

Part 14 Class J – Installation or alteration etc. of solar equipment on non-domestic premises

Application Number:	24/01038/PRA56
Location:	7 Othen House, Job Centre Plus, Oldham Road, Middleton, M24 1BX
Proposal:	Installation of Solar PV on an existing flat roof
Applicant:	Matthew Ward
Case Officer:	Bob Melling
Recommendation:	Prior Approval Not Required

CHECKED AND SIGNED OFF BY: RC

DATE: 25.11.24

Site Description

The application relates to Othen House in Middleton, a three storey office block located within the Defined Urban Area on the edge of the town centre. The building has a roughly L-shaped plan with a flat roof. Surrounding land uses are primarily commercial, with the Tesco Extra superstore to the north, an office building to the east (Brook House), a petrol station to the west and the Grade II Listed Warwick Mill on the opposite side of Oldham Road.

Publicity	Neighbour letters sent?	Y	Responses received?	N
	Site notice posted?	Y		

Consultee Responses:

Highways

No response at time of writing.

Conservation Officer

No response at time of writing.

Relevant History: N/A

Permitted Development Rights removed?	No
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ANALYSIS

Schedule 2, Part 14, Class J(c) of the General Permitted Development Order (England) 2015 allows for the installation of other solar PV equipment on the roof of a non-domestic building. Paragraph J.1 states that 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;
- 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);
- c. the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that 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;
- e. the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- 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.

With regard to the above, the panels would be installed on a flat roof, where the highest part of the solar PV equipment would be less than 1 metre above the highest part of the roof (excluding any chimney); the panels would not be installed within 1 metre of the external edge of the roof; the building is not situated on article 2(3) land; the site is not designated as a scheduled monument; and the equipment would not be installed on a listed building or on a building within the curtilage of a listed building.

The equipment would not be installed on a wall of the host building and the building is not on article 2(3) land - paragraph J.2 is therefore not relevant.

In addition, J.4 outlines the following standard 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
- b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Class J 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. Compliance with J.4 (a) will also be assessed.

Prior Approval Matters

It is considered that the equipment would be sited so as to minimise its effect on the external appearance of the building and the amenity of the area. The panels themselves would not be visible from public land surrounding the site, by virtue of the limited height of the panels and the existing parapet wall surrounding the flat roof of the building.

It is noted that nearby Warwick Mill is a Grade II Listed Building, first designated in 1979 and acknowledged for its striking red brick appearance, water tower, engine house and adjoining railings. Paragraph 205 of the NPPF notes that great weight should be given to a heritage asset's conservation and that significance can be harmed or lost through development within its setting.

Whilst Othen House forms an integral part of the setting within which Warwick Mill is experienced, it is noted that as a consequence of the siting of the proposed solar panels, i.e. on an existing flat roof below the level of a parapet wall, they would not be visible from the street scene and therefore could not be viewed at the same time as the Mill. In fact, the panels would only be visible when standing on the roof of or within Warwick Mill itself, as a result of the relative heights of the buildings. As a consequence, it is not considered that the installation would harm the character or significance of Warwick Mill.

Solar PV panels are designed to absorb light and not reflect it – however, they do still result in minimal levels of reflection, although it is significantly less intense than direct sunlight. Given the elevated height of the panels, any reflection of light would not have an adverse impact on highway safety. The panels would be located a substantial distance from existing residential development and, as a consequence of the above, it is not considered that the panels would result in any adverse impacts to surrounding land by way of glare.

Summary

In summary, the proposed development would provide a sustainable energy source that would assist in powering the relatively modern office building. This type of development is encouraged at local, national and European levels, hence the effective acceptability in principle by virtue of the Permitted Development legislation, and is considered to be a sensible use for an otherwise unused section of building. The proposal would not have a negative impact upon the appearance and character of the area and shares an acceptable relationship with surrounding land uses, including the adjacent Grade II Listed Warwick Mill.

In light of the above, the proposal complies with the relevant criteria and therefore constitutes Permitted Development, and is acceptable with regards to the prior approval matters of design and external appearance and impact on occupiers of neighbouring land. It is therefore recommended that prior approval is not required.

Recommendation:

Prior Approval Not Required

Informative:

For the avoidance of doubt, the decision relates to the following drawings:-

Location Plan

Roof Mounted Solar PV Layout. Dwg no. REN1197-FES-DWP-M-RL-001. Rev C

Solar PV Main LV Schematic. Dwg no. REN1194-60-001. Rev P03

Report Author Bob Melling