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/91617/W**
Site Address	**22-24, New Street, Huddersfield, HD1 2BU**
Description	**Prior notification for installation of roof mounted solar photovoltaic equipment (within a Conservation Area)**
Recommending Officer	**Laura Yeadon**

DECISION – PRIOR APPROVAL GRANTED

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: 2023/91617

Location: 22-24, New Street, Huddersfield, HD1 2BU

Proposal: Prior notification for installation of roof mounted solar photovoltaic equipment (within a Conservation Area)

Weblink: https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91617

Site description

22-24 New Street is a multi-storey building located within Huddersfield Town Centre and is currently occupied by Yorkshire Building Society, within the Huddersfield Town Centre Conservation Area.

Description of proposal

The proposal seeks prior notification for the installation of a solar panel array to the rooftop of the building which hosts a flat roof.

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 plans indicate that there would be a maximum of 25 panels with the size of the system being 9.88kWp.

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 for this building to the shop front, signage and the change of use of the building. There have been no applications for the rooftop in isolation.

Representations

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

Consultation responses

K.C. Conservation and Design – informal discussions – no concerns

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 Primary Shopping Area due to being located with the Huddersfield Town Centre. It is also within the Huddersfield Town Centre Conservation Area.

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 not be installed on a pitched roof – 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 be installed on a flat roof. The application form states that the panels would not be higher than 1 metres above the highest part of the 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 within article 2(3) land however the equipment would be on a flat roof and not a roof slope – 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 on article 2(3) land but not installed on a wall

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 flat roof of the building, sitting behind parapet walls. Due to the height of the building it is unlikely that they would be highly visible from neighbouring buildings.

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

Glare

The building is high rise and hosts a flat roof with the proposed panels not visible from public vantage points. As such, any impact from glare would be mitigated by the difference in levels.

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: 2023/91617

Officer Recommendation: Prior approval not required

Conditions:

Prior notification Class J details approved

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			1st June 2023
Application form			1st June 2023
Proposed layout	BD1634_EP01 P1		1st June 2023
Single line drawing	BD1634_E02		1st 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