

DELEGATED DECISION REPORT

DET/2023/0005
Valid 06/03/2023

**PENNINE AGGREGATES
LTD WATERSWALLOWS
LANE
GREEN FAIRFIELD
BUXTON**

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A
PROPOSED:THE PROPOSAL
CONSISTS OF 2 ROOF
MOUNTED SOLAR PV
SYSTEMS ON BUILDING 1
AND BUILDING 2 AT PENNINE
AGGREGATES LTD. SK17 7JD.
BUILDING 1, THE BUILDING
ADJACENT TO THE MAIN
ROAD (OPPOSITE BUXTON
SPRING WATER) WILL BE A
251KW SYSTEM COMPRISING
OF 552 NO. 455WP'S AND
WILL BE ROOF MOUNTED.
BUILDING 2, BEING THE
LONG BUILDING LOCATED AT
THE BACK OF THE PREMISES
WILL BE A 90KW ROOF
MOUNTED SYSTEM
COMPRISING OF 198 NO.
455WP'S.**

(ALL OTHERS)

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 2no. large industrial units (Building No.1 – located nearest to the public highway and No.2) that are occupied Pennine Aggregates that are

located to the west of Waterswallows Lane, outside the built-up area boundary in the rural area approximately 2km east of Buxton.

PROPOSAL

This prior notification application seeks consent for an external Solar Photo Voltaic (PV) system that would be situated on the roof slopes of both Building No.1 and No.2 with a total capacity of approximately 340kW

The application is accompanied by plans showing the layout of the Solar PV System on the roof of the building, together with technical specification documentation of the Solar PV System proposed.

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 (b). 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 complies with 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 applicant, confirms that any part of the proposed Solar PV panels would not 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 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.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 PV equipment would be installed on a roof 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 that does not directly front the highway, but is orientated towards it. In any event, the site does not situate on Article 2(3) Land 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 or external appearance of the development, particularly with regards to any impacts relating to glare for any neighbouring occupiers.

The building subject of the application lies in a relatively isolated location in the open countryside, with the nearest residential property being situated in excess of 200m of the site.

Given the distance between the roof slope and nearby properties, it is not considered that there would be any adverse impacts relating to glare, for occupiers of these properties with regards to glare.

The technical specification document shows a Solar PV panel system that is typical of many domestic and non-domestic buildings throughout the UK, and given the low visual sensitivity of the site and its surroundings, it is considered that the design and appearance of the Solar PV system is acceptable and appropriate for its context.

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, Prior Approval is not required.

OFFICER RECOMMENDATION : Prior Approval Not Required

Case Officer: James Stannard

Recommendation Date: 18th April 2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council