



# Planning Committee

Application Address	Clubhouse, Christchurch Sailing Club, Wick Lane, BH23 1BY
Proposal	Proposed solar photo-voltaic panel installation
Application Number	8/23/0855/FUL
Applicant	Christchurch Sailing Club
Agent	Mr Ben Jepson
Ward and Ward Member(s)	Christchurch Town Cllr Cox Cllr Tarling ....
Report Status	Public
Meeting Date	18 April 2024
Summary of Recommendation	<b>Grant in accordance with the details set out below for the reasons as set out in the report</b>
Reason for Referral to Planning Committee	<p>Due to the number of objections received the application was referred to the Chair of Planning Committee for consideration.</p> <p>The Chair's comments are set out below;</p> <p><i>'Thank you for your email and details of the situation.</i></p> <p><i>As you imply, in some instances it is a matter of personal judgement as to whether objections from the same address raise new matters or not. I understand that you consider that several are simply 'repeats' and that the number of objections is thus reduced to 19.</i></p> <p><i>However, I always want to err on the side of openness, and therefore feel it would be appropriate to bring the application to committee'.</i></p>
Case Officer	Alison Underwood
Is the proposal EIA Development?	No

## Description of Proposal

1. As originally submitted the planning application sought permission for the installation of 52 solar voltaic panels on the roof of the clubhouse belonging to Christchurch Sailing Club. Following concerns raised by the Case Officer and Heritage Officer, amended plans were submitted which omitted the panels previously proposed on the NW (front) roof slope of the building bringing the total number of panels down to 46.

2. The panels measure 1.724 x 1.134m in size, with 24 of the panels being set on A-frame supports tilted at one end to stand approximately 200mm in height facing towards the SE (on flat roof areas), with the remaining 22 panels set directly onto the pitched roofs of the building.

### **Description of Site and Surroundings**

3. The proposal site comprises an established sailing club in render and profiled tiles and flat roof sections. There is a car parking area to the front, club house with storage facilities at ground floor and members rooms at first floor with extensive harbour/river views, hard standing at the rear for boat storage through the winter and slipway access to the southern side of the site. The site is located adjacent to Priory Quay (to the north), a contemporary development of residential properties built around a marina complex.
4. The club house building itself is of low-key design over two floors and is fairly discretely located in relation to the Town Quay and local streetscape. Analysis of historic OS maps suggests the original building was constructed in the immediate post-war period and its design and appearance is consistent with that date. This predates the development of Priory Quay which the adopted Conservation Area Appraisal identifies as being in the early 1980s. The site falls within the Christchurch Central Conservation Area and designated Green Belt land. The clubhouse has been subject to a number of previous extensions and alterations.
5. The Council's adopted Conservation Area Appraisal (2005) describes the elements that give the central Christchurch its character as;
  - Its surviving Saxon street plan with Norman and medieval interventions
  - Its strong relationship with the two rivers upon which the town sits
  - The high number of listed and locally listed buildings forming important groups of high quality townscape
  - Views of the Priory throughout the town defining the scale of the Priory and the town
  - The consistent and relatively modest scale of the town's historic development
  - The pattern of narrow deep plots with a consistent width derived from the former medieval burgage plots
  - A diverse palette of materials with denoting high status buildings and red brick used on the majority of buildings in the town
  - Some important green spaces and mature trees which form a welcome backdrop to historic built form
  - Historic boundary walls and natural boundaries such as the rivers and mill stream
  - The wider landscape setting which allows extended views towards the Priory and other key landmarks in the town such as Millhams St church spire.
6. The surrounding area comprises a diverse mix of property with historic houses and ancient monuments set against commercial property and contemporary residential developments. The area comprising The Quomps, Priory Quay and the Convent Meadows are situated in 'Character area 2e' of the Christchurch Character-wide Assessment (2003), which states that this area's main characteristics include;
  - Riverside views and boating activity add visual interest to the water frontage
  - Views to Priory provide historic aspect to character.

and goes on to state (5.15.8);

'...the area remains highly sensitive in terms of any further change that would reduce the presence or effect of the treescape setting of the Priory...'

### **Relevant Planning History:**

7. The site has been subject to numerous planning applications, only the most recent of which have been included in this report;

8/23/0315/CLP - Application for a Lawful Development Certificate for proposed addition of solar panels to the clubhouse roof. – Withdrawn

8/22/1014/FUL - Proposed viewing area at the roof level, with a new external staircase access from the terrace on the first floor. Proposed and existing balustrades to be glazed. Granted

8/14/0285 - Erection of single storey first floor extension to rear (SE elevation) – Granted

8/02/0717 - Raising of Quay area, enlarged quay, walls and slipway to provide enhanced boat storage area – Granted

8/96/0461/F - Alterations and first floor extensions incorporating increased verandah space - Granted

### **Constraints**

8.

- Flood zone 2 current
- Flood zone 3 current
- FZ3a 30cc 2093
- FZ3b 30cc 2093
- FZ3a 40cc 2133
- FZ3b 40cc 2133
- Christchurch Central Conservation Area
- Listed Buildings; Place Mill (Grade II\*) 7.62m, Place Mill Bridge (Grade II) 3.77m, Bandstand in Quomps Recreation Ground (Grade II) 120m.
- Scheduled Monuments, Pre-Conquest monastery, early Christian cemetery, Augustinian priory, motte and bailey castle at Christchurch (adjacent).
- Special Protection Area, Solent and Dorset coast
- SSSI Impact Risk Zone
- Green Belt
- Coastal Area
- Town Centre Boundary
- Coastal Area (Open Spaces)
- Dorset Minerals Consultation Area. Minerals Safeguarding Area 46.32m
- Contaminated Land – Refuse Disposal, 87.36m

### **Public Sector Equalities Duty**

9. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Other relevant duties**

10. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”) appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
11. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.

12. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
13. For the purposes of this application regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

## **Consultations**

14. Natural England – no comments received.
15. BCP Conservation/Heritage – no objection based on comments received in the following two consultations:

23.01.2024

*'The environmental credentials of the scheme are commended and the principle of the installation of solar panels is not objected to. However, the suggestion in the heritage statement that the installation is 'discreet' is not agreed with,...*

*In this instance there is reasonable spacing between the clubhouse and the nearby listed buildings, there would be some intervisibility between the clubhouse & heritage assets, solar panels wouldn't be out of character per se and could be removed again in the future when the technology becomes outdated.*

*It may be possible to make an argument that the installation of solar panels preserves the significance of heritage assets, particularly if the extent of the installation across the upper roof slopes is reduced.'*

21.02.2024

Update following receipt of a revised Heritage Statement & a reduction to the scheme.

*'The revised statement considers the heritage assets affected and makes a case for the installation, acknowledging the greatest impact would be on the NW facing elevation (towards the listed Mill, Bandstand & Bridge, and into the conservation area..*

*Overall though it is accepted that harm has been minimised and that the benefits of the scheme have been spelt out to seek to outweigh any residual harm that cannot be mitigated'.*

16. Christchurch Town Council – no comments received.
17. BCP Environmental Health – no objection

*"Potential concerns regarding reflective glare and glint usually only arise from the installation of solar PV panels in large quantities on solar farms. Solar panels are normally designed to absorb sunlight rather than reflect it.*

*..it would appear the panels proposed will be angled to face south, which would prevent any glare impact on neighbouring properties to the east of the site. Therefore, this department has no further comments or objections to the proposals.'*

## **Representations**

18. Site notices were erected around the site on 3rd January 2024, with an expiration date of 24th January 2024. A press advert was placed on 15th December 2023.

19. Comments received in response to the proposal are summarised below;

- Out of keeping with conservation area
- Impact on outlook from neighbouring properties (Priory Quay)
- Insufficient detail of height above the roof
- Close proximity to neighbouring properties (Priory Quay)
- Solar glare into bedroom and onto balcony (7 Priory Quay)
- Impact on the Priory
- Industrial appearance
- No assessment of glare
- Excessive and untidy
- Impact on neighbouring amenity (1 – 8 Priory Quay)
- Impact on view of Priory and Priory Quay

20. Comments received from Sir Christopher Chope MP:

‘The development will impact upon the views of the Priory and Priory Quay, a development which is so sympathetic to the landscape. The volume of panels on metal structures will dominate the local aspects of Priory Quay and undermine the policy of the Priory Quay management company to oppose the installation of solar panels’.

## **Key Issue(s)**

21. The key issue(s) involved with this proposal are:

- Impact on the character & appearance of the Conservation Area and listed buildings
- Impact on neighbouring amenity
- Impact on Flood zone
- Impact on Green Belt

22. These issues will be considered along with other matters relevant to this proposal below.

## **Policy context**

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014) and saved policies of the Borough of Christchurch Local Plan (2001).

24. The following policies are of particular relevance in this case:

Christchurch and East Dorset Core Strategy (2014)

KS1 – Presumption in favour of sustainable development

KS3 - Green Belt

HE1- Valuing and conserving our historic environment

HE2 - Design of new development

ME6 – Flood Management Mitigation and Defence

Christchurch Borough Council Local Plan (2001) saved policies

BE4: - New development in Conservation areas  
H12 – Residential Infill  
ENV9 – Development in Coastal Areas

## 25. **Supplementary Planning Guidance**

Christchurch Central Conservation Area Appraisal & Management plan (2005)  
Christchurch Borough-Wide Character assessment (2003)

## 26. **National Planning Policy Framework (“NPPF” / “Framework”)**

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

.....

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

*Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.*

“Section 16 – Conserving and enhancing the historic environment

Paragraph 205 -

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 -

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...

## **Planning Assessment**

### **Impact on character and appearance of the area Conservation Area and listed buildings**

27. The site is located within the Central Conservation Area and within visual proximity of several listed buildings – the closest being Place Mill Bridge and Place Mill with Christchurch Priory and the Bandstand, and forms part of the character area comprising The Quomps, Priory Quay and Convent Meadows. In addition, the adjoining Priory and its grounds are designated as a Scheduled Ancient Monument. The Central Conservation Area Appraisal (CAA) in reference to the character & appearance of the historic buildings around the site states the following (pg41);

*'Built form clearly defines the open spaces which are a key element of the character of this area. The openness of views towards the Priory is a vital and defining part of the quality of townscape in this part of the conservation area.'*

*This area has an important role in providing a valuable setting to the historic core of the town, more specifically the tower of the Priory. It also provides a softened edge to development culminating in the open and dynamic character of the river Stour in its natural setting.'*

28. The amended plan that has been submitted due to the concerns of the BCP Conservation Officer and Case Officer, shows a reduction in the number of panels proposed from 52 to 46. This has been achieved by omitting the panels on the front elevation of the building, which faces NW, and forms the most visible aspect of the building when viewed from the public approach in Quay Road. Although the other elevations of the building are visible from public viewpoints in the surrounding area, these views are longer range, with the clubhouse building forming part of the general river and quayside environs.
29. To the south of the site there is the River Stour with Wick Meads nature reserve on its further bank. The CAA notes that "the scale of building [Priory Quay] in its historic context has a considerable impact on the Priory Church in both local and wider views and panoramas of the town". Therefore, although these areas offer views towards the clubhouse, due to the distances involved and the evidently far greater impact of the adjacent development, it is considered that the panels would not form a highly noticeable element in the general vista, or adversely impact the character of the conservation area as a whole.
30. The views out from Christchurch Priory and the area of the SAM towards the Clubhouse to the south are largely obscured by the mature trees within the Priory grounds, whilst from Place Mill, Place Mill Bridge and the Bandstand to the N, NW of the site, the panels proposed on the SE and SW roofs, due to the juxtaposition of the Clubhouse to the listed buildings, are not readily visible. The significance of the application site's part of the Conservation Area is considered to derive principally from its riverside location and views across to other parts of the Conservation Area rather than the quality of the built form.
31. The BCP Conservation Officer has commented that the intervisibility between the clubhouse roof and the adjacent listed buildings will be 'very limited'. The ancient Place Mill derives its significance from its survival, design/materials and waterside setting as a mill building. The Mill Bridge's significance is similarly derived from its function, materials and harbourside location. The proposals are not considered to adversely impact on these features. The Conservation officer is satisfied that overall, the potential harm that could have resulted from the initial proposal wherein the panels were to be located on the NW (front) elevation of the building, has been largely minimised. The officer states further that any 'residual harm' from the reduced scheme, although not mitigated, could be considered as being outweighed by the benefits in sustainability.
32. Based on the above points, the proposal is considered to comply with policy HE1, HE2, BE4 & H12 of the Local Plan and paragraph 197 of the NPPF, in as much as there will be acceptable impacts on the conservation area and the setting of adjacent designated Heritage Assets.
33. The scheme results in less than substantial harm to the noted heritage assets above of the Conservation Area, Scheduled Ancient Monument and nearby listed buildings. Applying the guidance in paragraph 208 of the National Planning Policy Framework (2019), this impact must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The scheme will facilitate the ongoing use of the property as the sailing club, which is considered to be its optimum use. The scheme results in wider public benefits in supplying renewable energy to the club and in this case, such public benefits are considered to outweigh any harm to the heritage assets.
34. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

35. In reaching this decision the Council has had due regard to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that “*In considering whether to grant planning permission for development which affects a listed building or its setting, the local 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.*”

### **Impact on Neighbouring Amenity**

36. Whilst the objections that have been raised by the occupants of Priory Quay are acknowledged, the majority of the concerns relating to the impact on the character of the conservation area and listed buildings adjacent to the site have previously been dealt with in the proceeding paragraphs.
37. The proximity of the proposals to neighbouring properties and the potential impact from glare from the panels has been raised by a number of neighbouring occupants, with concerns that this would adversely affect the residential amenity of their properties, particularly 1 – 8 Priory Quay. In response to this concern, the BCP Environmental Health Officer (EHO) has been consulted and has stated that; “*reflective glare and glint usually only arise from the installation of solar PV panels in large quantities on solar farms. Solar panels are normally designed to absorb sunlight rather than reflect it*”. Evidence from objectors has not been provided which demonstrates the assessment of the EHO is incorrect in this regard.
38. Further to the above point, the orientation of the clubhouse to the neighbouring properties in Priory Quay is such that the panels on the NE side roof closest to residential properties are tilted towards the SE on shallow pitch support frames. Therefore the conclusion is that the scheme would not result in an unacceptable impact to the living conditions of neighbouring properties in respect of potential glare from the proposed panels.
39. In the objections received, concerns have been raised regarding the impact on the outlook from the adjacent properties in Priory Quay. At the closest point, the balconies of 5 – 7 Priory Quay would be approximately 14m from the proposed panels on the NE elevation. In the submitted Heritage Statement, it is stated that the panels will be mounted on the pitched roofs on mounting rails which will not protrude by more than 0.2m above the plane of the roof. The panels which are located on the flat roofed sections of the building are to be mounted on shallow pitch support frames angled towards the SE, approx.. 0.38m high. In both cases, the panels do not exceed the ridge height of the main roof.
40. Whilst the panels will be visible from the adjacent neighbouring properties in Priory Quay on the flat roofed section closest to them, they will be viewed in the context of the existing building. As a result, the visual impact of the proposed panels is considered to be minor. They will not result in an overbearing impact or an unacceptable loss of outlook from the primary windows or balconies at these neighbours.
41. Comment has been made that the panels are industrial in appearance however, within the context of the sailing club and its ancillary buildings, it is considered that the panels will not form an incongruous or obtrusive feature. The installation of PV panels within a conservation area can generally be undertaken without needing planning consent providing the criteria in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) are met and the applicant has a potential fallback position under rights introduced in 2015 to erect solar PV on the building under Part 14 Class J of the GPDO.
42. Based on the above points, the proposed installation is considered to have acceptable impacts on the living conditions of neighbouring properties and as such complies with the criteria as set out in local plan policy KS1, HE2, H12.

## **Flood risk**

43. The site lies within current flood zones 2 & 3, and also within future flood zone 3a & 3b for 2093 and 2133. By virtue of the rooftop siting of the proposed PV panels there will be no increase in the footprint of the building, or in its overall scale. As such there will be no additional risk from flooding, the scheme does not result in additional assets being put at risk of flooding and the scheme would not increase flood risk elsewhere. The scheme therefore complies with Policy ME6 of the Local Plan and the guidance in the NPPF & NPPG.

## **Green Belt**

44. The site lies within the Green Belt. Para. 154 of the NPPF states that the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
45. The proposals support an existing outdoor sport and recreation facility within the green belt and is considered to fall within the scope of Para. 154 (b) above. The green belt follows the banks of the Stour and includes the undeveloped areas surrounding the harbour. Therefore it is not possible for a harbourside use such as the sailing club to be located outside of the green belt. In addition, by virtue of the siting of the PV panels on the rooftop where they sit below the ridge line of the existing roofs, they are not considered to result in a disproportionate addition to the original building. The scheme is not therefore inappropriate development in the green belt.
46. The proposals will not adversely impact on the openness of the Green Belt and comply with Policy KS3 & the NPPF.

## **Planning Balance / Conclusion**

47. The scheme provides significant environmental and moderate economic benefits through the provision of renewable energy and substantial weight is given to this. The scheme supports a well established leisure facility, thereby having social benefits. The applicant has a fallback position to erect solar pv on the building as permitted development under Part 14, Class J of the GPDO provided it would not be installed on a roof slope or wall which fronts a highway; is less than 1m high when installed on a flat roof; or does not project more than 0.2m above the plane when installed on a pitched roof. These rights apply within a Conservation Area. It would appear the majority, if not all of the scheme, complies with this criteria.
48. There will be no materially harmful impact on the living conditions of neighbouring dwellings through overshadowing or curtailment of outlook or glare from the panels. The scheme preserves the character of the building and utilises suitable materials.
49. The proposed development will have an acceptable impact on the character and appearance of the Central Conservation Area. It will also acceptably preserve the setting of listed buildings and the Scheduled Ancient Monument within the vicinity of the site.
50. The proposal will preserve the openness of the Green Belt. It has an acceptable impact on flood risk
51. The scheme has acceptable environmental impacts and provides environmental, social and economic benefits. The scheme therefore represents sustainable development. It is considered the proposal complies with the Development Plan as a whole and is in accordance with the relevant up to date

Development Plan policies and is sustainable development as per para 11c) of the NPPF 2024 and means it should be approved without delay.

### **Recommendation**

**GRANT** - subject to the following conditions:

#### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing  
Location and Site Plan.pdf  
Proposed pdf

Reason; For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the external surfaces of the proposed development shall be as specified in the approved application unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of design and amenity.

4. The solar PV equipment hereby approved shall be removed from the site and the building restored in accordance with details to be submitted to and agreed in writing by the Local Planning Authority one month before the solar pv equipment is no longer needed. The removal of the panels shall be carried out in accordance with the approved details within 3 months of the LPA's written agreement.

Reason: In the interests of design and amenity.

#### **Informatives**

#### **Background Documents:**

App. No. 8/23/0855/FUL