

Delegated Report

Prior Approval

Planning Application No: 20240271

Location: Lion Business Park, Dering Way, Gravesend, Kent

Description: Application to determine if prior approval is required for a proposed Installation, of Solar Photovoltaics (PV) equipment on the roofs of non-domestic buildings.

Applicant: Mr James Wakelin, Industrials Propco 1 Limited

Site Visit Date: Desktop

Submitted Documents/Plans

Application form
Drawing no. 1 (site plan)
Drawing no. 1072-SYZ-DR-501-Dimensions V1 (sections)
Drawing no. 33461-SYZ-DR-v1 (existing roof layout)
Drawing no. 33461-SYZ-DR-v1 (solar PV layout)

Relevant Planning History

20170634	Reopening of the existing vehicle and pedestrian entrance into the site to allow maintenance of the undeveloped land only.	Permitted	20.07.2017
20110354	Display of non-illuminated fascia sign.	Consent	17.05.2011
20100450	Application for non-material amendment to planning permission reference number 20090634 for erection of single storey building, for removal of part of front of building.	Permitted	03.06.2010
20090634	Erection of single storey building to provide offices, showroom/display space and conference suite.	Permitted	30.09.2009
20080904	Retention of the 2.4m high palisade fencing on a permanent basis and retention of the temporary access for a further temporary period.	Permitted	05.12.2008
20050726	Infilling and levelling of land for development.	Permitted	31.03.2006

20050725	Construction of vehicular access to proposed business park.	Permitted	31.03.2006
20050724	Outline application for the erection of business units within Classes B1, B2 and B8, showroom, plant hire depot, builder's merchants with provision of parking, vehicular access, estate road and turning space.	Permitted	31.03.2006
20050477	Application for the variation of conditions 2 and 3 attached to outline planning permission reference number GR/2002/0544 for light/general industrial development within Classes B1 (C), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987, to extend the date for approval of the reserved matters for an additional three and five years respectively.	Permitted	01.08.2005
20020544	Outline application for light/general industrial development within classes B1 (C), B2 & B8 of the Town & Country Planning (Use Classes Order) Act 1987.	Permitted	06.09.2002
19930069	Application for a Lawful Development Certificate in respect of existing root zone treatment beds.	Certificate refused	20.04.1993

Development Plan

This application is made under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2 Part 14 and the tests are whether or not prior approval is required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, in the first instance, whether the buildings as proposed are in any event permitted development or whether planning permission is required.

The site is within an Archaeological Notification Areas, Thames Estuary And Marshes Ramsar Buffer Zone, Flood Zone 2 and 3, Historic Landfill Area, Gravesend Riverside East & North East Gravesend - Policy CS0.

The first test is whether the solar panels would fall within the provisions of Article 3 and Part 14 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, as amended.

Consultations, Publicity and Representations

Consultees

None

Neighbouring properties

The application has been advertised by site notice. No representations have been received.

Officer's Analysis

Proposal

This application seeks determination pursuant to Article 3, Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the installation of solar equipment on the roof of the existing buildings.

The solar panels will be approx. 3.3m long and 65mm high above the roof. They will be 1m from the roof edge angled at 6 degrees. A computer generated image of the proposed panels is shown below:



Assessment

Class J of Part 14 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) permits the 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 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;

No – they will protrude 0.065m.

(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);

No – not a flat roof

(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;

No – the plans show the solar panels 1m away from the edge

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

No

(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.

No

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.

None of these apply as the panels will not be installed on a wall.

Condition J.4 (2) requires the developer to 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.

The proposed solar panels are to be located on the roofs of the buildings. The site is not within a designated area and is industrial in appearance. The proposed solar panels therefore are acceptable in terms of design and appearance and comply with policy CS19 of the Gravesham Core Strategy 2014 and para. 135 of the National Planning Policy Framework 2023.

The site is located over 100m from the nearest residential properties where there is intervening land such as roads, planting, boundary treatment etc. and therefore there will be no detrimental impact on these properties in terms of amenity. The proposal therefore complies with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023.

Conclusions and Reasons for Decision

The development is considered to be permitted development and the developer has applied for a determination as to whether prior approval will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land. The proposed development is considered to be acceptable.

Recommendation:

Prior Approval Not required.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	15 May 2024	Dated:	16th May 2024