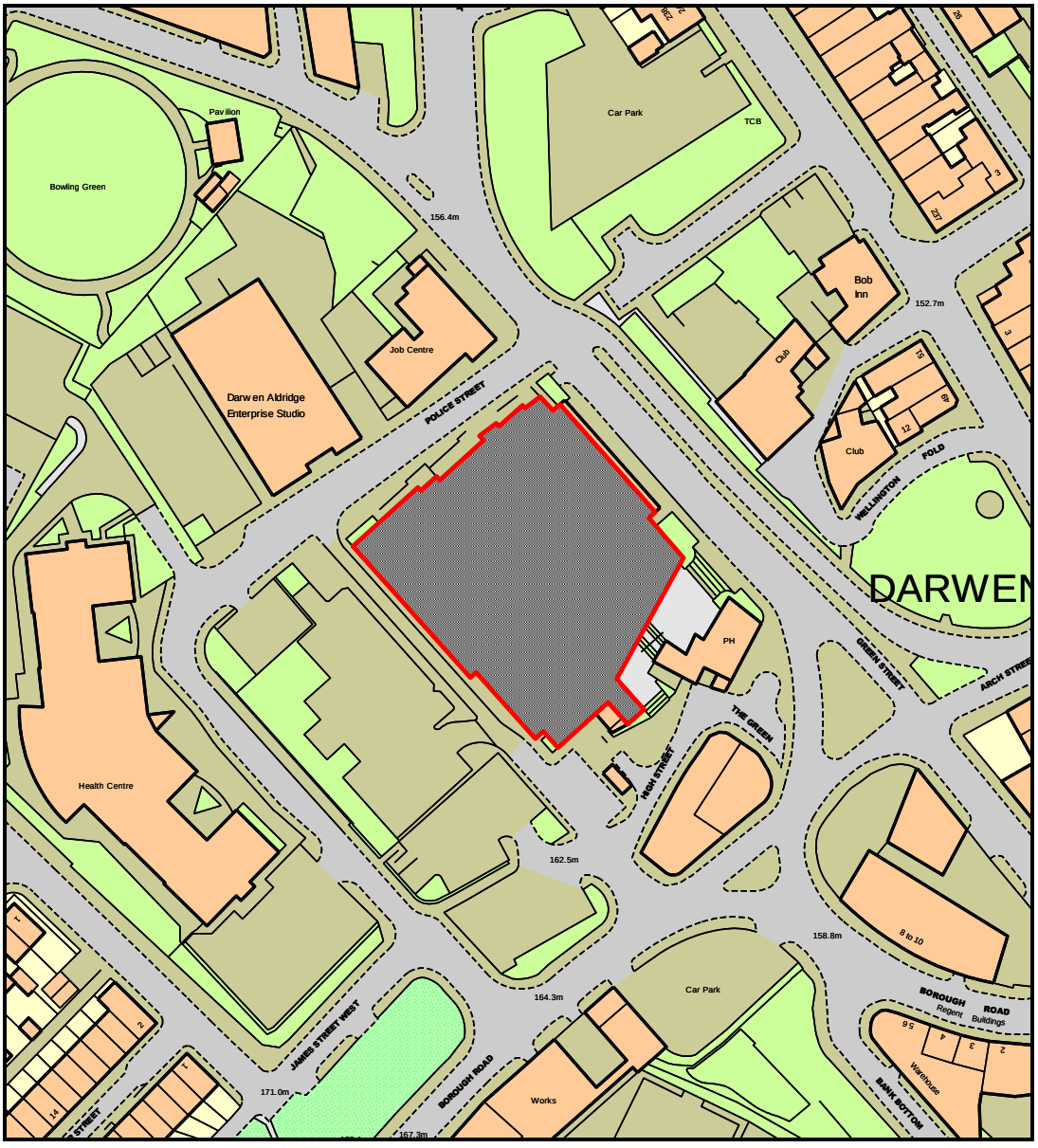
REPORT OF THE DIRECTOR **Plan No: 10/21/0565**

Proposed development: Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to flat roof areas of building

Site address:
Darwen Leisure Centre
The Green
Darwen
BB3 1PW

Applicant: Blackburn with Darwen Borough Council

Ward: Darwen West



1.0 SUMMARY OF RECOMMENDATION

1.0.1 PRIOR APPROVAL NOT REQUIRED

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 on Darwen Leisure Centre, a Council owned building.

2.1.2 The only planning matters that the Authority are to consider in the determination are as to whether prior approval is required are the design or external appearance of the development, including the impact of glare on occupiers of neighbouring land. No other matters are material and cannot be considered as part of this application for prior approval.

2.1.3 The reasons for installing the solar PV arrays are to reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.

2.1.4 The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Due to the panels being set behind the parapet roof of the building both glare and the design and visual impacts of the proposals are considered to be acceptable. Officers are therefore of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance and thus it is therefore considered that prior approval is not required.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to Darwen Leisure Centre, located on The Green, Darwen and is encircled by Police Street, Green Street and Tockholes Road.

3.1.2 The application site is within the defined Darwen Town Centre boundary.

3.1.3 The western most part of the application site also lies within Darwen Conservation Area.

3.2 Proposed Development

3.2.1 The Council, the applicant, is seeking prior approval for the installation of a roof mounted solar pv system. The reasons for installing the solar PV arrays

are to reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.

3.2.2 Technical information has been provided in respect of the design and capacity of the proposals. The solar panels proposed are Trina Vertex S Backsheet Monocrystalline Modules. The panels will be fitted to a support framework that angles the solar panels at 10° from the mono-pitched roof surface (20° from horizontal).

3.2.3 The solar panels proposed are Trina Vertex S Backsheet Monocrystalline Modules. The panels will be fitted to a support framework that angles the solar panels at 20° from the flat roof. In total there will be 376 Trina Solar VERTEX S TSM-395-DE09.08 panels, all panels will be facing southwest.

3.2.4 When fixed, all panels will be below the height of the perimeter parapet. The panels will be inset from the parapet by a minimum of 1mtr to allow access.

3.2.5 Electricity generated will be 137.46kWp over a PV generator surface of 669m2.

3.2.6 Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 relates to '*Installation or alteration of solar equipment on nondomestic properties'* and part J(c) permits the installation of other solar PV equipment on the roof of a building.

3.2.7 In determining the application, the Local Planning Authority must make a judgement on the criteria set out in Class J.4 (2) of Part 14 of the GPDO which states that:

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 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.

3.3 Allocation and Development Plan Policies

3.3.1 The application site is located within a Primary Employment Area.

3.3.2 Local policy is provided by the Council's Core Strategy, the Local Plan Part 2 and the Council's Supplementary Planning Documents and Guidance, as such the following policy and guidance is considered most relevant:

3.3.3 **Core Strategy (2011)**

Policy CS1: A Targeted Growth Strategy
Policy CS16: Form and Design of New Development
Policy CS17: Built and Cultural Heritage

3.3.4 **Local Plan Part 2: Site Allocations and Development Management Policies Document (2015)**

Policy 7: Sustainable Development
Policy 8: Development and People
Policy 11: Development and the Environment
Policy 14: Primary Employment Area
Policy 36: Climate Change
Policy 38: Heritage

3.3.5 **National**

National Planning Practice Guidance (NPPF) (2019)
Planning Practice Guidance (PPG)

3.4 Other Material Considerations

3.4.1 Darwen Conservation Area Appraisal and Management Plan

3.5 Assessment

3.5.1 The proposals constitute 'permitted development' under Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 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, and in particular the impact of glare on occupiers of neighbouring land. In addition to this assessment, the following conditions must also be met:

3.5.2 **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 NOT 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;

3.5.3 the installation will not exceed 200mm (when measured perpendicular) above the roof slope.

3.5.4 ***(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 1m above the highest part of the roof (excluding any chimney)***

3.5.5 The submitted drawings illustrate that this will not be the case as they will site below the parapets.

3.5.6 **(*c) The solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;***

3.5.7 The application submission confirms the panels will not be installed within 1m from the external edge of the roof.

3.5.8 ***(d) in the case of a building on article 2(3) land*** (includes land which is a national park, an Area of Outstanding Natural Beauty, a conservation area, The Broads, or a World Heritage Site)**, *the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway***

3.5.9 The site is located on article 2(3) land, however as the panels will be positioned on a flat roof there is no roofslope to face a highway.

3.5.10 ***(e) The solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument***

3.5.11 The site does not comprise a scheduled monument.

3.5.12 ***(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***

3.5.13 The site does not comprise a Listed Building or a building within the curtilage of a Listed Building.

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

3.5.15 ***(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;***

3.5.16 Not applicable as the panels are to be installed on a flat roof.

3.5.17 ***(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***

3.5.18 Not applicable.

3.5.19 ***(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.***

3.5.20 Not applicable.

3.5.21 ***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***

3.5.22 The application is accompanied with the application form and technical data that indicates that the panels cumulatively would not exceed this threshold with the stated maximum combined output being 30.02KW.

3.5.23 **J.4 (1):** ***Class J development is permitted subject to the following conditions:***

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

3.5.25 The equipment is considered to be located behind the roof parapet and can thus be erected without significant effect on the external appearance of the building and the amenity of the area. It is also considered that the proposals will not harm

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

3.5.27 It is advised that this condition be added to the Decision Notice.

3.5.28 **J.4(2): Whether 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**.

3.5.29 The proposed panels are to be set in from the edges of the flat roofscape by one metres, and are to be black framed. The design and external appearance of the development is therefore considered to be acceptable.

3.5.30 In relation to the impact of glare on occupiers of neighbouring land, the nature of solar panels is to absorb as much light as possible, and glare would mean they are ineffective. As technology of solar panels advances, glare is further reduced. In this case, as the solar panels will be positioned behind the parapet roof, glare to occupiers of neighbouring land will not be an issue. On this basis, Officers consider prior approval is not required.

3.5.31 Based on the above, it is considered that the proposed solar PV equipment would accord with the conditions set out in Class J.1 a-f, J.2 a-c, and J.3 of Part 14. In addition, Officers considers that prior approval is not required for the proposals as set out within Class J.4, Part 14 of the General Permitted Development Order 2015 (as amended).

3.5.32 **Other Matters**

3.5.33 <u>Ground Stability</u>

3.5.34 Paragraphs 178 and 179 of the NPPF are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability.

3.5.35 The application site lies within a Coal Authority Low Risk Area. Given the scale and nature of the proposed development, it is not considered necessary

to require the applicants to submit a Coal Mining Risk Assessment, nor is it necessary to consult the Coal Authority.

3.5.36 Given that works will be at roof level and internal only there is also no need to attach the Coal Authority standard informative as part of any approval.

3.5.37 Air Quality and Climate Change

3.5.38 Local Plan Part 2, Policy 8 iv) requires development within designated Air Quality Management Areas, or result in the declaration of a new AQMA, to be controlled to ensure that air quality is not made worse.

3.5.39 Local Plan Part 2, Policy 36 states:

"All development must demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development."

3.5.40 The application site does not lie within an Air Quality Management Area and will not result in the declaration of a new Air Quality Management Area.

3.5.41 Given the scale and nature of the proposed development, it is considered that the proposal will have the potential to make a positive impact on air quality by introducing a renewable energy source and thus reducing the Council's reliance on fossil fuel generated energy. The proposed development supports the transition to a low carbon future in a changing climate, as required by the National Planning Policy Framework. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030. In line with Policy 9 (2) of Local Plan Part 2: 'Development and the Environment', the proposal will cut emissions of carbon dioxide and so help to mitigate climate change.

3.5.42 The proposal constitutes a small-scale renewable energy scheme, in keeping with Policy 36: 'Climate Change', of BwD Local Plan Part 2 and will not result in the declaration of a new Air Quality Management Area, in line with the requirements of Policy 8 iv).

3.5.43 **CONCLUSION**

3.5.44 The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. As the proposals accord with the criteria set out under Class J, the only planning matters that the Authority are able to consider in the determination as to whether prior approval is required are the design or external appearance of the development, and the impact of glare on occupiers of neighbouring land. No other matters are material and thus cannot be considered as part of this application for prior approval.

3.5.45 The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended). Officers are of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance. It is therefore considered that prior approval is not required.

4.0 RECOMMENDATION

4.1 PRIOR APPROVAL IS NOT REQUIRED

5.0 PLANNING HISTORY

5.1 There is no relevant planning history associated with this site which is considered directly relevant to the determination of this case.

6.0 CONSULTATIONS

6.1 In accordance with Condition J.4(6) of Class J, the Council, the Local Planning Authority, has given notice of the proposed development by Site Notice. No representations have been received as a result of this Site Notice.

6.3 BwD Environmental Protection: Public Protection – No objections.

7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer

8.0 DATE PREPARED: 01 July 2021