KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, PART 14, CLASS J NOTIFICATION OF PROPOSED DEVELOPMENT

DELEGATED DECISION FOR DISCHARGE OF CONDITION - NOTIFICATION OF PROPOSED DEVELOPMENT of THE ABOVE PROVISIONS

Reference no.	**2023/CL/91709/W**
Site Address	**Cummins Turbo Technologies, St Andrews Road, Huddersfield, HD1 6RA**
Description	**Prior notification for installation of roof mounted solar photovoltaic equipment**
Recommending Officer	**Tom Hunt**

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-Jul-2023

Officer Report

Reference: 2023/91709

Location: Cummins Turbo Technologies, St Andrews Road, Huddersfield, HD1 6RA

Proposal: Prior notification for installation of roof mounted solar photovoltaic equipment (Class J)

Weblink: https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91709

Site description

Cummins Turbo Technologies is an aftermarket parts supply and turbocharger manufacturing plant with associated offices across several sites either side of St Andrews Road. Buildings are of various forms and sizes within an industrial area.

It lies within the Priority Employment Area, registered as PEA16.

Description of proposal

The proposal seeks prior notification for the installation of solar photovoltaics equipment to the roofs of Bay 9, 10, 11, 12 and OB2. Those are a mix of flat and pitch roofs.

The submitted information states on plans that the equipment would not protrude more than 1 metres from the highest part of the roof, would not be within 1 metres of the external edge of the roof and would not exceed 1 megawatt; the proposal would supply a total new power of 886.14kWP, making the total power onsite 934.78kWP.

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

Clarification was sought on whether the proposal would have anti-glare coating. This was confirmed by email from the agent.

Relevant planning history

2011/90512 – Installation of photovoltaic solar collectors. Approved.

Officer Note: The cumulative power generation would still be under 1 megawatt if this site is included. The stated generation of this is 48.64kWP as discussed in the Planning Statement.

Representations

The application was advertised by site notice which expired on 06/07/2023. No representations have been received.

Consultation responses

It is noted that the proposal is within Flood Zone 2 and 3a, part falls within a Canal and River Trust consultation area and is within a High Coal Risk Area for development. Due to the nature of the works proposed being strictly limited to an existing roofscape and the proposal being considered under available Permitted Development Rights, no consultations were deemed necessary.

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 Priority Employment Area 16 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, in particular the impact from glare to neighbouring land.

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 dwelling house or block of flats

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;

Comment: All panels to be installed on a pitched roof will not protrude more than 200mm from the plane of the existing 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: All panels to be installed on a flat roof (i.e., OB2). Panels will be no higher than 1m above the existing roof (estimated to be 330mm from the face of the existing roof. Existing parapet 310mm high). 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: All panels to be installed more than 1m in from the external edge of the existing 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 located on article 2(3) land.

(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 designated as a scheduled monument.

(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

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;

Comment: N/A, it 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: N/A, it 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: N/A.

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 submitted Planning Statement by Farrar Bamforth Associates Ltd states that the proposed system would not exceed 1 megawatt for the overall site.

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 flat or shallow pitched roofs. Buildings have roof window features and one building already has solar panels facing the highway at Turnbridge Road so the solar panels will not appear visually intrusive nor appear out of keeping within its industrial setting.

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 would also not be harmed by the introduction of PV panels and as such not out of character within the street scene.

Glare

The buildings have either flat or shallow pitched roof with the proposed panel system including glass with anti-reflective coating as standard therefore it has been considered that any impact from glare would be sufficiently mitigated.

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
Application Number: 2023/91709
Officer Recommendation: Approve

Conditions and Reasons:

Prior notification Class J details approved

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Application form		Original	09/06/2023
Proposed Site Solar Layout Plan.	Drawing No. 4700.	P02.	09/06/2023
Planning Statement	Planning Statement by Farrar Bamforth Associates Ltd. "Proposed Solar Layout to Bay 9, 10, 11, 12 and OB2 at Cummins Turbo Technologies St Andrews Road, Huddersfield HD1 6RA" Dated: June 2023 - 23C08.	Original	09/06/2023
Supplementary Information	Email received from agent providing additional manufacturer information on anti reflective coating as standard.	Original	19/06/2023

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 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. Clarification was sought on whether the panel had anti reflective properties as standard which was confirmed by the email received 19/06/2023.

Dated: 11/07/2023