

# Development Management Delegated Decision Report

B/22/0169



SUMMARY OF APPLICATION				
<b>Application Reference</b>	B/22/0169			
<b>Application Type</b>	Prior Notification under Part 14 - Renewable Energy			
<b>Proposal</b>	Application for prior approval under Schedule 2, Part 14, Class J for the installation of 885kWp solar PV on all pitches of West building roof and East building less Eastern-most span			
<b>Location</b>	Howard Tenens, 1 Tenens Way, Boston, PE21 7ST			
<b>Applicant</b>	Mr Simon Emms, Howard Tenens Ltd			
<b>Agent</b>	Mr Bob Hicks, Olympus Power Ltd			
<b>Received Date:</b>	19-Apr-2022	<b>Consultation Expiry Date:</b>	06-Jun-2022	
<b>Valid Date:</b>	19-Apr-2022	<b>Statutory Expiry Date:</b>	14-Jun-2022	
<b>Date of Site Visit:</b>	13-May-2022	<b>Extension of Time Date:</b>	N/A	
<b>Objections received?</b>	None.			
<b>5 day notification record:</b>				
	<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	Prior Approval Not Required			
<b>Report by:</b>	Megan Epton			
<b>Date:</b>	09-Jun-2022			

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application building is a large warehouse located within the established 'Riverside Industrial Estate'. There are no residential neighbours close by due to the nature of the area and there are various industrial buildings/warehouses close by which differ in size and scale of use. This site can only be accessed via Tenens Way, with an exit onto Marsh Lane.

### DETAILS OF PROPOSAL:



This application has been submitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 14, to determine whether the installation of a solar PV system up to 885kWp in size fixed requires prior approval.

The location plans, which accompany the application, outline the buildings in red.

### **RELEVANT HISTORY:**

- B/06/0454- **FULL**- Single storey extension to warehouse plus canopy and two dock levellers- **GRANTED**.
- B/08/0014- **FULL**- Warehouse extension and two new dock levellers and new vehicular access- **GRANTED**.
- B/08/0017- **FULL** - New Warehouse (3851 m<sup>2</sup>)- **GRANTED**.
- B/10/0447- **FULL**- Change of use from B8 (storage and distribution) to B8 & B2 (general industrial)- **GRANTED**.
- B/12/0206- **OUTLINE**- Outline Planning Permission for the construction of a building for storage and distribution (Class B8) with landscaping matters reserved- **GRANTED**.
- B/20/0222- **FULL**- Warehouses, Howard Tenens LTD, Marsh Lane, Boston PE21 7SZ- **GRANTED**.

### **RELEVANT 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 were consulted and raised no objection to the application.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations have been received.

### **EVALUATION:**

Class J relates to: *“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,  
(d) 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:

J.4 – Condition	
<p>(1) <i>Class J development is permitted subject to the following conditions—</i></p> <p>(a) <i>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</i></p> <p>(b) <i>the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.</i></p>	These conditions apply.

<p>(2) 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.</p>	<p>This application to determine if prior approval is required for a proposed “885kWp solar PV”, has been received. A considerable level of information pertaining has been provided. This has enabled a formal assessment to be undertaken.</p> <p>A site note was erected which expired on 06-Jun-2022, no representations were received.</p> <hr/> <p><b>Siting, Design &amp; External Appearance</b> <b><i>Prior Approval Required?</i></b></p> <p>The proposal includes solar panels on all pitches of West building roof and on the East building roof excluding the Eastern-most span. They will be installed on a multirail mounting system.</p> <p>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 in terms of glare or otherwise.</p> <p>Environmental Health also have no objections.</p>
<p>Conditions continue from (3) to (11).</p>	<p>Not relevant to proposal.</p>

From the above, it is considered the proposed development complies with all the conditions for Class J.

**RECOMMENDATION:**

Prior Approval not required.

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.

<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>
<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.