

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0425-24 **Applicant:** Mrs D Simpson
Proposal: 18 solar PV panel array for domestic property
Location: 2 Leadenhall Road Holbeach St Marks Spalding
Terminal Date: 12th July 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a householder application seeking the erection of an 18 panel, ground mounter solar array at 2 Leadenhall Road. The panels would be ground mounted, on an existing concrete slab. The panels

would cover an area of 5.75 metres (length) by 2.30 metres (width). The panels would have a height of 0.42 metres.

Site Description

The site is outside of any settlement boundaries defined within the South East Lincolnshire Local Plan, 2019, lying approximately 900 metres west of Holbeach St Marks. As such, it is considered to be within the countryside from a planning perspective. The dwelling is one of a pair of semi-detached dwellings at a bend in Leadenhall Road. The property benefits from a large garden, with numerous outbuildings scattered throughout the triangular plot.

Relevant History

H09-0209-06 - Full. Change of use to residential/keeping of 12 dogs including kennel block and training runs (retrospective). Refused 10/04/06. Appeal dismissed 19/12/06.

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:

Holbeach Parish Council

No objection

Highway and Lead Local Flood Authority

"The proposal is for 18 solar PV panel array for domestic property and it does not have an impact on the Public Highway or Surface Water Flood Risk. No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application."

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

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality

agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside of any defined settlement boundaries, and as such, is considered to be within the countryside from a planning perspective. Despite this, the site is within the defined residential curtilage of 2 Leadenhall Road, and as such, development within this location is considered appropriate.

Where an application would involve the creation of renewable energy facilities, such as solar panels, Policy 1 is supported by Policy 31, part B. This policy states that:

"With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:

1. visual amenity, landscape character or quality, or skyline considerations;
2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;
3. highway safety (including public rights of way);
4. agricultural land take;
5. aviation and radar safety;
6. heritage assets including their setting; and
7. the natural environment"

Taking each point in turn, the following is considered:

1. As discussed above, the impact upon the landscape and character of the area would be minimal due to the significant level of screening and the low-lying nature of the panels.
2. As discussed above, the potential amenity impacts of this development are low. The potential for glint and glare to impact the neighbouring dwelling is negligible. The small scale of the proposal means that there would be no wider amenity impacts.
3. The proposal, as a minor development within the residential curtilage of a dwelling, would have no significant impact upon highway safety.
4. The proposal would be within a domestic curtilage on an existing concrete slab. As such, the proposal would have no impact upon agricultural land take.
5. The small scale of the proposal would ensure that there is no impact upon aviation or radar safety.
6. The proposal is over 600 metres from the nearest listed property and therefore, the proposal would have no impact on any heritage assets.
7. The proposal would have no impact upon the natural environment due to the small scale of the works and the positioning on previously developed land.

Therefore, the proposal is considered to be in accordance with Policy 1 and 31 of the SELLP. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding

built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed panels are relatively low lying, significantly reducing their visual impact. The panels would not be visible from the roadside, ensuring the character impact of development is minimal. Furthermore, the garden is well screened and is not overlooked, preventing the panels from being significant intrusion into the countryside.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The amenity impacts of the development would be minimal. The potential for overshadowing is minimal, due to the low-lying nature of the proposal. Likewise, the distance of over 10 metres to the only neighbouring property, in conjunction with the low height of the panels and the significant height of the boundary treatments, significantly reduces the potential for glint and glare. In any event, the panels are designed to absorb rather than reflect sunlight, and so the tangible risk of glint and glare is low.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined residential curtilage. The proposal would conform to the requirements of Policy 31B, causing no significant harm to residential or visual amenity, or any of the other wider issues raised within this policy.

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.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3 and 31 of the SELLP, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.