



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 Forrest for the following reasons: Due to the concerns raised by the community about this application, I feel that this item would benefit from a site visit and a discussion at full Committee.

Application No.	24/00264/LBC
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 a two-storey end-terrace building 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.

Listed building consent is sought for the installation of 27 solar panels on the principal (south) roof plane of the building. Each of the proposed solar panels would measure some 1.7 metres by some 1.1 metres.

Through separate application 24/00267/P planning permission is sought for the installation of solar panels. That application stands to be determined on its own merits.

DEVELOPMENT PLAN

Material to the determination of the application is Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's

policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019.

HEPS and National Planning Framework 4 (NPF4) echoes the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

Also material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires that a planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area in which the building is located.

Policy 7 (Historic Assets and Places) of NPF4 is relevant to the determination of this application. Policy CH1 (Listed Buildings) of the adopted ELLDP 2018 is also relevant to the determination of this application.

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. 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 change to the roof slope 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.

On these considerations, the proposed solar panels are contrary to Policy 7 of NPF4, Policy CH1 of the adopted ELLDP 2018 and with the HEPS: April 2019. Therefore, the proposals are considered not to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

REASON FOR REFUSAL:

- 1 The addition of the 27 solar panels to the principal elevation roof slope of the listed building would not preserve or enhance, but would be harmful to its special architectural or historic interest. Furthermore, the integration of the solar panels into the slates on the roof of the building would result in the loss of historic fabric of the listed building, which would also be harmful to its special architectural or historic interest. The proposed solar panels are therefore contrary to Policy 7 of the National Planning Framework 4, Policy CH1 of the adopted East Lothian Local Development Plan 2018 and Historic Environment Policy for Scotland (HEPS): April 2019.