HUNTINGDONSHIRE DISTRICT COUNCIL

24/01813/PSPPA

OFFICER REPORT

Case No: **24/01813/PSPPA** **Prior Approval Solar Photovoltaics**

Proposal: **The solar PV system will be up to 350kWp in size and will be installed on the rooftops at the above mentioned site. The installation will be installed via a pitched roof clamp system on the rooftops.**

The impact of glare from the solar modules is considered to be minimal as the solar modules are treated with anti-reflective coating to aid the absorption of light to increase cell efficiency. The modules will also be sited on a shallow pitched roof and will therefore not adversely affect the surrounding area (which is an industrial estate).

Location: **11 Imperial Way Eagle Business Park Yaxley**

Applicant: **Mr Muzzafar Ali**

Grid Ref: **519636 293190**

DESCRIPTION OF SITE AND APPLICATION

This application site is 11 Imperial Way, Eagle Business Park within Yaxley's Established Employment Area. 11 Imperial Way comprises of four industrial buildings used for the wholesale of fruits and vegetables, growing of vegetables and post-harvest crop activities. The site is within Flood Zone 1.

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).

This application seeks to determine if prior approval is required to install a 350kWp solar PV system on the pitched roof of the four business units.

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

NATIONAL GUIDANCE

The National Planning Policy Framework 2023 (NPPF) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2023 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 2023 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 (2023) outlines that "local planning authorities should support community led initiatives for renewable and low carbon energy, including developments outside areas identified in the local plans or other strategic policies that are being taken forward through neighbourhood planning"

Paragraph 163 of the NPPF (2023) outlines (amongst other matters) that "when determining planning applications for new renewable or low carbon development local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy; and recognise that even small scale projects provide a valuable contribution to cutting the greenhouse gas emissions. And approve the application if its impacts are (or can be made) acceptable"

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
LP12: Design Implementation
LP17: Parking Provision and Vehicle Movement
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

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

RELEVANT PLANNING HISTORY

Given the nature of the Established Employment Area the site has a detailed planning history. Details of which can be accessed through the council's public access system. The most relevant planning history on the site is detailed below:

0803460FUL-Erection of building for use as vegetable packing operation-Permitted 02.02.2009

0803458FUL-Construction of Class B1 light industrial /B2 general industrial units, associated hardstanding and landscaping-Permitted 10.03.2009

0803202REM-Approval of reserved matters of landscaping in respect of the erection of buildings for B1/B2 industrial/office use details approved 30.01.2009

0601422S73-Variation of time limit conditions on planning permission 0100989 for erection of buildings for B1/B2 (industrial/office use)-Permitted 08.08.2006

0100989OUT-Erection of buildings for B1/B2 industrial/office use-Permitted 19.08.2003

CONSULTATIONS
None required as part of this application.

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.

(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 equipment is to be installed 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 pitch roof of the buildings.

(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 - Details accord. The submitted block plan detailing the module layout confirms the solar PV would not be within 1 metre of a junction of 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

Officer Comment - Not applicable. The building is not located on article 2(3) land.

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 and Visual Amenity

11 Imperial Way where the proposed Solar PV is to be installed is located at the end of the road and within a business park. The buildings are surrounded by other industrial units and public vantage of the buildings are limited given the site is situated between the units off Harrier Way and Enterprise Way. As the building has a pitched roof and due to the positioning of the unit there will be limited visibility from the unit from the public realm. Therefore, the addition of solar panels to the industrial units would be of limited visibility and considered to cause negligible harm the character of the local area.

Prior approval is considered unnecessary in this instance, given sufficient evidence has been submitted to undertake an assessment and the location of the panels on the buildings and the buildings' location within the established business park.

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. Therefore, it is considered to accord with Policies LP11 and LP12 of the Local Plan to 2036.

*Residential Amenity

The buildings of 11 Imperial Way are situated in the centre of an established business park in an established employment area. The building is surrounded by other business units and there are no residential properties in close proximity to the business units. Given the height and location of the panels, along with the location of the property, within the business park, it is not considered that the addition of the solar panels would be harmful in terms of residential amenity and the proposal therefore accords with Policy LP14 of the Local Plan to 2036 in this regard.

*Highway Safety

As Solar PV can potentially result in glint and glare impacts, Officers shall consider any detrimental impacts on highways safety as a result of the installation. In this instance, the application site is located centrally to an established business park and at the end of a cul-de-sac, whereby the closest adopted B Road is over 180 metres north west from the application site. Having regard to this separation distance and the location of the proposed panels it is not considered that there would be significant glint and glare which would be deemed hazardous to a user of the highway. The development therefore accords with Policy LP17 of the 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.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
Enquiries about this report to **Charlotte Dew**