

Development Management Delegated Decision Report

B/21/0087



SUMMARY OF APPLICATION

Application Reference	B/21/0087		
Application Type	Prior Notification under Part 14 - Renewable Energy		
Proposal	Prior notification for the proposed installation of 534No. roof mounted solar PV modules		
Location	M Leggate and Sons, Gowt Bank, Wrangle, Boston, PE22 9AA		
Applicant	Leggate		
Agent	Emily Davey, Geo Green Power		
Received Date:	01-Mar-2021	Consultation Expiry Date:	04-Apr-2021
Valid Date:	01-Mar-2021	Statutory Expiry Date:	26-Apr-2021
Date of Site Visit:	12-Mar-2021	Extension of Time Date:	---
Objections received?	No		
5 day notification record: Not applicable			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	APPROVE		
Report by:	Grant Fixter		
Date:	26/04/2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises a food processing plant located off Gowt Bank, Wrangle. The South East Lincolnshire Local Plan deems the site to be within the countryside. In terms of surroundings, there are agricultural fields to the north, west and south and agricultural development to the east. The wider character of the area is predominantly agricultural.

DETAILS OF PROPOSAL:

The proposal is for the prior approval of proposed installation of 534 roof mounted solar PV modules. This provision is covered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 14, Class J.

A Location Plan was submitted to identify the site and shows the solar modules would be erected on the southern roof plane of the existing building.

RELEVANT HISTORY:



- B/16/0279 - Application under S.73A to develop land without compliance with conditions previously attached to Planning Permission ref; B/15/0208: western earth bund moved further 40m to west/ 2no. plant rooms rationalised into 1no./ modifications to reception area of offices – Approved on 28/09/2016;
- B/15/0208/CD1 - Application to approve details relating to conditions 6, 7, 9 and 11 of planning permission B/15/0208 – Approved on 13/07/2016;
- B/15/0208 - Erection of facility for the storage, processing and distribution of agricultural produce – Approved on 25/09/2015.

RELEVANT LEGISLATION DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The South East Lincolnshire Local Plan is not a consideration when determining this type of application. It is instead:

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

CONSULTATION RESPONSES:

Environmental Health

Have no objections.

Wrangle Parish Council

Did not respond.

Witham Fourth IDB

Have no comments.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

Class J relates to:

“J. 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.”*

The following table includes the circumstances where development would not be permitted and acts as a checklist as to whether the development is compliant with Class J

Class	Development is not permitted if:	Does the proposal breach the criteria	
		Yes	No
J.1			
(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;		X
(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);		X
(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;		X
(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;		X
(e)	the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or		X
(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.		X
J.2	Relates to walls and not roofs so is not relevant		X
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.		X

From the above, it is clear the proposal does not breach any criteria.

Class J then confirms development is subject to the following conditions:

“(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.”

Class J.4(2) states:

“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.”

From the submitted plan, the solar panels will be sited on the southern roofline of the existing agricultural building. There is agricultural land to the north, west and south with further development to the east. The provision of solar panels on the identified building will neither be of detriment to the design/ external appearance of the building, nor have unacceptable impacts on neighbouring users. Environmental Health also have no objections.

RECOMMENDATION:

From the above, it is clear the proposed development complies with all the required criteria.

The Council is satisfied that the proposed development is permitted development under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 14, Class J.

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
<u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.