

Report to: PLANNING COMMITTEE
Date of Meeting: 12 December 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: Muriel Matters House, Breeds Place, Hastings, TN34 3UY
Proposal: Installation of a 18.09kW Solar PV array on the roof
Application No: HS/PA/18/00887

Recommendation: **Prior Approval is required and is hereby given subject to conditions**

Ward: CASTLE 2018
Conservation Area: No
Listed Building: No

Applicant: Hastings Borough Council Muriel Matters House
Breeds Place Hastings, TN34 3UY

Public Consultation

Site Notice: Yes
Press Advertisement: No
Letters of Objection: 0
Petitions of Objection Received: 0
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated -
Council Application

1. Site and Surrounding Area

The site comprises a seven storey building owned by Hastings Borough Council, with the information centre on the ground floor and office space above. This application relates to the roof level of the premises, which is enclosed by a parapet wall and safety rail around the perimeter of the building. The property is a mid 1960's concrete framed structure with cladding to the front elevation and brick work to the rear. The building is visually prominent due to its proximity to the sea front and town centre. The site is also on the boundary of the Old Town Conservation Area and also adjoins the grade II* listed Pelham Crescent, with views from Hastings Castle.

Constraints

SSSI Impact Risk Zone

Old Town Conservation Area 20m buffer

Archaeological Notification Areas

Adjacent to Grade II* listed building - Pelham Crescent

2. Proposed development

The application is made under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Renewable Energy Part 14, Class J, for the installation of a 18.09kW solar PV array on the roof. The application requires the Local Planning Authority to consider whether the development is 'permitted development' and to consider whether prior approval is required and given.

The solar panels proposed are 'ValkoPro+'. The panels will be fitted to a support framework that angles the panels at 10° from the roof. The panels will face south. There are 54 panels in total, set in 4 rows positioned in the centre of the flat roof, within the parapet wall.

The panels will be no higher than 31cm above the lowest part of the roof and below the parapet wall of 63.5cm. The panels will be set from the roof edge between 1.9 and 5.5m.

Electricity generated will be 18.09Kw = 0.01809 megawatt.

The application is supported by the following documents:

Data sheet

Heritage statement

Statements submitted from Gavin Fownes - Impact of glare, details of construction work and hours.

Relevant Planning History

Application No. HS/FA/15/00393

Description Replacement of existing shop front windows, remodelling of entrance lobby and re-cladding columns and stall risers. Including alterations to staff entrance.

Decision Permission with conditions on 23/06/15

Other Policies/Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Renewable Energy Part 14, Class J .

National Planning Policy Framework (NPPF)

A condition of the above permitted development is that the Local Planning Authority must when determining the application have regard to the NPPF as far as relevant to the subject matter of the prior approval, as if the application were a planning application:

Paragraphs 151; 152; 153 and 154 of section 14 of the NPPF are relevant. s14 of the NPPF sets out a general presumption in favour of sustainable development.

Paragraph 151 seeks LPA's to assist in increasing the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply

Paragraph 152. Requires local planning authorities to support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

Paragraph 153. States that in determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 154. States that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

3. Consultations comments

Conservation Officer - No objection with the following comments:

The building sits within the setting of Hastings Castle (Scheduled Monument site and Grade I listed building) and also within the setting of the Pelham Group of buildings (Pelham Crescent, St. Mary in the Castle, Pelham Arcade and Pelham Place, all of which are Grade II listed buildings).*

Although it is not in a conservation area, the building sits within the setting of the Old Town Conservation Area to the immediate east, and the Town Centre Conservation Area to the immediate west of the site.

The proposal is for the siting of a solar panel array on the roof of the building. The impact of the proposals on the setting of Hastings Castle, the Pelham group of buildings, and on the setting of the adjacent conservation areas is assessed below.

Impact on the setting of Hastings Castle (Grade I listed)

Hastings Castle dominates the townscape of Hastings. The extensive views from Hastings Castle across the town, and the views of the Castle from many viewpoints in Hastings and St. Leonards, are a key component of the Castle's significance. Protecting the setting of the Castle is a key consideration when assessing applications for new development within the town. There is an important view from Hastings Castle, directly south from a viewing point on the southern edge of the Castle site, across the rooftops of Pelham Crescent, and out towards the beach and sea. The flat roof of Muriel Matters House is clearly visible as the foreground to this important view. However, Muriel Matters House is a modern building. The new solar panels will change the view of the roof, but the solar panels will be facing south, away from the Castle, so that it will mostly be the back of the support frames for the solar panels that will be visible. I consider the solar panels to be an entirely appropriate installation on a modern building, and I do not

consider that they will cause harm to this key view, or the setting of the Castle, in views looking south. The view from the Castle will change, but I do not consider that this change to the view will cause any harm to the significance of the Castle site.

There are also wide views towards Hastings Castle from the promenade and beach immediately to the south and Muriel Matters House sits to the west of the Castle, within these wider views. However, as Muriel Matters House is a tall building, I do not consider it likely that any of the solar panel equipment will be noticeable in established views towards the Castle.

Impact on the setting of the Pelham Group of Buildings (Grade II*).

Muriel Matters House sits immediately to the west of the Pelham group of buildings. Because of the scale of the office building, being taller than the Crescent, the office block is a prominent feature in the setting of the Pelham group. The solar panels are sited on the roof of Muriel Matters House, but as they are centred on the middle of the roof, there will only possibly be slight glimpses of the equipment from the south and east, so I do not consider that any changes to the views will be significant, or that they will harm the setting of the listed buildings.

Impact on the setting of the Old Town Conservation Area

Muriel Matters House sits just beyond the boundary of the conservation area, but because of its scale, it forms a prominent building within the immediate setting, particularly in views from the south and east. However, the changes on the roof will not be prominent in these views, and so I do not consider that there will be any harm to the setting of the conservation area.

Impact on the setting of the Town Centre Conservation Area

Muriel Matters House is visible in views looking east from the conservation area. However, in some of these views it is at least partially hidden by the mass of the adjacent, taller office building, Cavendish House. I consider that there will not be significant views towards the new equipment on the roof of Muriel Matters House from the Town Centre Conservation Area, therefore I do not consider that the setting of the conservation area will be harmed by this development.

Conclusion

Although the proposed solar panels will be visible from Hastings Castle, I do not consider that they harm the setting of this Grade I listed building and Scheduled Monument site. The setting of the Pelham group of buildings and the settings of the Old Town and Town Centre Conservation Areas will not be harmed by the development.

As the proposed development will not harm the setting of any designated heritage assets, I have no objection to the application being approved.

Query regarding the proposed scheme

Confirmation is required from the applicant that the equipment associated with the solar array, such as batteries, inverters etc. will not be sited on the flat roof area, but will be housed within the envelope of the existing building.

Suggested condition

All of the cables associated with the solar panels shall be neatly housed in cable trays and no loose wires shall be strung across the roof of the building.

Environmental Health - Contaminated Land - no objection with the following comments

I refer to the above Planning Application and I have no basic objection, however I would recommend the following advice:

The proposed construction works have the potential to cause disturbance through noise and dust which can impact on the people who live and work in the area. It is recommended that the applicant submits a plan detailing how the environmental impact of the construction work will be controlled and this is approved by the Local Planning Authority prior to the commencement of work.

Work which is audible at the site boundary and deliveries to and from the premises, during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 08:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

4. Representations

No representations have been received as a result of 2 site notices placed in Breeds Place and Castle Hill Road, allowing for a 21 day consultation period. As the premises is not within the conservation area, no press notice was required.

5. Determining Issues

a) To ascertain whether the proposal is permitted development it is assessed to see if it complies with Class J, Part 14 of the General Permitted Development Order 2015 (as amended) – ' installation or alteration etc of solar equipment on non-domestic premises'.

The application has been assessed under the relevant provisions of Schedule 2, Part 14, Class J of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), as follows:

The table below sets out the criteria of Class J and whether the scheme complies with that criteria.

| J.1 Development is not permitted by Class J if: | Complies | Commentary |
|--|-----------------|--|
| (a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres | Yes | The panels will be situated on a flat roof, within a parapet wall. See point B |

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| 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); | Yes | The panels are being positioned on the flat roof, within the parapet wall. The panels will sit no higher than 31cm above the lowest part of the roof, therefore the highest part of the panels will not exceed the highest part of the parapet wall, which is 63.5cm. |
| (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; | Yes | The dimensions from each edge of the roof are: 3m from the east side, 5.5m from the west side, 4.3m from the south side and 1.9m from the north side. |
| (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; | Yes | Not in a conservation or on a roof slope. |
| (e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or | Yes | Not Designated or scheduled monument, nor within a conservation area. However, please see comments regarding Hastings Castle within the Conservation comments. |
| (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. | Yes | Not listed |

| J.2 Development is not permitted by Class J(a) or (b) if: | Complies | Commentary |
|---|-----------------|--------------------------------|
| (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; | Yes | To be installed on a flat roof |
| (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 | Yes | To be installed on a flat roof |

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| 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. | Yes | Not in a conservation area |

| J.3 Development is not permitted by Class J(c) if: | Complies | Commentary |
|--|-----------------|---|
| 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. | Yes | Electricity generated will be 18.09Kw = 0.01809 Mw, under the maximum of 1 megawatt |

The above assessment makes clear that the proposed development is permitted development provided it complies with a number of conditions. These are set out below or added to the recommended approval.

| J.4 Development is permitted by Class J subject to the following conditions: | Complies | Commentary |
|---|----------------------------------|---|
| (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. | Yes | The panels are to be situated on a flat roof, within an existing parapet wall. This condition will be added to the recommendation. |
| (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. | Yes | The applicant has submitted this application with all relevant documentation for assessment. |
| (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 | Yes Yes Yes Yes | |

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| <p>developer is content to receive communications electronically; together with any fee required to be paid.</p> | | |
| <p>(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.</p> | N/A | |
| <p>(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.</p> | N/A | |
| <p>(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.</p> | Yes | <p>Two site notices giving details of the proposal and its location were placed in Castle Hill Road and Breeds Place, notifying neighbouring land and residents of the proposal and allowing for a 21 day consultation period, which expired on 2 November. No neighbour representations have been received as a result of that consultation.</p> |
| <p>(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.</p> | Yes | <p>Sufficient information has been submitted</p> |
| <p>(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 Department for Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.</p> | Yes | <p>No representations have been received.</p> <p>All relevant parts of the NPPF have been taken into account and the application has been assessed in line with the criteria set out.</p> |

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| <p>(9) The development must not begin before the occurrence of one of the following—</p> <p>(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;</p> <p>(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or</p> <p>(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.</p> | <p>N/A</p> <p>N/A</p> <p>N/A</p> | |
| <p>(10) The development must be carried out—</p> <p>(a) where prior approval is required, in accordance with the details approved by the local planning authority;</p> <p>(b) 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.</p> | <p>N/A</p> | |
| <p>(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.</p> | <p>Yes</p> | |
| <p>(12) When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded.</p> | <p>N/A</p> | |

The above table sets out that the development is 'permitted development' subject to prior approval.

b) Outcome of Prior Approval assessment

This application is to determine whether Prior Approval is required and if so that prior approval is given. There are two areas that the LPA are permitted to consider in assessing such applications. The first is design and the second is external appearance.

Although the site is not within a conservation area, consideration has to be given to the surrounding Conservation Area and the Scheduled monument of Hastings Castle.

As the PV panels would be sited on the south facing flat roof, within an existing parapet wall, there will be no impact upon the Castle. Comments from the Conservation Officer confirm this. The solar panels will not impact upon the residential properties further up in Castle Hill Road, Westhill and Pelham Crescent, due to the position and location of the panels sitting within the parapet wall, and in the middle of the roof, with no overhang. Although the panels may be visible from a distance the structures would not be clearly distinguishable in the skyline.

Potential glare

In terms of glare, a report titled 'Impact of Glare', has been submitted, which concludes that the panels will be facing south and as such, the panels will produce no glare to the rear or side elevations of the building. The report notes any glare that may be produced will be from the south facing elevation and due to the position and height of the building will not cause harm. The application is considered acceptable in this respect.

Cable housing

An email has been received, confirming that all Solar PV related equipment, excluding the panels, will be housed within the building. Cables will be run from the solar panels to the lift room using cable runs, which form part of the mounting system. It is envisaged that an electrical board will be mounted on the internal wall of the lift room and the Inverters and isolator switches will be placed on this.

Hours and construction work

Environmental Health has requested an informative note to deal with matters of noise and dust. This is added to the recommendation. It is noted that the only machinery used will be 18V cordless power tools.

A statement in response to Environmental health's comments has also been submitted, detailing the level of construction works, which is as follows:

There will be no penetration of the roof as the panels and mounting system will be secured by the use of ballast, and the weight of said panels/mounting system. As such construction of the solar array will only require the use of 18V cordless power tools and therefore there will be very little dust and any noise will be minimal. The only penetration required will be to run cables into the 'lift room', and this will involve only minimal drilling resulting in a small amount of dust and noise.

I can confirm that any work which is audible at the site boundary, and deliveries to and from the premises, during construction, shall not take place before 08:00 or after 18:00 hours Monday-Friday or before 08:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

No neighbour representations have been received as a result of that consultation, in the form of the two site notices placed in Breeds place and Castle Hill Road.

The NPPF has been taken into account: Para's 151; 152; 153 and 154 of section 14 of the NPPF state that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

c) Constraints

Due to the position and nature of the works, none of the constraints above will be affected.

d) Screening of Application under Habitats Regulations 2017 - Impact of Development on Ashdown Forest Special Area Conservation (SAC)

Not relevant for this type of application

6. Conclusion

As set out above the proposal meets all the criteria and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Renewable Energy Part 14, Class J and as such, the Council recommend that prior approval be given subject to conditions.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

7. Recommendation

Prior Approval is required and is hereby given subject to the following conditions:

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.
2. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.

Reasons:

1. To ensure that the proposed development falls within the limit of permitted development within Class J of Part 14 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
2. To safeguard the amenity of adjoining residents.

Note to the Applicant

1. The applicant is advised that great consideration should be given in the interest of the neighbouring amenity, in regards to potential noise and dust that may be generated through the construction works.
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Officer to Contact

Mrs M Botting, Telephone 01424 783252

Background Papers

Application No: HS/PA/18/00887 including all letters and documents