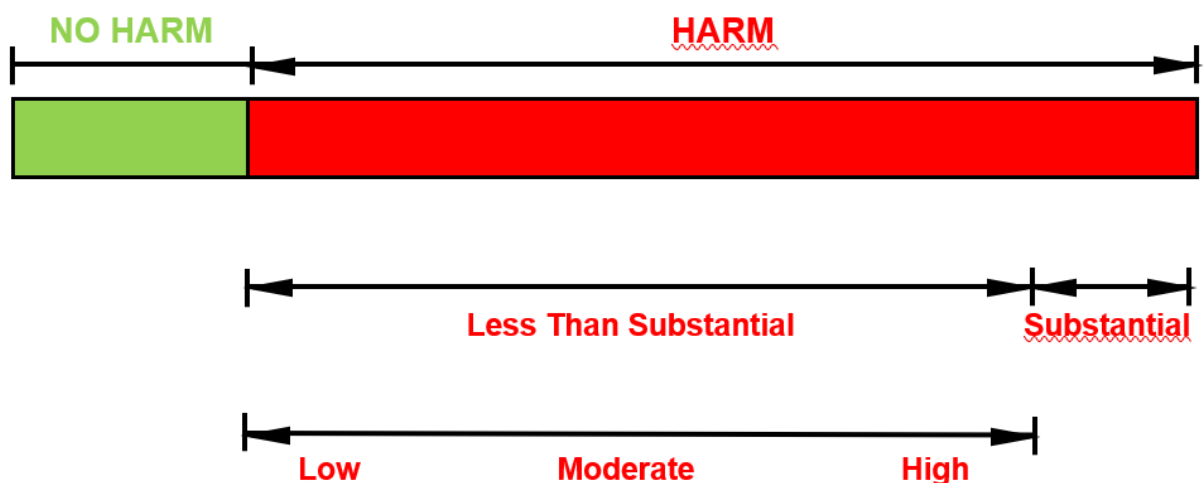
“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss”

4.5.3 If the identified harm is assessed as not being ‘SUBSTANTIAL’ then the harm is defined as ‘LESS THAN SUBSTANTIAL’ to denote it is not SUBSTANTIAL - the highest category.

4.5.4 It is **material harm** and the strong presumption is against allowing a proposed development unless the public benefits arising from the proposal outweigh the heritage harm that has been identified. The presumption is rebuttable but only in the face of particularly weighty countervailing public benefits. This is what the legal duties and the policies of the JLP and NPPF require, recognising case law which directs that an identification of harm is a matter of considerable importance and weight (hence, the great weight to conservation as set out in policy).

4.5.5 ‘Less than substantial’ therefore certainly does not mean ‘insubstantial’.

4.5.6 It is appropriate to think of the spectrum of harm as a scale, that is calibrated as shown below.



⁴ Design a

figure 14: **The Spectrum of Heritage Harm**

4.5.7 The terms 'Substantial' and 'Less Than Substantial' are referred to in the National Planning Policy Framework (NPPF) (December 2023) and are important terms which if triggered necessitate prescribed tests designed to ensure that the value of heritage assets is properly considered and the presumption in favour of their protection is given due weight. This is because the 'great weight' is not uniform: it will depend upon the extent of harm identified and the importance of the asset(s) in question (see NPPF para. 205).

4.6.0 Heritage Impacts

4.6.2 Due to the location of the proposal, situated at the back of open space - of which there are limited examples within the Conservation Area, - the PV panels would become a dominant feature within the historic Conservation Area. The addition of PV panels would be an incongruous, modern element which would detract significantly for the overall aesthetic quality of the street scene.

4.6.43 In the illustration below produced by the DM Service Members can see how the set back of the dwellings on plots 1, 2 and 3 (from the pavement in Church Street) allow the front roof slopes/planes to be visible when viewed from directly in front of the properties. In the illustration below the roof becomes more prominent from the west side of Church Street as the separation distance will be greater.

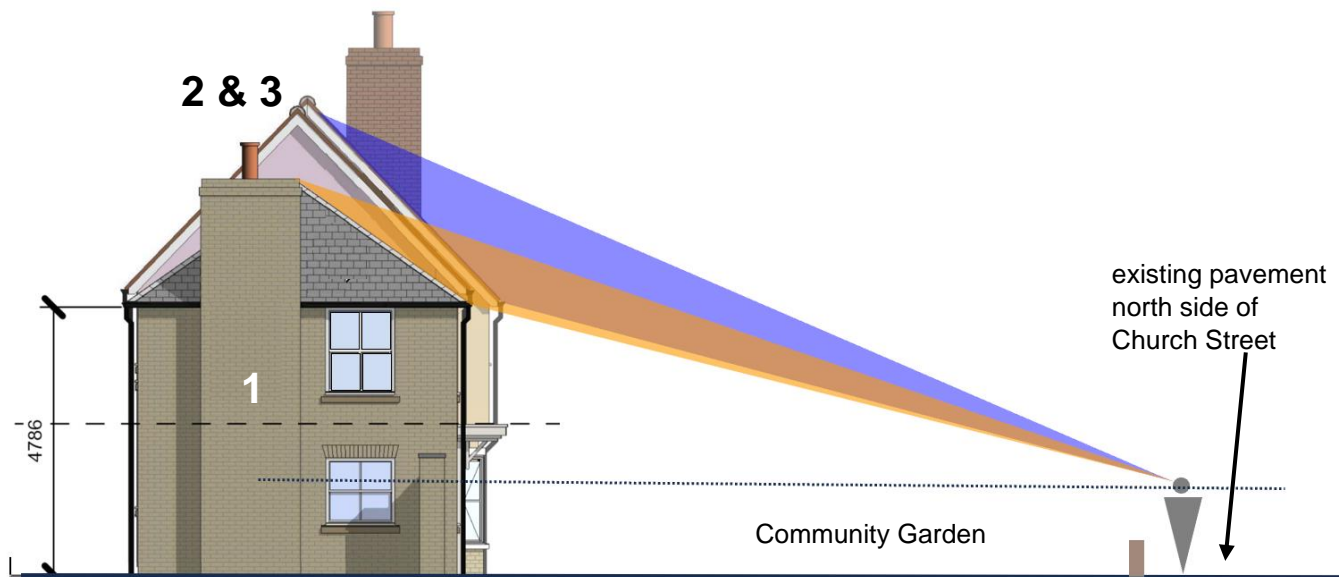


figure 15: **Illustration of the Church Street frontage viewing angle to the roofs of plots 1, 2 and 3**

4.6.4 If the dwellings on plots 1, 2 and 3 had not been set back and had their front elevations were on the back edge of the pavement, like their historic neighbours, then views of the

roofs would have been restricted because of the resultant steep viewing angle caused by strates this.

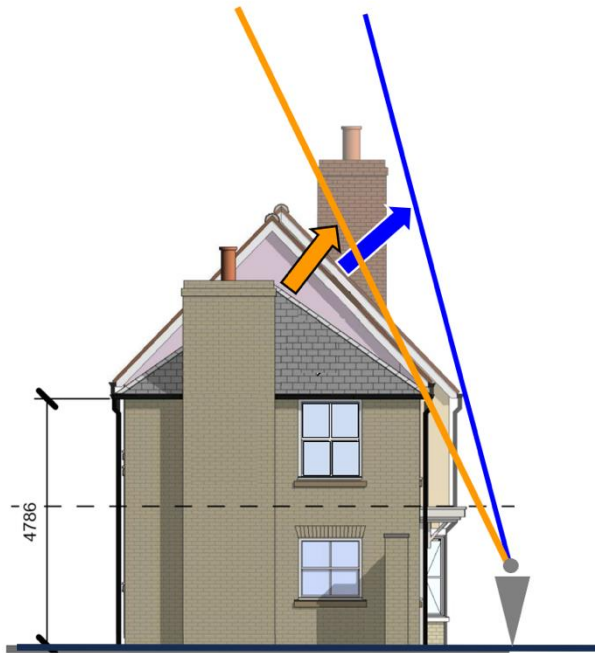


figure 16:
Illustration of the Church Street frontage viewing angle to the roofs of plots 1, 2 and 3 has the dwellings been located at the back edge of the pavement like their historic neighbours

- 4.6.5 Irrespective of what is possible to the viewer standing opposite the dwellings, roofs become visible as the observer moves along adjoining streets because the vista opens up and long views bring into view many of the existing roofs, even where the relevant dwellings hug the back edge of the pavement.
- 4.6.6 This will mean that solar panels on the front roof slopes to the dwellings on plots 1, 2 and 3 will be prominent within the street scene.
- 4.6.7 Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act (1990) is also applicable, and officers are of the opinion that the proposal (in so far as that for plots 1, 2 and 3 are concerned) does not preserve or enhance the appearance of the Conservation Area.
- 4.6.8 The addition of such dominant modern element would harm the significance of the Conservation Area and would have a detrimental impact on the wider streetscape. It should also be noted that there are no examples of PV panels present within the Conservation Area on front roof slopes and their presence would be an uncharacteristic feature within the Conservation Area. When considering the impact of a proposal on the significance of a designated heritage asset – Eye Conservation Area- great weight should be given to the assets conservation, and the addition of PV panels would cause
- 4.6.9 In terms of harm to the significance of the asset the following applies.
- 4.6.10 Units 1, 2 and 3 on the Paddock House development, by nature of their location and relationship to the streetscape, are already within a prominent location, and therefore the addition of Solar PV panels would lead to the panels becoming a dominant and alien modern feature in the wider townscape, to the detriment to the significance of the Conservation Area.

- 4.6.11 PV panels can be added in less prominent and publicly visible areas, such as rear roof slopes or freestanding behind the development, in order to significantly reduce their impact on the wider Conservation Area.
- 4.6.12 It is acknowledged that in the case of the dwellings on plots 1, 2 and 3 that the rear slopes and north facing (with an east-west orientation) which means that solar panels mounted on that roof plane would be pointless and ineffective as they would remain in shadow throughout the day.
- 4.6.143 The applicant was asked to consider applying solar panels to the south facing garage roofs to the rear of units 1, 2 and 3 instead but rejected this.



figure 17

Rear garage in relation to plots 1, 2 and 3

- 4.6.15 Before looking further at possible alternative solutions to providing the dwellings on plots 1, 2 and 3 with access to alternative energy it is necessary to consider the position in respect of Permitted Development Rights as ordinarily pv panels can be attached to roofs in many circumstances.

4.7.0 Permitted Development Rights and PV Panels

- 4.7.1 Members attention is drawn to Schedule 2, Part 14-Renewable Energy, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and paragraph 4 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 as this is relevant to the matter at hand in that they define the circumstances in which the addition of solar (pv) panels to roofs on dwellings including those in a conservation area constitute *'Permitted Development'*

- 4.7.2 The obvious question to consider here is:

"Would the installation of solar (pv) panels as proposed here constitute 'Permitted Development' were they to be proposed after the development had been completed and occupied?"

- 4.7.3 If the answer is yes, then deciding to reject the present application (if that is what Members decide to do in line with the recommendation) would be something of a pyrrhic result as once units 1, 2 and 3 were finished they could be installed as Permitted Development thereby lawfully circumventing that decision.
- 4.7.4 This question is particularly pertinent as whilst the planning permission that allowed this redevelopment removed normal 'Permitted Development' rights under Schedule 2. Part 1- Development within the curtilage of a dwellinghouse of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - It did not remove those under Part 14 Class A installation or alteration etc of solar equipment on domestic premises)relating to renewable energy under that same Order.
- 4.7.5 It is therefore necessary to consider the circumstances in which installation of solar (pv) panels in a conservation area may **not** be 'Permitted Development'.
- 4.7.6 Here we need to look particularly at Part 14 Class A and the circumstances that put certain PV installations outside of Permitted development. The important provisos are highlighted in yellow below.

"PART 14 Renewable energy

Class A – installation or alteration etc of solar equipment on domestic premises

Permitted development

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—

(a) a dwellinghouse or a block of flats; or

(b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

Officer comment

The proposed panels are recessed into the roof slope rather than standing proud on brackets and so in this regard they do fall into this particular category of 'not permitted' development.

(b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

Officer comment

The proposed panels will be below the highest part of the roof and so in this regard they do fall into this particular category of 'not permitted' development.

*(c)in the case of land within a **conservation area** or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;*

Officer comment

The proposed panels will not be installed on a wall and so in this regard they do fall into this particular category of 'not permitted' development.

(d)the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

Officer comment

The proposal in this case does not relate to a site designated as a Scheduled Monument and so in this regard they do fall into this particular category of 'not permitted' development.

(e)the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

Officer comment

The proposed panels are not to be installed on a curtilage building and so in this regard they do fall into this particular category of 'not permitted' development.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a)solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

Officer comment

In respect of the proposed panels on the rear roof slope of the dwellings on Plots 4, 5, 6, 7, 8, 11, 12, 13 and 14 and side roof slope on the dwellings on plots 9 &10 officers are of the opinion that the pv panels are so far as is practicable sited so as to minimise their effect on the external appearance of the building.

It is however suggested that the panels on the dwellings on plots 15 and 16 would be more appropriately located on the east facing roof slope rather than the west facing slope as this would be an internalised elevation. The west facing roof slope is likely to be visible in views from within the Eye Conservation Area from within the external publicly accessible courtyard in front of the Baptist Chapel.

Therefore in this regard the panels proposed for plots 15 and 16 are not considered so far as is practicable to be sited so as to minimise their effect on the external appearance of the buildings.



figure 18: **Proposed pv panel locations**

With regard to the panels proposed on the front facing roof slope of the dwellings on plots 1, 2 and 3 officers do not accept that they are sited to minimise their effect on the external appearance of the buildings.

They will be very prominent in street views and within a conservation area.

Installation on garage roofs to the rear would significantly reduce their effect on the external appearance of the buildings. The applicant has failed to demonstrate why this is not practicable.

(b)solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

Officer comment

It is acknowledged that the applicant has not chosen to use bracket mounted panels and has instead selected an inset type. These are acceptable for all but the dwellings on plots 1, 2 and 3. The images below are taken from the selected manufacturer's 'Clearline' brochure from the fusion range.



figures 19: **Proposed pv panel type**

The proposed panels are not however of a format or colour that would sensitively blend in with the proposed roofs to the dwellings on plots 1, 2 and 3 where they face the street (Church Street), The Eye Conservation Area and look towards numerous adjacent listed buildings.

The street scene below taken from the originally approved drawings shows the front elevations of the dwellings on plots 1, 2 and 3 as approved. Note particularly the roof materials.



If we superimpose large format black panels into the scene we can get an idea of just how visually jarring they will be in such a prominent location.



figures 20: **Illustration of how the panels will appear**

There are solar tiles on the market that are small format and designed to blend in with slate roofs. An example is shown below

Solar tiles are small PV modules designed to resemble regular roofing. When the main barrier to investing in solar is appearance, PV tiles can be the perfect solution. You are sometimes referred to as solar shingles or rackless solar systems, as they don't have the mounting frames in traditional rooftop installations.

It's unlikely they can be integrated into existing roofing, so they're generally suited to newbuilds such as this at Paddock House or renovations. The roof will be a mix of PV and dummy tiles, which look the same but don't generate electricity.



Key points:

- Natural blue-grey slate effect.
- Each module replaces 3 regular tiles.
- Must be surrounded by normal slate tiles to fill in gaps and where tiles have to be cut.

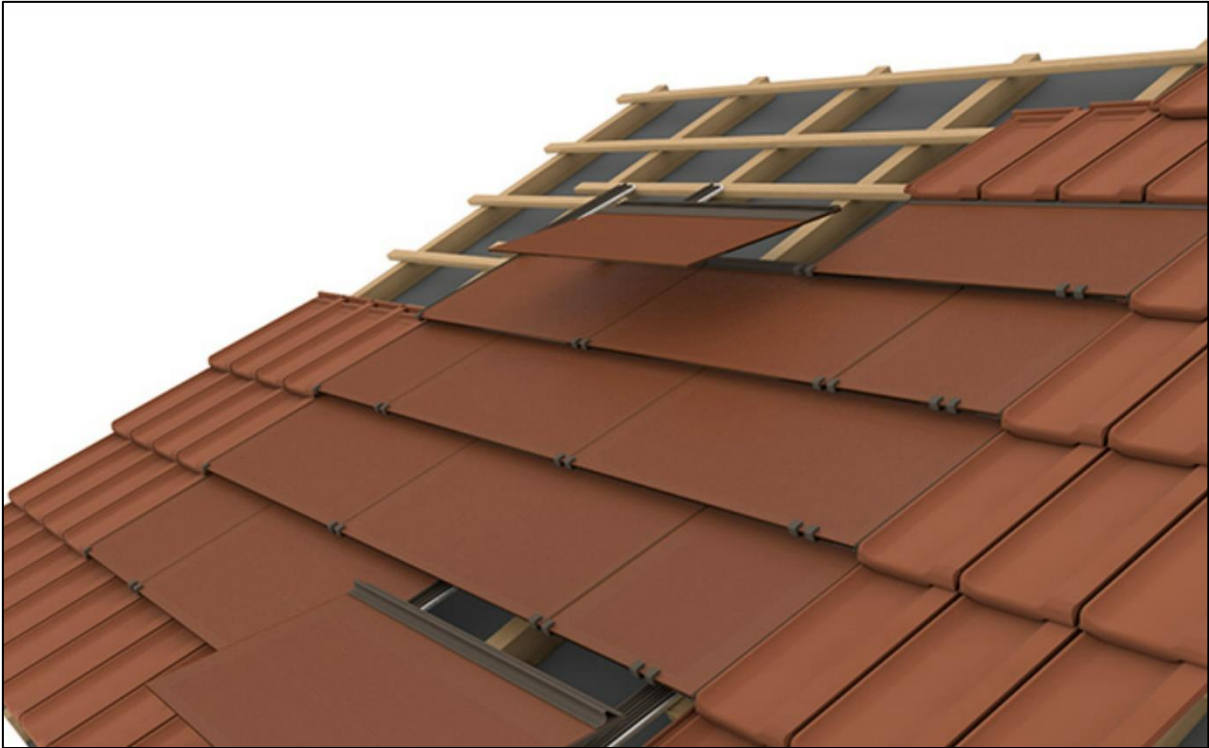
GB-Sol PV slate



Such solar tiles are not restricted to slate equivalents. Examples can be found on the market for both plain tile and pantile roofs, as illustrated below



Crest - Planum PV Red Solar Tile



Match - Megasol Energie AG
figures 22: **Examples of solar tiles (for plain and pantile roofs)**

It is reasonable within such a sensitive historic area to expect such solar tiles to be used if the Council is committed as local planning authority to applying Policy LP19 The Historic Environment (JLP).

4.8.0 LP19 - The Historic Environment

4.8.1 Particular relevant are paragraphs 1, 3, 4, 5 and 6 of the policy which in turn state:

- “1. Where an application potentially affects heritage assets, the Councils will require the applicant to submit a heritage statement that describes the significance of any heritage asset that is affected including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and sufficient to understand the potential impact.”

Officer Comment

The applicant has submitted a heritage statement. Its conclusions are as follows:

8.0 Conclusion

The Planning Regulations state that PV panels will not be permitted upon walls which face the Highway in a CA. It does not mention roofs facing the CA. Therefore the proposal could be deemed acceptable in principle, subject to the impact upon the heritage assets.

PV panels mounted on roofs are becoming very much more commonplace and with that trend comes the increasing acceptance of any visual intrusion that they may make. In effect they are no longer noticed. This is helped by the improvements in design which allow them to be mounted flush with the roof finish. In this scheme, the panels are also somewhat shielded from the view from Church Street and the historic area to the south of the site, by the trees and the physical positioning of the plots some way back from the road.

Until such time that they become ubiquitous, a balance has to be struck between any perceived visual intrusion and the benefits that they bring to the environment and to the users/owners of the buildings upon which they sit. This change in acceptability is carried through to projects where PV panels are being permitted on listed buildings. Indeed, the Royal Borough of Kensington and Chelsea no longer require Listed Building Consent to be obtained for placing panels on grade II and some grade II* buildings.

There is a Historic England Advice Note on *Climate Change and Historic Building Adaptation* (November 2023) which is currently in draft form for consultation, but it positively encourages the use of renewable technologies and in para 31 it notes ‘*When applications for changes to a building in response to climate change are assessed, a balance will have to be made between the significance of the heritage asset and the public benefits (that is positive climate action) provided by the proposal.*’ This acknowledges that positive climate action is a public benefit.

In the NPPF paragraph 197 it states that, in determining planning applications, local planning authorities should take account of;

- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*

This report has analysed the factors which will be occasioned by the change in the proposal and has determined that generally a negligible change will be occasioned to the historic setting, resulting in a neutral impact. The addition of the panels results in a broadly beneficial outcome.

The conclusion that the panels will result in a negligible change and neutral impact is not accepted and runs counter to the internal advice provided to the DM service as part of the consultation on this proposal. The conclusion there is that the proposal will result in Less Than Substantial Harm”

This Committee report will go on to consider the social, economic and environmental public benefits that may be arise from the proposal.

“2. In addition, where an application potentially affects heritage assets of archaeological interest, the heritage statement must:

- a) Include an appropriate desk-based assessment and, where necessary, a field evaluation by a suitably qualified person; and
- b) If relevant, demonstrate how preservation in situ of those archaeological assets can be achieved through the design of the development and safeguarding during construction.”

“3 The Councils will:

- a. Support the re-use/ redevelopment of a heritage asset, including Heritage at Risk and assets outside settlement boundaries, where it would represent a viable use, and the proposal preserves the building, its setting and any features which form part of the building’s special architectural or historic interest;
- b. Support development proposals that contribute to local distinctiveness, respecting the built form and scale of the heritage asset, through the use of appropriate design and materials;

Officer Comment

The panels proposed for the street facing roof slopes of the dwellings on plots 1, 2 and 3 will not respect the built form of properties through the use of appropriate design and materials hereabouts and nor will they sit sensitively within the established visual, historic and architectural character of the Eye Conservation Area for the reasons discussed. Consequently, they will neither preserve or enhance that character.

- c. Support proposals to enhance the environmental performance of heritage assets, where the special characteristics of the heritage asset are safeguarded and a sensitive approach to design and specification ensures that the significance of the asset is sustained; and

Officer Comment

Setting aside for a moment their heritage harm, the panels, in and of themselves will enhance environmental performance I terms of providing access to renewable energy and helping to reduce energy bills for occupiers.

- d. Take account of the positive contribution that the conservation of heritage assets can make to sustainable communities, including their economic vitality. “

Officer Comment

The Paddock House development is not in and of itself a heritage asset. It is a new build development that is designed to sit sensitively within the Eye Conservation Area adjacent to numerous listed buildings. As the development will comprise affordable dwellings it will contribute to the sustainable community that us Eye - being a Town at the apex of the settlement hierarchy.

- “ 4. *In order to safeguard and enhance the historic environment, the Councils will have regard (or special regard consistent with the Councils’ statutory duties) where appropriate to the historic environment and take account of the contribution any designated or non-designated heritage assets make to the character of the area and its sense of place. All designated and non-designated heritage assets must be preserved, enhanced or conserved in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting.*”

Officer Comment

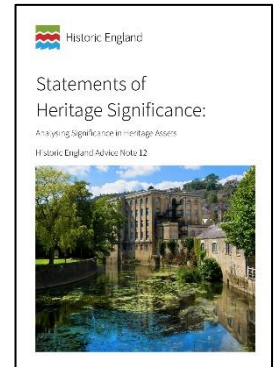
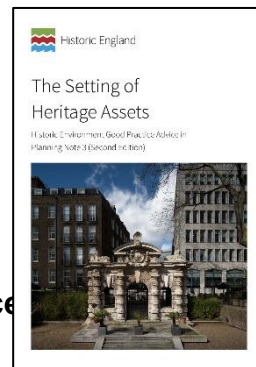
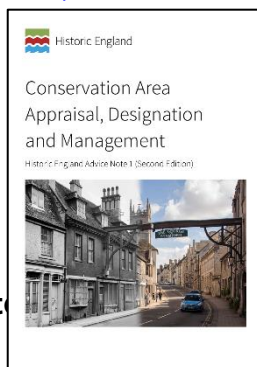
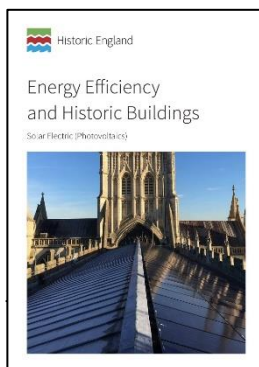
Relevant current advice includes:

Historic England’s ‘Energy Efficiency and Historic Buildings Solar Electric (Photovoltaics) (October 2018)

Historic England’s ‘Conservation Area Appraisals, Designation and Management’ Historic England Advice Note 1 (February 2019)

Historic England’s ‘The Setting of Heritage Assets’ Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) (March 2015)

Historic England’s ‘Statements of Heritage Significance - Analysing Significance in Heritage Assets. Historic England Advice Note 12. (October 2019)



The Published advice - ‘Energy Efficiency and Historic Buildings Solar Electric (Photovoltaics) (October 2018) includes reference to the use of solar tiles and includes the following example



From Section 2.2, figure 9, page 9

figure 24: **Extract from Energy Efficiency and Historic Buildings Solar Electric (Photovoltaics) (October 2018) highlighting the heritage sensitivity of solar tiles**

The Advice explains at section 3.2 Impact on building fabric and landscape:

“Great care must be taken when planning the installation to think about the ‘reversibility’ and the ‘physical impact’ an installation can have on a building. A PV array and its associated equipment can have a life exceeding 25 years, so a building could have more than one system installed over its life. Damage to the building fabric can be minimised by carefully planning how the array is installed, maintained, and removed at the end of its useful life.” page 14

“The location of the panels and managing their visual impact is an important part of the design. All parts of the system that are visible should be considered carefully. It is generally not considered sympathetic to a building's appearance to have a solar panel or other equipment fixed to its main elevations; that is, the face or faces seen from the direction from which it is most commonly viewed. Buildings with main elevations aligned in the direction of optimal solar radiation may present special installation problems with regards to visual impact.” page 14

“When assessing applications for PV installations fixed directly to the building or within the setting of heritage assets like historic buildings, the significance of the asset will need to be properly assessed. This assessment may well conclude that the roof covering; its appearance, perhaps a decorative array of tiles, or intrinsic historic fabric (for example ancient local stone tiles) is of high significance and therefore the impact of the PV is harmful. The understanding of significance of the roof is often critical.” page 14

“Where a building has a shallow-pitched roof which is largely hidden from view by parapets, or internal roof slopes which cannot be seen from ground level, solar electric panels may be accommodated more easily. It may be harder for other buildings to find a suitable location which does not harm the building or its setting; possible solutions may be a ground-mounted solar collector or placing equipment on another building.” page 14

“ ‘Solar slates’ are designed to have a similar appearance to natural slates, but the difference is usually still detectable to the naked eye and thus has a visual impact. The life-expectancy of solar slates is much shorter than a natural slate roof so the cost of more frequent roof repairs should be taken into account. Solar slates may be acceptable where the roofing material is not part of the building’s historic integrity and the existing slates are in need of replacement.” page 15

These are all relevant to the matter at hand and clearly there is a strong presumption against locating insensitive pv panels in prominent locations within areas of heritage sensitivity such as that on Plots 1, 2 and 3.

In terms of Conservation Area Appraisals it should be noted that The Council’s Published CAA’s are dated and do not follow the format now advocated by Historic England. Consequently the Planning Service is beginning a programme of reviewing and revising all of its current Conservation Area Appraisals. The first on that programme is the Eye Conservation Area and that is now in first draft form and will soon be presented to Members with a view to securing approval for formal consultation. That draft document has been produced with community collaboration and will be the first in a new breed of Conservation Area Appraisals fit for the future.

The authors of the draft document are the officers that have provided the heritage advice on the current proposal and they are intimately knowledgeable about Eye and its heritage significance. Church Street is a specific section within the revised appraisal.

The current Eye Conservation Appraisal was published in 2011.

The Council has no Conservation Area Appraisal published after 2012.

It should also be noted that the Planning (Listed Building and Conservation Areas) Act 1990 at Section 69 (1) & (2) places the following duty on local planning authorities:

“Designation of conservation areas.

(1)Every local planning authority—

(a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and

(b) shall designate those areas as conservation areas.

(2) It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly."

The current review of the Eye Conservation Area represents the first time in more than 10 years that the Council is undertaking that from 'time to time' duty.

Within the context the current application assumes even greater significance from a heritage perspective as Eye will prove to be the template for all the following reviews of Mid Suffolk's other 30 Conservation Areas. (Eye makes the total 31).

- " 5. *When considering applications where a level of harm is identified to heritage assets (including historic landscapes) the Councils will consider the extent of harm and significance of the asset in accordance with the relevant national policies. Harm to designated heritage assets (regardless of the level of harm) will require clear and convincing justification in line with the tests in the National Planning Policy Framework."*

Officer Comment

Officers are of the opinion that the proposed panels on the dwellings on plots 1, 2, 3 15 and 16 are not justified in heritage terms for reasons set out.

- " 6. *Proposals which potentially affect heritage assets should have regard to all relevant Historic England Advice and Guidance."*

Officer Comment

See earlier commentary

7. Where development is otherwise considered acceptable, planning conditions/obligations will be used to secure appropriate mitigation measures and if appropriate a programme of archaeological investigation, recording, reporting, archiving, publication, and community involvement; to advance public understanding of the significance of any heritage assets to be lost (wholly or in part); and to make this evidence and any archive generated publicly accessible.

(c)solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Officer comment

Whilst this outcome can be secured by condition the adverse impact on the external appearance that would result from the installation of the proposed panels on the front roof slope of the dwellings on plots 1, 2 and 3 and the west facing slope of those on plots 15 and 16 is considered unacceptable, albeit the lifespan of a solar panel may be approximately 20 years. Almost certainly unless new technology has replaced solar panels on 20 years then they will be replaced and thereby continue to exert an adverse effect.

It must also be recognised that whilst there is no such thing as a ‘precedent’ in planning - every application being judged on its own individual planning merits, site specific circumstances and relevant policies in force at the time - consistency of decision making is required.

Permitting solar panels on street facing roof slopes within a conservation area and within the setting of a multitude of adjacent listed buildings within the historic core of a settlement could result in an expectation from property owners that if the Council is to apply its approach consistently then solar panels on front facing roof slopes should be allowed if no other location can be found and/or even where the type of panel/s being proposed are not sensitive in terms of their appearance, style and character when compared to the established fabric, pattern and colour of roofs in the area.

4.9.0 Consideration of

LP23 Sustainable Construction and Design

LP24 Design and Residential Amenity

LP25 Energy Sources, Storage and Distribution

- 4.9.1 There is no disputing that the provision of pv panels on 100% of the dwellings within a new build scheme is socially, economically and environmentally is beneficial and something that is supported by the above policies.
- 4.9.2 At a time when there is a national cost of living crisis and the proposal involves the provision of affordable housing of which 6 are provided for affordable rent offering tenants and shared ownership occupiers access to cheaper alternative energy makes perfect sense from a social, economic and environmental perspective. Helping to tackle fuel poverty is a desirable ambition for the Council.

- 4.9.3 The majority of the current proposal is acceptable from a heritage policy perspective and there is no conflict between policies LP23, 24, 25 and LP19.
- 4.9.4 It is only on respect of the proposals as they relate to plots 1, 2, 3, 15 and 16 that there is any tension.
- 4.9.5 Whilst having access to alternative energy in the form of solar panels is a private benefit there is a public benefit dimension to it too. The weight to be given here is a matter of judgement as is so much in planning.
- 4.9.6 Whilst the pv panels here (if approved) only involve 16 dwellings of the many thousands in Mid Suffolk they will have some impact cumulatively with others on tackling climate change as they grow in numbers.
- 4.9.7 CPRE amongst others is promoting a campaign to see pv's on most dwelling roofs as a preferred alternative to the expansion of hectares of solar farms across Britain, and particularly East Anglia. Roof mounted pv's panels also provide occupiers with access to usable cheap energy, meaning they are less reliant on the major energy suppliers and the fluctuating cost of electricity. It also offers greater energy self-sufficiency and resilience to damaging changing international energy conditions.
- 4.9.8 Take up of pv in the domestic setting has been slow because of the high initial cost and solar farms continue to provide larger commercial energy providers an attractive longer term investment opportunity.
- 4.9.9 The critical question in the case of the Paddock House proposal is do the public benefits associated with 16 dwellings having access to energy from pv panels outweigh the identified heritage harm.
- 4.9.10 Officers are of the opinion that as the proposal presently stands any perceived public benefits do not outweigh the heritage harm.
- 4.9.11 That however is not necessarily the end of the story. BY moving the pv panels from the west facing to the east facing roof slope on plots 15 and 16 the identified heritage harm is resolved.
- 4.9.12 It may also be possible to reduce the heritage harm to the character of the conservation area and the setting of adjacent listed buildings by relocating the proposed prominently positioned pv panels on plots 1, 2 and 3 to alternative buildings or by using sympathetic solar tiles as opposed to panels.
- 4.9.13 In this way the balance of judgement might fall in favour of supporting such a proposal

4.10.0 Corporate Plan

- 4.10.1 Whilst the Mid Suffolk Corporate Plan (2024) does not form part of the Adopted Development Plan it is an expression of the Council's delivery priorities and is something that is intended to provide focus and direction in terms of Service delivery by the Council.

“We want our communities in Mid Suffolk to thrive and we believe this can be achieved by working together....

What we will focus on to help our communities and residents thrive.

These are the actions we want to focus on. Some of these we can achieve directly but some we can only influence others to deliver as we do not run these services, but we will continue to represent everyone and lobby hard on their behalf.

Housing & infrastructure

- ***Increasing the availability of truly affordable homes, reducing homelessness***
- ***Ensuring we have more insulated and energy efficient homes***
- *Supporting and encouraging private landlords and homeowners towards zero carbon living*
- ***Enabling sustainability in the built environment***
- *Supporting better rural transport improving travel connectivity*

Resilience

- *Empowering and enabling more active citizenship*
- *Building capacity & capability within communities*
- *Ensuring we engage with all our communities*
- ***Protecting heritage and its cultural significance***
- *Supporting local businesses*
- *Championing local food production*
- *Supporting the delivery of a greener, skilled economy*

Community Wellbeing

- *Enabling improved physical and mental wellbeing*
- *Working to respect, harness and promote local culture*
- *Enabling greater access to green spaces*
- *Enhancing walking and cycling opportunities*
- ***Addressing inequalities (including health, poverty, educational and employment)***
- *Promoting greater pride in your place*

Environmental Sustainability

- ***Working to achieve net zero carbon emissions as a Council and across the whole district***
- ***Supporting and facilitating more community energy production***
- *Working towards zero waste*
- *Improving biodiversity and nature recovery*
- *Enabling and encouraging clean, secure, energy and water supply and management*

4.11.0 Eye Neighbourhood Plan

- 4.11.1 Whilst policy Eye 5 - Paddock House does not provide specific design/heritage advice it does refer to the need for development to be assessed against the Eye Masterplanning and Design Guidelines (2019)



figure 25: **Cover of the Eye Masterplanning and Design Guidelines document that supports the Adopted Eye Neighbourhood Plan**

- 4.11.2 The Paddock House redevelopment as originally approved conformed with the guidelines above.
- 4.11.3 Eye 16 -Development Inside the Settlement Boundary includes the statement

“Development proposals should conserve and where possible enhance the conservation area and its setting and should respect local distinctiveness. They should demonstrate high quality, sustainable and inclusive design.”

“Development proposals should take account of the Eye Conservation Area Appraisal 2011 and the Eye Neighbourhood Masterplanning and Design Guidelines 2019.

Proposals should address the following criteria:

a. high quality materials should be used that contribute positively to the Conservation Area or any area located outside it and should respect the local setting;

b. retention of traditional heritage features such as flint walls, the Hoxne half round Banham Bricks and the black-boarded outbuildings;

c. the importance of responding creatively to, and enhancing, the setting of the immediate area, having regard to the character of the adjacent buildings and spaces, including scale, orientation, height and massing;

d. ensure that designated heritage assets and their settings are preserved and where possible, enhanced;

*e. colour schemes of buildings should be in keeping with those of the surrounding area;
.....”*

4.11.4 Whilst the Town Council has not objected to the proposed changes officers are of the opinion that the location of pv panels on the front facing roof slopes to the dwellings on plots 1, 2 and 3 will not contribute positively to the conservation area and therefore this element is contrary to Eye 16.

4.11.5 As described above the proposal does give rise to some identified elements causing less than substantial harm to the heritage assets identified above. That harm engages under NPPF paragraph 208 and your Joint Local Plan policy LP19 subject to undertaking a planning balance with the public benefits which arise. That planning balance of public benefits against harm is a matter for the decision maker. In this instance the application as a whole does not deliver sufficient public benefits to outweigh the heritage harm. The elements of the application cannot be viewed in isolation.

5.0 CONCLUSION

5.1 Heritage and Planning Balance and Conclusion

5.1 In this particular case officers consider the most important policy for the determination of this proposal in so far as it relates to the installation of pv panels is LP19.

5.2 That development plan policy is determinative and the present proposal does not fully accord with it and this must attract significant weight as a material planning consideration.

5.3 The proposal as particularly relates to the roof installations on the dwellings on plots 1, 2 and 3 are considered to result in “*Less than Substantial Harm*” to a designated heritage asset, namely the Eye Conservation Area asset as the proposal will neither preserve or enhance the character of the said conservation area. It will also cause less than substantial

harm to the setting of numerous adjacent listed buildings for the reasons set out in this report.

5.4 The installation of pv panels is in principle supported by Council policies LP23, 24 and 25 but these are not considered to be determinative in this case. As a matter of public benefit they are consequently given moderate weight which does not outweigh the heritage harm without further amendment as detailed..

5.5 Particular attention is given to paragraph 3 of LP 25 - Energy Sources, Storage and Distribution which states:

“Where proposals for renewable and low carbon energy impact on nature conservation sites⁵, the Areas of Outstanding Natural Beauty, or the setting of heritage assets (including conservation areas), the applicant must be able to convincingly demonstrate that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District or for community initiatives within the area which it is intended to serve. This includes providing underground power lines and cabling.”

5.6 Whilst LP25 may be directed to larger scale energy projects it never the less chimes with the NPPF’s drive to protect and safeguard heritage assets from inappropriate harm which engages in LP19.

5.7 There is no objection per se to the proposed amendments to windows and the bin store position adjacent to plot 7, subject to the inclusion of a blank window in the west end elevation at first floor of plot 1 and satisfactory clarification of the roof profile over the said bin store.

5.8 Officers have suggested further amendments to reduce the “Less Than Substantial” harm that will arise from the proposed pv panels on plots 1, 2, 3 15 and 16 and it is recommended that until these have been satisfactorily achieved the proposal as a whole is unacceptable as the public benefits associated with the proposals do not outweigh the identified harm to the designated heritage assets and so the proposal fails the test in paragraph 208 of the NPPF.

5.9 If the detailed aspects below, which do cause harm as described above, are amended in the manner recommended below then the planning and heritage balance would be acceptable. In summary these amendments would mitigate the identified heritage harm and/or materially optimise the positive public benefits of the scheme in the planning and heritage balance.

5.10 Given that the delivery of this redevelopment is itself a positive for Eye, its Conservation Area and the setting of heritage assets hereabouts it is considered proportionate to invite the applicant to amend the application and to seek a substantive resolution from Committee which delegates the resolution of the harm aspects.

⁵ Nature conservation sites include: SSSI, SAC, SPA, NNR, Ramsar Sites, and Local Nature Reserves

RECOMMENDATION

- **That Members resolve to DELEGATE authority to the Chief Planning Officer to GRANT planning permission SUBJECT FIRST TO the following amendments being made to the application to the satisfaction of the Chief Planning Officer**
 1. An Amended drawing/s that provide/s consistent detail in respect of the proposed relocated bin store adjacent to plot 7. Namely the roof plan and elevation which must show a fully pitched roof; and'
 2. An Amended drawing/s that provide/s for the inclusion of a recessed blanked brick window in place of the proposed window removal at first floor in the west end elevation to plot 1 (rather than flush brickwork); and,
 3. An Amended drawing/s showing the proposal pv panels on plots 15 and 16 moved from the west facing roof slope (rear) to the east facing slope (front); and,
 4. Amended details for the proposed pv panels on the front roof slope to plots 1, 2 and 3 that either move them from that slope to an alternative building to the rear (garages) or substitute the proposed black panels for suitable solar tiles to match the approved roof cladding in terms of form, profile and colour
- The applicant may alternatively choose to remove the pv panels on the dwellings on plots 1, 2 and 3 from the submission in which case the proposed amendments could be approved subject the other changes first being secured

In the event that the amendments set out above are not received within 2 months or such detail as shall have been submitted is not considered satisfactory the Chief Planning Officer then he be authorised to REFUSE the application for the following reason:

“The proposed pv panels on the dwellings occupying plots 1, 2, 3, 15 and 16 will result in ‘Less Than Substantial Harm’ to designated heritage assets, namely the Eye Conservation Area and the setting of numerous listed buildings adjoining the site.

This harm will arise from the intrusive nature an alien non traditional appearance of pv panels installed on the street facing (front) roof slope to the dwellings on plots 1, 2 and 3 within what is a key art of the historic core of Eye. The introduction of pv panels facing Church Street will result in significant harm to the character of the conservation area hereabouts such that the proposal cannot be said to neither preserve nor enhance that character. The buildings hereabouts have very distinctive vernacular roofscapes that retain a strong historic significance as they reflect the Towns long history in a largely unaltered form.

The approval of pv panels in such a prominent location is likely to encourage property owners to seek approval for pv panels on front facing roof slopes on the basis of a consistent application of policy in the conservation area and within the setting of listed buildings. This would quickly erode the charm character and historic significance of heritage assets hereabouts.

In refusing this application the Council as local planning authority suggested a variety of alternatives including the use of solar tiles rather than panels to mitigate the identified harm but the applicant decided not to pursue these.

The proposed is contrary to ALP Policy LP - The Historic Environment and this policy is considered to be the most important within the basket of relevant policies for the determination of this application.

The Proposal is contrary to Neighbourhood Plan policy Eye 16 in that the position of pv panels on the front facing roof slopes of the dwellings on plots 1, 2 and 3 will not contribute positively to the conservation area. They will therefore neither preserve and enhance its intrinsic character and its distinct historic significance.

The proposed is also contrary to NPPG paragraphs 203, 205, 206 and most importantly 208”