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:	2017/62/92847/W
Site Address:	Specialist Glass Products Ltd Building, Colne Vale Road, Milnsbridge, Huddersfield, HD3 4NY
Description:	Installation of 200 photovoltaic panels on the roof
Recommending Officer:	Oliver Corbett

DECISION – grant unconditional 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Sep-2017

Officer Report

Reference- 2017/**92847**

Applicant- Lightsource Commercial Rooftops (Buyback) Ltd
Level 7
33 Holborn
London
EC1N 2HU

Location – Specialist Glass Products Ltd, Colne Vale Road, Milnsbridge, Huddersfield, HD3 4NY

Proposal – Installation of 200 photovoltaic panels

Site Description

The application relates to a large industrial unit and associated goods yard and parking area on Colne Vale Road in Milnsbridge. The site features a large warehouse and office building with the walls and roof constructed in corrugated steel. The building has had 200 photovoltaic panels fitted to the roof previously, for which approval is sought.

Description of Proposal

Planning permission is sought retrospectively for the installation of 200 photovoltaic panels on the east-facing roof plane. The panels are situated across the roof plane at intervals, between lightwells.

History of negotiations/amendments received

No negotiations or amendments were required.

Relevant Planning History

2011/90777- Erection of two storey office extension
Conditional Full Permission

Representations

Final publicity date expires: 21st September 2017.

No representations were received.

Consultation Responses

KC Ecology were informally consulted (verbal discussion). Although the site is within the Bat Alert layer on the Council's GIS system there is no evidence of bat roosting and no need for any further reports or mitigation measures.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP and the PDLP Proposals Map.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP26** – Renewable and low carbon energy

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

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

- Chapter 7 – Requiring good design
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states

"planning permission for the development … of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]".

The Publication Draft Local Plan (PDLP) states that:

"Proposals that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise."

Paragraph 95 of the NPPF states that local planning authorities should "actively support energy efficiency improvements to existing buildings". It is evident that the proposed solar panels would result in energy efficiency improvements and demonstrates that the proposal would meet the challenge posed by climate change.

All these considerations are addressed later in this assessment.

Emerging Policy PLP26 of the PDLP supports proposals for renewable and low carbon energy proposals provided these do not:

a. have an adverse impact on visual amenity
b. Adversely affect biodiversity or heritage assets
c. Cause statutory nuisance
d. Cause pollution issues that cannot be mitigated, unless
e. The adverse impacts are outweighed by the benefits of the proposal.

2 –Impact on visual amenity:

The proposed panels are in place at the site and do not appear to be of significant detriment to visual amenity, given the industrial nature of the site and surrounding area. There are no nearby properties that could be affected be glare, and in any case as the panels have been in situ for some time without complaint, it is assumed that no nuisance has been caused.

It is therefore considered that the proposed development adheres to the guidelines set by Policies BE1 and BE2 of the UDP, and Policies PLP 1, 2, 24 and 26 of the PDLP.

3 – Impact on residential amenity:

The site is not situated in close proximity to any residential properties and would not impact upon residential amenity.

It is therefore considered that the proposed development adheres to the guidelines set by Policies BE1 and BE2 of the UDP, and Policies PLP 1, 2, 24 and 26 of the PDLP.

5 – Other matters:

The site is within the bat alert layer where there is a 'reasonable likelihood' that bats could be present on site. The existing building appears well sealed, given its age and form of construction and the proposed works have already taken place. An informal consultation took place with the Kirklees Ecology officer, who confirmed that there was no requirement for any further measures to be applied to this application. For these reasons I have not sought a bat report to accompany the application. However, it is prudent to attach an advisory note in respect of bats to the decision notice for any future development or works associated with the roof form of the property. For these reasons the development would comply with Policy PLP26 of the emerging plan.

6 – Representations:

No representations were received.

7 – Conclusion:

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. 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**

Decision Authorisation - Delegated Powers
Application Number: 2017/92847
Officer Recommendation: Grant unconditional permission
Notes

Note: There is potential for a bat roost to be present on site. Bats are a European protected species under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site no further development shall take place and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	OSGB36	-	16/08/2017
Plan General – Top View	4089	-	16/08/2017
Plan - Elevations	4089 – VI	VI	16/08/2017
Design and Access Statement	Oak Tree_DAS	-	16/08/2017

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 Authority have, 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.

The application as submitted was considered to be acceptable to Planning Officers, no negotiations or amendments were therefore required for this application.

Report Dated: 27/09/2017