

## Officer Report

|                 |                                                                                |
|-----------------|--------------------------------------------------------------------------------|
| Application No. | 24/0171/FH                                                                     |
| Site Address    | Morehall Primary School, Chart Road, Folkestone, CT19 4PN                      |
| Officer Name    | Macey Douglas                                                                  |
| Proposal        | Lawful development certificate (proposed) for the installation of solar panels |

## Recommendation

|                      |                          |
|----------------------|--------------------------|
| Report Number        | RD-434155                |
| Recommended Decision | Recommended to be Lawful |
| Recommendation Date  | 02 April 2024            |

## Report

### Site

The application site is a primary school known as Morehall primary school within the settlement boundary of Folkestone. The site features a two-storey building with a hipped roof with the recent addition of a two storey flat roof projection.

### Site History

There is extensive site history regarding the application site. However, there is no relevant history relating to the proposed Lawful Development Certificate

### Proposal

A Lawful Development Certificate (proposed) is sought for the installation of solar panels to the roof of Morehall Primary School.

### Consultation Responses

Not required under the LDC process.

### Publicity

Not required under the LDC process.

### Representations

Not required under the LDC process.

### Relevant Policies

Not required under the LDC process.

### Appraisal

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 - PASS – Through email correspondence with the applicant dated 28/03/2024 it has been confirmed that the solar panels on the pitched roof would be no higher than 0.20 metres above the highest part 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) – PASS – Through email correspondence with the applicant dated 28/03/2024 it has been confirmed that the solar panels on the flat roof portion of the roof would be no higher than 1 metre 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 - PASS – Through email correspondence with the applicant dated 28/03/2024 it has been confirmed that the solar panels would be inset 1 metre from the edge of the roof slope.

(d) Omitted

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument – N/A

(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 – N/A

### 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 – N/A - The solar panels 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 – N/A – The solar panels 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 – N/A – The building is not located on article 2(3) land

### J.3

Omitted

## 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 – PASS – The solar panels have been sited to the front roof slope of the building. Whilst this is visible from the street scene, given that this is the most efficient location, this is considered to be acceptable and meets this condition. The prominence of the solar panels would be more evident from the pitched roof, but are generally flush with the roof slope and would not detract from the character and appearance of the building on which they would be installed and the wider street scene. The PV panels would be negligible in terms of their visual prominence upon the flat roof of the building.

(b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed. – PASS – The applicant has confirmed through email correspondence dated 28/03/2024 that the solar panels would be removed as soon as reasonably practical 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. – N/A – The building does not fall under Class J(c) and therefore this does not apply.

## 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.

## Public Sector Equality Duty

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

## Duty to Cooperate

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice

service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

We reverted back to the applicant requesting more details yet those provided failed to meet the requirements.

#### Recommendation

In light of the above, it is considered the proposal is considered to be a permitted development under Schedule 2, Part 14, Class J of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

#### **Suggested Informatives (1)**

1

The proposed solar panels as detailed on the documents submitted below constitutes permitted development pursuant to Schedule 2, Part 14, Class J of the Town & Country Planning (General Permitted Development) Order 2015 (as amended):

Email correspondence from Hatry Barton of Arc One Group Limited dated 28/03/2024

Datasheet\_Vertex\_S+\_NEG9.28\_EN\_2022\_PA3 (1) - received 21/03/2024

Planning Statement - received 06/02/2024

Location Plan - received 06/02/2024