

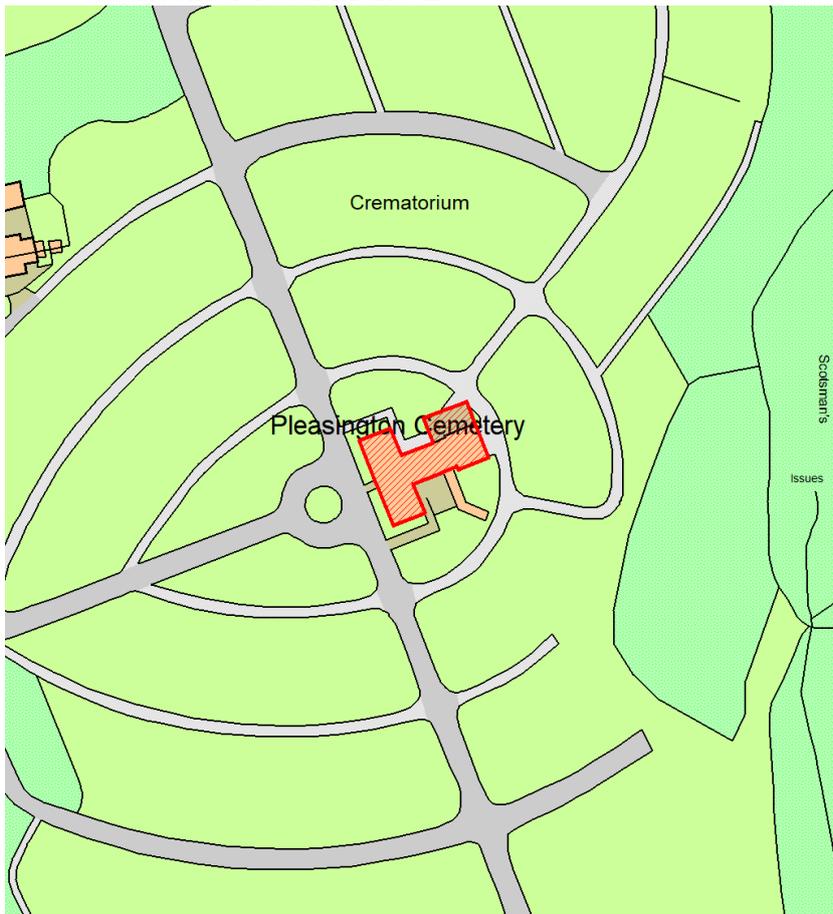
**Proposed development: Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas as highlighted within the supporting documentation as part of the Public Sector Decarbonisation Scheme (PSDS)**

**Site address:  
Pleasington Cemetery & Crematorium  
Tower Road  
Blackburn  
BB2 5LE**

**Applicant: Blackburn With Darwen Borough Council**

**Ward: Livesey With Pleasington**

**Councillor Derek Hardman  
Councillor John Pearson  
Councillor Paul Marrow**



## **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 relates to Pleasington Cemetery and Crematorium.

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 due to the panels being sited on the top of the flat roof aspect. 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 relates to the existing Pleasington Crematorium building, which lies within the allocated green belt designation. The existing building incorporates a two-storey chapel building with a single storey flat roof area to the front elevation.

3.1.2 The below images were taken on my site visit which show the front and side elevations of the host building.





Figure 3: Proposed Elevations

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 Not applicable. The solar PVs would be installed on a flat roof. 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 The panels will be installed on a flat roof, however they would not be higher than 1m above the highest part of the 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 Not applicable. The panels would not be installed on the external wall of the building. 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 compliant 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 3.5.30-3.5.32. 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 host building features a flat roof aspect to the front with a parapet wall around the perimeter. As such, the solar panels which are to be positioned on the flat roof will subsequently not be able to be viewed from public vantage points given screening from the surrounding parapet wall. For these reasons, it is considered that the proposal would not be harmful to the visual amenities of the host building or its setting.
- 3.5.31 In relation to impact on glare on occupiers of neighbouring land, the proposal site is within an isolated location, and thus away from nearby buildings. Also, due to the siting of the solar panels on a flat roof it is not considered such glare impacts would arise.
- 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).

## **CONCLUSION**

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.

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**

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. PLE-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 20th April 2022

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

The below informative has also been added;

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

## **5.0 PLANNING HISTORY**

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

## **6.0 CONSULTATIONS**

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.

## **7.0 CONTACT OFFICER: Jamie Edwards, Planning Officer**

## **8.0 DATE PREPARED: 12 May 2022**