

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 22/01982/FUL

APPLICANT : Mr Alistair Hodgson

AGENT : Camerons Strachan Yuill Architects

DEVELOPMENT : Installation of photo voltaic array to roof

LOCATION: Scott House
Douglas Square
Newcastleton
Scottish Borders
TD9 0QU

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
10252-PL-002	Existing Plans	Refused
10252-PL-003	Existing Elevations	Refused
A Location Plan	Location Plan	Refused
10252-PL-004	Proposed Plans	Refused
10252-PL-005	Proposed Elevations	Refused
10252	Specifications	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Community Council: Support

NDCC wishes to express its support for this application given the limitations that the conservation status imposes on residents. The conservation status relates to the format and layout of the community, which was designed and built on a grid format, it does not extend to the type of buildings, or their presentation and should not inhibit in any way a resident's right to improve their property, or discriminate against them to make their properties more energy efficient.

Design and Heritage Officer: Object

The council has a statutory duty toward preservation and enhancement of the character and appearance of its conservation areas (PLBCA Scotland 1997, section 64). Newcastleton Conservation Area covers the historic village. The Conservation Area Statement sets out that the village was founded in 1793 and is a good example of a late 18th century planned village. It has a distinct grid iron layout, strong symmetry and hierarchy. Douglas Square is the main focal point of the village and its formal layout, and there are clear views across the square to surrounding buildings.

The property in question faces on to Douglas Square, the main focal point of the conservation area. Its form is characteristic of the area and contributes to the hierarchy of buildings. Its materials including

slate roof are also characteristic of the elements of built fabric mentioned in the Conservation Area Statement. The roof is prominent in vistas across Douglas Square. The introduction of solar panels to the roofscape in this key area of the conservation area will detract from the area's integrity and character, and therefore would not meet the statutory duty toward conservation areas. Historic Environment Policy for Scotland 4 sets out that 'Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place'. It is noted that there is an outbuilding to the rear of the property with a south facing roofslope. Installation of solar panels in this location would significantly reduce the impact on the conservation area. The proposal should be relocated to this position, or alternatives explored.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan (2016)

PMD2 - Quality Standards

HD3 - Protection of Residential Amenity

EP1 - International Nature Conservation Sites and Protected Species

EP9 - Conservation Areas

ED9 - Renewable Energy Development

National Planning Framework 4 (2023)

Policy 1 - Tackling the climate and nature crises

Policy 2 - Climate Change and Adaption

Policy 3 - Biodiversity

Policy 7 - Historic assets and places

Policy 11 - Energy

Recommendation by - Stuart Small () on 22nd February 2023

This application seeks planning permission for the installation of photo voltaic panels and replacement of the existing roof at Scott House, Douglas Square, Newcastleton. The property is located within the Newcastleton Conservation Area.

Assessment

The key planning issues under consideration for the applications are the design and materials of the proposal and the impact on the character and appearance of the conservation area. Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained.

Impact on Residential Amenity

The proposal would not undermine neighbouring amenity as regards privacy, daylight, sunlight or outlook loss.

Visual impact and Impact on Conservation Area

Scott House is prominently located on Douglas Square which is the main focal point of the Newcastleton Conservation Area. As mentioned in the Heritage and Design Officers comments, Scott House's materials including the slate roof are characteristic of the elements of built fabric mentioned in the Conservation Area Statement and installing solar panels would detract from the conservation area's integrity and character. The community council wrote in support of the application stating that the conservation status does not extend to the type of buildings, or their presentation and should not inhibit in any way a resident's right to improve their property, or discriminate against them to make their properties more energy efficient. However, the Heritage and Design Officer has referred to the Conservation Area Statement on this point which highlights that individual elements of the built fabric may not appear significant, but their collective contribution to the conservation area forms its character. Any new development or alterations must therefore aim to respect the individual building and the wider conservation area and take account of these important features. In this

instance, the proposed development fails to take account of the importance of the existing slate roof and its contribution to the conservation area.

In a conservation area, solar panels are most suited to a discrete rear location, not one which occupies such a visually prominent and obtrusive position, as in this case. The proposal would be clearly visible from various positions across Douglas Square and on approach along South Hermitage Street. Policy 11 of the NPF4 states that proposals for small scale renewable energy generation technology will be supported. However part e) of this policy requires proposals to demonstrate how impacts on the historic environment will be mitigated. The visual impact of the proposal is adverse in this prominent location, and this cannot reasonably be mitigated by the use of integrated panels which sit in line with the roof. Furthermore, Policy 7 requires development proposals in or affecting conservation areas to preserve and enhance their character and appearance.

Ultimately, I am unable to conclude it will comply with either Policy 7 or 11 of the NPF4 and Policy PMD2 and EP9 of the LDP, by virtue of its siting. Policy ED9 of the LDP also requires account for historic asset impacts. I recognise the potential implications for the applicant of refusing the application, as they are seeking to improve the energy efficiency of the property and reduce its carbon footprint. I recognise too the weight to be given to climate change adaption as per NPF policies 1 and 2. However, I am unable to determine the benefits as being sufficient to overcome the visual harm to the conservation area arising from the proposed development, particularly given the precedent it is likely to establish.

Replacing the slates on a like-for-like basis is a repair that does not require Planning Permission, though the applicants should be advised of their obligations to comply with habitat regulations as regards bats surveys, in the event such works were to proceed.

REASON FOR DECISION :

The proposed development is contrary to Policies PMD2, ED9 and EP9 of the Local Development Plan (2016) and Policies 7 and 11 of the National Planning Framework 4 in that the pv panels would fail to preserve and enhance the character and appearance of Newcastleton Conservation Area. There are no other material considerations that are sufficient to overcome the adverse visual impact resulting from the proposed development.

Recommendation: Refused with informatives

- 1 The proposed development is contrary to Policies PMD2, ED9 and EP9 of the Local Development Plan (2016) and Policies 7 and 11 of the National Planning Framework 4 in that the pv panels would fail to preserve and enhance the character and appearance of Newcastleton Conservation Area. There are no other material considerations that are sufficient to overcome the adverse visual impact resulting from the proposed development.

Informatives

It should be noted that:

- 1 Replacing slates on a like-for-like basis does not require Planning Permission. Under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young. In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact

NatureScot (tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by NS. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at: <http://www.bats.org.uk>

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.