



PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	5 th March 2019	NON-EXEMPT

Application number	P2018/2952/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Grade II*
Conservation area	Clerkenwell Green
Development Plan Context	Central Activities Zone (CAZ) Archaeology Priority Area Employment Priority Area CS7 Bunhill and Clerkenwell BC7 Historic Clerkenwell Local Landmark (St James's Church Tower and Spire)
Site Address	St James's Church, 51 Clerkenwell Close, London, EC1R 0EA
Proposal	Installation of photovoltaic solar panels on the south roof below the parapet wall.

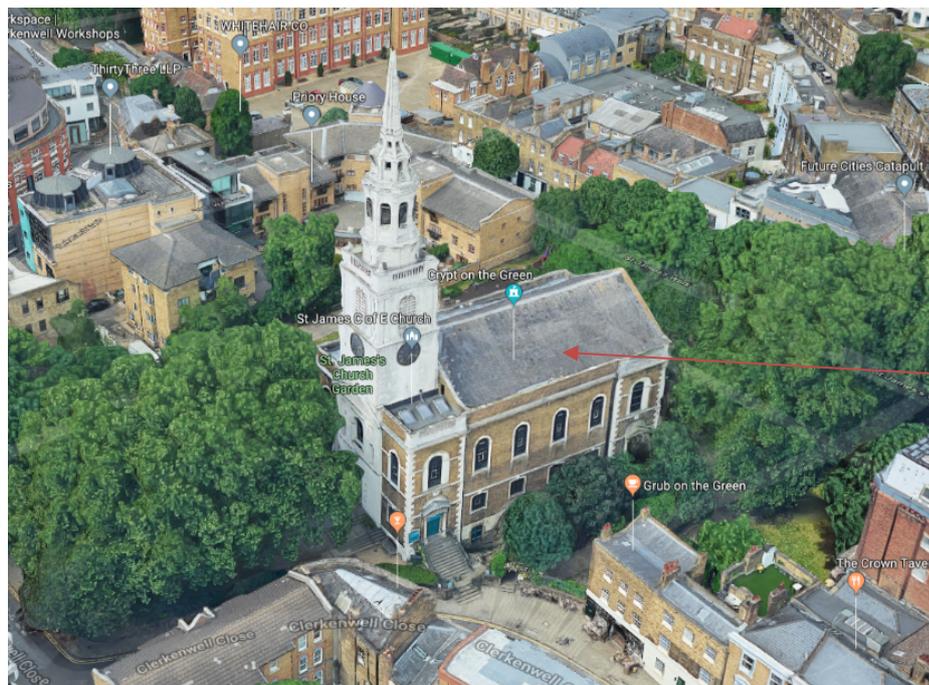
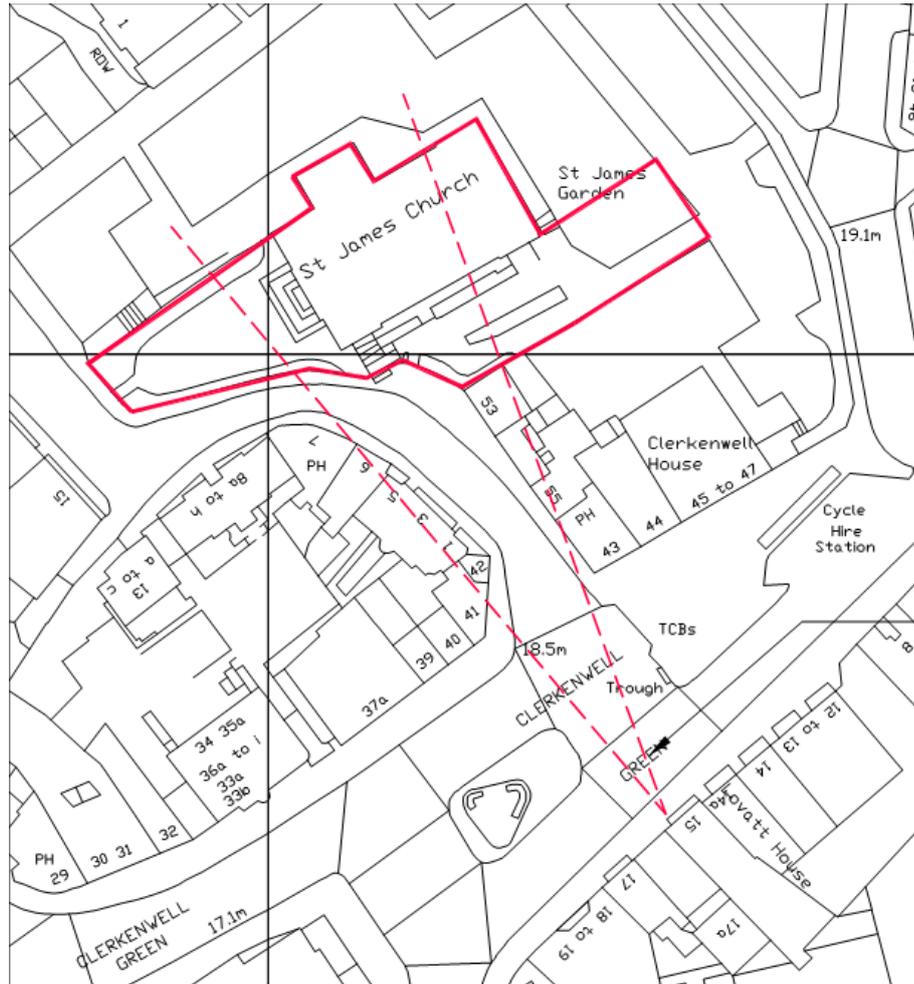
Case Officer	Owen Griffiths
Applicant	The Parochial Church Council
Agent	Love Architecture

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



Location of panels

Image 2: Aerial View

3. PHOTOS OF SITE/STREET



Image 1: View from Clerkenwell Green



Image 2: View from Sekforde Street



Image 3: Long View from Clerkenwell Road

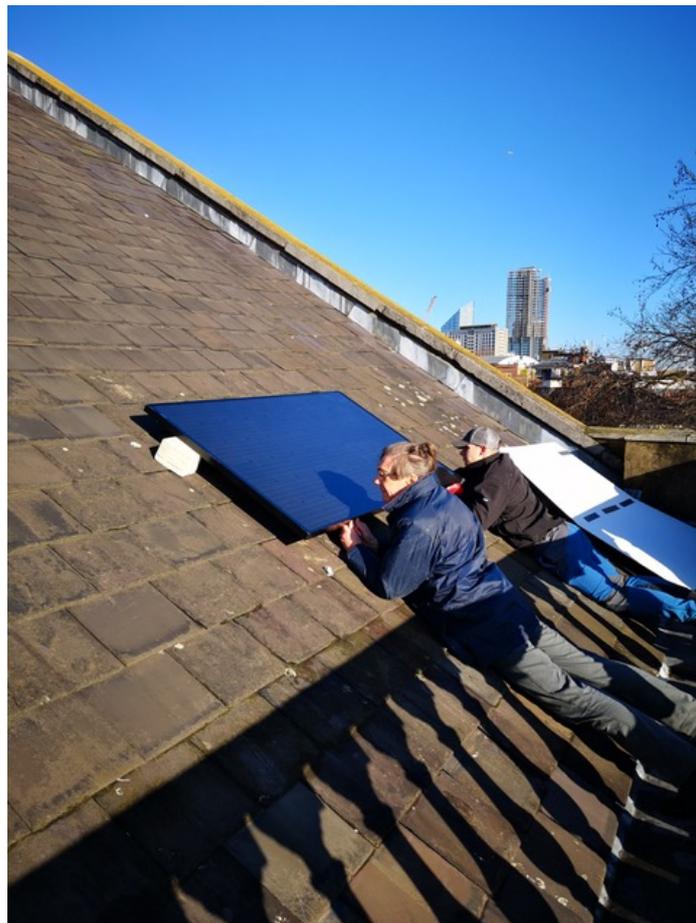


Image 4: Showing test panel location

4. SUMMARY

- 4.1 The application relates to the installation of Photovoltaic panels on the roof of St James's Church a grade II* statutorily listed heritage asset in the Clerkenwell Green Conservation Area. A total of 22 black panels will be positioned behind the parapet wall to the south roof elevation.
- 4.2 The application is brought forward to committee due to the status of the application building being Grade II* Statutorily Listed.
- 4.3 Under the Ecclesiastical Exemption (Listed Building and Conservation Area) (England) Order 2010, a listed church building used by the Church of England for worship is exempt from the control of a local authority with regards to listed building consent. Notwithstanding this Ecclesiastical Exemption, planning permission is still required and the application of the statutory tests Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also required.
- 4.4 The main considerations in the assessment of the application relates to the degree of harm to the Grade II* listed building, the setting of other nearby listed buildings and the Clerkenwell Green conservation area, as well as sustainability.
- 4.5 The application has been revised during the processing of the application with a reduction in the number of panels from 30 panels (15 per row) to 22 panels (11 per row). The reduction in the number of panels ensures the PV panels would have no visibility from short and long views and from street level. However it would lead to some harm to the wider conservation area and the setting of nearby listed buildings from private views only (i.e. from above street level). In light of the visibility being from private views, the harm identified would be minor and less than substantial.
- 4.6 There would be some harm to the historic fabric of the Grade II* Listed Building from the mounting of the panels on the roof and from the fixing of the cabling before it runs internally. The Design & Conservation Officer has also noted that not all of the slates on the roof are historic and some repair work is necessary. It is also noted that the PV array could also be removed in the future and the fabric repaired. The proposed works are therefore reversible which is an important consideration in the context of assessing harm to the Listed Building.
- 4.7 The sustainability benefits have been identified within Environmental Audit Report for St James's Church submitted and these benefits include reduction in carbon emissions with improved insulation and the reduction in the cost of heating the Church.
- 4.8 Paragraph 196 of National Planning Policy Framework (2018) states 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. The public benefit of renewable energy/insulation works to the Church which provides a community service to the wider community is considered to outweigh the less than substantial harm that would be caused to the listed building, the setting of nearby listed buildings and the conservation area. The arrangement and volume of panels has been amended and reduced to ensure the harm caused has been kept to the very minimum while still providing the associated benefits of on-site renewable energy production. In reaching this conclusion, great weight has been attributed to the desire to preserve the heritage asset.
- 4.9 Having regard to the above, it is considered that the proposal accords with all relevant development plan policies and the NPPF and as such approval is recommended subject to conditions set out in appendix 1.

5. SITE AND SURROUNDING

- 5.1 St James's Church dates from the late 18th century and its steeple (mid-19th century to the original design) is an important landmark, recognised as such in Development Management (DM) policy 2.5 and in policy BC7 of the Finsbury Local Plan (FLP). It is a visual, historic and cultural centrepiece to the Clerkenwell Green Conservation Area. It has a prominent position on higher ground looking over the slope down towards the Green to the south. There are open views of the church both from the south and from the public park (Clerkenwell Green) that surrounds the church on all sides.
- 5.2 Clerkenwell Green (CA01) Conservation Area. CA01 was designated in 1968 as the London Borough of Islington's first conservation area. It is an area of outstanding significance in terms of its heritage, character and appearance. The heart of the Conservation Area has a remarkable village-like character, with a small scale and dense grain of urban fabric, with buildings and structures dating from many different centuries.
- 5.3 St James's Church is the centre/focal point within the Conservation Area. This Anglican Grade II* Listed Church that was built between 1788-92 with the steeple rebuilt 1849. The listed states that the Church is constructed in multi-coloured brick set in Flemish bond with Portland stone dressing and with a welsh slate. The site lies adjacent or within the setting of several Grade II buildings including 53 & 54 Clerkenwell Close, The Crown Tavern Public House, Benedictine nunnery of St Mary Clerkenwell, 6 Clerkenwell Close, 12-14 Clerkenwell Green and the Marx Memorial Library (37a Clerkenwell Green).
- 5.4 The surrounding area has a mix of commercial and residential uses including office and light industrial usage, most of the ground floor units are commercial, with a variety of uses, including specialist manufacturing, workshops, wholesaling and retailing activities, with some residential uses on the upper levels.

6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to install a Photovoltaic (PV) panel array on the southern roofslope to St James's Church in Clerkenwell. The initial submission comprised 30 PV panels in two rows of 15 which has been revised during the course of the assessment.

Revision 1

- 6.2 The revisions involved reducing the number of PV panels to ensure that the PV array would not be visible within the surrounding streetscene or wider area and to run the cabling to the panels internally thereby preventing visible cabling on the south elevation.
- 6.3 The array will now consist of 22 PV panels in two rows of 11 that will be sited behind the parapet wall to the southern elevation of the Church. The location and positioning of the panels will ensure that they will not be visible from street level.
- 6.4 The panels will be of a black anti-reflective glass construction with black anodised frames. The dimensions will be 1.05m high, 1.56m in length and 46mm thick. There will be 22 panels in total.

7. RELEVANT HISTORY:

- 7.1 P2014/2494/AOD - Approval of Details pursuant to Condition 5 (Delivery and Servicing Plan) of planning application reference: P2013/1322/FUL for the change of use of existing park rangers hut at St James Clerkenwell to a coffee and food outlet (A1 Use) dated 24 October 2013. **Approved 26/08/2014.**

- 7.2 P2013/1322/FUL - Change of use of existing park rangers hut at St James Clerkenwell to a coffee and food outlet (A1 use); including enlargement of entrance door, creation of new window and associated works [Advertisement ref: P2013/2007/ADV also submitted]. **Granted on 29 October 2013** following Planning Sub-Committee A dated 23 October 2013.
- 7.3 P2013/2007/ADV - Advertisement consent to display 4 no. advertisements to new shutters in connection with Full Planning Application ref: P2013/1322/FUL for the change of use of existing park rangers hut at St James Clerkenwell to a coffee and food outlet (A1 use); including enlargement of entrance door, creation of new window and associated works. **Approved 31/10/2013.**
- 7.4 P061596 and P061670 - Installation of two air-conditioning units to rear flat roof (Full Planning and Listed Building Consent. **Approved 9th August 2006.**

PRE-APPLICATION ADVICE:

- 7.5 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 98 adjoining and nearby properties at Clerkenwell Close, Clerkenwell Green and Lambeth Walk, on the 30th October 2018. A site notice and press advert were displayed on the 8th November 2018. The public consultation of the application therefore expired on the 2nd December 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing this report no responses had been received from the public with regard to the application.

External Consultees

- 8.3 Historic England:

The view of the church from Clerkenwell Green is a key protected view within the Conservation Area. The value of this view lies in the integrity of the historic forms and materials that lead the eye towards the church. It is one of London's hidden pockets of pleasing old streets and buildings. The visibility of PV panels in this view would, in our opinion, diminish this value and cause some harm to the Conservation Area. This harm should be clearly and convincingly justified in accordance with paragraph 194 of the NPPF. Where less than substantial harm would be caused, your authority must weigh the public benefits delivered by the proposals against the harm caused (paragraph 196).

We recommend that the application should be determined in accordance with national and local policy, and on the basis of your specialist conservation advice.

- 8.4 The Farringdon Group - No Comments Received.
- 8.5 Clerkenwell Green Preservation Society – No Comments Received.

Internal Consultees

- 8.6 **Conservation and Design Officer:** The PV cells must not be visible in public views and the revised drawings have removed them from behind the pierced balustrading. Having visible PV cells on this roof from the street level would be a discordant addition of alien modern plant on this architecturally dominant church with its unaltered roofscape. It would disrupt the historic village character of this part of the conservation area and cause harm to the setting of the surrounding historic buildings.

In the Historic England guidance on setting of heritage assets, under step 3, the advice is that visible PV cells would be harmful to the significance of the designated heritage assets. Under step 4, by ensuring that the PV panels are not visible in public views would be a way to avoid and minimise the harm to significance. Non-visibility would preserve or enhance the character or appearance of the Clerkenwell Green Conservation Area and the setting of the surrounding listed buildings. The amended plans address these concerns as the PV panels will no longer be visible from street level.

Public benefits may follow from many developments and could be anything that delivers economic, environmental or social progress. Public benefits may include heritage benefits such as sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; securing the optimum viable use of a heritage asset in support of its long term conservation. Here, the church has detailed its energy saving measures and works of improvement and there is a public benefit from micro generation. This is part of the consideration of the wider planning weighing of public benefit.

- 8.7 **Sustainability Officer:**

From an energy and sustainability perspective we would strongly support the Church's proposals:

- *In terms of the panel area, kWp output and kWh generation - these are all in line with what we would expect from an array of that size on the designated roof area.*
- *The carbon savings they quote are actually pretty conservative, as these account for manufacture and installation of the panels – whereas standardised planning energy calculations tend to quote the savings from the electricity generation alone, which are higher.*

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES.

- 9.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38)(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)

- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to 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 (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

- 9.2 Under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010, a listed church building used by the Church of England for worship is exempt from the control of a local authority with regards to listed building consent, but not planning permission. This means that internal alterations to an Anglican church are dealt with by the church authorities alone under their Faculty system, which is broadly analogous to a local authority's listed building consent system. However, external alterations to a listed Anglican church which amount to development still require planning permission from its local authority. Consequently, the Council has received a planning application but not a listed building consent application from St James Church Clerkenwell, and the planning application falls to be determined by the Council
- 9.3 National Planning Policy Framework (NPPF) (2018): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."
- 9.4 At paragraph 8 the NPPF (2018) states: "that sustainable development has an economic, social and environmental role".
- 9.5 The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.6 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.7 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.8 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 9.9 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.10 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.11 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.
- 9.12 Some weight is attributable to the Draft London Plan.

Designations

- 9.13 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Archaeological Priority Area
 - Conservation Area: Clerkenwell Green
 - Core Strategy Area: Bunhill & Clerkenwell
 - Central Activity Zone (CAZ)
 - Employment Priority Area (General)
 - Finsbury Local Plan Area
 - Local Landmark: St James's Church
 - Open Space: St James's Park
 - Scheduled Monuments Nunnery of Mary De Fonte

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.14 The SPGs and/or SPDs which are considered relevant are listed in Appendix
- 9.15 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Impact of the proposal on the historic appearance of the Grade II* Listed Building and Clerkenwell Green Conservation Area, as well as the setting of nearby listed buildings.
- Sustainability
- Other issues (Planning Balance/Benefit)

Design, Conservation and Heritage Considerations (including Archaeology)

- 10.2 The application building is Grade II* statutorily listed, located in the Clerkenwell Green Conservation Area. The building is exempt from requiring Listed Building Consent as it has Ecclesiastical Exemption as an Anglican place of worship. However, planning permission is still required and an assessment must be made as to the effects of the development on the listed building, the setting of adjoining listed buildings and the surrounding conservation area.
- 10.3 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.4 Paragraph 192 of National Planning Policy Framework (2018) states in determining applications, local planning authorities should take account of
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution
- 10.5 Paragraphs 194-196 of the NPPF (2018) deals specifically with harm to the significance of a designated heritage asset and whether this harm is substantial or less than substantial. In cases where the harm is less than substantial harm, this should be weighed against the public benefits of the proposal.
- 10.6 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.7 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. Policy BC7 of the Finsbury Local Plan 2013 deals specifically with Historic Clerkenwell and seeks to conserve and enhance heritage assets and townscape attributes, including Conservation Areas, Scheduled Ancient Monuments, listed building and features of local importance including street-level views of landmarks.

Assessment of Significance of Heritage Assets

Clerkenwell Green Conservation Area

- 10.8 The Clerkenwell Green Conservation Area Guidance highlights the special character and appearance of the area that derives from incremental development dating back to Norman times. The increasing pressure on development in the area requires special policies to ensure that the tight-built small scale character and appearance of the area, and the variety of land uses are protected and enhanced.

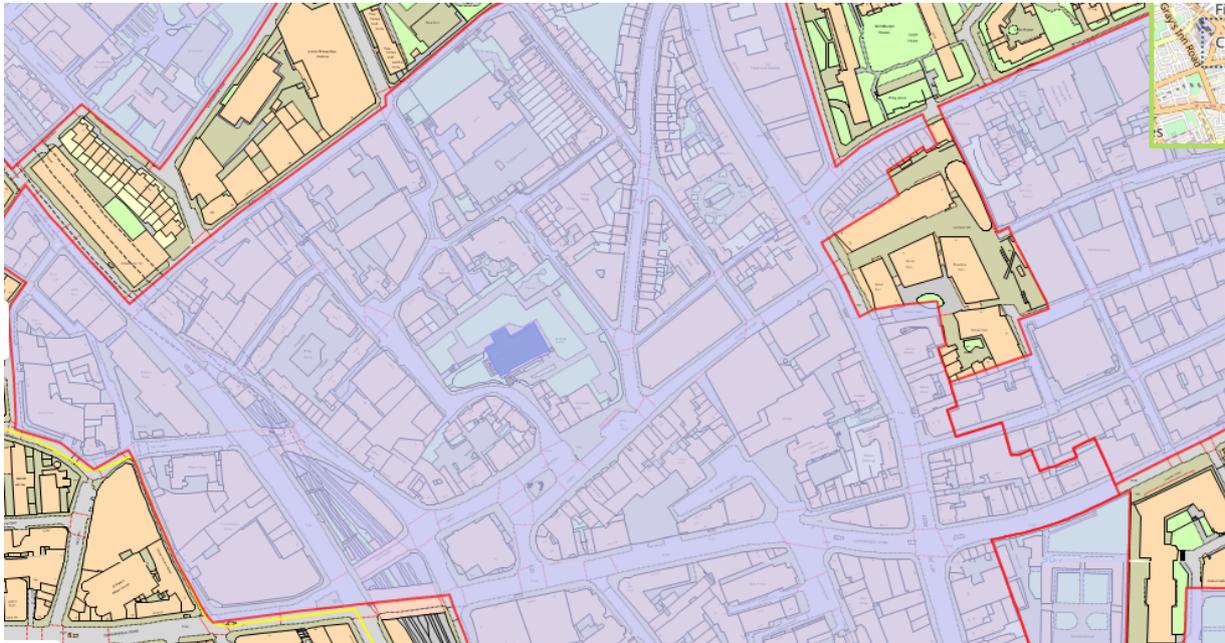


Image 5: Map Showing Clerkenwell Green Conservation Area extents

- 10.9 St James's Church is the visual, historic and cultural centrepiece of the Clerkenwell Green Conservation Area and there is a sense of a village centre around Clerkenwell Close and as the road leads up around the west end of the church. This is illustrated in Image 5 above. St James is on higher ground so this adds to the dominating presence it has on the surrounding streetscape of this early settlement and townscape layout. There are listed buildings around and in front of the church and those on either side of the approach up to the church frame the view. The buildings are fine grain narrow plot 18th and 19th century buildings, of modest height and in brick and other traditional materials. There are other townscape 'anchor' buildings such as the grade II* Sessions House which is nearby and the Marx Memorial Library, and this variety of historic buildings contribute to the special historic appearance and character of this conservation area. The prominence of the church and therefore its roof as it looks out over this townscape is an important part of the significance of the conservation area and of the setting of the surrounding listed buildings. It is also a part of the special architectural and historic interest of St James's

St. James's Church (Listing status)

- 10.10 St James's Church is the centre/focal point within the Conservation Area. This Anglican Grade II* Listed Church that was built between 1788-92 with the steeple rebuilt 1849. The listed states that the Church is constructed in multi-coloured brick set in Flemish bond with Portland stone dressing and with a welsh slate. The chancel, nave, porch and vestibules are set under a single roof. The tower and spire are positioned over the pedimented west gable. The south side has slightly projecting outer bays with chamfered quoins and balustrated parapet: each bay has a flat-arched entrance flanked by Roman Doric columns carrying triglyph frieze, mutule cornice and pediment, that to the east blocked, that to the

west with panelled door of original design; the entrance as a whole recessed under a round arch of gauged brick with double keystone. The north side is detailed like the east end but with no enrichment and two-storey parish hall attached under a separate roof. The west end has a centrepiece under the tower faced with Portland stone, with brick wings to either side detailed as for east end; central flat-arched entrance set back under a round arch with Gibbs surround; round-arched window above set back twice under round arches and once under a flat arch, with balustrade and impost bands; round-arched niches to either side with blank recessed panels above them; modillion cornice and pediment. The tower is square in plan at the clock and bell stages, the latter with round-arched louvred openings with central mullion, imposts, archivolt and keystone; paired pilasters at each corner; and then three octagonal stages, the first and principal having an arcaded order; octagonal spire with ball finial. Railings to steps to both south entrances with wreathed handrail and columnar balusters.

Assessment of harm to the Conservation Area, Listed Buildings and setting of adjoining listed building

10.11 Islington’s Urban and Design Guide states that PV panels will be encouraged where they deliver appreciable benefits, operating efficiently without harming the appearance of the building (paragraph 5.174).

10.12 It was initially proposed for there to be two rows of 15 panels (30 panels in total) running nearly the full length of the roofslope. The Historic England consultation had remarked about this visibility which would diminish this value of the historic building and cause some harm (less than substantial) to the conservation area. The initial proposal had also raised concerns from the Council’s Design and Conservation Officer. The Design and Conservation Officer’s assessment of the initial proposals concluded that the development would cause unacceptable harm to the Grade II* Listed heritage asset and less than substantial harm to Clerkenwell Green Conservation Area. It was not considered that the public benefit would outweigh the less than substantial harm being caused particularly due to the unaltered quality of the Church and its position as the centre piece of the Green and the conservation area. Consequently, the scheme was amended and the number of PV panels reduced from 30 to 22 (two rows of 11). The panels were also relocated further down the roofslope to ensure that they would not be visible from the surrounding area (ground level views).

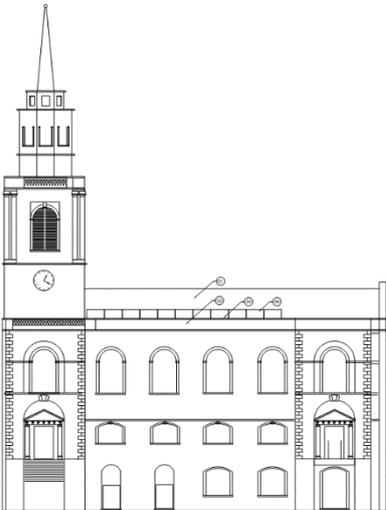


Image 5: South Elevation

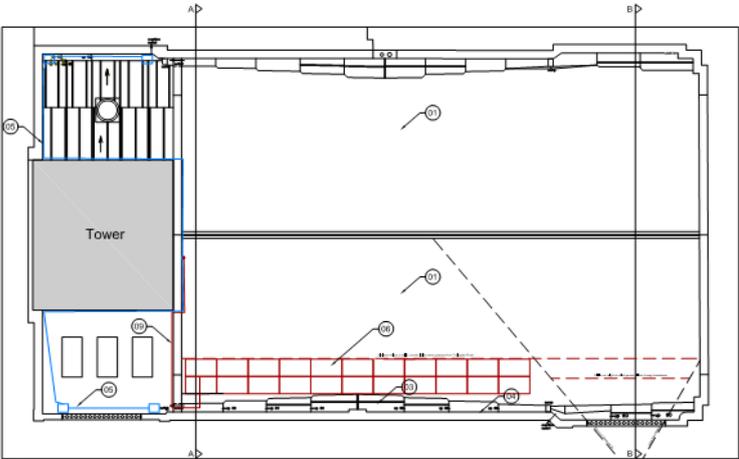


Image 6: Roof Plan (Revised proposal)

- 10.13 Historic England released a revised edition of the 'Energy Efficiency and Historic Buildings' guidance document in November 2018. Within this document, Historic England provide guidance surrounding the installation of PV panels on historic buildings to ensure any potential harm can be sufficiently overcome by the type and colour of PV panels, and the way in which they are installed on a specific roof material. Within Part 2 of the document, Historic England state that '*Careful selection and design of the colour, contrast, framing, size and symmetry of PV panels can reduce the visual impact*'. In order to mitigate any harm caused to the Grade II* listed building and the conservation area, the panels will be constructed from an anti-reflective black specification with black anodised frames. Furthermore, no wires associated with the PV panels will be visible from the surrounding area as they will be positioned behind the parapet and alongside the wiring for the Church flood lighting that is already positioned on the roof. The wiring will then feed down from the roof to the breaker box on the ground floor (see drawing A200 Rev P02).
- 10.14 The National Planning Policy Framework section 16 and paragraph 196 states 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*". It is considered that the harm caused by the proposal is less than substantial but due to the buildings designation (Grade II*) very great weight and importance is given in the balancing exercise to the desirability to "preserve" or "do no harm" (Barnwell Manor Decision). Public benefits must therefore be convincing in this regard.
- 10.15 An assessment of public benefit is considered in the Sustainability section below where it is concluded that there are sufficient energy saving and emission reduction benefits from the development to justify the less than substantial harm that would be caused to the heritage asset(s).

Summary of harm to the Conservation Area, Listed Buildings and setting of adjoining listed buildings

- 10.16 The PV array has been sufficiently reduced in size to ensure no PV panels will be visible from the surrounding streetscene or public views from within the wider conservation area. The harm caused to the conservation area will therefore be minimal being solely from private views. This degree of harm is justified by the associated public benefit of increased sustainability. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the Clerkenwell Green conservation area
- 10.17 In terms of St James's Church itself, the PV panels are not a traditional part of the roof of this 18th century building. There will be some harm to historic fabric from the mounting of the panels on the roof, and from the fixing of the cabling before it runs internally. However, not all the slates on the roof are historic and some repair work is required. The PV array could also be removed in the future and the fabric repaired. The revised location and reduction of PV panels would also ensure that there would be no adverse harm to the setting of nearby listed buildings. These panels would no longer be visible from street level and the distance away of nearby listed buildings and positioning of the PV panels would ensure that there is no harm caused to their setting.
- 10.18 The Design & Conservation Officer has concluded that there would be harm to the significance of the Grade II* Listed St James's Church, however this would be less than substantial.
- 10.19 Historic England in their response noted that any harm should be clearly and convincingly justified (paragraph 194 of the NPPF). In this regard, the reversibility of the proposals is an

important consideration as well as the limited degree of harm due to the amendment of the proposals to prevent visibility from publicly accessible viewpoints.

- 10.20 The NPPF provisions look at public benefit and whether they outweigh the harm. As noted later in the report (paras 10.22-10.26) officers consider that there are sufficient public benefits to justify the less than substantial harm in this instance.
- 10.21 Given the above assessment it is concluded that the development complies with both Development Management Policies DM2.1 (Design) and DM2.3 (Heritage) as well as the NPPF (2018) section 16, paragraphs 194 - 196.

Sustainability

- 10.22 Paragraph 148 of the NPPF (2018) states that the planning system should support the transition to a low carbon future in a changing climate. It should encourage the reuse of existing resources and support renewable and low carbon energy and associated infrastructure. This is supported by paragraph 152 which states that Local Planning Authorities should support community-led initiatives for renewable and low carbon energy.

Core Strategy Policy CS10 outlines Islington's commitment to minimise the borough's contribution towards climate change and promote development that respects environmental limits and improves quality of life. This will be achieved by requiring all development to demonstrate on-site carbon dioxide (CO₂) emission reductions by using less energy through maximising energy efficiency and using on-site renewable energy generation.

- 10.23 Development Management Policy DM7.1 states that the council will support the development of renewable energy technologies in principle, subject to meeting wider policy requirements, such as Policy DM2.1 and Policy DM2.3 (*paragraph 10.10*). Islington's Environmental Design and Planning Guidance SPD outlines how positive effects to the local environment can be achieved and how negative impacts can be minimised or avoided. The SPD includes reduced building running costs through energy efficiency in its definition of sustainable design and that the use of renewable energy should be maximised to enable achievement of relevant CO₂ reduction targets. PV panels are listed as form of renewable energy that is likely to be suitable in a range of scenarios in Islington (page 12).
- 10.24 Development Management Policy DM2.3 G(i) states that 'Proposals that aim to mitigate, and adapt to, the effects of climate change should in the first instance explore all opportunities of enhancing energy efficiency and forms of providing renewable energy and improved adaptation to climate change without harming the significance of heritage assets'. The policy continues to states at part (ii) that 'Where conflict between climate change objectives and the conservation of heritage assets is unavoidable the public benefit of mitigating the effects of climate change will be weighed against any harm to the significance of heritage assets, in accordance with the development management principles in national, London and Islington planning policy'.
- 10.25 The applicant has submitted an Environmental Audit Report for St James's Church dated January 2018. The report highlights the potential energy saving measures that could be adopted to reduce the energy consumption of the Church. The report identifies four key energy saving measures for the Church, one of which is the potential for PV panels on the roof. Within table 6.1 (page 21) of the report various points are made in relation to how PV panels could be implemented and outlines benefits such as offsetting the electricity usage of appliances and potential revenue generation. Table 7 (page 23) then gives numerical estimates that details the energy saving capacity of PV panels. It is stated that the installation of PV panels could achieve a Green House Gas emission reduction of 4.5 metric tonnes of CO₂ and save 10,095 kWh of electricity per annum. However, it should be

noted that the report is unclear on the number of panels that would be required to achieve these reductions. As the array has been reduced in size to address heritage concerns it should be assumed that the actual reductions will be less than estimated in the report.

Key Recommendations								
		Finance				Annual Environmental Benefit		
		Annual cost benefit		Labour and Materials		Payback	Energy	GHG Emissions
Opportunity No.	Description	£ (Inc. VAT)	£ (Ex. VAT)	£ (Inc. VAT)	£ (Ex. VAT)	Years	kWh	tCO _{2e}
Energy								
E2	Installing LED lighting throughout	2,900	2,760	11,020	9,200	3	18,700	8.4
E4	Investigate the potential of installing solar panels on the roof.	1,580	1,500	41,000	34,200	22	10,095	4.5
E1	Insulating the roof structure	580	550	5,800	4,800	8	13,860	2.6
E3	Reduce door gaps and draught proof doors	110	100	3,500	2,900	27	2,600	0.5
Total for All Recommendations		5,170	4,910	61,320	51,100	10	45,255	16.0

Table 7 from Environmental Audit Report (page 23)

- 10.26 Other energy saving measures that are highlighted in the report include insulating the roof structure, installing LED lighting and draught prevention. The benefits of these measures are also highlighted in table 7 above. Appendix 1 of the Design and Access statement provides a statement of works that have been conducted to install LED lights and the Church has confirmed that roof insulation will be installed at the same time as PV panels to make use of the scaffolding that will be needed for the installation of the PV panels. Both of these additional measures provide significant emission and energy reduction benefits and when combined with the PV panel array it is clear that the Church is intent on implementing sustainable measures to reduce its carbon footprint.
- 10.27 It is considered that the installation of the PV panel array conforms with the aspirations of Core Strategy Policy CS10 by minimising the Borough’s contribution towards climate change through the use of on-site renewable energy generation. The council is supportive of renewable energy technologies subject to design and heritage issues that have previously been addressed (*from paragraph 11.2*). Therefore, the development also accords with Policy DM7.1 as well as the guidance contained within Islington’s Environmental Design and Planning Guidance SPD. There are sufficient public benefits from the PV panels, by way of reduced emissions, to justify works to the heritage asset and as such the application also complies with Development Management Policy DM2.1 and DM2.3 as well as NPPF Chapter 14, paragraphs 148 -154.

Planning Balance

- 10.28 The National Planning Policy Framework section 16 and paragraph 196 states 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”. It is considered that the harm caused by the proposal is less than substantial but due to the buildings designation (Grade II*), very great weight and importance is given in the balancing to the desirability to “preserve” or “do no harm” (Barnwell Manor Decision) Public Benefits must therefore be convincing in this regard.
- 10.29 The harm is summarised as:

- Limited to private views (above ground / street level) from within the Clerkenwell Green Conservation Area, therefore limiting the degree of harm to minimal (less than substantial harm) to the character and appearance of the conservation area;
- As a result of the above, the setting of nearby listed buildings are considered to experience very minimal harm as a result of solely private views of the panels potentially being obtained within the setting of listed buildings;
- There would be harm to the historic and architectural integrity of the Grade II* Listed building as a result of the installation of the PV panels and its associated cabling. These works are reversible which is an important consideration within the assessment of harm. This has been concluded by the Design and Conservation officer as less than substantial. There is clear and convincing justification for this harm and the reversibility of the harm is important. The desire to 'do no harm' to this very important statutorily listed building has been given great weight.
- The harm to the setting of the Grade II* listed building has been limited to private views of the PV panel additions to the roof. Cabling is to be routed internal to the building to prevent publically visible and harmful impact.

10.30 An assessment of public benefit is considered in the Sustainability section where it is concluded that there are sufficient energy saving and emission reduction benefits from the development to justify the less than substantial harm that would be caused to the heritage asset(s). It must also be noted that the proposed works would ensure that the building remains operational for the wider community and ensure its protection into the future. The installation of PV panels is part of a detailed and comprehensive package of sustainability and energy efficiency improvements to significantly reduce the carbon footprint of the church and in this regard a clear justification for the harm outlined above has been provided as part of this application.

10.31 These aspects of the NPPF and Development Plan clearly pull in different directions. The amendments to the proposal have in the view of officers brought the degree of harm to heritage assets to a level where, when placing great weight and importance to the desirability to do no harm are able to be outweighed by the public benefits.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The planning balance of public benefit against harm to heritage assets has been considered in this report, and summarised in paragraphs 10.28-10.31. Sufficient design amendments have been incorporated into the development, ensuring no PV panels are visible from the surrounding streetscene or public viewpoints from within the Clerkenwell Green conservation area.
- 11.2 In accordance with the statutory duties and case law, great weight has been given to the desirability of preserving "do no harm" to the heritage assets. Whilst harm would still be caused to the listed building, and this harm cannot be explained away by a limited degree of visibility, the harm would be reversible.
- 11.3 it would not be readily appreciated visually and in this regard the statutory duty is felt to have been appropriately applied given the listed quality (Grade II*) of the building and the degree of public benefits that would be served.
- 11.4 Further, as less than substantial harm was concluded to result to the Listed Church, the setting of nearby listed buildings and to the Clerkenwell Green Conservation Area, the

harm has been balanced against public benefits and found to accord with the NPPF, London Plan and Development Management Policies. It has been concluded that there are sufficient public benefits to justify the less than substantial harm that is being caused to the heritage assets and as such is recommended for approval.

Conclusion

12. It is recommended that planning permission is granted subject to conditions.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to conditions to secure the following:

List of Conditions:

1	<p>Commencement</p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>X100 Rev P00, X200 Rev P00, X400 Rev d00, X500 Rev P00, A700 Rev P00, A100 Rev P00, A200 Rev P02, A400 P02, A500 P01, E200 P01, Church Environmental Audit Report January 2018, 762a810 - Design & Access Statement Revision p02 August 2018, Heritage Statement Rev P01 September 2018, 527768 REV A / A4_EN – SunPower X-Series: X21-350-BLK DC Specification Document.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Black framing</p> <p>CONDITION: Notwithstanding the hereby approved plans, the facing of the hereby approved solar arrays shall be finished in black framing at first installation and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In order to safeguard the character and appearance of the host Grade II* listed building, nearby listed buildings and Clerkenwell Green Conservation Area.</p>
4	<p>Cabling and Associated Infrastructure</p> <p>CONDITION: There hereby approved development shall be constructed in a manner which ensures that no cabling or infrastructure associated with the installation of the PV array are externally visible.</p> <p>REASON: In order to safeguard the character and appearance of the host Grade II* listed building, nearby listed buildings and Clerkenwell Green Conservation Area.</p>

List of Informatives:

1	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This</p>
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will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions:

These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1. National Guidance

The National Planning Policy Framework 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Strategic Policies

Policy CS7 – Bunhill and Clerkenwell
Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM7.2 – Energy Efficiency and Carbon Reduction in Minor Schemes

3. Designations

- Grade II* Listed Building
- Clerkenwell Green Conservation Area
- Central Activity Zone (CAZ),
- Employment Priority Area,
- Finsbury Local Plan Area,
- Local Landmark
- Open Space
- Article 4 Direction B1(c) to C3
- Article 4 Direction A1-A2 (Rest of Borough)

4. SPD/SPGS

Urban Design Guidelines
Clerkenwell Green Area Design Guidelines

