



REPORT TO: Planning Committee

MEETING DATE: 1 October 2024

BY: Executive Director – Place

SUBJECT: Application for Planning Permission for Consideration

Note: This application has been called off the Scheme of Delegation List by Councillor McIntosh for the following reasons: There has been some local interest including a discussion at the Community Council and I feel the case could benefit from additional discussion at Committee level.

Note: This application has been called off the Scheme of Delegation List by Councillor Forrest for the following reasons: Due to concerns raised by the local community, I feel this application requires full consideration from the Planning Committee and a site visit would help members understand fully all the implications of this application.

Application No.	24/00267/P
Proposal	Installation of solar panels
Location	Staggs 81 North High Street Musselburgh EH21 6JE

Applicant Mr Nigel Finlay

RECOMMENDATION Application Refused

REPORT OF HANDLING

PROPOSAL

The application relates to Staggs, a public house, which is a two-storey end-terrace property which is listed as being of special architectural or historic interest, Category C. The building is located on the northern side of North High Street, to the north of the Brunton Hall.

The property is bound to the north by an area of open space and residential properties beyond, to the east by neighbouring residential property, to the south by the public road of North High Street and to the west by a public car park.

Planning permission is sought for the installation of 27 solar panels on the principal (south) roof plane of the building, measuring some 1.7 metres by some 1.1 metres.

Through separate application 24/00264/LBC listed building consent is sought for the

installation of solar panels. That application stands to be determined on its own merits.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is National Planning Framework 4 (NPF4) and the adopted ELLDP 2018.

The relevant policies contained within NPF4 consist of Policies 7 (Historic assets and places), 11 (Energy) and 14 (Design, quality and place). Policies DP5 (Alterations and Extension of Existing Buildings) and CH1 (Listed Buildings) of the adopted ELLDP 2018 are also relevant to the determination of the application.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Also material to the determination of the application is Managing Change in the Historic Environment: Micro-Renewables, a guidance note published by Historic Environment Scotland, which sets out the principles that apply to the use of micro-renewable technologies in historic buildings and sites.

REPRESENTATIONS

One written objection to this application has been received. It is from the Architectural Heritage Society of Scotland. The main grounds of objection are that the proposal is contrary to Policies CH1 (Listed Buildings) and CH2 (Development in Conservation Areas) of the adopted East Lothian Local Development Plan 2018.

The property is not located within a Conservation Area and as such Policy CH2 (Development in Conservation Areas) is not applicable to this application.

PLANNING ASSESSMENT

The building occupies a prominent position on North High Street and its front elevation is readily visible from the public road. The unaltered roof slope of the listed building is a significant component of the building that contributes to its special architectural or historic interest.

Historic Environment Scotland provide guidance which sets out principles that apply to the use of micro-renewable technologies in historic buildings and sites. In relation to solar power, the guidance states that 'installation of solar panels on the principal elevation of a historic building should be avoided because of the detrimental visual impact. Therefore, if historic buildings face south, their main roof slopes may be inappropriate as location for solar panels. Alternative solutions should be explored, such as installation on secondary roof slopes, on locations hidden from main views, or on surroundings areas such as sheds, gardens or fields.'

The guidance provided by Historic Environment Scotland also advises that 'for the integrity of the building, it is usually desirable to mount panels over existing slates, rather than replace historic building fabric with look-alike materials.' It is proposed to fix the solar panels on the pitched and hipped roofs using an insertion rail system which allows the solar panels to be fixed over the existing slates and only the removal of a small number of slates to allow for the installation of the rail fixings.

Subsequent to the registration of the application, concerns were raised with the applicant regarding the position and number of solar panels proposed on the principal (south) elevation of the building. It was suggested that alternative solutions should be explored such as ground mounted solar panels, relocating the solar panels to different roof slopes of the building and/or air source heat pumps. The applicant confirmed that these alternative solutions were not financially viable and therefore was not able to relocate the solar panels off the principal south elevation.

In their position on the principal (south) roof slope of the building, the proposed 27 solar panels would be visible from the public road of North High Street. The proposed solar panels would cover a large proportion of the roof slope and as such would radically alter the character and appearance of that otherwise unaltered roof slope. This would neither preserve nor enhance but would be harmful to the special architectural or historic interest of the listed building.

Furthermore contrary to the guidance from HES, the proposed solar panels would be integrated into the slates on the roof and would not be fixed to railings that would sit on top of the slates. Therefore this would result in the loss of the existing historic fabric of the listed building which would be harmful to the special architectural or historic interest of the listed building.

The proposed solar panels are therefore contrary to Policies 7 and 14 of NPF4 and Policies CH1 and DP5 of the adopted ELLDP 2018.

The proposals would not harm the residential amenity of any neighbouring residential properties.

In conclusion, the proposal is considered not to be in accordance with the provisions of the stated relevant Development Plan policies. Furthermore, the benefits that the solar panels would provide to the building and, in a very small way, to the environment through lowering the carbon footprint, do not outweigh the adverse impact they would have on the listed building. Accordingly, there are no material considerations which would justify granting planning permission.

REASONS FOR REFUSAL

- 1 The addition of the 27 solar panels to the principal elevation roof slope of the building would not preserve or enhance the character and appearance of the listed building but would detract from it. Furthermore, the integration of the solar panels into the roof would result in the loss of historic fabric of the listed building. Consequently, the proposed solar panels would be contrary to Policies 7 and 14 of the National Planning Framework 4 and Policies CH1 and DP5 of the adopted East Lothian Local Development Plan 2018.

