

**SUBMITTED VIA PLANNING PORTAL**



Head of Planning  
Chesterfield Borough Council  
Planning Services  
Town Hall  
Rose Hill  
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Derbyshire  
S40 1LP

**Mitie - Technical Service**

TSOC, Pacific House  
Atlas Business Park  
Simonsway  
Wythenshawe  
Manchester  
M22 5PR

Date : 15.01.24

Dear Sir / Madam,

**Application for Prior Approval for roof mounted solar PV on a non-domestic building**

This application is submitted by Mitie on behalf of the developer, Custom Solar, under Schedule 2, Part 14 – Renewable energy, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for its determination as to whether the prior approval of the Local Planning Authority will be required for -

**Written description of proposed development - The installation of 218 roof mounted solar PV array panels on a non-domestic building and ancillary development thereto.**

**At –Direct Engineering, Units 1-4 Highlands Place, Foxwood Industrial Park, Foxwood Road, Sheepbridge, Chesterfield, Derbyshire, S41 9RN**

In accordance with Part 14, Class J, Conditions J.4 (3) of the Order, this submission fulfils the statutory requirements that constitute a valid prior approval application. The application is accompanied by –

- As stated above, a written description of the proposed development
- A plan indicating the site and showing the proposed development
- The applicant's / developer's contact address - Custom Solar, Sunbeam House, Broombank Road, Chesterfield, Derbyshire, S41 9QL
- The prescribed fee paid to the Local Planning Authority via the Planning Portal

For further assistance in the determination of this prior approval application, we also include the following additional information: -

- 1APP form
- Location plan
- Rooftop layout plan
- Existing elevations
- Proposed elevations
- Solar panel specification sheet
- Mounting system details

As set out in the planning statement and supporting documents, it is considered that the applicant has provided sufficient information that complies with all statutory requirements of permitted development and allows the Local Planning Authority to determine the proposal. However, should further information be required, requests should be relayed to the agent at the earliest opportunity.

We look forward to receiving an acknowledgement that the application has been registered and allocated to a case officer as well as confirmation of the 56-day determination period which is taken from the date the Local Planning Authority are in receipt of the submission documents and payment from the Planning Portal. In due course, we will be in contact to seek an update on the application's progress. Likewise, should there be any planning queries, please do not hesitate to contact the undersigned.

Please note for consistency and with regards, Class 14, J.4(3) (d) of the Order, the developer's email address is not provided. Should there be any correspondences for the attention of the applicant / developer, please direct them via the named agent below.

Kind Regards

[REDACTED]

**Lewis Baldwin**

Acquisition & Planning Surveyor

Email: [REDACTED]

Mobile: [REDACTED]

## PLANNING STATEMENT

**The installation of 218 roof mounted solar PV array panels on a non-domestic building and ancillary development thereto.**

At

**Direct Engineering, Units 1-4 Highlands Place, Foxwood Industrial Park, Foxwood Road, Sheepbridge, Chesterfield, Derbyshire, S41 9RN**

### **Introduction**

From the outset, it should be recognised that the principle of development has already been established by virtue of the developer's permitted development rights, subject to the Local Planning Authority's determination of a prior approval application. In this respect, the matters which must be considered by the Local Planning Authority in this type of solar development application are set out in Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). With this in mind, a determination of prior approval should concentrate on matters solely relating to the effect on the external appearance of the building and the amenity of the area.

As set out in the statutory instrument set by Government at a national level, the proposal constitutes permitted development. Furthermore, as there are no article 4 directions in place that remove permitted development rights, the proposal should be viewed favourably. In determining this application, the local development plan, any guidance and representations received by the Local Planning Authority, should only be deemed material if they are relevant to the subject matter of a prior approval, relating to renewable energy.

The Government's position on renewable energy views solar development very favourably towards contributing to the UK's Net Zero targets. In recent amendments to NPPF and Part 14, which both came into force in December 2023, the importance of solar energy as a key component of the nation's strategy for low-cost decarbonisation in the energy sector has been recognised. Most notably a Government Press release on the 30th November 2023 entitled - New planning rules to boost solar rollout and slash energy bills, announced the relaxation of permitted development rights relating to domestic and non-domestic rooftop solar panels. These changes are set out in the statutory instrument 2023, No.1279 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023, which came into force on 21st December 2023.

Furthermore, the latest NPPF was published on 19th December 2023 emphasises the Government's support for rooftop solar, whereby it is of significant material weight to note that within Chapter 14 - Meeting the challenge of climate change, flooding and coastal change, in the subsection titled - Planning for climate change, there is a completely new paragraph, 164. It states - "*In determining planning applications, 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 (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).*"

### **Prior Approval**

It should be at the forefront of this prior approval determination that, as stated in Government guidance, "*The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion as to what processes they put in place. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.*" Paragraph: 028 Reference ID: 13-028-20140306.

## Planning Appraisal against the Order

As set out below the proposed development meets the criteria of permitted development, when seen against Schedule 2, Part 14 –Renewable energy, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as follows.

### Class J–Installation or alteration etc of solar equipment on non-domestic premises

#### 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 or a block of flats.*

#### Development not permitted

*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 solar PV equipment would protrude 50 millimetres (0.05 metre) beyond the plane of the roof slope.

*(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);*

N/A. As referenced above the solar PV equipment would 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;*

The solar PV equipment would be installed in excess of 1 metre of all external edges of the roof.

*(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;*

N/A. The building is not found within article 2(3) land, however, please note that following amendments to Class J of Part 14 of Schedule 2 as set out in The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023, coming into force on 21st December 2023, paragraph J.1(d) was omitted.

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

N/A. The solar PV equipment would not be installed on a site designated as a scheduled 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.*

N/A. The solar PV equipment would not be installed on a listed building or on a building within the curtilage of a listed building.

***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.***

N/A. The solar array will generate 115.54 kilowatts of electricity so is well below the threshold of 1 megawatts, however, please note that following amendments to Class J of Part 14 of Schedule 2 as set out in The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023, coming into force on 21st December 2023, paragraph J.3 was omitted.

The proposed rooftop solar PV equipment complies with the above therefore taking into account the following conditions as set out in the aforementioned legislation, the proposal is deemed to be acceptable.

### Conditions

***J.4—(1) Class J development is permitted subject to the following conditions—***

***(a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and***

The building which is subject of this prior approval application is situated within an industrial setting defined within the Chesterfield Borough Council Local Plan, 2020, Policy CLP6 as an Establish Business Area. The property is surrounded by an assortment of warehouse units ranging in both scale and appearance. Some neighbouring buildings, including Datim Supplies, 15 Foxwood Road, already accommodate solar panels on their rooves hence setting a precedence for this form of development. Given the siting of the subject property within an industrial area and the presence of a neighbouring premises which have roof-mounted PV solar panel installations, it is not considered that the proposed development will have a detrimental impact upon or detract from the amenity of the area.

Views of the existing roof slopes are mainly seen in close quarters, therefore given the solar panels would be flush with the corrugated roof surface, they would not appear as an untoward feature in the context of the building nor setting of Foxwood Industrial Park. Indeed, it is expected that the installation will quickly assimilate with its existing urban landscape and architectural character of the industrial estate, especially when seen from afar, in perspective and in the roof envelope. In this respect it is considered that the proposed layout, materials, mounting and colour finish have been designed so far as practicable to minimise its effect on the external appearance of the building and the amenity of the area. Although from certain angles and from distance the panels may well be visible, it is considered that the cumulative visual impact of the solar development located on the roof will not be so significant on the local landscape and amenity, so as to outweigh the benefits of providing for a renewable energy source.

The subject property fronts onto Foxwood Road and its turning circle roundabout which is a no through road. Given the building is set back from the highway and there are intervening trees and boundary fencing then this would limit the visibility of the solar panels. Given the roof slopes that are to be used for the solar array are shallow, the panels have an anti-reflective coating to minimise glint and glare and are mounted above ground level then it is considered that no highway safety issues would be created. Similarly, although the building backs onto the A61, it is completely screened from view by tall trees and mature foliage, hence the presence of solar panels on the rear roof slope of Direct Engineering would go unnoticed to passing motorists. Collectively given the height of the subject property and the angle of the roof slopes where solar panels will be installed, it is considered that the proposal will be outside the field of view from ground-level and thus will not significantly detract from or negatively impact the external appearance of the subject building. For the same reasons, it is considered that the development would not lead to any significant glare to occupiers of neighbouring premises or road-users.

With regards design, the structural integrity of the roof has been thoroughly assessed to ensure it can withstand the additional load of the solar panels without compromising the fabric of the building and its safety. The solar panels will be sited on the roof of a building that is not listed nor is of any local architectural merit, in which given the shallow profile of development contained within the silhouette of the roof slope areas, its presence will not undermine the character and appearance of the building itself. The solar panels have been selected for their sleek design and non-reflective surfaces so as to help reduce their visual impact and be in keeping with the industrial context.

It should be recognised that the proposal aims to harness renewable energy to provide a sustainable power supply solution to the property meaning the occupier of the building can significantly curtail its carbon footprint and offset their reliance on electricity generated from fossil fuels. It will help reduce the building's running costs by securing a source of renewable energy on-site, which will have a knock-on benefit to sustain the building's occupancy, so helping retain Direct Engineering's ongoing presence in the area as a local employer.

The solar energy produced will primarily be used only on-site, however, the scheme has the capability to feed into the national grid should there be a surplus of power not being used. This initiative perfectly aligns with both government mandates and local planning policy, emphasising a greener future as we work towards Net Zero in the UK.

For the above reasons, it is considered that the proposal is acceptable and so is fully in accordance with NPPF and policy CLP12: Renewable Energy of the Chesterfield Borough Council Local Plan, 2020. Likewise, it aligns with the Council's aims as set out in Climate Action Now which is supportive of proposals for renewable energy in tackling the climate crisis. In this respect it is advocated that prior approval should be granted.

*(b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.*

The solar panels have a 25-year warranty lifespan and are of a temporary / reversible nature, in which they will be removed when it is no longer needed.

### **Conclusions**

In summary, the proposal is deemed acceptable and it is considered that the effect of the development on the external appearance of the building, has been minimised so far as practicable and is sympathetic the amenity of the area.

As set out in the applicant's planning statement and supporting documents, the developer has provided sufficient information that complies with all statutory requirements, national and local planning policies. This will allow the Local Planning Authority to make a prior approval determination. That said, should further information be required to allow for the the determination of this, requests should be relayed to the planning agent as soon as is reasonably practicable, so that any such matters can be digested and adequately provided.

We trust that this solar proposal will be viewed favourably and a determination can be made within the allotted 56 day period. We would value any pertinent updates from the case officer during the life of the application in which without prejudice and mindful of Part 14, condition J.4 (11) that states the Local Planning Authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval, then if it is to be the latter, please contact the planning agent to discuss any possible conditions that you may seek to attached before the decision notice is finalised and issued.