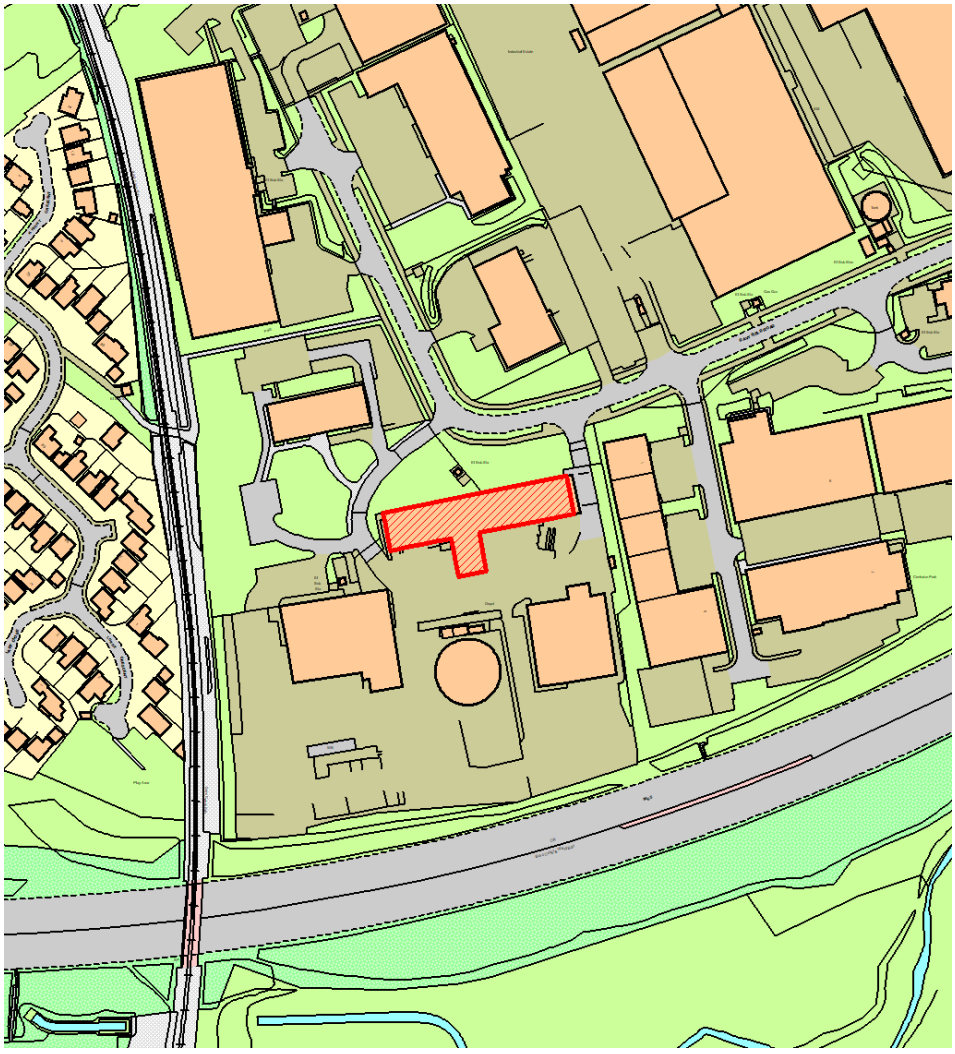
**REPORT OF THE STRATEGIC DIRECTOR Plan No: 10/22/0354**

**Proposed development: Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas as highlighted within the supporting documentation as part of the Public Sector Decarbonisation Scheme (PSDS)**

**Site address:**
**Davy Field Stores**
**Davy Field Road**
**Blackburn**
**BB1 2LX**

**Applicant: Blackburn With Darwen Borough Council**

**Ward: Blackburn South & Lower Darwen Councillors: Denise Gee**
**Jacqueline Slater**
**John Slater**



## 1.0 SUMMARY OF RECOMMENDATION

1.1.1 PRIOR APPROVAL IS NOT REQUIRED

## 2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 Blackburn with Darwen Borough 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. The application site is a Council owned building, which is the established Day Field Road Stores / Depot.

2.1.2 The only planning matters that the Authority are to consider in the determination 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 as part of the Public Sector Decarbonisation Scheme. The proposal will reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. Subsequently, the implementation of such renewable energy schemes will help contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.

2.1.4 The assessment of this application within sub-section 3.5 concludes the proposal is Permitted Development given compliance with the relevant requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

2.1.5 The plans have been reviewed and following a site visit it is considered the proposal is acceptable on both a design/visual perspective and in regards to amenity impact with reference to potential glare following installation of the solar panels. On that basis, the prior approval of the LPA is not required, and proposal accords with Part 14, Class J of the GPDO.

## 3.0 RATIONALE

### 3.1 Site and Surroundings

3.1.1 The application site relates to an existing industrial site used by the Council as a service depot. The proposal building is situated on the southern side of Davy Field Road, within the Blackburn Urban Boundary. The site is within a primary employment area, as defined by the Local Plan Part 2 (2015) Policies Map. The building is constructed in metal cladding with a brick base.

3.1.2 The surrounding area is largely characterised by industrial and commercial units with residential dwellings sited approximately 120m away to the west.

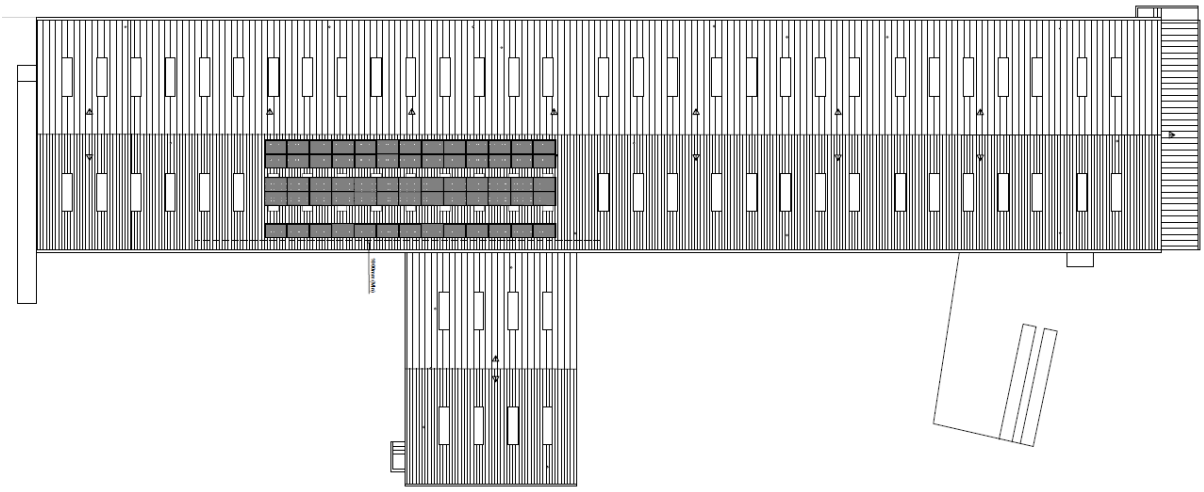
3.1.3 The below images were taken on my site visit which show the host building and the view south towards the other adjacent buildings in the premises.

Figure 1: Case Officer Site Photos

## 3.2 Proposed Development

3.2.1 A prior notification application is submitted by the Council as the applicant for the proposed installation of a 19.8kW Solar PV array to the roof plane of the building.

3.2.2 A Technical data sheet accompanies the application which demonstrates the proposed solar panels to be used are the Trina Solar Vertex S Backsheet Monocrystalline Module type. The solar panels will be installed on the dual pitched roof plane on the front elevation of the building. They will be set a sufficient distance below the ridge and back from the eaves. The proposed roof plan and front elevation drawings of the building are shown below;



Roof Plan 1:200

Figure 2: Proposed Roof Plan

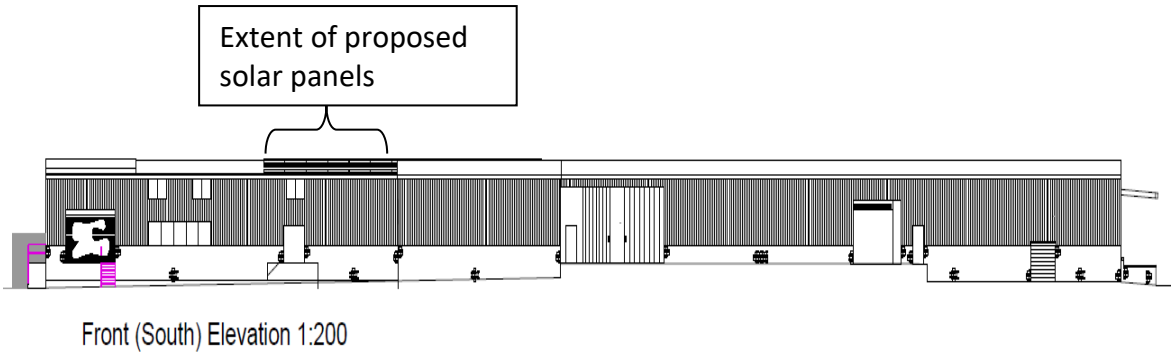



Figure 3: Proposed Front Elevation

3.2.3 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.

3.2.4 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 Development Plan**

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). The following policies are considered relevant in assessment of the proposed development;

3.3.3 **Core Strategy (2011)**
Policy CS1: A Targeted Growth Strategy
Policy CS13: Environmental Strategy
Policy CS16: Form and Design of New Development

3.3.4 **Local Plan Part 2: Site Allocations and Development Management Policies Document (2015)**
Policy 1. The Urban Boundary
Policy 2. The Inner Urban Area
Policy 7: Sustainable Development
Policy 8: Development and People
Policy 9: Development and the Environment
Policy 11: Design
Policy 36: Climate Change

## 3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF)

3.4.2 National Planning Practice Guidance (NPPG)

3.4.3 Class J, Part 14 of the Town and Country Planning (General Permitted Development Order 2015 (as amended)

## 3.5 Assessment

3.5.1 The proposal is assessed against the limitations of Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 in order to establish if it is compliant as Permitted Development. If compliant further assessment is given towards the need to minimise the effect on the external appearance of the building and the amenity of the area; in particular the impact of glare on occupiers of neighbouring land, so far as is practicable.

3.5.2 **Schedule 2 Part 14 Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

**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 of a block of flats**

3.5.3 **J.1 Development is not permitted by Class J if:**

3.5.4 ***(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;***

3.5.5 The solar PVs would be installed on a pitched roof, however they would not protrude more than 0.2 metres beyond the plane of the roof slope. The proposal therefore accords with J.1(a).

3.5.6 ***(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);***

3.5.7 Not applicable. The panels would not be installed on a flat roof. The proposal therefore accords with J.1(b).

3.5.8 ***(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;***

3.5.9 The solar panels would not be installed within 1 metres of the edge of the roof. The proposal therefore accords with J.1(c).

3.5.10 ***(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***

3.5.11 The site is not located on article 2(3) land, and therefore accords with J.1(d).

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

3.5.13 The site is not a scheduled monument, and therefore accords with J.1(e).

3.5.14 ***(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.***

3.5.15 The site is not a listed building, nor is it sited in the curtilage of a listed building. The proposal therefore accords with J.1(f).

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

3.5.17 ***(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;***

3.5.18 ***(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***

3.5.19 ***(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 The panels would be located on the roof plane of the building, and thus not an external wall. The proposal therefore accords with J.2 (a), (b) and (c).

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 a technical data sheet that indicates each panel will generate 390-405W. The agent has confirmed the maximum combined output to be 19.8kW, as such the proposal would not exceed the above threshold. The proposal therefore accords with J.3.

3.5.23 Taking all of the above into consideration, the proposal is complaint with the aforementioned limitations and is, therefore, established as permitted development and acceptable in principle.

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

3.5.25 ***(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***

3.5.26 The proposed siting of the solar panels will not be detrimental to the external appearance of the building and the amenity of the area. Further discussion on these matters will follow in sub-paragraphs 3.5.30-3.532. The proposal therefore accords with J.4.(1, a).

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

3.5.28 It is advised that this condition be added as an informative to the Decision Notice. Subject to compliance with that informative, the proposal would accord with J.4.(1, b).

3.5.29 **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****.*

3.5.30 The proposed solar panels are to be sited on the front (south) elevation of the building. As such, views would only be afforded within the existing compounds of the depot, and thus not visible from the public realm. Furthermore, the scale of the solar panels will only cover approximately one quarter of the existing roof space and will therefore not appear as a disproportionate or incongruous addition. On that basis, the proposed development accords with Policies CS16 and 11 which seek to achieve a good standard of design whilst demonstrating an understanding of the wider context and make a positive contribution to the local area.

3.5.31 Turning to impact upon amenity, specifically in reference to glare, the nearest sensitive residential dwellings are over 120m away to the west. As such, owing to ample separation distance, the proposal will not pose any threat to surrounding amenity. Any potential glare impacts caused by the solar panels will be confined to within the grounds of the application site, and therefore no concerns arise in this regard.

3.5.32 Additionally, solar panels are designed to absorb a high level of light, and use of dark materials mitigates much of the glare impact. As such, the proposal is considered to be acceptable from an amenity perspective, in line with the requirements of Policy 8 of the Local Plan Part 2 (2015).

3.5.33 Based on the above, 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, the

LPA considers that prior approval is not required for the proposals as set out within the submission in accordance with Class J.4 of Part 14 of the General Permitted Development Order 2015.

3.5.34 **Other Matters**

3.5.35 Air Quality and Climate Change

3.5.36 In regards to air quality and climate change, Policy CS13, point 3(i) and Local Plan Part 2, point 2 of Policy 9 seek to minimise the impacts of development upon climate change.

3.5.37 Furthermore, Policy 36 of the LPP2 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'.

3.5.38 The application site is not within a designated Air Quality Management Area. Solar Panels as a renewable energy source will cut the dependence on fossil fuel energy, and thus its introduction is considered to make a positive impact on air quality. The proposal therefore accords with Policies CS13 and 9 / 36 of the Local Plan Part 2 (2015).

3.5.39 **CONCLUSION**

3.5.40 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 amenity impact arising from the glare on occupiers of neighbouring land. No other matters are material and thus cannot be considered as part of this application for prior approval.

3.5.41 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

4.1.1 **PRIOR APPROVAL IS NOT REQUIRED**

4.1.2 The proposal is subject to the following condition;

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

   Location Plan

Drawing No. DSB-CAP-00-ZZ-DR-BS-1002: Proposed Plan & Elevations; and Product detail: Vertex S, Trina solar PRODUCT: TSM-DE09.08 BACKSHEET MONOCRYSTALLINE MODULE PRODUCT RANGE: 390-405W - Received 19th April 2022

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

4.1.3 The below informative has also been added;

4.1.4 The solar PV equipment or solar thermal equipment should be removed as soon as reasonably practicable when no longer needed.

## 5.0 PLANNING HISTORY

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

## 6.0 CONSULTATIONS

6.1.1 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 on 28th April 2022.

6.1.2 No representations have been received as a result of this Site Notice.

## 7.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

## 8.0 DATE PREPARED: 12 May 2022