Development Control – Delegated Officer Report

Application Number: NOTICE/0020/15 Recommendation – Prior Approval Not Required

Site: Marks and Spencer Plc, Holmbush Centre, Upper Shoreham Road, Shoreham

Proposal: Application for Prior Approval for the installation of Solar Photovoltaics (PV) Panels across flat roof.

Site visit: 28 September 2015

Site and surrounds
The application site comprises the Marks and Spencer building within the Holmbush shopping centre located between the A27 to the north and Upper Shoreham Road to the south. There are houses and a school located in close proximity to the perimeter of the site to the east and south east set on higher ground to the car parking area which is adjacent. There are trees and landscaping planted in verges along this perimeter although there are some bungalows whose rear or side garden back directly onto the site.

Planning permission SU/203/87 granted outline permission for the shopping centre with subsequent reserved matters applications.

Proposal
The proposal seeks to install 250Kwp Solar PV array to be installed across the flat roof of the M&S store.

Relevant site history
As above

Consultations
None relevant

Representations
One representation received from the occupier of a neighbouring residential property who state that they do not disagree with the principle of solar panels but are concerned specifically with the potential dazzle effect from the sun reflecting on the panels.

Planning Assessment

Part 14 Class J of the General Permitted Development Order states:

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;

(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; 104

(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.

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 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;

(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

(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.

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.

The application proposal meets the tests of J1 and J2 since the equipment would be installed on a flat roof above which the applicant has confirmed it would be no higher than 1 metre and would not be within 1 metre of the edge of that roof and the site is not on article 2(3) land, a scheduled monument or listed building. The application detail that the PV equipment would generate 250kWp and so meet the requirements of J3.

Consideration of the planning merits of the application is restricted to those set out in J4 (2):
Class J(c) 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, and the following sub-paragraphs apply in relation to that application.

3) The application must be accompanied by— (a) a written description of the proposed development; (b) a plan indicating the site and showing the proposed development; (c) the developer's contact address; and (d) the developer's email address if the developer is content to receive communications electronically; together with any fee required to be paid.

Although this is a large installation of PV panels, it is considered that in the context of the flat roof area which accommodates various plant, particularly at the Tesco end of the building, and that other than on the east side which is a grass roof, the roof is surrounded by a false pitch roof which would provide a screen from ground level and to some extent from the higher ground level to the south east, and that it would be set approximately 55 metres from the eastern edge of the roof and no higher than 1 metre, the proposal would not cause any significant visual harm in terms of its design and external appearance.

The concerns raised in the representation are noted in relation to glare. The concept of efficient solar power is to absorb as much light as possible while reflecting as little light as possible. The panels use 'High Transmission, Low Iron' glass that is designed to absorb more light and produce smaller amount of glare and reflectance than standard glass and the dark colouring comes from anti reflective coatings that are applied.

Looking at the level of the roof compared with surrounding residential properties it would appear that because of the ground level adjacent to the perimeter of the site there is not a direct view down onto the existing flat roof as the majority of dwellings here are single storey and there is also some tree screening within the verge areas benefiting some bungalows. However there are some properties with dormer windows, such as at No.41 Hawkins Crescent where the representation is from, which could look down on the roof as there is a view over the rooftops of neighbouring bungalows and no tree screening is present. However this window at 41 is not direct facing and

where, at No.42, the first floor window could have a direct view, there is tree screening.

The angle of the sun and the direction any reflection travels is also a consideration. Where light travels in a straight line and reflects at an angle equal to which it strikes the panel, when the sun is overhead and above the panels, any reflection, would be directed upwards. When the sun is low in the sky the reflection could be at a low angle, and thus towards neighbouring dwellings, but the glare direct from the sun itself would likely override any glare from reflection.

The Council considers that sufficient information has been submitted with this application in relation to any conditions, limitations or restrictions relevant to the development and that the requirements set out within Class J have been met.

Conclusion

Prior Approval not required.

The installation of solar PV equipment as indicated on the details submitted on 21 August 2015 would be permitted development in accordance with Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. The development shall be undertaken in accordance with the restrictions and conditions contained within that legislation.

Case Officer: Rebekah Smith Date: 29 September 2015

Authorising Officer: Peter Barnett Date: 29 September 2015