Expiry: 29/8

Development Control – Delegated Officer Report

Application Number: NOTICE/0008/23 **Recommendation: PRIOR APPROVAL NOT REQUIRED**

Site: **David Lloyd Leisure, Romany Road, Worthing**

Proposal: **Notification for Prior Approval for the installation of Solar Photovoltaics (PV) Panels across roof.**

Date of site visit: 19/7

Neighbours checked:

Additional neighbour notifications:

Site and Surroundings

This application relates to the two storey David Lloyd Leisure centre built in the last 20 years on the south side of Romany Road which includes external tennis courts and a swimming pool. The site bounds housing to the west and south west, offices to the south and a local nature reserve Northbrook Pond to the north west.

This is a largely residential area on the outskirts of the borough close to its western boundary. It is not in a conservation area and the building is not listed.

Proposal

A determination is sought as to whether Prior Approval is required to install solar panels on all roofs of this building via a pitched roof clamp system. The panels output will be 0.516MW, less than 1 megawatt.

Relevant Planning History:

03/00687 - Erection of tennis, health and fitness club including creche for members children, illuminated outdoor tennis courts, outdoor swimming pool, car parking and access. Granted 3.11.03

Consultations:

Public Health: No comments received.

Representations:

18 neighbours consulted: No responses.

Planning Assessment

PART 14 of the GPDO

Renewable Energy

Class J – installation or alteration etc. of solar equipment on non-domestic premises

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.

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;

(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);

(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;

(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;

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

(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.

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;

(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.

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.

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.

(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 Ministry of Housing, Communities and Local Government in February 2019, 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;

(c) 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.

(12) When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded.

Assessment

The application proposal meets the tests of J1 since the equipment would be installed on a domed roof and the drawings state that they would not be within 1 metre of the edge of any part of the roof and nor would they protrude more than 200mm form the plane of the roof. . The agent has provided images of where PV’s have been installed on a curved roof to demonstrate this is achievable.

The site is not on article 2(3) land and is not a scheduled monument or listed building.

J2 does not apply as this proposal relates to J c development.

The application form and drawings state that the PV equipment would not generate more than 1 megawatt and the applicant has confirmed that a total of 0.516WH of energy per annum will be generated at the site and so the requirements of J3 are met.

Consideration of the planning merits of the application is restricted to those set out in J4 (1) and (2):

***J.4** — (1)*

(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.

Assessment*:* The panels will be positioned more than 1 metre back from any edge of the roof. As such they are designed, as far as reasonably practicable, to minimise the effect on the external appearance of the building and the amenity of the area. Confirmation that they will be removed as soon as reasonably practicable has been provided in writing.

(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.

(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.

Assessment:

The applicant has confirmed that the proposal is for Class J (c) - other solar PV equipment on the roof of a building, other than a dwellinghouse or a block of flats.

Photos have been provided to show how the PV's will attach and sit snugly to the curved roof and will not protrude more than 200mm from it at any point. The design of the scheme and its impact on the external appearance of the building is considered to be acceptable.

In terms of a glare assessment the form states:

Expiry: 29/8

'The impact of glare from the solar modules is considered minimal as the solar modules are treated with anti-reflective coating to aid the adsorption of light to increase cell efficiency. The modules will also be sited on a shallow pitch and will therefore not adversely affect the surrounding area.'

It is considered that sufficient information has been submitted with this application in relation to any conditions, limitations or restrictions relevant to the development and that the requirements set out within Class J have been met.

Conclusion

Prior Approval not required.

The installation of solar PV equipment as indicated on the application and details submitted on 4th July 2023 and in subsequent emails is permitted development in accordance with Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. The development shall be undertaken in accordance with the restrictions and conditions contained within that legislation.

Case Officer:	MOK	Date: 22/8/23
Authorised by:	Jo Morin	Date: 22.08.2023