

<u>APPLICATION NO:</u>	25/00478/PDS	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	Whiston Hospital, Warrington Road, Whiston		
<u>PROPOSAL:</u>	PRIOR APPROVAL FOR THE INSTALLATION OF ROOF MOUNTED SOLAR PV		

Site Description

The application relates to the roof of the main Whiston Hospital building which is bound by Warrington Road to the North beyond which is the hospital's multi storey car park, Henley Park and residential development.

The west of the site is bound by Dragon Lane beyond which is predominantly a residential development and car parking at the junction of Dragon Lane and Warrington Road. To the south of the main hospital building, within the hospital grounds, lies other hospital buildings and car parking areas. The wider site is bound by Stoney Lane to the south beyond which is a mix of residential and commercial development.

To the east of the main building lies other hospital buildings and car parking with the wider hospital site bound by residential development.

Proposal

The proposal relates to a Prior Approval for the installation of roof mounted solar photovoltaics (PV) on existing roofs of the premises.

The submitted application form indicates that the proposed development would comprise the installation of 465 no. solar panels to existing roof with each panel measuring 1722 x 1134 x 30 mm. Technical information has been provided to support the proposal.

The written description of the proposed works (application form) indicates the following:

*"Proposed Installation Of 465 No Solar panels to existing flat roof
Each panel to be 1722×1134×30mm Solax x 3 mega g2 50kw x 4
Panels to be no higher than 1 meter [sic] above the highest part of the roof and no panels will come within 1 meter [sic] of the external edge of the roof"*

However, there are discrepancies within the submitted information in relation to various matters such as the number of solar panels; the specification of the solar panels; the roofs on which they would be sited; where they would be sited in so far as the external edge of the roof; and whether they would be sited on a flat or pitched roof.

Paragraph J4. (4) (b) of the GDPO requires the developer to provide sufficient 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. This is assessed in detail below.

Consultations

No consultations are required for this prior approval application.

Representations

In accordance with Class J, Part 14, Schedule 2 paragraph J.4 (6) of the GDPO the application has been advertised by way of a site notice. No representations have been received.

Planning History

Not applicable.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

NATIONAL PLANNING POLICY FRAMEWORK

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

Article 35 Statement

The local planning authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The local planning authority is willing to meet with the applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

ASSESSMENT

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO)

This application is not an application for planning permission but an application for 'prior approval' for the installation of solar panels (PV) and according to the submitted application form would comprise of the installation of 465 no. solar panels to existing flat roof each panel to be 1722×1134×30mm Solax x3 Mega G2 50kw x 4. Panels to be no higher than 1 meter [sic] above the highest part of the roof and no panels will come within 1 meter [sic] of the external edge of the roof.

Under Schedule 2, Part 14 (Renewable Energy), Class J (installation or alteration etc of solar equipment on non-domestic premises) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) the installation of solar equipment on a non-domestic property is permitted development subject meeting various requirements.

Paragraph J4. (4) of the GDPO states that 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.

The main issue is therefore whether having regard to the relevant requirements of Part 14, Class J of the GPDO, prior approval is deemed to be granted.

Class J 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.*

ASSESSMENT: The proposal would exceed the 50 kilowatt microgeneration threshold and as such falls under Class J (c) above.

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;*

ASSESSMENT: The submitted application form indicates that the proposal relates to '*existing flat roof*', however, the diagram withing the supporting K2 Base Report (v.3,2.40.0) appears to indicate that roofs 5 and 6 would not be flat (page 4) and there is also a distinction in that report in that it states that roofs 1,2 and 3 are 'flat' and roof 5 and 6 are identified as 'trapezoidal'. The roofs cannot be seen from street level and Officers cannot determine the pitch of the roofs.

Although the term flat roof is not explicitly defined in the GDPO, it is clear that the provisions do distinguish between pitched roofs and flat roofs in terms of development limitations and the GDPO implies that a flat roof is treated differently from a pitched roof, particularly in terms of height restrictions for the installation of equipment. In the absence of a definition in the GDPO it is generally accepted that a flat roof would be one which have a pitch of less than 10 degrees (defined in BS 6229).

Notwithstanding the statement on the application form which states that the proposed solar panels would be on a flat roof, there is no information readily available within the submission to determine whether, if on a pitched roof they would not protrude more than 0.2 m beyond the plane of a 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);*

ASSESSMENT: The application form indicates that the panels would be no higher than 1 metre above the highest part of the roof. Notwithstanding the statement on the application form that the proposed solar panels would be on a flat roof and the supporting document K2 Base Report (v.3,2.40.0) appearing to indicate otherwise, there is no documentation / plans that substantiate this.

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

ASSESSMENT: The application form states that 'no panels will come within 1 meter [sic] of the external edge of the roof'. Notwithstanding the anomalies across the development, Drawing No. TY/1700/PL01 appears to show that the equipment would come within 1 metre of the external edge of the roof on which the panels would be located, which would fail to meet the requirements of J.1 c) and not be permitted development.

- (d)[paragraph (d) was omitted by virtue of The Town and Country Planning (General Permitted Development etc. (England) (Amendments) (No. 2) Order 2023 (SI 1279 (2023))]*

- (e) the solar PV equipment or solar thermal equipment would be installed on a*

site designated as a scheduled monument; or

ASSESSMENT: The site is not a site designated as a scheduled monument.

(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.

ASSESSMENT: The site does not comprise a listed building or a building with 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;

ASSESSMENT: Not applicable.

(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

ASSESSMENT: Not applicable.

(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.

ASSESSMENT: The site is not on Article 2 (3) land and this is not applicable.

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

ASSESSMENT: Notwithstanding the uncertainties of the number of panels and their siting, they would be sited on the roof of a 5-storey high building. The roof top is not readily visible from the street. This would be the most practical siting for the intended purpose. In the location proposed this would render the siting as having a lesser effect than being sited elsewhere on the building.

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

ASSESSMENT: The applicant would be made aware of this in any decision notice issued if prior approval is granted.

DESIGN AND EXTERNAL APPEARANCE

J.4 (2) requires that Class J (c) development is permitted subject to the condition that an application is made to the LPA for a determination as to whether 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.

ASSESSMENT: The application does not include details of anti-glare coating. However, given the height at which the proposed panels would be sited, it is not considered that the proposal would impact on neighbouring land with particular reference to the resulting levels of glare from the panels.

J4. (4) states that the local planning authority may refuse an application where, in the opinion of the authority—

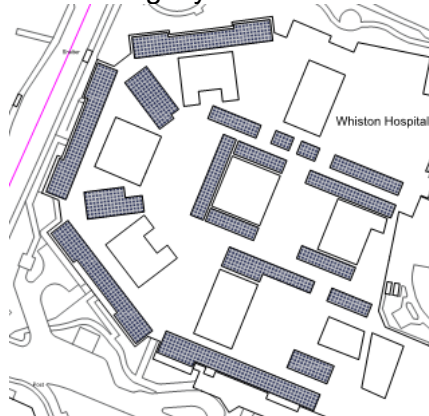
- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in Class J applicable to the development in question.

ASSESSMENT: Notwithstanding the above, it is not considered that there is insufficient detailed information / plans to clearly show that the proposed development meets the PD limitations. There are a number of discrepancies in relation to the information submitted which includes:

- The description on the application form and the supporting document titled '*G59 Projects DNO Application Information*' indicates that there would be 465 panels, whereas document *K2 Base Report* (v. 3.2.40.0) indicates a quantity of 482 panels.
- The application form indicates that the proposal would involve the use of '*Solax X3 Mega G2 50kw x 4*' Document: *G59 Projects DNO Application Information* includes '*Make, Model and Number of Inverters you are using - Solax X3-Mega G2 50kw x 4*', No supporting information is provided in relation to this equipment.
- Document '*Dasolar N Type Bifacial Double Glass Module (Black Pro) DAS-DH108NA (420w_445w)*' appears to show different equipment than that identified in *K2 Base Report*.
- Supporting document *K2 Base Report* (v. 3.2.40.0) identifies module arrays to 5 roofs (No.1- 6 with no roof no. 4). Page 6 of that document shows solar panels superimposed onto an aerial view of the hospital roof (5 x arrays).



- Neither the aerial image mentioned above or other supporting information clearly shows the precise location of the roofs identified as roof 1, 2, 3, 5 and 6 within the K2 Base Report (v. 3.2.40.0).
- Drawing referenced 'TY/1700/PL01 – Proposed Site /Roof Plan' which supports the application shows a differing layout of 18 no. arrays of solar panels.



The submission includes a substantial amount of technical information, much of which falls outside the scope of what is required for assessing the prior approval application.

Conclusion

Having regard to the above, it is not considered that the application has demonstrated that the proposal would not constitute permitted and as such, the proposal fails to satisfy Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior Approval should therefore be refused.

Recommendation

The applicant be informed that Prior Approval is required and refused for the following reason:

1. The application fails to satisfy Schedule 2, Part 14, Class J. J4(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as Insufficient and consistent evidence has been submitted which demonstrates that the proposal would constitute permitted development.

Signed Case Officer¹: M Wishart

Signed Authorising Officer²: Jo Sheridan

Date: 07/10/2025

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