

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0565-20 **Applicant:** Bowman Chilled Stores
Proposal: Proposed solar PV panels mounted on depot building
Location: Bowmans Stores Ltd Marsh Road Spalding
Terminal Date: 9th September 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Proposed solar PV panels mounted on to the roof of the depot building.

The applicant states that the

- Equipment will be sited, so far as is practicable, to minimise the effect on the external appearance of the building and the amenity of the area.
- the solar PV equipment will be removed as soon as reasonably practicable when no longer needed
- Solar panels will project no more than 200mm from the roof slope
- Equipment will not be within one metre of the external edge of the roof

The application is supported by a Design and Access Statement and a Site Specific Flood Risk Assessment.

Site Description

The application building forms part of an industrial estate unit of TF Bowman & Son. The development site is located 2.5km northeast of the town centre, immediately to the west of A16 Spalding bypass. The site lies to the immediate northeast of the Camel Gate and Roman Bank junction on the east side of Marsh Road.

The wider site consists of buildings of varying lengths, widths, heights, roof pitches and configurations. The application site lies within Flood Zone 3.

History

H16-0068-18. Proposed temperature controlled storage and distribution building including external plant and pipework, hard standing, security fencing, landscaping, storm water lagoon and stand by generator. Approved. 27-03-18.

Consultation Responses

LCC Local Highway and Lead Local Flood Authority

NO OBS

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 is acceptable and accordingly, does not wish to object to this planning application.

Third Parties

None.

Planning Considerations

Principle of Development

The application building is within an established commercial and industrial employment area.

Policy 31: Climate Change and Renewable and Low Carbon Energy, Section B. Renewable Energy, sets out that the installation of renewable energy structures such as PV cells 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.

The policy also sets out that ...*Provision should be made for post-construction monitoring and the removal of the facility and reinstatement of the site if the development ceases to be operational.*

The application has been prepared on this basis, and it is considered that given the location, form and height of the building to which the PV panels are to be mounted, and the adjoining largely commercial uses, that the proposals would not have a detrimental impact on the points 1 to 7 above.

Such panels are becoming a common feature within industrial and commercial areas, and this building and the surrounding area would not be impacted visually by the installation.

In the light of this it is recommended that permission is granted, subject to conditions, in particular to ensure removal once the PV panels are no longer used.

Flood Risk

The panels will be located between 10m and 17m above ground level and would not be impacted by, nor have an impact upon, flooding within the area.

Conclusion

Approve, subject to conditions, for the reasons set out above.

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.