

Recommendation Report for Prior Notification

REF NO: LU/74/26/PD

LOCATION: Si Protec
Units 20-23 Eldon Way
Lineside Industrial Estate
Littlehampton
BN17 7HE

PROPOSAL: Prior notification under Schedule 2, Part 14, Class J for PV solar installation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks prior approval under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the installation of a solar PV array.
SITE CHARACTERISTICS	The site is an industrial unit.
CHARACTER OF LOCALITY	The area is predominantly commercial and industrial.

REPRESENTATIONS

Littlehampton Town Council - No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Within Built-Up Area Boundary
Flood Zone 3
Prone to Groundwater Flooding
Railway Property (15m Buffer)
2km Buffer for Site of Special Scientific Interest
CIL Zone 4
Arun Valley Impact Risk Zone (IRZ).

DEVELOPMENT PLAN POLICIES

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The site forms industrial buildings and is to the outskirts of Littlehampton town centre. This building is not Listed, within a Conservation Area, nor is it a scheduled monument. The Solar/PV panels are to be sited above two separate roof spaces of both flat and pitched roof. 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 (as amended).

Class J - installation or alteration etc of solar equipment on non-domestic premises

Permitted development

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.

Development not permitted

J.1 Development is not permitted by Class J if-

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

J.2 Development is not permitted by Class J(a) or (b) if-

- (a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;
- (b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or
- (c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

Conditions

J.4-(1) Class J development is permitted subject to the following conditions-

(a) 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
(b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

(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.

(3) The application must be accompanied by-

(a) a written description of the proposed development;
(b) a plan indicating the site and showing the proposed development;
(c) the developer's contact address; and
(d) the developer's email address if the developer is content to receive communications electronically; together with any fee required to be paid.

(4) The local planning authority may refuse an application where, in the opinion of the authority-

(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in Class J applicable to the development in question.

(5) Sub-paragraphs (6) and (8) do not apply where a local planning authority refuses an application under sub-paragraph (4) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(6) The local planning authority must give notice of the proposed development-

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which-
(i) describes the proposed development;
(ii) provides the address of the proposed development;
(iii) specifies the date by which representations are to be received by the local planning authority; or
(b) by serving a notice in that form on any adjoining owner or occupier.

(7) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.

(8) The local planning authority must, when determining an application-

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and
(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(9) The development must not begin before the occurrence of one of the following-

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(10) The development must be carried out-

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (9)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (3), unless the local planning authority and the developer agree otherwise in writing.

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

(12) When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded.

The solar panels would accord with the relevant criteria. The application form confirms the panels would not come within 1m of the external edge of the roofs. The equipment would not protrude more than 0.2m beyond the plane of the roof slope where on a pitched roof. With regards to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, the solar panels are unlikely to be visible due to the siting of the development in compliance with J4 2(c).

The panels accord with Part 14, Class J(b) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and as such the council raises no objection to this prior approval.

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

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 comprise drawing LP/SIP "A4 Location Plan" (which includes a Site Plan and the Solar Specification).