

APPLICATION REFERRED FROM THE WEEKLY LIST

WEEKLY LIST NO. 1653

22/01003/FUL

7 LONDON HILL, RAYLEIGH

1 DETAILS OF REFERRAL

- 1.1 This item was referred from Weekly List No. 1653 in time to be listed on the agenda for this Committee.
- 1.2 Cllr I H Ward referred this item on the grounds of public interest.
- 1.3 The item that was referred is attached at Appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at Appendix 2.

2 RECOMMENDATION

- 2.1 It is proposed that the Committee **RESOLVES**
To determine the application, having considered all the evidence.

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Appendix 1

Application No :	22/01003/FUL Zoning : Conservation Area
Case Officer	Ms Katie Fowler
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	7 London Hill Rayleigh Essex
Proposal :	Installation of new solar panels to the rear of the pitched roof.

1 SITE AND PROPOSAL

1. The application site is located on the corner of London Hill and Bellingham Lane and serves the Rayleigh Conservative Club. The building is of 19th century origin and encompasses later 20th century additions. The site is located towards the outskirts of Rayleigh Conservation Area but is prominent in its location, including the rear elevation onto Bellingham Lane, due to its siting on a corner of two streets. It is also within close proximity to the Grade II listed Rayleigh Windmill and 13 – 17 London Hill, Rayleigh Church and the Scheduled Monument of Rayleigh Mount.
2. Planning permission is sought for the erection of 19 solar panels to the rear roof of the building to which the application relates. The panels in total are proposed to produce an average of 7.94MWh of electricity per annum.
3. Although the Town and Country Planning (General Permitted Development) (England) Order (2015) allows for the installation of solar panels within the Conservation Area, it prohibits the installation of solar panels in the Conservation Area where that elevation faces a highway. In this case, the corner plot location means that the solar panels would front the highway of Bellingham Lane.

RELEVANT PLANNING HISTORY

4. Application No. 92/00514/FUL – single storey rear extension and add pitched roof to existing two storey rear building – Permitted.
5. Application No. 98/00387/CON – ground floor side extension (toilets). Demolish part of existing boundary wall – Permitted.
6. Application No. 98/00386/FUL – ground floor side extension to form toilets. Demolish part of existing boundary wall – Permitted.
7. Application No. 01/00731/COU – change of use of part first floor from residential flat to office use – Permitted.
8. Application No. 02/00492/ADV – display non illuminated sign – Refused, appeal dismissed.
9. Application No. 04/00441/COU – conversion of part of first floor office into one 2-bed self-contained flat – Permitted.
10. Application No. 11/00671/FUL – re-location of entrance to club premises and lobby extension – Permitted.
11. Application No. 16/00462/FUL – to remove redundant front door and canopy and replace with white concrete weather boarding, replace existing white pvc cladding with material to match – Refused.
12. Application No. 17/00708/FUL – remove redundant front door and canopy together with PVC cladding and render the front apart from the yellow stock brickwork – Permitted.

MATERIAL PLANNING CONSIDERATIONS

13. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
14. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Principle of Development

15. The golden thread of sustainable development entwined throughout the National Planning Policy Framework (NPPF) comprises three dimensions. These are economic, social and environmental. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.
16. In relation to paragraph 8(c), the NPPF contends that the environmental objective is to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.
17. Rayleigh Conservation Area as a designated heritage asset is covered by the Rayleigh Conservation Area Appraisal which contends that Rayleigh is a traditional market town, the evidence for which is still clear by the layout of the High Street.
18. The recent NPPF consultation has provided greater weight to applications for renewable energy. However, the revision still attributes weight to the preservation of the historic environment.

Impact on Conservation Area

19. Paragraph 199 of the NPPF outlines 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
20. Paragraph 206 sets out that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset, should be treated favourably.
21. Bellingham Lane follows the line of the former outer bailey ditch of the castle. Bellingham Lane can be seen on the historic maps of Rayleigh and forms an important understanding for the historic context and evolution of the market town of Rayleigh.
22. The proposed installation of solar panels onto the rear roof space of the application building would be visible within the Rayleigh Conservation Area

and the street scene of Bellingham Lane. The solar panels would be considered an incongruous feature given that they would appear overly modern and of a shiny material that would appear in sharp contrast to the historic context of Raleigh Conservation Area.

23. It is acknowledged that the existing building is a negative contributor. Nevertheless, due to the location of the proposed solar panels, they would feature prominently within the street scene of Bellingham Lane thereby drawing more attention to an already negative building. The development would therefore not be considered to preserve the Conservation Area.
24. Specialist advice has been sought from Place Services Historic Buildings and Conservation team who have advised that the proposal would result in less than substantial harm to the significance of the Raleigh Conservation Area. Less than substantial harm is material harm and as per paragraph 199 of the NPPF, this should be attributed great weight.
25. Paragraph 202 of the NPPF thereby becomes relevant, outlining that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (i.e. the Conservation Area), this harm should be weighed against the public benefits of the proposal.
26. The National Planning Practice Guidance (NPPG)¹ further details what is meant by the term public benefit (ref ID: 18a-020-20190723). It states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public Benefits

27. It is noted that the proposed solar panels would sustainably generate 7.94MWh of electricity per year reducing grid reliance by 19%, as such contributing to climate change mitigation targets to which weight in favour of the application is attached.
28. The submitted Executive Summary which has been submitted to accompany the Energy Report discusses that the applicant has taken a fabric first approach by upgrading the fabric to improve the thermal performance of external elements. This has included increasing levels of insulation, improving air tightness, installation of new cavity insulation and the presence of electric fan heaters and modern appliances which are under 10 years old. This

¹ [NPPG – Historic Environment](#)

demonstrates that the applicant has taken a holistic approach to addressing their consumption to ensure the maximum performance of the PVs is achieved. In addition, a battery storage facility has been proposed to store electricity during the hours of daylight when the club is closed. Both of these elements demonstrate that the scheme has been well thought out and considered the function of the proposal within the application building. These factors combined have led to the proposal for 19 solar panels which the Executive Summary discusses have been designed based on the maximum panels possible to offset as much of the consumption as possible.

29. The proposal would subsequently reduce CO2 emissions by 1.85 tonnes each year. It is acknowledged that this would go some way to addressing the NPPF target to reduce greenhouse gas emissions. However, it is calculated that the current CO2 emissions produced by the use of the building are some 16.845 tonnes (based on their annual consumption of 42MWh), as such there would still be some 15 tonnes of CO2 produced each year with the PVs installed. It is acknowledged that there is a need to increase the use of renewable energy and to improve the energy efficiency of buildings, however, due to the scale of the development, the reduction in CO2 emissions equates to a limited public benefit that does not outweigh the harm to the Conservation Area. Such a judgement was reached by an appeal decision in Oxford (app ref: APP/G3110/D/20/3247562).
30. The proposed solar panels would be of a slimline design that is reversible in the future. However, the harm would still result to the Conservation Area whilst the PVs remained which could be for a significant period of time of many years.
31. Within the Executive Summary it is mentioned that the solar panels would reduce the fuel bill of the business and would ensure its conservation in the long term. It is acknowledged that energy bills have increased significantly in the past year, however, this is not unique to the applicant but across many businesses. No viability statement has been submitted with the application which would outline that were PVs not installed that the use would have to cease due to running costs. Further, the business is not of such significance to the Conservation Area such as other community facilities (e.g. pubs, post offices etc.) where a more clear benefit to the public at large of the use could be demonstrated. This is represented by its location outside of the primary or secondary retail frontage within the Rayleigh Centre Area Action Plan. Officer's view is that by permitting an application for PVs in a prominent location for one business within the Conservation Area is harmful to the street scene of Bellingham Lane. Instead, a precedent could be set for other businesses within the Conservation Area who also wish to save money to install PVs on prominent elevations to the further detriment of the quality of this heritage asset.
32. To withhold consent would not be an act restrictive or obstructive to the installation of PVs within the Conservation Area in principle, but rather such

installations need to be sited sensitively as otherwise the quality of the Conservation Area would be diminished by the installation of modern features throughout. It should be noted that the preservation or enhancement of the Conservation Area is in itself a public benefit and this is recognised by the NPPG (ref ID: 18a-020-20190723). To do otherwise would be a disbenefit.

33. The applicant has not presented within the application a benefit to the public at large (as required by the NPPF and NPPG) but rather a limited reduction in CO2 and a clear private benefit in the reduction of energy costs. It is understood that the energy costs that the country are facing are of detriment to many businesses, however, the answer must not at the same time diminish the quality of the Conservation Area and heritage assets as discussed above. It is not being argued by the applicant that without the installation of the PVs the business would cease.
34. Paragraph 8 of the NPPF (noted above) makes clear that an environmental objective of achieving sustainable development also includes contributing to protecting and enhancing the built and historic environment. Paragraph 199 states 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.
35. In a recently dismissed appeal in Uttlesford (ref: APP/C1570/W/22/3294001) the Inspector noted that although considerable weight is afforded to the public benefits of green energy production, he was not satisfied that the scale of the benefits would be sufficient to outweigh the harm to the Conservation Area. It is acknowledged that the context of the appeal site and proposal differs from that of the application site, nevertheless, the test and planning balance is still applicable.
36. There is clear interest both locally and nationally to promote renewable energy and this is evidenced by the granting of permission for a number of solar farms within the district (app ref: 21/00605/FUL South Fambridge Hall, app ref: 14/00649/FUL Land North East of Ulverston, app ref: 15/00190/FUL London Southend Airport). However, it is clear from the aforementioned appeal decision and national policy, that this must be weighed up in the interest of preserving the historic environment.
37. It is considered that the public benefits would be a relatively small contribution towards mitigating the effects of climate change as such, they would not outweigh the greater harm that has been identified to the Conservation Area and thus would not be an environmental public benefit overall, conflicting with the NPPF.

Other Considerations

38. The applicant has pointed to an example of PVs within the Conservation Area which they consider would mean that the proposal would not be out of

character within the Conservation Area. This example is No. 22-24 Bellingham Lane which is a new dwelling that was granted permission in 2015 (ref: 15/00317/FUL). A photo of this dwelling and its relationship with the application site can be seen below.



Photo 1: Street scene photo of Bellingham Lane which shows No. 22-24 and the application site.

39. It is acknowledged that there are PVs present on No. 22-24 Bellingham Lane. These were approved as part of the discharge of condition to provide 10% renewable energy.
40. Nevertheless, these panels are set towards the rear of the building and are partially shielded by the service centre to the south of the site from some viewpoints. It is considered that these panels have less of an impact on the Conservation Area than those proposed to the application building which are proposed across the entire rear roof slope of the building to which this application relates.
41. It has been suggested to the applicant that the number of panels proposed be reduced and moved to the western end of the roof, or alternatively, the panels be installed to the flat roof of the existing rear extension. However, the applicant did not feel that these solutions would achieve the level of energy they wished from the scheme.
42. Overall, it is considered that the proposal would result in less than substantial harm to the Conservation Area which would not be outweighed by public benefit conflicting with paragraph 202 of the NPPF. The development would

fail to preserve or enhance the character or appearance of the Conservation Area contrary to paragraph 206 of the NPPF, part (viii) of Policy DM1 of the DMP and Policy ENV1 of the Core Strategy.

CONCLUSION

43. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments have been received.

Essex County Council Place Services Historic Buildings and Conservation advice:

It is proposed to install solar panels to the rear roof of the Conservative Club. The proposed solar panels shall be visible from within the Rayleigh Conservation Area and its street scene, thereby introducing an incongruous feature which would fail to preserve the character or appearance of the Rayleigh Conservation Area. I acknowledge that the existing building is a negative contributor and that there has been recent surrounding development however due to the location of the proposed solar panels, these shall feature prominently. Furthermore, whilst I acknowledge the existing building has been identified as a negative contributor, the cumulative impact of further negative additions to the Conservation Area should be avoided. In consideration of this, the proposals would result in less than substantial harm to the significance of the Rayleigh Conservation Area, this being at the lowest end of the spectrum.

I acknowledge that for this building there is a lack of other viable locations however the visibility of the existing roof is a fundamental constraint of the site. I note there is a flat roofed extension to the rear, would it be possible to place low-profile solar panels in this location? This would potentially have little to no impact as the panels would not be visible.

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011) Policy ENV1

Development Management Plan (December 2014) Policy DM1

National Planning Practice Guidance (2021)

RECOMMENDATION: REFUSE

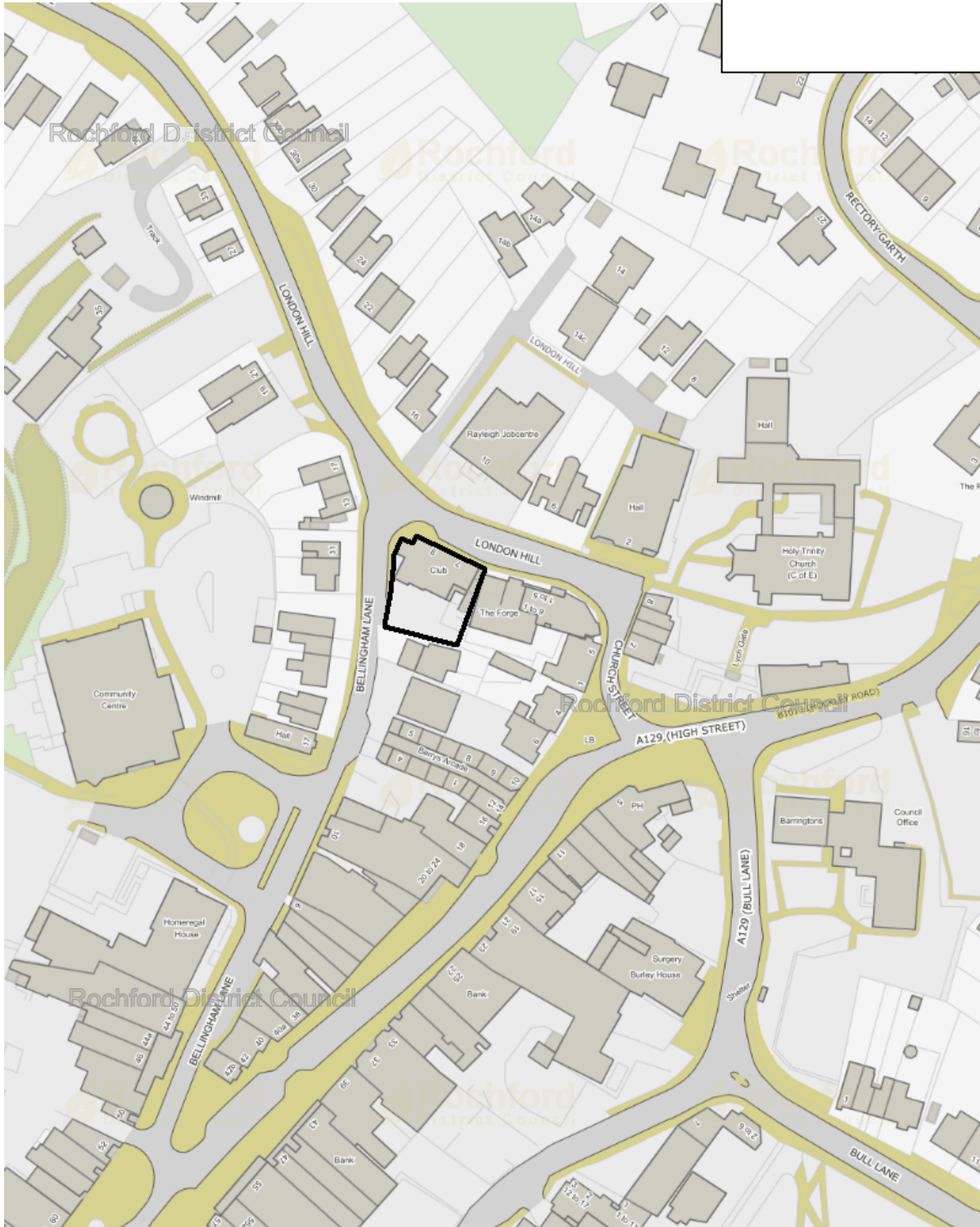
Reasons for refusal:

1. The proposed installation of 19 solar panels upon the application building would be considered to introduce incongruous features which would fail to preserve the character and appearance of the Rayleigh Conservation Area. The harm has been identified as less than substantial and in accordance with the National Planning Policy Framework (NPPF) must therefore be outweighed by public benefit. The public benefit of green energy production would not be of a scale that the benefits would be sufficient to outweigh the harm to the Conservation Area, the preservation of which is in itself a public benefit, and thus would not be an environmental benefit overall (in accordance with paragraph 8 of the NPPF). The development would therefore conflict with paragraph 202 of the NPPF and would fail to preserve or enhance the character or appearance of the Conservation Area contrary to paragraph 206 of the NPPF, part (viii) of Policy DM1 of the Council's Development Management Plan (2014) and Policy ENV1 of the Council's Core Strategy (2011).

The local Ward Members for the above application are Cllr. M. Wilkinson, Cllr. J. Lawmon and Cllr. A. G. Cross.

Appendix 2

22/01003/FUL



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