

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/91128/E
Site Address:	St Lucius Church, Butts Road, Farnley Tyas, Huddersfield, HD4 6TZ
Description:	Installation of solar panels and batteries (Listed Building within a Conservation Area)
Recommending Officer:	Edward Cheseldine

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 16-DEC-2024

Officer Report

2024/91128 - St Lucius Church, Butts Road, Farnley Tyas, Huddersfield, HD4 6TZ

Site Description

Church of St Lucius is a Grade II listed church in Farnley Tyas. The church is situated at a junction between Honley Road and Butts Road. It is set back from the road by a section of the church grounds, facing the junction at an acute angle. The remainder of the church curtilage is set to southern aspect of the site. To the east and west of the church are residential dwellings.

List description:

Gothic Revival Church. 1840. By R. D. Chantrell. Founded by William, 4th Earl of Dartmouth. Ashlar. Stone slate roof. Stone gutter on carved square brackets each with a different motif and one bearing the date 1838. 4-bay nave, 2-bay chancel, and 2-tier west tower with squat octagonal spire, all with diagonal buttresses with shaped and crocketed off-sets. South porch with very heavily moulded door surround. Square headed 3-light nave windows with cusped, ogee headed lights. (One window to north side is blocked.) Two-light similar chancel windows and also a blind, moulded doorway. 4-light east window with Perpendicular tracery. The 2-tier tower has an adjoining stair turret. 2-light west window with tracery. The 2nd tier has paired, cusped bell chamfer openings with traceried heads (those to west are blocked).

Proposal Description

The application is seeking planning permission for the installation of 22 solar panels on the southern roof plane of the church. The panels will be fixed to the nave of the church in two rows. These are fixed onto the existing stone slate roof covering with fixings that lap under the slates to avoid damage to the roof covering.

Amendments/Negotiations

Officers requested the submission of the options appraisal (performance recommendations) and Energy Opportunity Survey, to identify the potential for alternative solutions. The options appraisal concludes that solar panels and air source heat pumps are potential solutions in cutting the cost of current energy bills. In respect of this, it was requested if the installation of air source heat pumps had been explored. The applicant has stated, air source heat pumps would not be a viable option for the church, due to the initial costs and electricity running costs. They would also only provide heat which is a different type of energy source to what they are requiring, to reduce overall running costs.

Public Representation

The application was advertised by a site notice and press advertisement.
Site notice expiry: 19 July 2024

Press advertisement expiry: 12 July 2024

As a result of the publicity, there were no representations received.

Relevant Planning History

Nonrelevant.

Consultation Responses

KC Conservation & Design – Objection, due to the impact to the setting of the listed building and setting of the conservation area. It is considered the proposal would lead to less than substantial harm, however there are public benefits to the proposal. It was requested that a statement was submitted displaying the suitability of alternative options.

Policy & Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within the Farnley Tyas Conservation Area on the Kirklees Local Plan Proposals Map.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Parking
- LP 22 – Highway Safety
- LP 24 – Design

- LP 35 – Historic environment
- LP 48 - Community facilities and services

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

Assessment

- 1) Principle of Development
 - a) Community Facility
 - b) Historic Environment
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of development:

Community Facility

The site is a church which is classified as a community facility. LP48 outlines that proposals will be supported for development that protects, retains or enhances provision of existing community spaces. The benefits of the installation of solar panels to an existing community facility, are weighed against the other national and local policies that reflect the presumption in favour of sustainable development contained in the NPPF.

The benefits of which will be assessed against national and local policies, including impact on the historic environment, visual and residential amenity, impact to highways and environmental matters.

Historic Environment

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

Solar panels will appear as modern enhancements to the Grade II listed building and its setting. It is recognised that providing solar panels which are sympathetic to the traditional characteristics of the church would be beyond what is readily available. The placement of the panels on the rear southern plane presents an optimal location that protects the prominent church frontage. In terms of visibility, the panels would be observed from the church curtilage, the rear properties at Lucius's Close and at section along a public right so way to the south-east of the building. The solar panels are considered to present less than substantial harm to the listed building and its setting, although given the position of the church, the placement of the equipment is suitable to mitigate substantial harm.

Paragraph 205 of the NPPF states that:

“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 207 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

When considering harm to the setting of a listed building and conservation area, it should be demonstrated that there are public benefits from the proposal that would outweigh harm to the significance of the heritage asset and conservation area. A performance recommendation was submitted, which displays current energy use and cost. 46% of the total energy costs results from electricity usage which includes electric heating. Fiscal benefits of solar panels are also displayed showing a financial net gain from year 11.

Considering the community use of the church, there are public benefits from reducing the energy costs of the building displayed within the documentation. In addition, a replacement from fossil fuel-based energy sources to ‘green’

alternatives has wider public benefits for the population of Kirklees in reducing emissions to achieve 'Net-Zero by 2038.

When considering the potential alternatives that have been explored within supplementary information, the installation of solar panels is a viable method of providing green energy. Whilst there are less harmful methods, in terms of impact to the heritage assets, such as the installation of air source heat pumps, they produce a different type of energy, and the applicant has demonstrated they are not a viable solution.

The fixings will prevent harm to the fabric of the church.

Considering the public benefits of the solar panels, their installation will provide the most suitable source of green energy when considering the context of the site. The public benefits therefore outweigh the harm caused to the setting of the listed building and conservation area, from the installation of the panels.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 & LP35 of the KLP are relevant, and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity.

Impact on Visual Amenity

Policy LP 24 of the Kirklees Local Plan states, 'Proposals should promote good design by ensuring the details of all development respects and enhances the character of the townscape and heritage assets.

Policy LP 35 of the Kirklees Local Plan states, 'proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The solar panels will be placed in the most suitable position, on the rear south roof plane, which reduces the harm to the setting of the listed building and conservation area. The panels are placed in linear rows giving a symmetrical appearance. The panels are suitable given the details regarding viability and alternative options.

Impact on Residential Amenity

LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Due to the nature of the development, there will be no impact to the residential amenity of neighbouring occupants.

Impact on Highway Safety

Policy LP 21 & LP 22 regard impact to highway safety and parking.

It is not considered that the installation of solar panels will result in a material increase to the use of the church, therefore the impact to highway safety and parking is acceptable.

Environmental Matters

Ecology & Biodiversity Net Gain

In terms of ecology, the site rests within a bat alert layer as indicated on the Council's GIS layer. The mounting of the solar panels includes a pitched rail system. Fastenings have a bolt system that minimises interference to the fabric of the church and therefore there will be minimal interference with the existing roof plane. Due to the type of fastenings, a bat survey has not been requested.

Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The applicant has indicated a biodiversity net gain uplift is not required within the application form. As the works are to the roof of an existing dwelling, the development would fall under the *Di Minimis* exemption, as listed within the Government Biodiversity Net Gain Advisory Note, therefore no uplift is required.

Conclusion

This application for the installation of solar panels has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given its acceptability in terms of the impact to the historic environment, visual amenity and residential amenity, the proposal is acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The PV solar panels, fixings and battery shall remain until its use becomes redundant, at which point the equipment should be removed, with the roof tiles restored to match the materials of the southern roof plane.

Reason: In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	PV02	-	22 April 2024
Grouped plans and elevations	PV01	-	22 April 2024
Plan general	PV03	-	22 April 2024
Conservation/Heritage Assessment	-	-	22 April 2024
Climate change statement	-	-	22 April 2024
Gen 01 – Photo	-	-	22 April 2024
Gen 02 – Photo	-	-	22 April 2024
Gen 03 – Photo	-	-	22 April 2024
Gen 04 – Data sheet	-	-	22 April 2024
Gen 05 - X1- Hybrid datasheet	-	-	22 April 2024
Gen 06 – System overview	-	-	22 April 2024
Gen 07 – Sunlight roof diagram	-	-	22 April 2024
Gen 08 – Photo	-	-	22 April 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a

pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers requested the submission of the options appraisal (performance recommendations) and Energy Opportunity Survey, to identify the potential for alternative solutions. The options appraisal concludes that solar panels and air source heat pumps are potential solutions in cutting the cost of current energy bills. In respect of this, it was requested if the installation of air source heat pumps had been explored. The applicant has stated, Air Source Heat Pumps would not be a viable option for the church, due to the initial costs and electricity running costs. They would also only provide heat which is a different type of energy source than they are requiring to reduce overall energy costs.