

DELEGATED REPORT

Report by Mark Kilby	Date of report: 24/05/2022	Ref: 68296/TEL
Registration: 30/03/2022	LDfC: 02/05/2022	Expiry Date: 25/05/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed installation of 99.94kWp solar panels (99.94kWp system) to be installed on the roof of Multiwood Products

Location: Multiwood Products Ltd, Roach Bank Road, Bury, BL9 8RQ

Description

An application for the installation of Photo Voltaic solar panels (PVs) under Part 14 Class J of The Town and Country Planning (General Permitted Development) England Order 2015.

The application site is Multiwood Products Ltd a kitchen manufacturer at Roach Bank Road Pilsworth the site is part of a complex of commercial and manufacturing premises.

This application proposes to install panels to a south facing roof slope of the unit. The total rating of the scheme would not exceed 1 megawatt.

The panels would not protrude more than 200mm from the plane of the roof slope in the perpendicular and would not be less than one metre from the edge of the roof.

The building is not in a Conservation Area nor is it listed.

Relevant Planning History

01699/E - Proposed extension of existing commercial unit - Enquiry completed 28/07/2015
57880 - Erection of 2 no. external flues for wood finishing plant inside the existing building. - Withdrawn by Applicant 28/11/2014
58246 - Installation of wood finishing plant & associated flues to existing building (Resubmission of 57880) - Approve with Conditions 29/01/2015
59334 - Extension to warehouse and existing service yard - Approve with Conditions 11/01/2016.

Publicity

Letter dated 8/4/22 to adjacent addresses. No objections or comments received.

Statutory/Non-Statutory Consultations - None

Pre-start Conditions - None.

Unitary Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning

considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

The definition of a building in the current 2015 permitted development order, except in Classes A to I of Part 14, includes any part of a building. As such for the purposes of development under Part 14, Class J, the roof is classed as part of the building.

Under Class J there are three types of development permitted subject to either the prior approval of the local planning authority and or the limitations and conditions laid out therein:

- 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.

Under the interpretation of Part 14, microgeneration is taken to mean the same as its

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meaning in the Energy Act 2004 at section 82(6) which is a PV scheme with a rating of up to 1 megawatt is classified as a microgeneration scheme. As such this proposal falls to be development under Class J(b).

As only development that falls under Class J(c), within a conservation area is subject to the prior approval of the local planning authority, prior approval for this development is not required.

Recommendation: Prior Approval Not Required

Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	24/5/22		