

DELEGATED APPLICATION REPORT

Target Date: 22/05/2020

Application No: 200146/SOL

Address: Tesco Superstore, Portman Road, Reading, RG30 1AW

Proposal: Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt. Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 14, Class J.

Case officer: James Schofield

INTRODUCTION

Under Class J, Part 14, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the 2015 Order"), as amended, the following is 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.*

provided the development is not excluded by virtue of the criteria in Paragraph J.1-J.3 and subject to conditions outlined in J.4 of the 2015 Order. The criteria and conditions outlined in J.1-J.4 will be examined below.

PROPOSAL

The proposal is for the installation of a series of solar panels to the roof Tesco Superstore with a system size of 211.68 KWp.

The agent has submitted the following drawings:

Site Overview

Site Photographs

Tesco Site Plan

Drwg No. READ-5528-13.1-DES-MECH-GA-EQUIP ELEV1 Elevations and Details

Drwg No. READ-5528-12.1-DES-MECH-GA-PLANT LAYOUT1 PV General Arrangement

Drwg No. READ-5528-12.0-DES-MECH-GA-PLANT LAYOUT0 Provisional Layout Drawing

Received 30th January 2020

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal context

Class J allows for Development consisting of:

- 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.*

In assessing these issues, officers must have regard to the NPPF as if the application were a planning application, and also have regard to the Local Development Framework (the NPPF states that due weight should be given to the adopted policies of the Local Development Framework according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given)).

PLANNING HISTORY

None relevant.

CONSULTATION RESPONSES

Natural Environment

Officers provided the following comments;

In response to your consultation ref. 200146, I can confirm that there are no tree / landscape objections to this application. The proposed panels will be erected onto the existing building roof with no foreseeable impact on the adjacent trees.

Please attach an informative to your decision letter along the following lines:

Please be aware that all trees within the Portman Road Tesco site are subject of Tree Preservation Orders 103/003 and / or 46/002. Care should be taken to ensure the trees are not damaged or struck during the build project and associated lifting operations. Storage of materials in relation to the build should be on existing areas of hard standing and well away from trees and areas of soft landscaping on site where protected trees may be rooting.

APPRAISAL

Development is not permitted by Class J in the following instances (officer comments follow in bold):

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;

No.

(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);

No.

(c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;

No.

(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;*

No.

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

No.

(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.*

No.

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;*

No.

(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*

No.

(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.*

No.

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.*

No.

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*

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

(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.*

External Appearance:

Due to the inconspicuous nature of the location to the wider public, and the already utilitarian appearance of the roof for residents of the flats, the appearance of the solar panels are considered to be acceptable.

Glare on occupiers of neighbouring land:

Based on the specifics of modern solar panels, detrimental glare for occupiers of neighbouring land is considered unlikely to result; however, it will be necessary to establish this through the provision of technical information prior to commencement of installation of the panels. This information was not available at the time of determination and so a condition should be included which requires a materials schedule which includes details of colour, materials, retinal irradiance (W/cm²) and the potential for an after image the result as experienced at angles relevant to the residential dwellings located above the Tesco Superstore. These materials should be assessed to determine the likelihood of detrimental glare to result and impact upon the residential amenity of land adjacent to the solar panels.

- (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.*
- (4) *The local planning authority may refuse an application where, in the opinion of the authority—*
- (a) the proposed development does not comply with, or*
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in Class J applicable to the development in question.*
- (5) *Sub-paragraphs (6) and (8) do not apply where a local planning authority refuses an application under sub-paragraph (4) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.*
- (6) *The local planning authority must give notice of the proposed development—*
- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—*
 - (i) describes the proposed development;*
 - (ii) provides the address of the proposed development;*
 - (iii) specifies the date by which representations are to be received by the local planning authority; or*
 - (b) by serving a notice in that form on any adjoining owner or occupier.*
- (7) *The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.*
- (8) *The local planning authority must, when determining an application—*
- (a) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and*
 - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 F60, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.*

(9) The development must not begin before the occurrence of one of the following—

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;*
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or*
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.*

(10) The development must be carried out—

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;*
- (b) where prior approval is not required, or where sub-paragraph (9)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (3),*
unless the local planning authority and the developer agree otherwise in writing.

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

DECISION

The described works are considered compliant with Class J, Part 14, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. However, in addition to the relevant conditions laid out in J.4, an informative reminding the applicant of the need to avoid damaging trees subject to Tree Protection Orders is considered prudent.

Recommendation: **GRANT** Prior Approval

Conditions

1. The development shall be carried out in accordance with the details provided on the following submitted plans:

Site Overview
Tesco Site Plan
Drwg No. READ-5528-13.1-DES-MECH-GA-EQUIP ELEV1 Elevations and Details
Drwg No. READ-5528-12.1-DES-MECH-GA-PLANT LAYOUT1 PV General Arrangement
Drwg No. READ-5528-12.0-DES-MECH-GA-PLANT LAYOUT0 Provisional Layout Drawing
Received 30th January 2020

unless otherwise agreed in writing by the Local Planning Authority.

2. 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
 - b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.
3. In order to comply with the provisions of paragraph J4.(11) of Class J of Part 14 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) development under Class J must be completed within a period of three years starting from the prior approval date.
4. Notwithstanding the approved plans and particulars, no works shall commence on-site until a schedule of materials (including manufacturers details) and a schedule of ancillary equipment have been submitted to an approved by the Local Planning Authority in writing. The submitted materials schedule must include details of colour, materials, retinal irradiance (W/cm²) and potential for an after image as experienced at angles relevant to the residential dwellings located above the Tesco Superstore. These materials shall be assessed for glare to ensure there is no detrimental impact upon the residential amenity of land adjacent to the solar panels. The development shall be carried out and thereafter maintained in accordance with the details so approved, unless otherwise approved in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and in the interests of visual amenity, public safety and ensuring the new development responds positively to the local context and character in accordance with Policy CC7 of the Reading Borough Local Plan 2019.

Informatives

1. Please be aware that all trees within the Portman Road Tesco site are subject of Tree Preservation Orders 103/003 and / or 46/002. Care should be taken to ensure the trees are not damaged or struck during the build project and associated lifting operations. Storage of materials in relation to the build should be on existing areas of hard standing and well away from trees and areas of soft landscaping on site where protected trees may be rooting.
2. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.
3. It is likely that the works set out in this application will also require approval from the Council's Building Control office to ensure compliance with any relevant building regulations. It is therefore assumed that concerns about fire safety, means of escape, ventilation and sound insulation will be reviewed and addressed by Building Control

if works proceed. Please contact Building Control on 0118 937 2449 for advice.

4.
 - i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.
 - ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.
5. Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.

There should be no burning of waste on the site.

6. The Local Planning Authority has worked positively and proactively with the applicant to allow permission to be granted within the prescribed target timescale for the decision to be issued.