

MC/23/0361

Date Received: 14 February 2023

Location: Hoo Library, Church Street
Hoo St Werburgh Rochester

Proposal: Application for a Lawful Development Certificate (Proposed) for installation of roof mounted solar photovoltaic systems.

Applicant Medway Council
Rebecca Heslop

Agent Ethical Partnership
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Ward: Hoo St Werburgh and High Halstow Ward

Case Officer: Stephie Theedom

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7th June 2023.

Recommendation - Approval

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 9 January 2023:

Location Plan

PL/598MR/062/SD106 - Proposed Elevations

PL/598MR/062/SD105 - Proposed Floor Plans and Elevations

Received 10 April 2023:

PL/598MR/062/SD107 REV A - Proposed Site Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction

working; measures to control noise affecting nearby residents; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement in order to protect residential amenities in relation to Policy BNE2 of the Medway Local Plan 2003.

- 4 No development above slab level shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 5 The proposed new dwelling hereby approved shall not be first occupied, until the area shown on the approved plans as a vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter the vehicle parking space shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 6 No development shall take place above slab level until details of the provision of 2 electric vehicle charging points (1 for existing dwelling and 1 for the proposed dwelling) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of the National Planning Policy Framework 2021.

- 7 The window on the first floor side (serving bathroom) of the new dwelling hereby approved shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the dwelling is first occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Design and Access Statement (under Climate Change) received 26 September 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 of the National Planning Policy Framework 2021.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development on either the existing or proposed dwelling shall be carried out within Schedule 2, Part 1, Classes A, B, D and E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) both the existing dwelling and the proposed dwelling house herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 11 The proposed new dwelling hereby approved shall not be first occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the approved new dwelling is first occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 12 The areas shown on drawing number PL/598MR/062/SD107 REV A (Proposed Block Plan) for soft landscaping shall be kept available as such and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 13 No development shall take place until details of tree protection measures have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures should be in accordance with British Standard 5837: 2012 Trees in relation to design, demolition and construction. The tree protection measures shall be implemented in accordance with the approved details prior to any site clearance or construction works and shall thereafter remain in accordance with the approved details throughout the construction phase.

Reason: To ensure the protection of trees covered by a tree preservation order in accordance with Policy BNE43 of the Medway Local Plan 2003.

For the reasons for this recommendation to grant the certificate of lawful development please see Assessment Section and Conclusions at the end of this report.

Proposal

This is not an application for planning permission.

This is an application to determine whether the installation of roof mounted solar photovoltaic systems are lawful, i.e. do not require planning permission.

Relevant planning history

MC/14/2369	Change of use of outbuilding from storage facility (use class B8) to library (use class D1) and installation of window. Decision: Approved with conditions Date: 01 October 2014
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Representations

As the application is for a Lawful Development Certificate no consultation has been carried out.

Notwithstanding this, **Hoo Parish Council** have objected to the development on the grounds that the proposal would be out of keeping with the area given its close proximity to the Hoo Church which is a grade 1 Listed Building.

Development Plan

As this is an application for a Lawful Development Certificate the matter is dealt with on the basis of an assessment of the available evidence in relation to whether the proposal constitutes permitted development in relation to what could be constructed by a Local Authority under Class A Parts 12 and 14 of the Town and Country Planning General Permitted Development Order (GPDO) 2015. As a consequence there is no requirement or need to assess the proposal against the policies in the Development Plan nor for compliance against the National Planning Framework.

Assessment

The proposal is by the Local Authority to carry out the installation of roof mounted solar photovoltaic systems. The aim is to optimise energy-efficiency by using natural energy in replacement of artificial electricity. The proposal as such is development permitted by virtue of Class A, Part 12 of the GDPO, as set out provided below.

PART 12 Development by local authorities

Class A

Permitted development.

- A. The erection or construction and the maintenance, improvement or other alteration by a Local Authority or by an Urban Development Corporation of:
 - (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers

The proposal meets the above criteria.

PART 14 Renewable energy

Schedule 2, Part 14, Class J of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) permits the installation or alteration of solar equipment on non-domestic premises consisting of:

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.

Class J(b) is applicable to the proposal (for installation of solar panels to roof) as the development is an 'installation, alteration or replacement of microgeneration solar PV equipment on a non-domestic building.

J.1 Development 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.

The proposed solar panels do not project more than 0.2m beyond the plane of the 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).

The proposed solar panels would not be higher than 1m above the highest part of the roof.

- (c) The solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof.

The proposed solar panels be installed 1m from the external edge 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.

The site is not located on article 2(3) land.

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

The site is not 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 against the criteria is set out below for the proposed application:

The site is not a listed building or in 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.

The proposed solar panels would not be installed on an external wall.

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.

The proposed solar panels would not exceed 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.

The proposed solar panels will be sited on the roof and removal should comply with J.4(1)(b).

Assessment

It is agreed that the development is permitted development as detailed above. Under condition J.4(1)(b) of the permitted development the Local Planning Authority must assess if the equipment, so far as is practicable, is sited so as to minimise its effect on the external appearance of the building and the amenity of the area.

Hoo Library is situated on the intersection between Church Street and Branta Fields, Rochester. The area surrounding the site is made up mainly of residential properties which have private gardens to the back. The Church of St Werburgh is a Grade I listed building located to the south of the site. There is a car park, landscaping and large mature trees located between the library and the listed church providing a good level of separation minimising the impact.

The proposed solar panels would be installed on the south facing elements of the gently sloping dual pitched roof. The solar panels on the most southern part of the roof would be visible from the street scene but would be partly screened by the library building itself and the existing tree line. Therefore, it is not considered that they would appear harmful or out of place in this setting.

With regard to potential glare, the main properties which may be affected are those closest in church street and Branta Fields to the west of the site. The solar panel do

not face on to these properties and therefore it is considered that there will be no impact of glare on these residential neighbours.

It is therefore considered that, so far as is practicable, the solar panels have been sited so as to minimise the effect on the external appearance of the building and the amenity of the area.

Conclusions and Reasons for Approval

The proposed works constitute development permitted by virtue of Class A, Part 12, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, as such planning permission is not required.

The proposal is for development that is permitted development by virtue of Schedule 2, Part 14, Class J of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

This Lawful Development Certificate application would normally be determined under delegated powers but is being referred to Committee for decision due to the objection from Hoo Parish Council.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>