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.	**2023/CL/91579/W**
Site Address	**Thornton And Ross Ltd, Manchester Road, Linthwaite, Huddersfield, HD7 5QH**
Description	**Prior notification for installation of roof mounted solar photovoltaic equipment**
Recommending Officer	**Laura Yeadon**

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.

Kevin Walton

AUTHORISED OFFICER

Date: 25-Jul-2023

Officer Report

Reference: 2023/91579

Location: Thornton And Ross Ltd, Manchester Road, Linthwaite, Huddersfield, HD7 5QH

Proposal: Prior notification for installation of roof mounted solar photovoltaic equipment

Weblink: https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91579

Site description

Thornton & Ross are a large industrial company located off Manchester Road, Linthwaite. The company is made up of a number of buildings which are set at a lower ground level than the main Manchester Road whereby access to the buildings is located.

Description of proposal

The proposal seeks prior notification for the installation roof mounted solar arrays to the rooftop of 4 of the buildings which host pitched roofs.

The information submitted states that no part of the equipment would protrude more that 1 metre from the highest part of the roof, would not be within 1 metre of the external edge of the roof and the capacity of the panels would not exceed 1 megawatt. The submitted information indicates that a total of 505.04kWp would be generated.

The application has been applied for under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

History of negotiations

None

Relevant planning history

The planning history of the site relates to extensions to the building, car park and signage. It does not appear that an application relating solely to the rooftop has been submitted prior to the submission of this application.

Representations

The application was advertised by site notice which expired on 10th July 2023. No representations have been received.

Consultation responses

None required

Legislation

The relevant legislation is Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The site is within the Strategic Green Infrastructure Network albeit on land without notation on the Kirklees Local Plan.

Assessment

Paragraph J.4(2) of Class J requires the developer to apply in writing to the local planning authority for a determination as to whether the property approval is required for the design and external appearance of the development.

As part of the assessment the Local Authority shall also determine whether or not the proposals comply with the requirements and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) Part 14, Class J.

The applicant has submitted details providing information of the criteria within which the development must fall to be Permitted Development.

Permitted development

J. The installation, alteration or replacement of—
(a) microgeneration solar thermal equipment on a building;
(b) microgeneration solar PV equipment on a building; or
(c) other solar PV equipment on the roof of a building,
Other than a dwellinghouse or a block of flats

J1. 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;

Comment: The panels would be installed on a pitched roof with the application form stating that the panels would not protrude more than 0.2 metres beyond the plane of the roof slope – comply

(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);

Comment: The panels would not be installed on a flat roof – comply

(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;

Comment - The application form states that the panels would not be within 1 metres of the external edge of the roof – comply

(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;

Comment – the site is not on article 2(3) land – comply

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

Comment – The site is not a designated as a scheduled monument – comply

(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.

Comment – The site is not a listed building or within the curtilage of a listed building – comply

J2 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;

Comment – The panels would not be on a 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

Comment – The panels would not be on a wall

(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

Comment – The building is not on article 2(3) land – comply

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.

Comment – The application form states that the total electronic generation capacity would not exceed 1 megawatt

It is considered that the development is permitted and the Local Planning Authority needs to assess whether or not prior approval is required for the design and appearance of the development and impact of glare under Condition **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.

Design and appearance:

The solar panels would be located on the roof planes of 4 no. buildings within the site which are clearly demonstrated on plan. Each building would host a number of panels which vary in terms of the number of panels.

Whilst there would be some contrast to the building roof materials, the panels would not consist of an unacceptable alteration to the building. The appearance of the building would not be harmed by the introduction of PV panels and as such, acceptable within the street scene.

Glare

The building is low rise and hosts pitched roof forms with the proposed panels visible from public vantage points. The submitted information does not conclude whether or not the panels will be anti-glare and therefore an appropriate condition can be added to the decision notice to ensure that the amenity of neighbouring residential properties can be protected.

Conclusion

Taking into account all the above, it is considered that prior approval is not required. The submitted information is sufficient and therefore the details are recommended for approval.

Recommendation

Prior approval is not required.

Decision Authorisation - Delegated Powers

Application Number: 2023/91579

Officer Recommendation: Prior approval not required

Conditions:

Prior notification Class J details approved

The solar panels hereby approved shall be installed with anti-reflective glass panels and retained as such thereafter.
Reason: To protect the amenity of the occupiers of nearby residential properties by reason of glare.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Arial plan			2nd June 2023
Application form			2nd June 2023
Location plan			2nd June 2023
Location of proposed solar array	2949-102-P1		2nd June 2023
Proposed solar array (Building Numbers)	2949-102-P1		2nd June 2023
Building 1	2949-102-P1		2nd June 2023
Building 1 roof plane	2949-102-P1		2nd June 2023
Building 1 roof plane	2949-102-P1		2nd June 2023
Building 2	2949-102-P1		2nd June 2023
Building 2 roof plane	2949-102-P1		2nd June 2023
Building 2 roof plane	2949-102-P1		2nd June 2023
Building 4	2949-102-P1		2nd June 2023
Building 4 roof plane	2949-102-P1		2nd June 2023
Building 4 roof plane	2949-102-P1		2nd June 2023
Building 5	2949-102-P1		2nd June 2023
Building 5 roof plane	2949-102-P1		2nd June 2023
Building 5 roof plane	2949-102-P1		2nd June 2023

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

Dated: 19th July 2023