

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 3, Changes of Use**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -
NOTIFICATION OF A CHANGE OF USE UNDER THE ABOVE
PROVISIONS**

Reference no. 2022/CL/93751/W

Site Address	Aflex House, Dyson Wood Way, Bradley, Huddersfield, HD2 1GZ
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Description	Prior notification for installation of roof mounted solar photovoltaic equipment
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Recommending Officer	Kevin Walton
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DECISION – Details Approved

**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: 12-Jan-2023

OFFICER REPORT – 2022/93751

PRIOR APPROVAL FOR INSTALLATION OF ROOF MOUNTED SOLAR PHOTOVOLTAIC EQUIPMENT

AFLEX HOUSE, DYSON WOOD WAY, BRADLEY, HUDDERSFIELD, HD2 1GZ

1 Introduction

- 1.1 This application seeks the Council's prior approval for the installation of solar photovoltaic equipment upon the roof of a non-residential building. The application is submitting pursuant to the provision of Class J, Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

2 Site Description and Development Proposal

- 2.1 The proposed solar panels are sited upon the roof of an existing industrial building sited within a business/industrial complex off Dyson Wood Way, Bradley, Huddersfield. The building is a modern profiled sheet clad unit covering approximately 0.9 hectares of ground surrounded by service yards and car parking areas.
- 2.2 Existing business and industrial buildings are sited to the north and west with open fields to the south. To the east lies an a number of residential properties. Ground levels fall from the north to south.
- 2.3 The proposal solar panels are sited over the whole expanse of roof space other than where existing roof lights are located. The panels are set in from around the perimeter of the building. The application information stated a total of 2,209 modules are proposed, with a total output of 894.6 kWatts of energy in peak performance.

3 Publicity

- 3.1 The prior approval was advertised by site notice posted on Dyson Wood Way on the 8 December 2022. No representations were received.

4 Permitted Development Rights

- 4.1 Article 3(1) and Class J, Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) provides a general planning permission for the "*Installation or alteration etc of solar equipment on non-domestic premises*" including the installation of microgeneration solar thermal equipment, microgeneration solar PV equipment and other solar PV equipment on a building subject to the following criteria:-

Development not permitted

J.1 Development is not permitted by Class J if—

- (a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;
- (b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);
- (c) the solar PV equipment or solar thermal equipment would be installed on a roof within 1 metre of the external edge of that roof;
- (d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;
- (e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

J.2 Development is not permitted by Class J(a) or (b) if—

- (a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;
- (b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or
- (c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

- 4.2 In this case it is consider the proposed development meets the limitations set out in paragraph J.1 in so far as the submissions suggest. The panels are to be flush mounted on a shallow pitched roof whereby the panels are not proposed to protrude more than 0.2 metres beyond the roof plane and would not exceed the height of the building¹. The application also states in

¹ Application form - Eligibility section

the application form that the equipment will not come within 1 metre of the external edge of the building. The submitted plans support this claim. The building is not sited on Article 2(3) land.

- 4.3 Paragraph J.2 relates only to microgeneration equipment. Microgeneration is defined by paragraph P of part 14 and by definition under section 82(6) of the Energy Act 2004 as in relation to the generation of electricity under 50kW. The proposed development exceeds 50kW.
- 4.4 The proposed total output does not exceed 1 MW of power and therefore accord with paragraph J.3.
- 4.5 Paragraph J.4 of Class J sets out a number of conditions any proposed development must comply with in order to take advantage of the deemed planning permission.

Conditions

J.4—(1) Class J development is permitted subject to the following conditions—

(a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and

(b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

(2) Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

- 4.6 Condition J.4 (1)(a) is considered to have been satisfied given the proposed location on the roof of the building. Condition J.4(1)(b) would be an ongoing requirement.
- 4.7 As stated above the proposed PV equipment is considered to be beyond the power output for it to be considered microgeneration equipment and thus the proposed development would be regarded as Class J(c) PV equipment. Consequently a determination as to whether prior approval is required as to the design or external appearance of the development. This application is submitted pursuant to paragraph J.4 of Class 14.

5 Prior Approval

- 5.1 Paragraph J.4(8) of Class 14 states that the local planning authority must have regard to the NPPF when considering prior approval applications. Consequently, it is considered both chapters 12 and 14 are relevant to the subject matter relating of this application. Chapter 12 seeks quality design and chapter 14 aims to meet the challenge of climate change.

- 5.2 The subject building is “T” shaped with a section lying approximately north to south with a connection section projecting to the east. The north south section measures 35 wide by 120 metres in length with a maximum height of 18 metres and the east projection measuring 85 wide by 60 in length with a height of 15 metres. The north south section has a dual pitched roof with roof planes facing north and south. The east projection has two connection dual pitched roofs with roof pitches also facing north and south. The roof of the east projection has a perimeter parapet wall.
- 5.3 The proposed PV panels cover the vast majority of the roof planes and are likely to result in a marked change in appearance given the existing light grey sheet panels and inherently darker appearance of solar PV panels. However, this change in appearance is only likely to be significant when viewing the building from above or from any vantage point significantly higher than the building. In this case the closest location where the ground levels would be level to or higher than the roof slopes of the building lie over 450 metres to the north west. All other land surrounding the subject building is either largely at the same ground level or lower. Consequently, there are no direct open views of the roof planes whereby the change in appearance could lead to any visual detriment and in terms of siting and design of the panels it cannot be concluded the proposal is contrary to chapter 12 of the NPPF.
- 5.4 There may, however, be some vantage points from perhaps the lower floor windows of surrounding building whereby the roof planes maybe more prominent although this would be restricted to business units to the north and west which are largely screen by existing vegetation/trees. Equally, any views of the roof planes from the upstairs of residential properties to the east of the building are largely obscured by the parapet wall surrounding the building.
- 5.5 With regard to glare and as stated above, the panels are at such a height any glare could not be experienced by surrounding development. Moreover, the angle of the panels would largely result in a light rays being deflected upwards rather than towards existing development. Overall it is considered any change in the appearance of the building as a result of the solar panels is negligible and thus accords with chapter 12 of the NPPF.
- 5.6 Any fleeting views of the solar panels would be negligible and wholly outweighed by the benefit of renewable energy as supported by chapter 14 of the NPPF.

6 Recommendation

- 6.1 By virtue of the negligible impact upon visual amenity and benefit of renewable energy it is considered the proposed solar panels are acceptable and accord with the aims of chapters 12 and 14 of the National Planning Policy Framework. It is recommended further prior approved is not required.

Plan Table:-

This decision is based on the following details(s):-

Plan Type	Reference	Version	Date Received
Location Plan	Web 961800	-	16 November 2022
Application Form	Web 961799	-	16 November 2022
Hourly Performance report spreadsheet	Web 961803		16 November 2022
Annual Production Report	16 November 2022 Web 961802	-	16 November 2022
Shading Report	16 November 2022 Web 961801	-	16 November 2022
Photograph a	Web 961804	-	16 November 2022
Photograph b	Web 961805	-	16 November 2022