

Development Management Delegated Decision Report

B/21/0359



SUMMARY OF APPLICATION			
Application Reference	B/21/0359		
Application Type	Full Planning Permission		
Proposal	Retention of rooftop solar panels, ground inverter/compound, rooftop "mansafe" system and associated maintenance infrastructure		
Location	Land at Greenyard UK Frozen Ltd, Riverside Industrial Estate, Marsh Lane, Boston PE21 7RY		
Applicant	Boston Solar Limited		
Agent	Adam Thomas, Corylus Planning & Environmental Ltd		
Received Date:	27-Jul-2021	Consultation Expiry Date:	30-Sep-2021
Valid Date:	06-Aug-2021	Statutory Expiry Date:	01-Oct-2021
Date of Site Visit:		Extension of Time Date:	14-Oct-2021
Objections received?	No		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve		
Report by:	Consultant Planning Officer		
Date:	30-Sep-2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is a large commercial premises used by Greenyard UK Frozen Ltd. The building is located on the Riverside Industrial Estate within a designated Existing Main Employment Area on Inset Map No. 1 of the SELLP.

The building is a large commercial building with external elevations finished in a mixture of brick at lower levels and light grey corrugated cladding. The site is surrounded by other employment uses to the east and west and south. To the north is The Haven. Residential properties are located to the south west along Marsh Avenue.

DETAILS OF PROPOSAL:

The proposal involves the following:

- Retention of solar panels
- Retention of ground inverter/ compound



- Retention of rooftop mansafe system and associated maintenance infrastructure
- Provision of new chimney

RELEVANT HISTORY:

B/05/0734 - Proposed lean to extension to provide sauce and ingredient room to serve adjacent processing lines – Approved 15th December 2005.

B/15/0113 - Installation of a solar PV system on the roof of the warehouse – Approved 11th June 2015.

B/15/0430 - Proposed installation of inverter cabin within existing car park to serve existing rooftop solar array – Approved 14th December 2015.

B/16/0181 - Application under s192 of the Planning Act for a certificate of lawful development for proposed use for Penguin Foods – Approved 14th July 2016.

B/17/0528 - Erection of rear extension to existing industrial unit – Approved 24th July 2018.

B/18/0196 - Installation of packaged CHP plants, biomass boilers and erection of 2no 20m external stacks – Approved 7th November 2018.

B/20/0275 - Application for a Lawful Development Certificate for the proposed removal of E4 CHP Units & Installation of 2no Kalvis Wood Pellet Boilers – Approved 14th September 2020.

B/21/0116 - Application for a Lawful Development Certificate for the proposed removal of Kalvis Wood Pellet Boilers and installation of 14 Angus Eco Orlan Boilers – Approved 29th April 2021.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2011-2036)

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of New Development
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio
- Policy 30: Pollution
- Policy 31: Climate Change and Renewable and Low Carbon Energy

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development

- Section 4: Decision Making
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change

CONSULTATION RESPONSES:

Environmental Health (9th September 2021) - The solar panels and more importantly the inverter unit has been operational for a number of years now at the premises. No complaints relating to their operation have been received by Environmental Health during this time. Environmental Health therefore has no objections to their retention.

THIRD PARTY REPRESENTATIONS RECEIVED:

None received.

EVALUATION:

This application relates to works to an existing building within the built up area of Boston and therefore is considered acceptable in principle under Policy 1 subject to an assessment of material planning considerations.

Section B of Policy 31 of the SELLP relates to renewable energy and 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.*

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 proposals are to retain solar panels and associated infrastructure which allows the solar panels to be operational and maintained in safe way. The installations are all well related to the existing building and contribute to the production of renewable energy. Given the existing context of a large commercial building within an existing established employment site, the existing works and the proposed chimney are not considered to have a significant impact on the character and appearance of the existing building, nor the surrounding area.

No impacts on highway safety are considered to result from the proposal. A search of heritage gateway confirms that there are no designated heritage assets within the vicinity of the site. Two

entries relating to peat deposits and a wrecked fishing vessel on the River are identified, but nothing relating to the site.

With regard to residential amenities, given the existing employment site exists and these works are closely related to the existing built form, it is not considered that there will be a significant detrimental impact on the amenities of nearby residential properties. Environmental Health have been consulted and have raised no objections to the proposal.

CONCLUSION:

The retention of the existing solar panels and associated infrastructure are considered acceptable and in accordance with the requirements of Policy 31 of SELLP. The proposed chimney is considered in keeping with the existing building and the wider employment site.

RECOMMENDATION:

Approve subject to the following conditions.

CONDITIONS / REASONS			
Pre-commencement conditions?	No	Agreed with applicant/agent - Date:	N/A
1	<p>The development hereby permitted shall be carried out in strict accordance with the application and in accordance with the associated plans referenced:</p> <p>Site Location Plan - Drawing no. GB/293/04 received 6th August 2021 Block Plan – Drawing no. GB/293/03 received 27th July 2021 Proposed Layout– Drawing no. GB/293/02 received 27th July 2021 Handrail Details – Drawing no. GB/293/05 received 6th August 2021 Walkway Handrail Fixing Details received 27th July 2021 Post Fixing Details received 27th July 2021 Technical Information Sheet received 27th July 2021 Exhaust & Maintenance Platform – Drawing no. 001 Issue 1 received 7th September 2021</p> <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential and visual amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>		
2	<p>The solar panels and all associated infrastructure hereby permitted shall be removed as soon as reasonably practicable when they are no longer operational.</p> <p>Reason: In the interests of visual amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>		

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 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.