

<u>APPLICATION NO:</u>	23/01307/PDS	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	David Lloyd Leisure Centre, Arbour Lane, Knowsley Industrial Park, Kirkby, Knowsley, L33 7ET		
<u>PROPOSAL:</u>	PRIOR APPROVAL FOR THE INSTALLATION OF ROOF MOUNTED SOLAR PHOTOVOLTAICS (PV) TO EXISTING ROOF		

Site Description

The application site relates to the David Lloyd Leisure Centre which is identified as an existing major sporting use in the adopted Development Plan. The site is contained by the A5208/County Road on its southern boundary and Arbor Lane to its western boundary, beyond which is Knowsley Industrial Estate. To the site's western boundary is The Pride Children's Centre and to the northern boundary is Liverpool FC Academy.

The leisure centre is laid out in an L shape arrangement and includes 2 arched roofs. The site is secured by mesh security fencing together with metal railing fencing which encompasses the site and includes scrub land and facilities associated with the leisure centre including tennis courts, swimming pool and car parking facilities.

Proposal

The application relates to a determination as to whether prior approval is required for the installation of solar panels under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The building is two storey and includes an arch roof. The solar panels would project 124mm above the existing roof and would not exceed 1MW electrical generation and would consist of 31no. solar panels in different size variations.

Consultations

Environmental Heath – No objection subject to condition.

Representations

The application has been publicised by a site notice. No representations have been received.

Planning History

Ref: 97/00500/APP – Erection of tennis and fitness club, hotel and public house/restaurant together with associated outdoor sports facilities, car parking and access round. Granted 29th October 1997.

Ref: 99/00104/APP – Removal of condition 13 preventing the implementation of a winter balloon cover over tennis courts on planning permission APP/97/00500.

Granted 12th April 1999.

Ref: 99/00297/APP – Construction of embankment and M & E compound. Granted 23rd July 1999.

Ref: 00/00651/FUL – Installation of a combined heat and power unit in an external acoustic enclosure. Granted 28th November 2000.

Ref: 01/00191/FUL – Renewal of temporary permission APP/99/00104 granted 1.4.99 for winter balloon cover over three tennis courts. Granted 9th May 2001.

Ref: 08/00116/FUL – Erection of 2.4m high perimeter fencing. Granted 21st May 2008.

Ref: 11/00686/FUL – Application to extend the time limit of planning permission 08/00416/FUL for erection of 66no. bedroom hotel and restaurant together with car parking and associated landscaping. Granted 14th March 2012.

Ref: 13/00591/CLD – Proposed use of part of underground car park area for car valeting services. Refused 12th December 2013.

Ref: 18/00027/FUL – Change of use of part of existing leisure centre car park to form hand car wash (use class sui generis) including installation of canopy and office cabin. Granted 22nd March 2018.

GDPO 2015 (As amended)

This application is for prior approval for the installation of roof mounted solar PV panels to the existing roof in accordance with the requirements set out in the General Permitted Development Order (GDPO) 2015.

Assessment

Prior to determining whether or not prior approval from the Local Planning Authority will be required, the Local Planning Authority must first determine whether the proposed works comply with the criteria required of Class J.

Development under Class J of the GDPO is subject to a number of limitations and conditions. If the development does not comply with these as set out in Schedule 2, Part 14, paragraphs J.1, J.2 and J.3, then it is not permitted development. Provided that the development complies with these limitations, then the relevant conditions under Schedule 2, Part 14, paragraph J.4 must be complied with. The following aspects are relevant to the consideration as to whether prior approval is required.

Permitted Development

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 .2m beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;

Local Planning Authority's response – The roof is atypical in design and is an arched roof rather than a more traditional arrangement. Elevation drawings have been submitted on request of the Local Planning Authority. Drawing number DL-KN-ELV002. These plans confirm that the solar panel installation would protrude no more than 124mm.

(b) the solar PV equipment or solar thermal equipment would be installed on a flat

roof, where the highest part of the solar PV would be higher than 1m above the highest part of the roof (excluding any chimney);

Local Planning Authority's Response – Not applicable due to the design of the existing roof.

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

Local Planning Authority's Response: As originally submitted, the Local Planning Authority were provided with an indicative drawing concerning the proposed development and were unable to come to an informative conclusion on this matter. A request was made for roof plan and elevations which were subsequently provided by the applicant. Drawing number DL-KN-ELV001 confirms that the solar PV equipment would be installed beyond 1m of the external edge of the roof in all instances.

(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 which fronts a highway;

Local Planning Authority's Response: The application property is not located on Article 2(3) land. As such, this can be disregarded.

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

(f) the solar equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building

Local Planning Authority's Response: The site is not located on a scheduled monument nor is the building a listed building or 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 0.2m 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.

Local Planning Authority's Response: Not relevant. The solar PV equipment proposal relates to the installation above the existing roof only.

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.

Local Planning Authority's Response: The description of proposed works set out in the application form confirms that the solar PV system will be under 1MW in energy generation and installed on the roofscape. The installation will be installed via a pitched roof clamp system of the roof top. The proposed plans submitted stated that the total power output will reach 588KWp. As such, this is significantly below the 1MW threshold.

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.

Local Planning Authority's Response: Consideration of the above in respect of design and amenity is considered in the Officer's appraisal below.

(2) Class J(c) development is permitted subject to the condition that before the 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.

Local Planning Authority's Response: This report considers whether prior approval is required.

The manufacturer's specification has been provided and confirms that all PV modules will be treated in an anti-reflection coating to reduce light reflection on to neighbouring land.

Officer Appraisal – Design and Amenity

Policy CS19 of the Knowsley Local Plan Core Strategy (adopted 2016) sets out the Local Planning Authority's approach to design quality in the public realm together with ensuring development maintains a good standard of amenity for all existing and future occupants of land and buildings.

As originally submitted, the Local Planning Authority was provided with an indicative design of the solar panels. During the course of this application for prior determination the Local Planning Authority requested further information in the form of a roof plan and elevation drawings.

The plans illustrate that the solar panels would be sited along the curvature of the roof line consisting of 31 no. individual panels varying in size. The panels would be sited at least 1m from all external edges of the roof top and treated with an anti-reflective coating to reduce the impact of the amenity of the area. The applicant has stated that the design arrangement is necessary to allow for maintenance walkways and dilation gaps together with avoiding the existing roof mounted plant equipment and sky lights.

When viewed directly from the principal and rear elevations the solar panels to a large extent would not be directly visible from the street scene and would in fact wrap around the curvature of the existing roof. From these vantage points the development would not give rise to adverse effects to the amenity of the area. Notwithstanding this, due to the curvature of the roof, the solar panels would appear more prominent from the southwest and northeast of the application property.

From County Road the application property would be partially obscured by the existing vegetation located on the adjacent scrubland but would be more readily visible from Derby Crescent to the southwest with the nearest residential property

located 130m away. Given the significant interface distance together with the existing landscape treatment it is not considered that the solar panels will give rise to issues with regards to residential amenity to these properties.

The solar panels would be less visible from Arbor Lane with only 10no. panels visible. The proposal would assist in increasing the use and supply of renewable energy for the application property and would not be detrimental to the character of the existing building and wider area given that it is largely influenced by commercial sheds associated with Knowsley Business Park from this vantage point.

Environmental Health were consulted as part of consideration of this prior approval application and have confirmed no objection to the proposed installation subject to a condition relating to fixed plant noise. However, the applicant informed the Local Planning Authority that the inverters will be installed internally and Environmental Health has subsequently withdrawn its request for this condition.

Conclusion

The proposal accords with the requirements of Class J of the Town and Country Planning (General Permitted Development Order) (2015) (as amended).

The application can only be assessed against the criteria set out in this report and no objections are raised. Accordingly, it is recommended that prior approval is required and granted in accordance with the provisions of the GDPO.

Recommendation

The applicant be informed that under the terms of Class J (Part 14) of the Town and Country Planning (General Permitted Development) Order 2015 (As amended) that prior approval is required and approved subject to the following condition(s):

- 1) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
14.06.2023	LOCPLAN	REV A	LOCATION PLAN
27.07.2023	DL-KN-ELV002		SE SW ELEVATIONS
27.07.2023	DL-KN-ELV001		TOP ELEVATIONS
27.07.2023	DL-KN-ELV003		NE NW ELEVATIONS

Signed Case Officer¹: **John Fleming**

Signed Authorising
Officer²: **K Foster**

Date: **9 August 2023**

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.

Appendix 1 – Site Photographs



