SITE PLAN ATTACHED

BRENTWOOD CENTRE DODDINGHURST ROAD PILGRIMS HATCH BRENTWOOD ESSEX CM15 9NN

PRIOR NOTIFICATION CLASS J TO INSTALL SOLAR PV TO THE BRENTWOOD CENTRE MAIN HALL FLAT ROOF.

APPLICATION NO: 23/00949/PNOT

WARD	Pilgrims Hatch	**56 DAY DATE**	26 October 2023
		Extension of time	30 November 2023

CASE OFFICER Mr Daryl Cook

Drawing no(s) relevant to this decision: 2823-E-5000/ERT1; BC/PV01/A; BC/PV03/A; BC/PV05; Technical Sheet;

The application is reported to the Planning Committee in accordance with the requirements of the Councils constitution. The site and building in question are Council owned and the applicant is Brentwood Borough Council (c/o Adrian Tidbury).

1. Proposals

The application relates to a permitted development proposal for the installation of solar photovoltaic panels to the roof of the Brentwood Centre Main Hall.

The application site is located to the east of Doddinghurst Road on the outskirts of Pilgrims Hatch and comprises the main hall (specifically its roof) of the Brentwood Centre. The Centre comprises indoor and outdoor Sport and Leisure facilities and consists mainly of flatted roof buildings which vary in height.

2. Policy Context

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

Brentwood Local Plan 2016-2033 (BLP)

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

3. Relevant History

- N/A

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:
http://publicaccess.brentwood.gov.uk/online-applications/

This application has been publicised in accordance with the requirements of GPDO Class J.4 (6) - i.e., that a site notice is displayed for not less than 21 days in at least one place on or near the land to which the application relates; it describes the proposed development; its address; and specifies the date by which representations are to be received.

No representations have been received at the time of writing this report.

5. Consultation Responses

- **Environmental Health & Enforcement Manager:**

I refer to your memo in connection with the above mentioned application and confirm Environmental Health has no comments to make.

6. Summary of Issues

Background

This is not a planning application. It relates to a form of development that is permitted development (i.e., has a national planning permission) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 14 Class J – installation or alteration etc of solar equipment on non-domestic premises.

Prior to exercising permitted development rights, developers must apply to the local planning authority for a determination as to whether the prior approval of the Council will be required regarding the design or external appearance of the development. This is what the application seeks to establish. If prior approval is required, the local planning authority then determines whether those details are acceptable.

The application has been submitted on behalf of Brentwood Borough Council and revised drawings have been submitted during the life of the application. The proposed

solar equipment is to be installed on the principal roof of The Brentwood Centre, which is Council owned. Therefore, the application has been referred to Planning Committee for a decision.

The committee is advised that the determination period for this type of application is limited to a maximum of 56 days, unless extended by agreement, and if no decision is made within that period the developer may proceed without delay. In this instance, the applicant has agreed an extension of time to **30 November 2023**, to issue the decision following the committee meeting.

The application form sets out that the purpose of the installation is to "*reduce its running costs and also reduce the centres carbon footprint*".

Policy Context

When determining a planning application, the local planning authority will consider all relevant policies in their entirety as the starting point. In contrast, the General Permitted Development Order does not require that regard be had to the Development Plan when determining this type of permitted development prior notification application. However, it is accepted practice that the policies of the Development Plan are relevant but only insofar as they relate to the design or external appearance of the proposed development. This means that elements of relevant policies relating to broader matters, for example the principle of the development, are not material to considering this type of application.

Part 14 Class J provides permitted development rights for:

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.**

As illustrated within drawing reference '2823-E-5000 rev ERT1', a total of 250 photovoltaic panels based on 'Sunpower Maxeon 3' 400watt with dimensions of 1046x1690mm (40mm thick) are proposed to be installed. The majority are split into sections of 6x5 panels which are spread across the roof plane.

With regards to (a) and (b), paragraph P (definitions of words and phrases used in Part 14) states "microgeneration" has the same meaning as in section 82(6) of the Energy Act 2004 (EA). This means:

> *"…the use for the generation of electricity or the production of heat of any plant—*

(a)which in generating electricity or (as the case may be) producing heat, relies wholly or mainly on a source of energy or a technology mentioned in subsection (7); and

(b)the capacity of which to generate electricity or (as the case may be) to produce heat does not exceed the capacity mentioned in subsection (8).”

Subsection (7) of the EA includes (d) photovoltaics and (g) solar power.

Subsection (8) of the EA describes capacity limits as (a) 50 kilowatts for the generation of electricity and (b) 45 kilowatts for the production of heat.

For reference, 1000 watts (W) is the equivalent of 1 kilowatt (Kw) and 1000 Kw is the equivalent of 1 megawatt (Mw).

Through correspondence, the applicant has confirmed that the maximum Kw which can be produced is 96Kw – exceeding the limits of “microgeneration”. Therefore, the application is considered on the basis of section (c) i.e., ‘other solar PV equipment…’. The building is neither a dwellinghouse or block of flats. Part 14, Class J (c) is therefore applicable.

Class J.1 sets out when 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;

Not applicable. The solar PV equipment would not be installed on a pitched roof.

(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);

Appears to comply. The solar PV equipment is to be installed on a (mostly) flat roof and would not exceed 300mm in height (see dwg ref BC/PV05).

(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;

Appears to comply. The solar PV equipment is installed on a (mostly) flat roof and would be set in a minimum of 1m from the external edges of the 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;

Appears to comply. The building is not located on article 2(3) land.

For reference, Article 2(3) land includes: an area designated as a conservation area; an area of outstanding natural beauty (AONB); an area specified by the Secretary of State

for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside); the Broads; a National Park; or a World Heritage Site.

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

Appears to comply. The solar PV equipment would not be installed on 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.

Appears to comply. The solar PV equipment would not be installed on a listed building or on a building within the curtilage of a listed building.

Class J.2 sets out that 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;

Appears to comply. The solar PV equipment would not be installed on a 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

Appears to comply. The solar PV equipment would not be installed on a wall.

(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.

Appears to comply. The building is not located on article 2(3) land.

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.

Appears to comply. During the lifetime of the application, the applicant has confirmed that the proposed photovoltaic array would not exceed 1 megawatt (Mw). The following explanation has been provided (with officer comments): Each panel is based on a 400 watt peak (wp) panel, with a singular panel generating a maximum of 400wp. The array is based on 240 PV panels rated at 400wp (N.B. 250 are illustrated). The maximum wp that can be generated from an array of 250 is therefore 96Kw (250 = 100Kw), which is

10% of the 1 Mw threshold. A technical sheet has been submitted for information purposes and confirmation of panel generation peak.

Furthermore, planning records available indicate that there are no other solar PV equipment installed under Class J(b) at this site which together with the proposed roof panels would exceed 1Mw.

Class J.4 (1) places conditions on development permitted by Class J that:

(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.

Furthermore, Class J.4(2) sets out 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.

The proposals involve solar PV panels being spread across the principal roof of the building but set in from each side. Given that the roof onto which the panels would be affixed is flat/very shallow, the proposal would have minimal effect on the appearance of the building and, taken with the relatively isolated position away from neighbouring buildings (and dwellings) with the surrounding land within the applicants ownership, the potential for glare to the detriment of amenity is unlikely. It is not considered that the panels proposed would have a material impact on the external appearance of the building and the amenity of the area.

Therefore, it is not considered that the prior approval of the authority is required.

Other Matters

No neighbour representations have been received for consideration. The local planning authority has had regard to the NPPF in so far as relevant to the subject matter of the prior approval, as if the application were a planning application (per Class J.4(8)).

Conclusion

Having regard to the relevant considerations, Officers recommend that the scheme is acceptable, and that prior approval is NOT required. Where prior approval is not required, the Development Order contains a condition requiring development to be

carried out in accordance with the details provided in the application unless the local planning authority and the developer agree otherwise in writing. Informatives are recommended to be brought to the attention of the developer.

7. Recommendation

Prior approval is not required.

Informative(s)

1 The decision was reached in accordance with Class J and paragraph P of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2 Consideration of this application relates only to whether prior approval is required for those matters specified in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 14, Class J. It does not provide confirmation that planning permission is not required. If the applicant requires such a determination, they should submit an application for a Certificate of Lawful development for a proposed use under S192 of the Act.

3 The developer is reminded that under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 14 Schedule 2, Class J.4, contains conditions that apply to the development. Particular attention is drawn to J4(1) which requires the solar PV equipment or solar thermal equipment to be removed as soon as reasonably practicable when no longer needed; and J4(10) that where prior approval is not required, the development shall be carried out in accordance with the details provided in the application, unless the local planning authority and the developer agree otherwise in writing.

BACKGROUND DOCUMENTS

DECIDED: