DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0037-24**	**Applicant:**	**William Stukeley School**
Proposal:	Installation of 42 PV panels and associated electrical works		
Location:	William Stukeley C Of E Primary School Spalding Road Holbeach		
Terminal Date:	15th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	1	0	0
SHDC INTERNAL	0	0	1	2

CASE OFFICER ASSESSMENT

Description of Proposal

This is a prior approval application for the installation of 42 solar panels on the roof of the William Stukeley School, Holbeach, under Schedule 2, Part 14, Class J. the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is located towards the centre of the settlement. It is located approximately 200m to the west of All Saints Church and 100m south of Holbeach High Street. The site is within an area of green space and is fairly well screened.

Relevant History

H09-0709-92 - County Council Reg 3 - Demolish Stukeley Hall, Fire/ Ambulance Station,

conservatory stores, boundary wall etc, reduce height of north wall - Secretary of State Allowed 21/01/93.

H09-0710-92 County Council Reg 3 - Erect a new Primary School and form a public park - Approved 16/07/92.

H09-0112-94 - County Council Reg 3 - Erection of clock tower - Approved 11/03/94.

H09-0461-94 County Council Reg 3 - Details of paint scheme for clock tower - Approved 30/06/94.

H09-0139-00 - County Council Reg 3 - Change use of small part of public park abutting School and erect two classroom extension - Approved 14/03/00.

H09-1321-04 - Full - Erection of covered play area and extension to playground - Approved 29/11/04.

H09-0148-05 - Condition Compliance - Details of extent materials and method of construction of hard surfaced play area extension (Condition 2 of H09/1321/04) - Approved21/03/05.

H09-0443-06 - County Council Reg 3- Erection of outdoor classroom/covered play area. Approved 15/05/06.

H09-1176-18 - County Council Reg 3 - Single-storey classroom extension to western elevation - Approved 10/12/18.

H09-0329-23 - County Council Reg 3 - Phased construction of four classroom extensions with associated circulation areas, meeting room, practical area, cloaks & WCs, extension to school hall including storage room, plant room, WCs and staff room, extension to the hardstanding team games area, associated external works and landscaping and relocation of plinth for clock tower - Approved 18/05/23.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Cllr N J Chapman

"This is an excellent idea, and I can only see positive results for the school, and it will have no negative visual impact".

SHDC Trees and Nature Conservation Officer

"Should South Holland District decide to support this proposal, it should only be on condition that there be no expectation whatsoever that consent would be forthcoming to carry out pruning works to trees immediately to the south, to reduce any shading. Trees were there first and should remain unaffected by the proposal. If any doubt that tree shading an issue, a plan to show the potential extent should be provided."

Environmental Protection

No comments.

Holbeach Parish Council

No comment.

Conservation Officer

Typically, PV Cells would not be considered to be a material that is appropriate to a conservation area setting, in accordance with Policy 29, Section A of the SELLP. I would, therefore, consider the installation of PV cells to represent a form of harm. However, in this instance, because the cells would be situated upon the rear of the building, away from most public views, the harm can only be considered to be 'less than substantial harm' (as outlaid in Section 12, Para. 205 of the NPPF). In

the case of 'less than substantial harm', the level of harm should be weighed against the public benefit of the proposal. In this case, the public benefit is substantial and obvious in providing enhanced services to a public educational facility. Furthermore, the impact of the proposal upon the public appreciation of the Conservation Area would be extremely minimal, because the proposal area is to the rear, shielded from public view. I therefore consider the proposal to be justified and as such wish to raise no objections.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

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

This application is a prior approval applciation under Part 14, Class J and as such, the propsoal must be be assessed to establish that the proposed development would constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) Schedule 2, Part 14, Class J.

Part 14 Class J relates to the "installation or alteration etc of solar equipment on non-domestic premises" and details that the following is 'Permitted Development':

"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.

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;

(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);

(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;

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

(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.

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".

The previous iterations of the GPDO also stated that:
"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". However, the requirements of J.3 have been removed from Class J and as such, the development would not be required to comply with the criteria outlined under J.3.

When assessed against the above criteria the following can be observed:

J.1.(a) The panels do not protrude more than 0.2 metres beyond the plane of the roof slope.

J.1.(b) No solar equipment is to be installed on a flat roof.

J.1.(c) None of the solar equipment is within 1 metre of any roof edge.

J.1.(e) The solar panels will not be installed on a scheduled monument.

J.1.(f) The solar panels will not be installed on a listed building or within the curtilage of a listed building.

J.2.(a) The solar equipment will not be installed on a wall.

J.2.(b) The solar equipment will not be installed on a wall.

J.2.(c) While the site is within Article 2(3) land, the panels would not front a highway.

J.3 This criteria has been omitted by a previous amendment to the order.

The proposal accords with all of the relevant criteria of Part 14, Class J.

Planning Balance

The proposed solar panels would meet the provisions set out above and the proposed development the proposal accords with criteria within Class J, Part 14 of the General Permitted Development Order (2015).

Conclusion

The recommendation is for delegated approval and that details are not required.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.