

DELEGATED REPORT

Report by Claire Booth	Date of report: 15/05/2023	Ref: 69490/P3CPA
Registration: 22/03/2023	LDFC:	Expiry Date: 17/05/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for the installation of solar equipment - Installation of a solar PV system comprising of 28 PV modules to the clubhouse roof

Location: Sports Pavilion, Heys Road, Prestwich, M25 1BZ

Description

Prior approval consent is sought for the installation a solar PV system comprising of 28 black framed photovoltaic (PV) modules to the roof of the clubhouse at Prestwich Cricket, Tennis and Bowling Club.

The Sports Club is located off Heys Road, Prestwich. The access to the club is close to the junction of Heys Lane with Fairfax Road. The front of the club house faces a south-west direction towards the wooded boundary of the site with the Metrolink. The rear roofslope overlooks the Cricket Ground and Tennis Courts associated with the club.

Relevant Planning History

66431 - Erection of pergola and timber summerhouse - Approve with Conditions 24/03/2021

67272 - Non material amendment following approval of planning permission 66431- reduction in foot print of pergola by 0.5m; relocation of pergola by 1 metre so that it is attached to the pavilion; materials changed from clear polyester to sliding glass. - Approve 26/07/2021

Publicity

Site Notices were erected at the entrance to the site, and on 'The Heys' a cul-de-sac. No representations have been received.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No comments or observations received.
Transport for Greater Manchester (Metrolink) - No objections.

Pre-start Conditions - Not relevant

Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended):

- Schedule 2, Part 14, Class J
- Condition J.4 (2)

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.

Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) allows the installation of microgeneration solar thermal or solar PV equipment on a building other than a dwellinghouse or a block of flats.

The legislation at paragraph J1 provides a number of criteria which must be met in order for the proposal to qualify as permitted development:

- a) must not protrude more than 0.2m from the roof
- b) less than 1m high on a flat roof
- c) must not be within 1m of the roof edge
- d) cannot front the highway within article 2(3) land

- e) cannot be within a scheduled monument
- f) cannot be on a listed building or within its curtilage

Para J3 limits the capacity to 1 megawatt.

The submitted information indicated that the proposal complies with all the qualifying criteria, and as such the proposal is considered to be permitted development.

Condition J.4 (2) of this permitted development requires the applicant to apply to the LPA for their 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.

The solar panels are to be mounted on the hipped roof of the club house. The front roofslope of the building is sited approximately 70m from properties on Rectory Green, the nearest dwellings to the application site. Given the woodland which borders the south-western boundary of the application site and the Metrolink line, the residents on Rectory Green would not be affected by Glare.

Due to the location of the club house, residents on Heys Road, located to the north west of the site, would not suffer from glare, due to them being off-set from them.

The proposal does not affect any listed buildings. It is not in a conservation area or an AONB and does not impact upon a scheduled monument.

The solar panels will be mounted across the roof, without any consequent impacts on the land surrounding the building. It is therefore considered that there are no potentially significant harmful impacts arising from glare and glint from the solar panels on potential receptors by virtue of the mitigation mentioned between the application site and the nearest residential dwellings.

There are no concerns arising with the visual impact of the solar panels on the rural area. It will be seen as part of the existing site and would have limited landscape impact due to the size of the proposal being considered minor. Further details of the proposal are therefore not considered to be reasonably required in this instance.

It is therefore concluded that PRIOR APPROVAL IS NOT REQUIRED.

Recommended Informatives:

Informative:

1. The solar PV equipment must not protrude more than 0.2m above the plane of the roof slope.
2. The solar PV equipment must not be installed within 1m of the external edge of the roof

Recommendation: Bury Metropolitan Borough Council Hereby determine that the prior approval of the local planning authority is **NOT REQUIRED** for the siting and appearance of the development as described in Part 1 of this decision notice.

Conditions and Reasons:

- 1 This permission relates to the following plans and details:

Drawing ref. Project Overview PDF; and,
Document ref. Fastenson Smart Energy installation Guide

The development shall be carried out in complete accordance with the approved

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details.

Reason. For the avoidance of doubt and to ensure that the development complies with the requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order (as amended) 2015.

- 2 Notwithstanding the submitted details, the photovoltaic panels (PV panels) shall be black framed.

Reason: In the interests of visual amenity and good design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 15/05/2023		DM	15/05/2023