

Development Management Delegated Decision Report

B/24/0059



SUMMARY OF APPLICATION			
Application Reference	B/24/0059		
Application Type	Prior Notification Part 14 - Renewable Energy		
Proposal	Application under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 to determine if prior approval is required for a proposed roof mounted Solar Photovoltaics (PV) equipment		
Location	T and B Containers 12-16 Redstone Road, Boston PE21 8EA		
Applicant	Mr T and B Containers, Lovelace		
Agent	Mrs Chloe Reganaz, Geo Green Power		
Received Date:	06-Feb-2024	Consultation / Publicity Expiry Date:	18-Mar-2024
Valid Date:	06-Feb-2024	Statutory Expiry Date:	02-Apr-2024
Date of Site Visit:	26-Jan-2024	Extension of Time Date:	N/A
Objections received?	No		
Recommendation	Prior approval not required.		
Report by:	Megan Epton		
Date:	19-Mar-2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The site comprises of 1no. large building used as a waste-transfer station, at the western end of Redstone Road, Boston on Redstone Industrial Estate. To the south of the site is the South Forty Foot Drain, to its north and west is an old-railway line and to its east are a various commercial buildings of the industrial estate.

DETAILS OF PROPOSAL:

Prior approval is sought for the installation of 240no. roof-mounted solar photovoltaics modules on 4no. roof slopes of the site's building.

RELEVANT HISTORY:



No recent relevant site history.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

National Planning Policy Framework (2023)

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 – installation or alteration etc of solar equipment on non-domestic premises.

CONSULTATION RESPONSES:

Environmental Health were consulted and raised no objections.

Lincolnshire County Council (Local Highways and Lead Local Flood Authority) were consulted and raised no objections.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

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

From the above, it is clear the proposal does not breach any criteria set out in Class J and can therefore be considered to be permitted development subject to meeting the conditions set out in J.4 of the Permitted Development Rights, and this prior approval application.

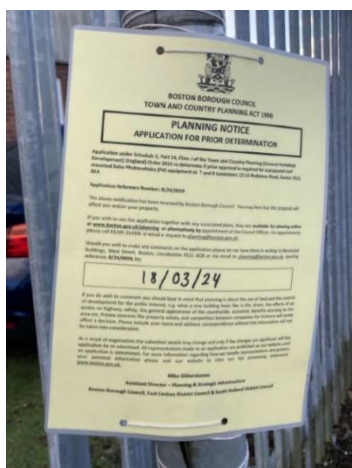
This application to determine if prior approval is required for the proposed roof mounted Solar Photovoltaics (PV) equipment has been received (06-Feb-2024) and a considerable level of information pertaining has been provided, in full accordance with sub-paragraphs J.4(3)(a-d).

Local Planning Authority Responsibilities and Background

The Local Planning Authority has a number of responsibilities in the prior approval application process. In line with the requirements of the legislation, a site visit was carried out on 26-Jan-2024 with photos taken of the area and surrounding context; a site notice was erected on a nearby streetlight close to the entrance of the site with an expiry date for consultation responses clearly displayed as 18-Mar-2024. The notice was displayed as close as practicable to the site outlined in red on '3120/Site/1 - Site Plan' and demonstrated a number of methods of how to view more details of the application and/or contact a member of the planning team.

2no. Consultation responses were received, neither of which were objections to the proposal.

*Site notice photographs have been included below for reference.



Design and External Appearance

Once determining if the proposals meet permitted development requirements, the Local Planning Authority then must assess the proposals' design and external appearance to ensure any solar photovoltaic equipment would not have negative impacts on occupiers of neighbouring land, particularly in terms of potential glare. It is set out at J.4(8)(b) that the local planning authority must 'have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government, so far as relevant to the subject matter of the prior approval, as if the application were a planning application when determining an application. In line with this, the proposals are to be assessed below; developments will be permitted provided that they are installed, altered or replaced in a way, so far as practicable, so as to minimise their effect on the external appearance of the building and the amenity of the area.

In the case of these proposals, the equipment is proposed upon 4no. south-facing roof slopes of a large commercial unit at the western end of Redstone Road, Boston. There are no direct neighbours to the south and the site itself is greatly screened by boundary landscaping features and the surrounding built environment. A total of 240no. panels are proposed, with each PV panel measuring 1722mm x 1134mm x 30mm (410w modules) separated by an equal distance and positioned evenly on each roof slope. The panels are proposed with a 3.2mm tempered glass front cover with anti-reflective coating to limit potential glare- Environmental Health raised no concerns with regards to this.

Given the context of the site and surrounding area and the detail of the proposed panel layout and module specification, it is not felt that the provision of the solar photovoltaic equipment as described, on the identified building, will be of detriment to the design/ external appearance of the building, nor have unacceptable impacts on neighbouring users in terms of glare or otherwise, and therefore with regards to the design and external appearance, the proposed development is considered to comply with condition J.4(1)(a-b).

CONCLUSION:

In all, it is considered that the proposed apparatus will not have a harmful design or adversely affect the external appearance of the development/building; nor would they negatively impact the amenity of neighbouring land users by way of excessive glare.

The Council is satisfied, based on the information provided, 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.

RECOMMENDATION:

Prior Approval Not Required.

CONDITIONS / REASONS	
1	Any solar photovoltaic equipment installed in accordance with this permission shall be removed from the building on which it is situated as soon as reasonably practicable after it is no longer required, and such building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Reason: Required to be imposed pursuant to Schedule 2, Part 16, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
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INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
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<u>STATEMENT OF PROACTIVE WORKING:</u>
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In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.
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