DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0273-19**	**Applicant:**	**Greencell Ltd**
Proposal:	Proposed roof mounted photovoltaic solar panels		
Location:	Holly Lodge West Marsh Road Pinchbeck		
Terminal Date:	3rd May 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks prior approval from the Local Planning Authority for proposed roof mounted photovoltaic solar panels at Holly Lodge, West Marsh Road, Pinchbeck, Spalding

Site Description

The site lies on land between the Vernatt's Drain to east, B1180 to west, West Marsh Road/B1180 roundabout to south and A16/B1180 to north. The industrial premises faces B1180 between above-mentioned roundabouts.

Greencell is the existing company based in this industrial site. It is a supplier of the highest quality fruit and vegetable throughout the UK, to both the Retail and Wholesale sector, specialising in avocado.

History

H14-0379-16 - New warehouse extension on the north face of the existing building to house future ripening rooms - Approved

H14-0289-15 - Erection of warehouse extension to provide additional ripening rooms - Approved
H14-0253-14 - Proposed two additional custom built ripening rooms (retrospective) - Approved
H14-0748-11 - Proposed steel frame industrial building - Approved

Consultation Responses

None

Planning Considerations

Schedule 2, Part 14, Class J laid down the requirements which The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) settled the permitted development rights which allow landowners to improve and extend their properties without the need to apply for planning permission.

Class J of Part 14, Schedule 2 is for "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."

Article J.1 laid down that "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 within 1 metre of the external edge of that roof;"

The proposed solar panels would be installed in 3 No. pitched roof slopes. All panels would be at least 1 metre from the external roof edge. It has been confirmed in the Section 4 of the application form that "the solar panels will not protrude more than 0.2 metres beyond the plane of the roof slope".

Article J.2 is disregarded as it set out requirements for solar equipment installed on the walls of a building which is it not this case.

The production capacity of the proposed equipment would be 77,578 kWh per year, thus it cannot be considered microgeneration and the proposal falls within the definition of Class J(c). Article J.3 established that "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 equipment would not exceed such amount of energy power.

Article J.4 established that the solar 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 should be also "removed as soon as reasonably practicable when no longer needed". After carrying out a site visit, the solar panels would be visible from the A16 bridge over the Vernnat's Drain and to a minimal extent.

Conclusion

In light of considerations above, the proposed development complies with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and approval is granted for this Prior Notification.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.