

Recommendation Report for

REF NO: BE/106/21/PD

LOCATION: Arun Retail Park, Unit C2
Shripney Road
Bognor Regis
PO22 9NF

PROPOSAL: Notification of Prior Approval under Schedule 2 Part 14 Class J of the Town & Country (General Permitted Development (England) Order to install 170 No. solar photo-voltaic modules over 3 metal sheet covered roof aspects that cover two Units at Arun Retail Park.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is a prior notification under the Town and Country Planning Act (General Permitted Development) Order 2015 Part 14 Class J to determine whether the Local Planning Authority have any objections with regard to siting and design of Solar Photovoltaics (PV) equipment to be installed to the roof of this commercial building.
TREES	None affected by the development.
BOUNDARY TREATMENT	The site abuts the car park/rear storage area.
SITE CHARACTERISTICS	The building is within a retail park.
CHARACTER OF LOCALITY	The area is predominately commercial.
None.	

REPRESENTATIONS

Bersted Parish Council provided no response.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under Class J, Part 14 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site comprises a commercial unit, within a retail park. The principle of commercial development is established and the provision of solar panels is permitted subject to a Prior Notification Under Part 14 class J of the Town and Country Planning (General Permitted Development) Order 2015 for the consideration of design and external appearance and compliance with the conditions of the Order.

The installation of the solar equipment is compliant with Class J as follows:

(J) (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.

- Complies as it would protrude 0.15m

(c) the solar PV equipment or solar thermal equipment would not be installed on a roof within 1 metre of the external edge of that roof;

- Complies as it retains 1m.

(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;

- Not located within article 2(3).

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

- Not located on a scheduled monument.

(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.

- Not a listed building.

In compliance with part J.4(a) the solar equipment would be sited to minimise its effect on the external appearance of the building and the amenity of the area, by being shielded from direct view by the existing parapet.

VISUAL AMENITY:

The solar equipment is not visible due to its height and location to the roof of the building unit. This ensures there is no harm as a result of the addition to the wider appearance or amenity of the area.

CONCLUSION:

The proposal compiles with relevant sections of the GDPO and It is recommended that no objection is raised to the design and external appearance of the development and prior approval is granted.

HUMAN RIGHTS ACT

The Council in making a decision 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 Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, 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 interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

NO OBJECTION

- 1 For the avoidance of doubt the approved details are the Location Plan, Mounting System Section Proposed- 04, Proposed Roof Plan - 03, submitted on 24th June 2021.