

Our Ref: 20115/SH/ta/as
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Development Management
Wokingham Borough Council
Civic Offices
Shute End
Wokingham
RG40 1BN

Dear Sir/Madam,

FIVE GUYS READING ROAD, WINNERSH, WOKINGHAM RG41 5HG – APPLICATION FOR SOLAR PV UNDER TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) SCHEDULE 2 PART 14 CLASS J

Firstplan have been instructed by Five Guys JV Ltd to submit the enclosed prior approval application under Schedule 2 Part 14 Class J of the Town And Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) to determine if prior approval is required for the installation of Solar Photovoltaic Panels (PV) to the roof of the existing Five Guy's restaurant at the above address.

Legislative Context

Class J of the GPDO states that the installation of ***‘(c) other solar PV equipment on the roof of a building’*** other than a dwellinghouse or block of flats is Permitted Development. The legislation goes on to confirm at J.4(2) 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’*** in relation to ***‘the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land’*** .

In addition, Paragraph J.4(3) states that 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 developer is content to receive communications electronically;

together with any fee required to be paid.”

The application has been submitted online via the Planning Portal (ref: PP-14393612) and the requisite fee of £240.00 and the £85.00 Planning Portal Admin fee has been paid online.

The rest of this letter includes a written description of the development and addresses the other requirements of the GPDO.

Application Site Description

The application site relates to the Five Guys restaurant within the Winnersh Showcase Cinema Park wider site, south of the A3290 and north of Reading Road roundabout. The Five Guys restaurant and drive thru comprises of a single storey unit with a flat roof, located at the southern point of the cinema site and neighbouring the highway to the south.

The existing building is in commercial (Use Class E) use and therefore falls within the category of non-domestic premises to which Class J applies. The use was established under planning permission ref: 220312. There are no planning conditions or Article 4 Directions in place that restrict or remove permitted development rights on this site.

Description of Development

The proposal seeks **prior approval** for the installation of **solar PV panels** to the roof of the existing non-domestic building. The installation will enhance the **energy efficiency** of the Five Guys restaurant and assist in meeting relevant **Building Regulations** for energy performance in new developments.

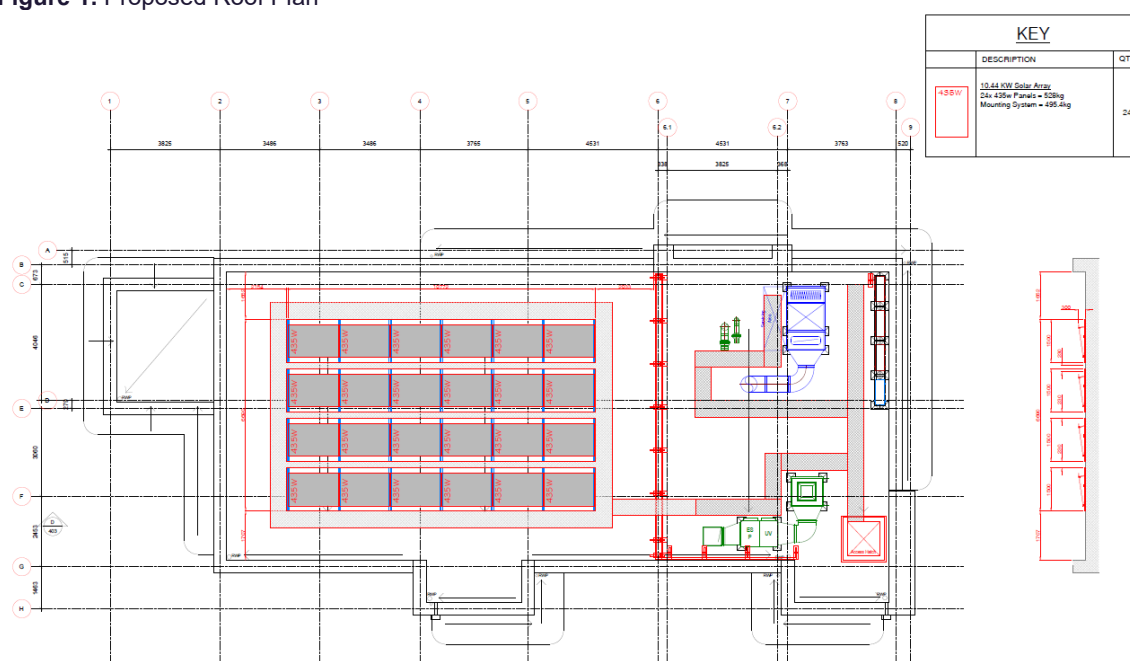
The following plans accompany the submission:

- Site Location Plan (ref: HGD-0233-002)
- Existing Roof Plan (ref: HDG-0233-111)
- Proposed Roof Plan (ref: PV-20171-S01-E)
- Existing Elevations (ref: HGD-0233-202)
- Solar PV Installation details
- Solar PV Installation – Mounting System

The installation will comprise 24 no. Jinko Solar Tiger Neo JKM435N-54HL4R-B - 435w Solar Panels and 1 No. SolaX Power Co., Ltd. X3-PRO-10K-G2 Inverter - 10 Kw Inverter to be fitted to the roof elevation of the building. The panels will be mounted using K2 S-Dome 6.10 with Ballast System in Landscape orientation.

The proposed PV panels is presented at Figure 1 below.

Figure 1. Proposed Roof Plan



Assessment Under Schedule 2 Part 14 Class J

The regulations specify the requirements to comply with the permitted development rights and the information the developer is required to submit to support a prior approval application. The regulations are set out below in below and the information required is provided in accordance with the legislation.

The legislation stipulates that development must meet the following criteria of class J (c) - other solar PV equipment on the roof of a building:

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

The site has an existing flat roof, therefore this is not applicable.

(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)

As indicated on the section plan submitted with the application, combined with any fixing to the roof the PV Panel installation will protrude less than 0.3m (300mm) beyond the flat roof. Therefore, the development is considered to comply.

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

As shown on the proposed plan, no PV panels are located within 1m of 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 designated as within a Conservation Area, Area of Outstanding Natural Beauty, World Heritage Site, or a National Park and can therefore benefit from Class J.

(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.

The application site is not a locally listed building nor is the site within the curtilage of a listed building.

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 generating capacity of the PV panels is less than 1Mw.

At J.4(1) and (2) the legislation states:

“(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.

(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."

This requires the Local Planning Authority to assess the proposed development in relation to its design/external appearance of the development and assess the impact of glare on occupiers of neighbouring land. In this context these matters are addressed in turn below.

Design and External Appearance

The proposals have been designed in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and are considered consistent with the objectives of the Wokingham Borough Council Core Strategy (2010) and the National Planning Policy Framework (2024), which promote sustainable development and energy efficiency.

The application site comprises a recently constructed commercial building is primarily located within the settlement limits of Winnersh and as such the development should be acceptable. It is sited on an approved building which is located in a developed context (the car park and Winnersh Showcase Cinema) and should therefore be considered acceptable when viewed in the round.

The existing roof is flat, and the PV panels would be set back from the edge of the roof by an appropriate distance. As detailed on the section supplied with the application, the PV lie below the parapet at rooftop level, in a location already approved for mechanical plant and will therefore have limited wider views. Therefore, solar panels and other such equipment is not considered to be out of place within the wider context of the site and should be considered appropriate in terms of design and external appearance.

Impact of Glare on Occupiers of Neighbouring Land

Solar PV panels are specifically designed to absorb, rather than reflect, sunlight; therefore, potential glare is inherently limited. The panels will be positioned below parapet level on a flat roof, with no direct line of sight from nearby receptors.

The surrounding area is predominantly commercial in character, including the cinema complex and associated car park. The nearest residential dwellings are approximately 200 metres to the west, and there are no nearby windows orientated toward the proposed installation. As such, the proposal will not give rise to any adverse glare impacts on neighbouring land or occupiers.

Other Considerations

The equipment will be maintained in good condition for the duration of its operational life and removed as soon as reasonably practicable once it is no longer required, in accordance with condition J.4(1)(b) of the GPDO.

Conclusions

The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the above, it is considered that if prior approval is considered as required by officers it should be given.

Should the Council require any further information or clarification, please do not hesitate to contact us. We trust that the enclosed documentation is sufficient to validate and determine the application.

Yours faithfully,



TITO AROWOBUSOYE
Senior Associate

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