

## DELEGATED DECISION REPORT

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DET/2023/0003  
Valid 01/03/2023

BOWDEN HEY MILL  
BOWDEN LANE  
CHAPEL-EN-LE-FRITH

APPLICATION TO DETERMINE  
IF PRIOR APPROVAL IS  
REQUIRED FOR A PROPOSED  
ROOF MOUNTED 74.5KW  
SOLAR PV SYSTEMS  
COMPRISING OF 168 X 380W  
CANADIAN SOLAR MODULES

(ALL OTHERS)

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### MAIN ISSUES

- Whether the proposed development complies with the relevant parameters set out under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required as to the design or external appearance of the development, in particular the impact on glare on occupiers of neighbouring land, having regard to Paragraph J.4

### DESCRIPTION OF SITE

The application relates to an existing Industrial building currently operated by 'Kelsa Truck Products Ltd' within the Bowden Lane Industrial Estate, at the eastern fringes of Chapel-en-le-Frith and within the built-up area boundary.

### PROPOSAL

This Prior Approval application has been submitted under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended for the installation of PV Solar Panels on the south facing roof slope of the building.

The application is made up of a completed Application Form, Elevations and Roof Plans, and a Technical Specification document of the chosen PV Solar Panel product.

### OFFICER COMMENTS

1. **Whether the proposed development complies with the relevant parameters set out under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended**

Schedule 2, Part 14, Class J of the General Permitted Development Order (GPDO) refers to the installation or alteration etc of solar equipment on on-domestic properties, and permits the following forms of development, subject to compliance with all relevant criteria under Paragraphs J.1-J.3 and relevant conditions under Paragraph J.4:

**J. The installation, alteration or replacement -**

- (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 a block of flats**

The works amount to microgeneration solar PV equipment on a (non-domestic) building, falling under sub-paragraph (c). An assessment of the proposed development against relevant criteria under Paragraph J.1-J.3 is undertaken below.

**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**

The plans showing the positioning of the Solar PV equipment, when read in conjunction with the technical specification documentation submitted with the applicant, confirms that the proposed Solar PV panels would not protrude more than 0.2m beyond the roof slope. As such the application complies with Paragraph J.1(a).

- (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).**

The roof of the building subject to the application has a pitched roof and thus the application is not relevant in respect of Paragraph J.1(b)

- (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**

The plans showing the positioning of the Solar PV equipment, when read in conjunction with the technical specification documentation submitted with the application, confirms that no part of the proposed Solar PV panels would be situated within 1 metre of any edge of the roof slope. As such the proposed development is compliant with Paragraph J.1(c).

- (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**

The building is not situated within any land designation defined as article 2(3) land within the GPDO and as such the proposed development is compliant with Paragraph J.1(d).

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

The building is not, or indeed within, a designated scheduled monument, and as such the proposed development complies with Paragraph J.2(e).

- (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**

The building subject of the application is not listed and as such the proposed development complies with Paragraph J.1(f)

## **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 0.2m beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;**

The plans show the positioning of the Solar PV equipment would not be placed on a wall As such the application complies with Paragraph J.2 (a).

- (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**

The plans show that the proposed solar PV equipment would not be installed on a wall and therefore the proposed development is compliant with Paragraph J.2(b).

- (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**

The plans show that the proposed PV equipment would be installed on a roof and therefore the proposed development is compliant with Paragraph J.2(c).

## **2. Whether Prior Approval is required as to the design or external appearance of the development, in particular the impact on glare on occupiers of neighbouring land, having regard to Paragraph J.4**

The above assessment confirms that the proposed Solar PV system to be installed on the existing industrial building complies with relevant parameters under Paragraphs J.1-J.3. As such the application constitutes permitted development.

As set out under Paragraph J.4, the Local Planning Authority is required to determine whether Prior Approval is required with regards to the design and external appearance of the development, particularly with regards to any impacts relating to glare for any neighbouring occupiers.

The site lies within a Primary Employment Zone within the built-up area boundary immediately surrounded by other industrial units and hard surfaces. The landscape and visual sensitivity of the site is considered to be relatively low, although it is important to consider any potential impacts experienced from middle-long distance views from public footpaths in the wider rural landscape. There are no residential properties within a considerable distance (approx. 70m) of the site.

Whilst it is accepted that the panels would be visible from wider vantage points in the rural landscape, the panels would be read closely in conjunction with the existing building and wider Industrial Estate, and, when also considering the urban features that further reduce the sensitivity of the site, which includes the A6 Bypass and electricity pylons it is considered that there would not be any landscape and visual impacts that would give rise to any degree of impact that would warrant Prior Approval to be required.

Moreover, the panels would be located a significant distance from any residential property and as such there would be no impacts with regards to glare, resulting from the reflection of sunlight.

## **CONCLUSION / PLANNING BALANCE**

For the reasons outlined above, it is considered that the design and appearance of the proposed development is acceptable with regards to potential impacts on the immediate and wider street scene, and due to the orientation of the building, and spatial relationship with neighbouring properties, would not result in any harm to neighbouring amenity with regards to glare.

As such, it is recommended that Prior Approval is not required.

**OFFICER RECOMMENDATION :     Prior Approval Not Required**

**Case Officer: James Stannard**

**Recommendation Date: 18<sup>th</sup> April 2023**

X *J. Colley*

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Signed by: Jane Colley Signature

**On behalf of High Peak Borough Council**