

## **OFFICERS REPORT**

**Application No:** Y18/0216/SH

**Location:** Lydd Aero Club Lydd Airport Romney Road Lydd Romney Marsh Kent TN29 9QL

**Proposal** Lawful Development Certificate (proposed) for the installation of solar PV panels

### **ASSESSMENT**

Performance data:-

Date application valid: 01.03.18

Applicable 8 week target date: 26.04.18

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA)? No

If Yes, revised 8 week target date: N/A

Is the application being determined after 26 weeks without a PPA or a PEA? No

#### **SITE VISIT**

Carried out site visit on 09.04.18.

The site and proposals were assessed from the application site and the following key features were noted as set out in the report below.

#### **SITE**

The application site is located outside of the settlement boundary of Lydd and within an area of interest to the Romney Marshes Area Internal Drainage Board. The site forms part of the wider Lydd Airport site and is adjacent to the Dungeness, Romney Marsh and Rye Bay SSSI. The main building which is the subject of this application is a large aircraft hangar constructed with profiled metal cladding and designed with a shallow pitched roof.

#### **HISTORY**

There is no relevant planning history in relation to this application.

#### **PROPOSAL**

Lawful Development Certificate (proposed) for the installation of solar PV panels - The proposed panels would be installed to the south-west facing roof slope of the aircraft hangar and would be set flush with the roof slope so that the panels protrude a maximum of 5cm from the plane of the roof. The proposed solar PV panels would cover a total of 950m<sup>2</sup> of the roof surface.

#### **CONSULTATION RESPONSES**

Not required.

#### **REPRESENTATIONS**

Not required.

#### **PUBLICITY**

Not required.

## RELEVANT POLICIES

Not applicable.

## APPRAISAL

In order to be installed under permitted development rights, the proposed solar PV panels must fall within the conditions and limitations of Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class J permitted development rights provide for the installation or alteration etc of solar equipment on non-domestic premises. An assessment of the proposal against Class J is set out below:

### J.1

(a) the solar PV equipment would be installed on a pitched roof but would not 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) N/A - the solar PV equipment would not be installed on a flat roof;

(c) the solar PV equipment would be installed on a roof but would not be within 1 metre of the external edge of that roof;

(d) N/A - the building is not on article 2(3) land;

(e) The site is not designated as a scheduled monument;

(f) the solar PV equipment would not be installed on a listed building or on a building within the curtilage of a listed building.

### J.2

N/A as the proposal falls under Class J(c) and not J(a) or (b) as the proposed production capacity of the solar PV panels (155.25kW) would exceed the definition of 'microgeneration' (50kW) as set out under Section 82(6) of The Energy Act 2004.

### 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. As referenced above, the proposed solar PV panels would generate 115.25kW, which falls below this threshold.

## CONDITIONS

### J.4

(1)(a) the solar PV equipment would be sited so as to minimise its effect on the external appearance of the building and the amenity of the area;

(b) the solar PV equipment shall be 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 sub-paragraphs (3)-(11) apply in relation to that application.

As an application to the local planning authority for a determination as to whether the prior approval of the authority will be required has not been received, it is considered that the proposal does not constitute permitted development under Schedule 2, Part 14, Class J.

#### RECOMMENDATION

In light of the above, the proposal does not constitute permitted development, and a certificate of proposed lawful development cannot be issued.

#### HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

Case Officer: Alex Kalorkoti

Report and draft decision notice completed and passed to senior officer.

Name: Alex Kalorkoti      Position: Graduate Planning Officer      Date: 23.04.18

Report and draft decision notice amended (if appropriate)

Name:                      Position:                      Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name:                      Position:                      Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: Robert Allan                      Position: Major Projects Team Leader      Date: 25/04/18