HUNTINGDONSHIRE DISTRICT COUNCIL

25/00296/PSPPA

OFFICER REPORT

Case No: **25/00296/PSPPA** **Prior Approval Solar Photovoltaics**

Proposal: **for the installation for a 84.60kWp system to be installed on the sports hall roof at One Leisure Ramsey.**

Location: **One Leisure Abbey Road Ramsey**

Applicant: **Miss Kerry Slater**

Grid Ref: **529432 284996**

DESCRIPTION OF SITE AND APPLICATION

This application site is One Leisure Ramsey. It is within the Ramsey Conservation Area but there are no other constraints related to it.

This application is submitted under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

This application seeks to determine if prior approval is required to install Solar Photovoltaics (PV) equipment on the roof of non-domestic buildings (in this case a commercial building).

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework 2024 (NPPF) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):

- delivering a sufficient supply of homes;
- achieving well-designed places;
- conserving and enhancing the natural environment;
- conserving and enhancing the historic environment.

Planning Practice Guidance, including the National Design Guide, is also relevant and a material consideration.

Paragraph 161 of the NPPF (2024) outlines that "the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

Paragraph 167 of the NPPF (2024) states that Local Planning Authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The Natural Environment and Rural Communities Act 2006 (NERC Act)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

LP2: Strategy for Development
LP11: Design Context
LP12: Design Implementation
LP17: Parking Provision and Vehicle Movement
LP34: Heritage Assets and their Settings
LP35: Renewable and Low Carbon Energy

Supplementary Planning Guidance/Documents:

Huntingdonshire Design Guide Supplementary Planning Document (2017):

*Place Making Principles part 3.8 Building Detailing

Huntingdonshire Landscape and Townscape Supplementary Planning Document 2022

Ramsey Conservation Area Character Assessment (December 2005)

Local policies are viewable at https://www.huntingdonshire.gov.uk

RELEVANT PLANNING HISTORY

Given the nature of the site there is an extensive planning history associated with it. The history from 1974 onwards is available to view on HDC's Public Access Site. There is not considered to be any recent history which is relevant to this application.

CONSULTATIONS

Cambridgeshire County Council Highways Team - No objections.

REPRESENTATIONS

None received at the time of determination.

SUMMARY OF ISSUES

The main issues to consider in the determination of this application are:

- Whether the development accords with the provisions of Schedule 2, Part 14, Class J

- If prior approval is required relating to design and external appearance of the development in particular glare on occupiers of neighbouring land.

Schedule 2, Part 14, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows 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 block of flats.

If an application relates to Class J (c) as above, Schedule 2, Part 14, Class J Condition Para (2) requires that before beginning the development the developer must apply to the Local Planning Authority (LPA) 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 in particular the impact of glare on occupiers of neighbouring land.

In accordance with Schedule 2 Part 14 Class J Conditions Para (4) the LPA may refuse prior approval where the proposed development does not comply, or insufficient information has been submitted to demonstrate compliance, with the conditions, limitations or restrictions specified within Class J where applicable to the development. The provisions, and whether the proposal complies, is set out as follows;

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;

Officer Comment - Application form - details accord and shown on submitted sectional drawing.

(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);

Officer Comment - Not applicable - the installation is on a pitched roof.

(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;

Officer Comment - Application form - details accord.

(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;

Officer Comment - This section of the legislation was omitted in the 2023 update and no longer applies in the determination.

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

Officer Comment - Not applicable - the site is not a scheduled ancient 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.

Officer Comment - Not applicable - the building is not listed and not 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;

Officer Comment - Not applicable - installation is on the roof of the building.

(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

Officer Comment - Not applicable - as above.

(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

Officer Comment - Not applicable - as above.

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.

Officer Comment - This section of the legislation was omitted in the 2023 update and no longer applies in the determination.

Class J.4 (2) 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 the 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, and the following sub-paragraphs apply in relation to that application.

Officer Comment: The developer has supplied sufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in Class J applicable to the development in question as detailed in the description of the application.

Prior Approval Considerations:

*Design, Visual Amenity and Impact upon Heritage Assets

The Solar PV will be installed on the roof of a commercial building which is set within close proximity to a School and its associated curtilage. Therefore, the characteristics of the area are generally large utilitarian buildings and as such the installation will not look out of place.

The site lies within the Ramsey Conservation Area.

Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para. 212 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

For the reasons given above (having regard to the nature of the development and surroundings and the siting of the panels on the building and their limited projections from it) it is not considered that there would be harm to the Conservation Area or conflict with Policy LP34 of the Local Plan.

Taking all the above factors into consideration, the scale, design, and layout of the proposed panels would not result in significant harm upon the character and appearance of the local area or result in a negative impact on the Conservation Area. Therefore, it is considered to accord with Policies LP11, LP12 and LP34 of the Local Plan to 2036.

*Residential Amenity

There are no residential dwellings in the immediate vicinity with the surrounding land either relating to the School or Leisure Centre. The proposed location is also not directly opposite any other buildings and so impact from glint and glare is unlikely to be an issue. The development accords with Policy LP14 of the Local Plan.

*Highway Safety

As Solar PV has the potential to result in glint and glare Officers have considered if there would be any detrimental impact in terms of highway safety as a result of this installation. In this case the site is well set back from any main roads. Nevertheless, Cambridgeshire County Council as the Local Highways Authority have been consulted and raise no objections. As such, given the siting and the lack of objection from specialists (as above) it is concluded that the development is acceptable in terms of highway safety impacts and therefore accords with Policy LP17 of the Local Plan to 2036.

*Biodiversity and Geodiversity

Notwithstanding the provisions of Class J, the LPA has a statutory duty under Section 40 of the Natural Environment and Rural Communities Act (NERC) to exercise its functions having regard, as is consistent with proper exercise of those functions, to the purpose of conserving biodiversity. Regulation 9 Conservation of Habitats and Species (CHSR) make explicitly clear that duty under NERC must be exercised where relevant to nature conservation so as to secure compliance with requirements of the Directives. Secretary of State for Housing, Communities and Local Government (SSHCLG) (now Department for Levelling Up, Housing and Communities) (DLUHC) has confirmed through a letter dated 10th June 2014 to the Bat Conservation Trust that the provisions of prior approval do not override the requirements to comply with other legislative provisions.

While this application has not been accompanied by a biodiversity assessment, Officers consider that the nature, age, construction, maintained appearance and use of the buildings would not normally be an ideal habitat for the nesting or roosting of bats.

All bats' species are protected by law and action must be taken by the applicant should any be found during the course of the works. As such, it is considered the potential habitat that might be afforded by the roof of this site is minimal at best and the proposed works would not materially harm the level of biodiversity within the site.

Given the nature, extent and location of the works, it is considered to have minimal impacts in terms of biodiversity. There is also little scope (under this proposal) to achieve a biodiversity net gain. Therefore, the proposal is considered to broadly accord with Policy LP30 of Huntingdonshire's Local Plan to 2036 in this regard.

*Conclusion

In conclusion, it is considered the proposal accords with the provisions of Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and prior approval is not required to carry out the development as detailed in the application, and it is recommended that it is approved.

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CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**