

Case Officer: Tomaz Akhter

Recommendation: PANR

Applicant: Cactus Energy

Proposal: Erection of PV panels on the roof

Expiry Date: 29 November 2022

1. APPLICATION SITE AND LOCALITY

- 1.1 The proposed panels are 5 roofs which form part of the British Bakels industrial complex. The site is located east of the centre of Bicester, bounded to the Sidalls Bicester Limited to the east, Carpet Trader 4 Chaucer Business Park to the north, Launton Road to the west and to the south is the Oxford to Bicester Rail Link Buckingham Road. The wider site is used mainly for Industrial purposes, it is not within a Conversation Area and no Listed buildings are within close proximity to the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for the installation of solar photovoltaics (PV) equipment to the roof. The application site is not washed over by the green belt but nor located in any conservation areas.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is directly relevant to the proposal:
- 3.2. 15/01424/REN56 - Installation and operations of a 494.7kw rooftop mounted solar PV system - PANR

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **2 November 2022**, and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **2 November 2022**.
- 5.2. No comments have been raised by third parties

6. RELEVANT PLANNING POLICY AND GUIDANCE

Class J, Part 14, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).

7. APPRAISAL

Class J, Part 14, Schedule 2 of the GPDO relates to the installation or alteration of solar equipment on non-domestic premises. It explains that the installation, alteration or replacement of microgeneration solar thermal equipment and microgeneration solar PV equipment on a building, or other solar PV equipment on the roof of a building, except from a dwellinghouse or block of flats, is permitted development. However, this equipment must meet certain criteria, which the proposal has been assessed against as follows:

The solar PV equipment would not be installed on a pitched roof (J.1 (a)).

The highest part of the solar PV equipment would be 309mm, on a flat roof, thus not exceeding 1 metre in height (J.1 (b)).

The solar PV equipment would be installed on the roof, over 1 metre from the external edge of the roof (J.1 (c))

The site is not on article 2(3) land. (J.1. (d))

The site is not designated as a scheduled monument. (J.1. (e))

The building is not a listed building, nor is it within the curtilage of a listed building. (J.1. (f))

The solar PV equipment would not be installed on a wall (J.2 (a) (b) (c))

The solar PV equipment would not generate electricity exceeding 1 megawatt (J.3.).

Development is permitted by Class J, 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.

Further, development is permitted by Class J (c) (roof mounted solar PV equipment) 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 (this application).

Given that the proposed solar panels would be installed on top of a flat roof on a relatively tall building, I consider it unlikely that glare would impact the land and buildings to the east or south. The area immediately to the north is largely used for car parking, with some commercial uses seen on the opposite side of the road. Due to their height and limited visibility from ground level, and the commercial nature of the site and surroundings, I do not consider that significant harm would be caused to the visual amenities of the area.

It is for the above reasons that I consider the solar PV equipment to constitute permitted development, and prior approval is therefore not required.

8. RECOMMENDATION

That prior approval is not required.

NOTE

The applicant is reminded that such development is permitted subject to the conditions outlined within Schedule 2, Part 14, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Case Officer: Tomaz Akhter

DATE: 28/11/2022

Checked By: Paul Ihringer

DATE: 29/11/22
