

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
7 June 2022
A report by the Executive Director for Economy and Infrastructure

Application Reference No. 3/22/9002

Application Type: Full Planning Permission

Proposal: Installation of Roof Mounted Solar Photovoltaic Panels

Location: Brough Community Primary School, Church Brough, Kirkby Stephen, CA17 4EW

Applicant: Brough Community Primary School

Date Valid: 25 April 2022

Reason for Committee Level Decision: Application made by Executive Director for Economy and Infrastructure

1.0 RECOMMENDATION

1.1 That Planning Permission be granted subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

2.1 Planning permission is sought to install Solar Photovoltaic (PV) Panels on the roofs of a number of buildings at Brough Community Primary School in Church Brough. The application proposes installation on three different distinct roof elements as follows:

Building Element	PV detail
Flat roofed portacabin classroom building situated on the western side of the school site and centrally within the complex of school buildings.	<ul style="list-style-type: none">• Arranged in three rows of eight panels oriented in landscape with each row measuring 13.7m by 1.2m and spaced equidistantly apart.• Light grey aluminium/steel frame roof-mounting set at a 5-10 degree angle above the roof plane (Schletter FixGrid18 rail-based flat roof system).
South facing pitch of a modern twentieth century classroom extension on the western side of the school site with corrugated style metal sheet roofing and a light to mid grey colour.	<ul style="list-style-type: none">• A single row of panels measuring 8m by 1.7m set close to the ridgeline.• Aluminium bearing rails with metal clamps
Southern part of the west facing pitch roof of the original Victorian building.	<ul style="list-style-type: none">• Arranged in two adjacent rows of portrait oriented panels with each row measuring 27.2m by 2.2m and spaced equidistantly apart. These would be sited on the upper steeper pitch element of the roof.• Aluminium bearing rails with metal clamps

2.2 It is proposed that all the solar panels would have a black coloured surface. The Design and Access Statement submitted sets out that the panels would be 3cm thick and would stand no more than 15cm above the plane of any roof. It explains that the type of panel proposed has been selected to minimise visual impact.

- 2.3 This proposal has come about as the applicant wishes to decarbonise their electricity supply by providing decentralised renewable energy and realise energy cost-savings that can be utilised to help financially sustain the school and help drive forward improved delivery of the curriculum.
- 2.4 Planning permission is required because the proposed solar panels would be within 1 metre of the external edge of some of the pitched roof elements. This application is being brought to the Development Control and Regulation Committee for determination as it constitutes Regulation 3 Local Authority development.

3.0 SITE DESCRIPTION

- 3.1 Brough Community Primary School is situated in the Church Brough Conservation Area. The school occupies an approximately 0.46ha site at the northern end of the village of Church Brough. To its north the school is bounded by a green area of designated public open space, with the A66 lying beyond this. To its west are the thickly treed riverbanks of Swindale Beck. On the western side of the beck is a playing field and the jubilee Community Orchard. The school is bounded by the public highway (U3317) to its east, with a number of two storey residential dwellings present on the opposite side of the road. An approximately 1.2m high stone wall demarcates the southern curtilage of the school. An agricultural access track designated as a public byway (Public Right of Way No. 309009) runs alongside the southern perimeter of the school. On the opposite side of this track are two detached bungalows. Swindale Beck runs around the southern side of these bungalows.
- 3.2 The Brough Castle and Brough (Verteris) Roman fort and civil settlement Scheduled Monument occupies an elevated position on the western side of Church Brough. The castle remains lie approximately 230m south-west of the school's southernmost buildings.
- 3.3 The school buildings are centrally situated within the site, with the main school play area situated to their south. The southernmost buildings within the site are set back approximately 21.5m from the school's southern boundary wall. The original Victorian part of the school building fronts the eastern roadside and is limestone faced and pitched-roofed. A number of single-storey extensions have been made to the northern and western sides of this original building over the last forty years and two standalone modular buildings sited to its eastern side. The built extensions have rendered walls and pitched roofs. Two of the extensions have slate roofs while another centrally situated extension has metal sheet roofing. The modular buildings are flat-roofed and have cream coloured external walls with, respectively, brown, and blue colour trim and fascia details.

4.0 SITE PLANNING HISTORY

- 4.1 Between 1974 and 1998 temporary planning permissions for the installation and retention of a number of portacabin classroom buildings to the western side of the main school building (*Refs. 3/74/1055, 3/81/0978, 3/86/0909, 3/89/0127 & 3/93/9010, [98/0089](#)*). Eden District Council granted a permanent planning permission for replacing one of the existing modular buildings with larger modular building for childcare provision in July 2007 (*Ref. [07/0515](#)*). A permanent planning permission for a replacement modular building to provide two classrooms at the school was granted by the County Council in June 2010 (*Ref. 3/10/9011*).

- 4.2 In July 2000 planning permission was granted for the erection of an extension off the northern side of the school for additional teaching space (Ref. 3/00/9009). In December 2007 planning permission was granted for the Change of use of disused play area at the north-western side of the school to a car park area ([Ref. 07/0810](#))

5.0 CONSULTATIONS AND REPRESENTATIONS

- 5.1 Eden District Council Planning Department: No Comments.
- 5.2 Eden District Council Conservation Area Officer: Considers that, overall, the proposal is in accordance with the statutory provisions concerning conservation areas, the NPPF and Policy ENV10 of the Eden Local Plan. Observes that the proposed solar panels would be visible from the public right of way path that runs alongside the southern school boundary, but that the rear of the Victorian school building comprises modern buildings of low architectural quality that already obstruct and detract from the character of the rear elevation of the original Victorian school building. Therefore, considers that the siting of panels on the Victorian building's rear roof slope and on the modern buildings would only cause small additional harm to the building and the conservation area. Notes the proposed panels also have potential to be visible in long distance views from the Brough Castle Scheduled Monument but the proposals are considered to result in a negligible impact on the setting of the Scheduled Monument. Consider that the proposed positioning of the solar panels of below ridge tile height and protruding no more than 150mm from the roof is considered appropriate to reduce the harm caused and notes that the installation is also easily reversible. Concludes that the overall minor harm to the significance of the building, the conservation area and the setting of the Scheduled Monument is outweighed by the benefit of a renewable energy source to the school building.
- 5.3 Cumbria County Council Historic Environment Officer: No comments as they consider that the proposal does not affect any archaeological assets.
- 5.4 Brough Parish Council: No objection.
- 5.5 Eden District Council Environmental Health Department: No comments.
- 5.6 Electricity NorthWest: No response received.
- 5.7 Cumbria Constabulary Crime Prevention Design Advisor: Provides general advice to the school in respect of crime trends and measures to deter potential for crime.
- 5.8 The application site falls in the County Council electoral division of Kirkby Stephen. The Councillor elected to represent that division, Mr Phil Dew, has been notified of this proposal.
- 5.9 No representations have been received.

6.0 PLANNING POLICY

- 6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the local development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the

decision making process.

6.2 The [Eden District Council Local Plan 2014-2032](#) (EDCLP) was formally adopted on 11 October 2018. The key policies from this local development plan relevant to the determination of this planning application are considered to be:

- ENV6 (Renewable Energy);
- ENV10 (The Historic Environment
- COM4 (Education and Health)
- DEV1 (General Approach to New Development)
- DEV5 (Design of New Development)

6.3 Neighbourhood Plans also form part of the statutory development plan once they have been made (brought into legal force) by the local planning authority. Church Brough falls within a neighbourhood plan area designated as the “Upper Eden” in August 2012. The Upper Eden Neighbourhood Plan 2012-2025 became part of the statutory development plan on 11 April 2013. The policies of this plan primarily relate to residential development and are therefore not considered relevant to the determination of this application.

6.4 [The National Planning Policy Framework](#) (NPPF) was published in a revised and updated form in July 2021. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

- Section 2 - Achieving sustainable development: Paragraphs 7, 8, 9, 10 & 11.
- Section 4 - Decision making: Paragraphs 38 & 55.
- Section 12 - Achieving well-designed places: Paragraphs 126, 130, 132 & 134.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change: Paragraphs 152, 154, 157 and 158.
- Section 16 - Conserving and enhancing the historic environment – Paragraphs 189, 194, 195, 197, 199, 200, 202 and 203.

7.0 PLANNING ASSESSMENT

7.1 Objective 13 and Policy ENV6 of EDCLP and paragraph 152 NPPF are supportive in principle of proposals for small scale decentralised energy generation such as the installation of roof mounted solar photovoltaic panels in supporting the transition to a low carbon future. The key planning issue relevant to this application proposal is considered to be its impact on heritage assets. In particular its impact upon the character and appearance of Church Brough conservation area; upon an unlisted heritage asset in the form of the original Victorian school building and hypothetical potential to impact upon the setting of the Brough Castle and Brough (Verteris) Roman fort and civil settlement Scheduled Monument (hereinafter referred to as the Scheduled Monument).

Heritage: Would the proposal adversely affect the character and appearance of the Church Brough Conservation Area, the non-listed original school building, or the Scheduled Monument?

7.2 [Section 72](#) of the Planning (Listed Buildings and Conservation Areas) Act 1990

imposes a general duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The Church Brough conservation area covers the centre of Church Brough and was designated as a conservation area on 18 November 1969. It has not been subject to any recent Conservation Area Character Appraisals. The Conservation Area centres upon the villages centrally sited Market Square and encompasses the Grade II* listed Church of St Michael to its south and the scheduled monument to its east. It includes a number of greenspaces which contribute to the setting of the settlement. It also covers a number of listed buildings/structures around the village. The nearest listed building to the school is the Grade II listed Bridge House which is situated some 80m south of the site with intervening residential development between. There is no visual relationship between the school and this listed heritage asset.

- 7.3 The historic original Victorian school building makes a positive contribution to the conservation area. Its local limestone facing with random rubble coursing, slate pitched roofs and chimneys have a positive aesthetic influence on the street-scene in views of its main front eastern elevation and its southern gable-end elevation. The positive contribution of its northern and eastern elevations has been eroded by a number of late twentieth century additions and extensions.
- 7.4 Paragraph 199 of the NPPF sets out that ‘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. This is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’ Paragraph 200 of the NPPF continues that: ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’. Paragraph 203 of the NPPF states that ‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’
- 7.5 The applicant has submitted a Heritage Statement in support of their proposal. I consider that the significance of the School (as derived from the relative value of its architectural, historic, artistic, and archaeological interest) lies in its:
- designed aesthetic value as a Victorian School building with a simple yet confident use of local materials in the detailing of the building;
 - communal symbolic value as an educational establishment.
- 7.6 I consider that key features which need to be respected and preserved are the eastern and southern elevations of the building in particular their roof form and external elements of natural stone.
- 7.7 The proposal solar panels have been sensitively sited on two modern buildings and on the western (rear) facing roof of the original Victorian school building. There would be limited visibility of the panels from public vantage points with visibility limited to close proximity views from the public byway running along the southern side of the site and an approximately 20m section of the U3317 between the school and the road bridge over Swindale Beck. There is also potential for some limited visibility of the panels in medium to long distance views

in the short section of the U3317 running up toward the market cross-base and maypole and from the scheduled monument. In all cases the panels would be seen in the context of the modern buildings of low architectural quality present to the eastern side of the building. The proposed dark black colour of the panels would help limit the visibility of their presence upon the roofs. The tree-lined banks of Swindale Beck prevent visibility of the school roof from the village playingfield. I therefore agree with Eden District Council Conservation Officer that the siting of the panels on the Victorian building's rear roof slope and on the modern buildings would only cause small additional harm to the building and the conservation area. The ordered arrangement of the tiles, the colour of the panels, their thin depth/profile and installation so that they protrude no more than 15cm from the roof and do not exceed the ridgeline of pitched roofs all serve to reduce the small additional harm caused and result in negligible impact upon the character and appearance of the conservation area. It is therefore considered that the overall minor less than substantial harm to the significance of the original Victorian school building, the conservation area and the setting of the SM is outweighed by the benefit of providing a low-carbon renewable energy source to the school. In reaching this view I have paid special attention to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. I therefore consider that this proposal has been sensitively sited and designed and complies with Policy ENV10 and the heritage provisions of the NPPF.

Other Material Considerations

- 7.8 **Amenity:** By virtue of the siting, design and colour finish of the proposed pv panels, their distance from the bungalows to the south, and the limited reflectivity of the solar panel surfaces which limits the potential for glint (direct reflection of sunlight) or glare (reflection of the bright sky), serves to reduce any affects on the amenity of nearby residential dwellings or those moving through public spaces outside the site.

8.0 CONCLUSION

- 8.1 Policy ENV6 of EDCLP and paragraphs 152 and 158 of the NPPF are supportive of small scale renewable proposals such as roof mounted solar photovoltaic panels in principle recognising that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions as part of the transition to a low carbon future. I am satisfied that the proposed new solar panels have been sympathetically sited, arranged and designed so as to ensure their visual impact would be limited and not adversely affect local or residential amenity. Their provision would result in some minor harm to the significance of the original Victorian school building, the conservation area and the setting of the Scheduled Monument, but I consider that this minor less than substantial harm is outweighed by the benefit of providing a decentralised low-carbon renewable energy source to support this education facility.
- 8.2 In summary, it is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. It is therefore recommended that this application be granted subject to conditions.

Human Rights

8.3 Given the nature and purpose of the proposed development no Convention Rights as set out in the Human Rights Act 1998 would be affected.

Angela Jones
Executive Director for Economy and Infrastructure

Contact: Mr Edward Page

Electoral Division Identification: Kirkby Stephen ED - Cllr Phil Dew

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Appendix 1 - PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out in accordance with the following:
 - a. The submitted Application Form – dated 22 April 2022;
 - b. Heritage statement
 - c. Planning statement
 - d. Design and access statement
 - e. Location Plan - 1:1250scale
 - f. Location Plan of proposed solar panels - 1:1250scale
 - g. Roof Plan – Proposed – Rev.1

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT
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