



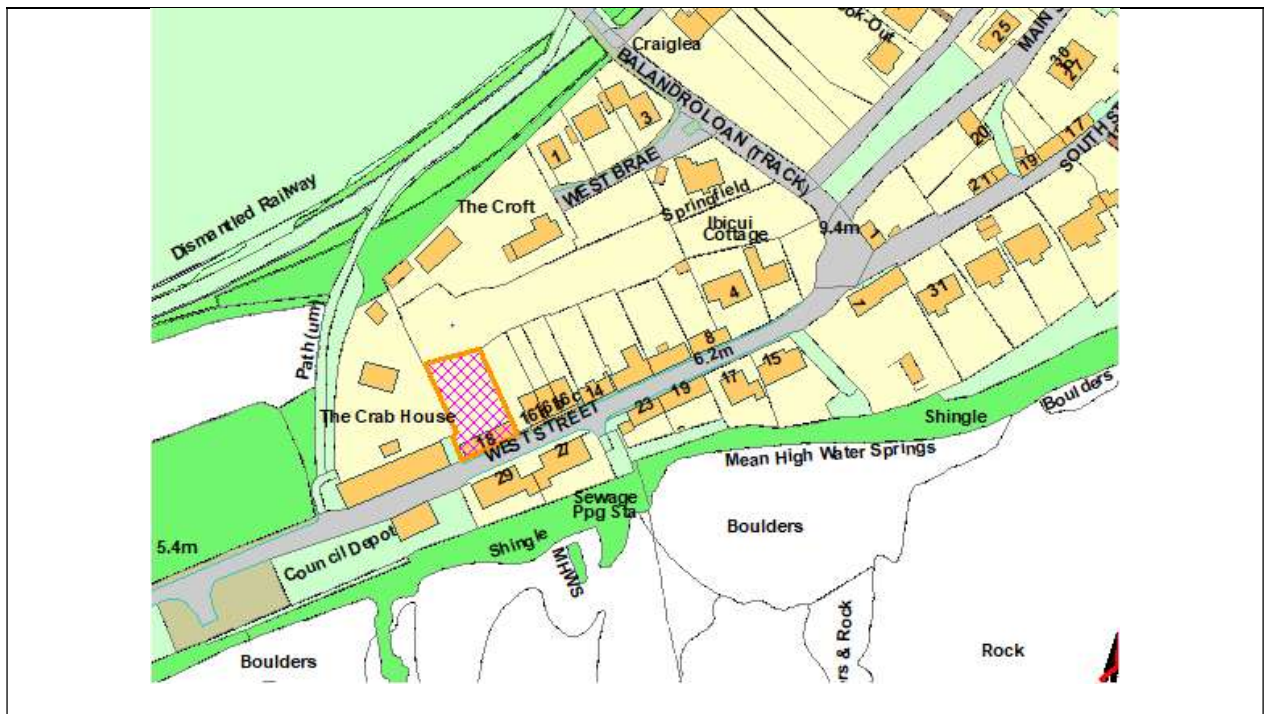
Kincardine & Mearns Area Committee Report 30 April 2024

Reference No: [APP/2024/0140](#)

Full Planning Permission For Installation of Solar Panels at 18 West Street, Johnshaven, DD10 0HL

Applicant: Mr & Mrs Cribb, Tigh Na Mara, 18 West Street, Johnshaven, DD10 0HL
Agent: A.D Architecture & Design, Tigh-Na-Bruach, Taylock, Brechin Road, Montrose, DD10 9LE

Grid Ref: E:379207 N:766765
 Ward No. and Name: W19 - Mearns
 Application Type: Full Planning Permission
 Representations: 0
 Consultations: 1
 Relevant Proposals Map: Aberdeenshire Local Development Plan 2023
 Designations: Johnshaven Conservation Area
 Complies with:
 Development Plans: No
 Main Recommendation: Refuse



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1h of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but 50% or a majority of responding Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

Cllr. Alison Evison: "Further consideration of the visual impact on the character of the Conservation Area/Policy HE2."

Cllr. George Carr: "Can I suggest further discussion at Area Committee under Policy HE2 Protecting historic, Cultural and Conservation Areas."

- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application is seeking full planning permission for installation of solar panels to the dwellinghouse at 18 West Street, Johnshaven.
- 2.2 The property is located within the settlement boundaries and in the Conservation Area of Johnshaven. The dwellinghouse is a single-storey traditional cottage with sandstone walls and blue slate roof.
- 2.3 The principal elevation of the property faces south directly onto West Street. The large garden is adjacent directly to the dwellinghouse from the north. There are residential properties to the east, south and north sides of the dwellinghouse. West Street comprises of a mixture of traditional cottages and more modern residential houses.
- 2.4 Twelve photovoltaic (PV) solar panels, each measuring approximately 1.2 by 1.7 meters, are proposed to be installed on the south-facing front elevation roof plane of the dwellinghouse.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Environment and Infrastructure Services (Environment – Built Heritage)** has objected to the proposal due to solar panels being installed on the principal elevation of the property. This will cause a detrimental visual impact on the Conservation Area. This will be discussed further in Section 6.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

The Policies relevant to this proposal includes;

Policy 7 Historic assets and places
Policy 11 Energy
Policy 14 Design, quality and place
Policy 16 Quality homes

5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

The Policies relevant to this proposal includes;

Policy P1 Layout, Siting and Design
Policy P3 Infill Developments within Settlements and Householders Developments (including home and work proposals)
Policy HE2 Protecting Historic, Cultural and Conservation Areas (applicable in CA or other designation)
Policy C2 Renewable Energy

5.3 Other Material Considerations

Johnshaven Conservation Area Review

6. Discussion

6.1 This application seeks full planning permission for the installation of twelve solar panels, each measuring approximately 1.2 by 1.7 metres, along the south facing front elevation roof plane of the dwellinghouse.

- 6.2 The main planning considerations are the layout, siting and design of the proposal and its impact on the character of the existing dwelling and neighbouring amenity. Additionally planning consideration would be to determine whether the benefits of the installation of the solar PV panels at this location outweigh their visual impact on the character of the Johnshaven Conservation Area.
- 6.3 The principle of development is accepted under Policy 16 of NPF4 and Policy P3 of the LDP which both support house alterations. However, this is subject to appropriate layout, siting and design which respects the character of the existing dwelling and has no adverse impact on neighbouring amenity.
- 6.4 Since the installation of the solar panels is confined within the boundaries of the roof's surface, it is anticipated that the proposal will have no impact on the residential amenity of the neighbouring buildings.
- 6.5 Due to the proposed solar panel installation, renewable energy is another important factor to consider when determining this application. According to Policy 11 of NPF4 and Policy C2 of the ALDP 2023, renewable energy proposals will be supported, but not at the expense of other policies related to Natural Heritage, the Historic Environment, and Protecting Resources. Policy 7 of NPF4 and HE2 of the ALDP 2023 outline that developments that have a negative impact on a conservation area and historic environment will be resisted.
- 6.6 It is recognised that the Environment and Infrastructure Services (Built Heritage) Service has objected to this application on the grounds of solar panels installation causing an adverse impact on the visual amenity of the Johnshaven Conservation Area. The panels would be highly visible from West Street. It is considered that the panels will be highly prominent in the location proposed and that there are other alternative siting options available within the wider property curtilage. The Environment Team advised that the Applicant explore solar panels on any outbuildings within the garden ground, ground mounted panels or the use of solar slates on the roof.
- 6.7 It is acknowledged that the applicant submitted a revised layout scheme proposing an alternative positioning of the solar panels, on the same roof plane, which would offer improved balance and some symmetry on the principal elevation, it is considered that given the context of the site and availability of alternative siting locations that would have a significantly lesser impact on the character of the conservation area, the proposal remains unacceptable. The Planning Authority sought a compromise by suggesting the relocation of the solar panels from the street-facing side, noting the potential for placement in the spacious rear garden or on outbuildings as a viable alternative. The applicant has indicated that they do not wish to amend the proposals in line with this advice.

- 6.8 The proposed placement of the solar panels in its current form would have a detrimental impact on the character and integrity of the Johnshaven Conservation Area and would set an undesirable precedent. It is considered that the negative visual impact would outweigh the benefits of the installation of the solar panels at this location. As such, it is considered that the proposal fails to comply with ALDP 2023 Policies HE2 and C2 and NPF4 Policies 7 and 11 and cannot be supported.
- 6.9 This proposal is not considered to be an appropriate alteration to the existing dwelling, the number and location of the solar panels as currently proposed would pose a detrimental impact on the Johnshaven Conservation Area. The proposal is considered to not be compliant with Policies 7 and 11 within National Planning Framework 4 and Policies HE2 and C2 within the Aberdeenshire LDP 2023. The application is therefore recommended for refusal.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

9. Departures, Notifications and Referrals

9.1 Development Plan Departures

National Planning Framework 4
Policy 7 Historic assets and place
Policy 11 Energy

Aberdeenshire Local Development Plan 2023
Policy HE2 Protecting historic, Cultural and Conservation Areas
Policy C2 Renewable Energy

- 9.2 The application is a Departure from the valid Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 9.3 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

10. Recommendation

10.1 REFUSE for the following reason:-

01. The planning authority considers that the application is for a development that is not in accordance with the Development Plan, both National Planning Framework 4 and Aberdeenshire Local Development Plan 2023. As a result of the scale of development and siting on the principle elevation of the dwellinghouse, the solar panels proposed will have a negative visual impact on the character of the Conservation Area. The application therefore fails to comply with Policies 7 Historic assets and place and 11 Energy of National Planning Framework 4 and Policies HE2 Protecting historic, Cultural and Conservation Areas and C2 Renewable Energy of the Aberdeenshire Local Development Plan 2023.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Anna Edovina
Report Date: 3 April 2024