

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

20/0012/LRB

**REFUSAL OF PLANNING PERMISSION FOR
INSTALLATION OF ROOF MOUNTED PHOTOVOLTAIC PANELS**

CARDROSS GOLF CLUB, MAIN ROAD, CARDROSS, ARGYLL AND BUTE.

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Eric Alexander of Cardross Golf Club ("the appellant").

Planning permission 20//00179/PP for the installation of roof mounted photovoltaic panels at Cardross Golf Club, Main Road, Cardross, Dumbarton, Argyll And Bute, G82 5LB ("the appeal site") was refused by the Planning Service under delegated powers on 1st October 2020.

The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is a local golf clubhouse, the proposals are located on the flat roof of the clubhouse which is a Cat B Listed building, the surrounding area is Greenbelt, located outwith the Conservation Area and adjacent to established residential dwellings.

The application comprises the installation of 108 solar photo voltaic roof mounted panels covering an area of 176.2 m², each panel measures 1698mm by 1004mm and pitched at a 10 degree angle facing south. The panels are set back from the edges of the building, are black and cased in aluminium frames.

The photo voltaics by virtue of their number, appearance, size and positioning were considered prominent, incongruous features which would project above the existing roof plane. The panels are constructed from modern materials and appear as modern additions, alien and unsympathetic to the historic building. Juxtaposed against the traditional materials and architecture of this Category B listed building they were considered dominant, visually obtrusive and visually discordant.

By placing this number of panels on the roof, some of the historic fabric of the building is covered and lost which has a detrimental impact on the character and appearance of this Category B listed building. This was considered contrary to Policy LDP 9 - Development Setting, Layout and Design and supplementary guidance SG LDP ENV 16(a) - Development Impact on Listed Buildings and SG LDP - Sustainable Siting and Design Principles of the Argyll and Bute Local Plan, all of which state inter alia that development which adversely affects the character and appearance of the historic environment or a listed building will be resisted. Accordingly planning permission, and Listed Building consent, was refused.

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to

determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

STATEMENT OF APPELLANTS CASE

Argyll and Bute Council considers the determining issues in relation to the appellant's case are as follows:

- 1. The planning process hasn't been given due care and attention.**
- 2. An array of this size is very minimal, especially as other roof obstructions sit higher on the roof.**
- 3. The panels are not visible from the front or rear of the building.**
- 4. There is no other viable location for the panels.**

COMMENT ON APPELLANT'S SUBMISSION

- 1. The planning process hasn't been given due care and attention.**

This planning application was determined under the delegated Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle. The decision making process was made following the Argyll and Bute Council Constitution, PART C SCHEME OF ADMINISTRATION AND DELEGATIONS para 2.5 Planning, Protective Services and Licensing Committee. The Council disagrees that due care and attention was not given.

- 2. An array of this size is very minimal, especially as other roof obstructions sit higher on the roof.**

An analysis of the roof, where the panels are to be located, and its structures finds that it comprises mainly of small vents, flues and a few rooflights. These sit above roof level, but are very small in scale and do not overwhelm or dominate the roof surface as the proposed panels do. The Council considers that the array of panels, 108 solar photo voltaic roof mounted panels covering an area of 176.2 m² are not minimal as they will occupy all of the developable roof space of the building and not screened by way of any parapet

- 3. The panels are not visible from the front or rear of the building.**

Scottish Historic Environment Policy 2011 Managing Change Guidance Notes para 5.3 provides additional advice on new external fixtures to Listed Buildings. It explains that new fixtures must be sited to minimise impact on the architectural integrity and fabric of the building. Secondary elevations, outbuildings and roof valleys or flats that are out of sight from principal views can often accommodate new fixtures without significant impact. Close attention to the routing of any associated cabling or pipework away from principal elevations and features will help to minimise the visual effect of new equipment.

The panels are located on the northern, western and southern edges of the roof, these are all edges of the building where the public have passer by access in terms of walking, driving and golfing. From a distance further back, i.e. within the street scene of Main Rd, and from within the course greens, the views of the roof are more noticeable which compound the issue of appearing as modern additions, alien and unsympathetic to the historic building.

The panels, due to their height, position and colour will be visible on these approaches to the building at these locations and considered prominent, incongruous features. The Council disagrees with the appellant's statement and considers the panels to be visible from the front and rear of the building.

4. There is no other viable location for the panels.

Before a final decision to refuse was made, the appellant was asked to consider alternative locations for the panels. The appellant did not advise if this had been done. Moreover, no examination was undertaken by the applicant to explore and discount alternative renewable installations such as ground source heat pumps, wind turbines located throughout the course greens or hydroelectric generation from the adjacent Kilmahew burn etc The Council therefore disagrees with the appellant's statement and considers there are alternative options for renewable energy schemes in this location.

Scottish Historic Environment Policy 2011 Managing Change Guidance Notes also explains that if a new fixture is necessary and no alternative to a prominent elevation is appropriate then it should be discreetly located without damaging any architectural feature. The Council considers this could be possible by way of a reduction in the number of panels and also by way of parapet screening.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Taking all of the above into consideration, as set out above, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the proposed site does not represent an appropriate opportunity for development and the reason for refusal still stands;

The application comprises the installation of 108 solar photovoltaic roof mounted panels covering an area of 176.2 m², each panel measures 1698mm by 1004mm and pitched at a 10 degree angle facing south. The panels are black and cased in aluminium frames. The roof of Cardross Golf Club already has a number of projections. However, the photovoltaics by virtue of their number, appearance, size and positioning are prominent, incongruous features which would project above the existing roof plane. The panels are constructed from modern materials and appear as modern additions, alien and unsympathetic to the historic building. Juxtaposed against the traditional materials and architecture of this Category B listed building they are dominant, visually obtrusive and visually discordant. By placing this number of panels on the roof some of the historic fabric of the building is covered and lost, which has a detrimental impact on the character and appearance of this Category B listed building. This is contrary to Policy LDP 9 - Development Setting, Layout and Design and supplementary guidance SG LDP ENV 16(a) - Development Impact on Listed Buildings and SG LDP - Sustainable Siting and Design Principles of the Argyll and Bute Local Plan, all of which state inter alia that

development which adversely affects the character and appearance of the historic environment or a listed building will be resisted.

The proposal is therefore still considered to be contrary to policy LDP ENV 16(a) - Development Impact on Listed Buildings of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

Appendix 1 - The Report of Handling

Argyll and Bute Council

Development and Infrastructure Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 20/00179/PP

Planning Hierarchy: Local Application

Applicant: Mr Eric Alexander

Proposal: Installation of roof mounted photovoltaic panels

Site Address: Cardross Golf Club Main Road Cardross Dumbarton Argyll And Bute
G82 5LB

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Installation of roof mounted photovoltaic panels

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused subject to the reasons appended to this report.

(C) HISTORY:

97/00164/DET Resiting of fuel storage tank 12.03.1997

05/02296/DET Erection of 7.2 metre fence 28.07.2006

08/02118/DET Erection of shelter for four practice bays.13.01.2009

11/00941/TPO Proposed crowning of 3 no trees.19.07.2011

20/00945/LIB Installation of roof mounted photovoltaic panels

(D) CONSULTATIONS:

Historic Environment Scotland were consulted as part of the Listed Building application assessment.

Council Heritage Officer. 20/7/20 – Objection. Proposals does not respect the original building structure in terms of its design, and as the listing description talks about its stream-lined angular form, I do not think that the panels respect this design.

(E) PUBLICITY:

Advert Type: Regulation 20 Advert Local Application

Expiry Date: 11.06.2020

(F) REPRESENTATIONS: None

(G) SUPPORTING INFORMATION

- i) Environmental Statement: Not Required.
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N
- iii) A design or design/access statement: N
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: List below N/a

(H) PLANNING OBLIGATIONS

None Required

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan

Policy LDP STRAT 1 – Sustainable Development.

Policy LDP DM 1 – Development within the Development Management Zones

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 6 – Supporting the Sustainable Growth of Renewables

Policy LDP 9 – Development Setting, Layout and Design

Policy LDP 10 – Maximising our Resources and Reducing our Consumption.

Supplementary Guidance

SG LDP ENV 16(a) - Development Impact on Listed Buildings

SG LDP - Sustainable Siting and Design Principles

(ii) List of all other material planning considerations taken into account in the assessment of the application

SPP

Scottish Historic Environment Policy 2011 Managing Change Guidance Notes

LDP Key Objectives A and E

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment No EIA

(L) Has the application been subject of statutory pre-application consultation (PAC):
No Pre-application consultation required

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for hearing: No

(P) Assessment and summary of determining issues and material considerations:
Planning permission is sought for the installation of roof mounted photovoltaic panels at Cardross Golf Club, Main Road Cardross. The proposals are located on the flat roof of the clubhouse which is a Cat B Listed building, the surrounding area is Greenbelt, located outwith the Conservation Area and adjacent to established residential dwellings.

The application comprises the installation of 108 solar photo voltaic roof mounted panels covering an area of 176.2 m², each panel measures 1698mm by 1004mm and pitched at a 10 degree angle facing south. The panels are set back from the edges of

the building, are black and cased in aluminium frames. It should be noted that the number of panels are more than originally presented to the Council as part of a pre-application opinion.

The application proposals are located within the Greenbelt in which Policy LDP DM1– Development within the Development Management Zones provides encouragement to sustainable forms of development. Within the Greenbelt encouragement will only be given to very limited and specific categories of countryside based development. These comprise: (v) Demolition and replacement of buildings and alterations or extensions of such buildings, including dwelling-houses, subject to no change of use occurring. The proposal is considered as an alteration of an existing building with no change of use occurring and in accordance with this Policy.

Policies LDP STRAT 1, LDP 6 and LDP 10 of the Development Plan lend encouragement to small-scale renewable energy proposals and recognise their potential to improve the energy efficiency of our building stock, meet the Scottish Government's targets for renewable energy generation and reduce unsustainable resource consumption. However, each of these policies would only encourage such proposals where there would be no unacceptable adverse impact upon the historic environment and built heritage. Additionally, policies LDP 3 and LDP 9 specifically seek to protect these assets: Supplementary guidance SG LDP ENV 16(A) states that all developments that affect listed buildings or their settings must...be of the highest quality, and respect the original structure in terms of setting, scale, design and materials".

Historic Environment Scotland provides more detailed guidance to planning authorities via SHEP and Managing Change guidance. The latter states that: "Wherever possible, solar micro-renewable developments should be installed on inconspicuous areas of a roof, such as the inner slopes of a roof valley, or where a flat roof is obscured by a parapet" - on the basis that panels ought not to unreasonably degrade the appearance of the host building or impinge upon the setting of other historic buildings or conservation areas.

Although the application site is not located within the Conservation Area, it does have aspects to/from and requires assessment under the relevant policy. Having regard to the above it is considered that the proposed solar PV panels will have a detrimental impact upon visual amenity to the surrounding established residential area and the adjacent Conservation Area as they are clearly visible from adjacent upper floor windows and at the rear of the building. By doing so they are contrary to SG LDP ENV 17 - Development in Conservation Areas and Special Built Environment Areas which seeks to protect the special visual quality of this sensitive area.

The listed building status describes the building as an important golf club of the post-war building period, built in the modern style. There are very few Modernist golf clubhouses in the country drawing from Art-Deco 1930s architecture with its streamlined, angular plan-form and large bowed-windowed communal rooms facing towards the golf course. The combination of the Deco and Modernist style distinguish the building as a rare and distinctive example of its building type in the early post-war building period.

The application comprises the installation of 108 solar photovoltaic roof mounted panels covering an area of 176.2 m², each panel measures 1698mm by 1004mm and pitched at a 10 degree angle facing south. The panels are black and cased in aluminium frames. The roof of Cardross Golf Club already has a number of projections. However, the photovoltaics by virtue of their number, appearance, size and positioning are prominent, incongruous features which would project above the existing roof plane. The panels are constructed from modern materials and appear as modern additions, alien and unsympathetic to the historic building. Juxtaposed against the traditional materials and architecture of this Category B listed building they are dominant, visually obtrusive and visually discordant. By placing this number of panels on the roof some of the historic fabric of the building is covered and lost, which has a detrimental impact on the character and appearance of this Category B listed building. This is contrary to Policy LDP 9 - Development Setting, Layout and Design and supplementary guidance SG LDP ENV 16(a) - Development Impact on Listed Buildings and SG LDP - Sustainable Siting and Design Principles of the Argyll and Bute Local Plan, all of which state inter alia that development which adversely affects the character and appearance of the historic environment or a listed building will be resisted.

(Q) Is the proposal consistent with the Development Plan: No

The proposal is considered to be contrary to policy LDP ENV 16(a) - Development Impact on Listed Buildings of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

(R) Reasons why Planning Permission or a Planning Permission in Principle should be refused.

The application comprises the installation of 108 solar photovoltaic roof mounted panels covering an area of 176.2 m², each panel measures 1698mm by 1004mm and pitched at a 10 degree angle facing south. The panels are black and cased in aluminium frames. The roof of Cardross Golf Club already has a number of projections. However, the photovoltaics by virtue of their number, appearance, size and positioning are prominent, incongruous features which would project above the existing roof plane. The panels are constructed from modern materials and appear as modern additions, alien and unsympathetic to the historic building. Juxtaposed against the traditional materials and architecture of this Category B listed building they are dominant, visually obtrusive and visually discordant. By placing this number of panels on the roof some of the historic fabric of the building is covered and lost, which has a detrimental impact on the character and appearance of this Category B listed building. This is contrary to Policy LDP 9 - Development Setting, Layout and Design and supplementary guidance SG LDP ENV 16(a) - Development Impact on Listed Buildings and SG LDP - Sustainable Siting and Design Principles of the Argyll and Bute Local Plan, all of which state inter alia that development which adversely affects the character and appearance of the historic environment or a listed building will be resisted.

(S) Reasoned justification for a departure to the provisions of the Development Plan: No Departure

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Frazer MacLeod

Date: 30/9/20

Reviewing Officer:



Howard Young

Dated: 01.10.2020



Fergus Murray

Head of Development and Economic Growth

REASONS RELATIVE TO APPLICATION: 20/00179/PP

1. The application comprises the installation of 108 solar photovoltaic roof mounted panels covering an area of 176.2 m², each panel measures 1698mm by 1004mm and pitched at a 10 degree angle facing south. The panels are black and cased in aluminium frames. The roof of Cardross Golf Club already has a number of projections. However, the photovoltaics by virtue of their number, appearance, size and positioning are prominent, incongruous features which would project above the existing roof plane. The panels are constructed from modern materials and appear as modern additions, alien and unsympathetic to the historic building. Juxtaposed against the traditional materials and architecture of this Category B listed building they are dominant, visually obtrusive and visually discordant. By placing this number of panels on the roof some of the historic fabric of the building is covered and lost, which has a detrimental impact on the character and appearance of this Category B listed building. This is contrary to Policy LDP 9 - Development Setting, Layout and Design and supplementary guidance SG LDP ENV 16(a) - Development Impact on Listed Buildings and SG LDP - Sustainable Siting and Design Principles of the Argyll and Bute Local Plan, all of which state inter alia that development which adversely affects the character and appearance of the historic environment or a listed building will be resisted.

APPENDIX TO DECISION NOTICE

Appendix relative to application: 20/00179/PP

- A. Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended):** Planning Obligation Not Required
- B. Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.** No
- C. Is the proposal a departure from the Development Plan:** no
- D. Summary justification statement for refusal of planning permission**

The proposal is considered to be contrary to policy LDP ENV 16(a) - Development Impact on Listed Buildings of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

Appendix 2 – Background Papers

Policy LDP 9 - Development Setting, Layout and Design

https://www.argyll-bute.gov.uk/sites/default/files/written_statement_0.pdf

SG LDP ENV 16(a) - Development Impact on Listed Buildings

SG LDP - Sustainable Siting and Design Principles

[https://www.argyll-](https://www.argyll-bute.gov.uk/sites/default/files/supplementary_guidance_adopted_march_2016_env_9_added_june_2016_0.pdf)

[bute.gov.uk/sites/default/files/supplementary_guidance_adopted_march_2016_env_9_added_june_2016_0.pdf](https://www.argyll-bute.gov.uk/sites/default/files/supplementary_guidance_adopted_march_2016_env_9_added_june_2016_0.pdf)

Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

<https://www.legislation.gov.uk/ssi/2013/155/contents>

Argyll and Bute Council Constitution, PART C SCHEME OF ADMINISTRATION AND DELEGATIONS

https://www.argyll-bute.gov.uk/sites/default/files/constitution_part_c_2.pdf

Scottish Historic Environment Policy 2011 Managing Change Guidance Notes para 5

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=71d48aa8-745f-4b14-93a4-a60b008f8feb>