

Recommendation Report for

REF NO: LU/147/21/PD

LOCATION: Tamarisk Centre
42 Beach Road
Littlehampton
BN17 5HT

PROPOSAL: Notification of Prior Approval under Schedule 2 Part 14 Class J of the Town & Country (General Permitted Development (England) Order to install a solar PV system of 60 solar panels on the top flat roof of the building to generate electricity for utilities.

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. The structure would be formed of 60 solar panels, less than 1m high installed on the flat roof where the area of panels would be enclosed by a 1.4m perimeter wall. The solar equipment will not be mounted within 1m of external edge of the roof.
BOUNDARY TREATMENT	The property is located at road junction on the back edge of 2 footpaths.
SITE CHARACTERISTICS	2 storey flat roofed building with brick elevations prominently sited with 2 frontages adjacent to roundabout.
CHARACTER OF LOCALITY	Edge of town centre location. Mainly residential uses above ground floor retail units.

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No Objection

Request imposition of a condition restricting hours of operation of construction.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The condition requested would be unduly onerous. The development would not be likely to be carried out over a long time period and is on the edge of the town centre where activity and noise levels are generally higher.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

Within Town Centre

Secondary Retail Area

DEVELOPMENT PLAN POLICIES**POLICY COMMENTARY**

N/A

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 and its curtilage which includes car parking and landscaping. 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.

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

In compliance with J.1(b) it would be installed on a flat roof and would be no greater than 1m above the highest part of the roof.

(c) No part of the solar photovoltaic equipment would come within 1 metre of the external edge of the roof?;

(d) The solar photovoltaic equipment would not be installed on a roof slope which fronts a highway, of a building:

- in a conservation area;
- in an area of outstanding natural beauty;
- in an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside;

- in the Broads;
- in a National Park;
- in a World Heritage Site

Or, be installed on any part of the roof of a building that is:

- (e) a scheduled monument (or the site contains one)
- (f) a listed building (or within the curtilage of a listed building)

In accordance with J.3 the total electrical generation capacity of all the solar photovoltaics installed on the building under permitted development rights does not exceed 1 megawatt?.

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 design is of no architectural merit and is typical of a such facilities. Its location is concealed to the flat roof profile would meet the requirements under J.1, J.2 & J.3 and would be consistent with the conditions under J.4.

CONCLUSION:

The panels are to be installed at a non-domestic premises. They are to be installed in an appropriate location, partially screened by existing roof parapet to minimise any impact on the external appearance.

It is recommended that the Local Planning Authority raises no objection 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 plans submitted with the application
 Location Plan .TQRQM21121225922543
 Block Plan TQRQM21121225429577
 Roof Plan
 NE and SE Elevations as existing SK 300
 SW and NW Elevations as existing SK 301
 Application Form