

DELEGATED OFFICER REPORT

Application Ref: PN/22/93982

Site Address: Unit 2, Strategic Park, Comines Way, Hedge End

Case Officer: Summer Sharpe

Description: Prior notification for the installation of 1,021 roof mounted photovoltaic panels on non-domestic building.

Particular Site Constraints?	Yes ☒	No ☐
• Within designated countryside • Within settlement gap (Area C West End, Hedge End, Southampton (C11)) • Surface Water Flooding • HRA Screening • Solent Mitigation & Disturbance Zone • Tree Preservation Order (226-E)		

Planning History?	Yes ☒	No ☐
Application No.	Proposal	Decision
F/22/93417	Change of use of B1(a) office space and B1(b) research and development space into class E(g) and B2/ B8 general industrial / storage or distribution space. Installation of new sectional shutter and pedestrian doors on the south elevation and photovoltaic panels on the roof. Associated changes to the building elevations and the external plant.	Under consideration
F/11/68675	Two-storey rear extension to existing research and development industrial facility, new internal mezzanine floor to existing building and new plant compound, parking area, landscaping and cycle enclosure	Permitted (January 2012)
F/07/60963	Installation of 1no. cycle shelter.	Permitted (November 2007)
Z/32223/013/00	Construction of temporary car park for 100 cars and formation of embankment to north and south.	Refused (November 2002)
Z/32223/010/00	Extension to mezzanine floor for office use class B1 and installation of windows on east and south elevations on Unit 2.	Withdrawn (January 2003)
Z/32223/009/00	Installation of three chiller units between industrial Units 1 and 2.	Permitted (December 1997)
Z/32223/008/00	Siting of portable building for use as security gate house.	Permitted (February 1998)
Z/32223/007/00	Construction of security guard gatehouse.	Permitted (August 1997)
Z/32223/006/00	Siting of 13 satellite dishes to the east of Unit 2.	Permitted (June 1997)
Z/32223/005/00	Change of use of 1,234square metres of production space in Unit 2 to offices.	Permitted (May 1997)
Z/32223/004/00	Change of use of existing production space and addition of first floor mezzanines for office use. Alterations to elevations and external staircase, new car parking within service yard, re-siting of sprinkler tank, and new pump house and plant store.	Permitted (November 1996)

Z/32223/002/00	Siting of sprinkler tank and pump house.	Permitted (October 1995)
Z/32223/001/00	Reserved matters pursuant to application 32223, including external appearance, layout and details of roads, footpaths, drainage, street lighting, enclosures, levels, sound insulation, storage of refuse and materials.	Approve the Reserved Matters (June 1995)
Z/32223/000/00	Outline: Redevelopment of land to provide 9568.9sq.m (103,000sq.ft footprint, including an allowance for first floor office accommodation of 10,260sq.ft) of industrial and warehouse floor space (B1c and B8) together with new access, parking and landscaping.	Grant Outline Permission (April 1995)
It is also noted that Unit 1 has benefitted from a prior approval for the installation of solar panels (PN/22/93517).		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None received.		
Parish Council:	No objection.		
Environmental Health:	We would not object to the installation of solar panel to the roof of the premises provided there will be a plan in place prior to works commencing for environmental management including for noise impact to neighbouring dwellings and there will be no glare or adverse reflected light to these once installed. The noise from fitting metal tends to be more disturbing due to the character of how it sounds. A higher frequency of noise and intermittent noise of higher magnitude than the average or ambient noise tends to more adverse and attracts complaints. The Council would of course have to investigate complaints and look for evidence of Best Practicable Means being employed in both the method of the works and how they are being carried out. If action needed to be take using statutory powers, this may delay the completion of the works. We trust that a Construction Environmental Management Plan will therefore prove useful and efficient for the applicant and its contractor. Please include a condition for this.		
Airside Operations:	The Prior notification for the installation of 1,021 roof mounted photovoltaic panels on non-domestic building at UNIT 2, STRATEGIC PARK, COMINES WAY, HEDGE END, has been examined from an aerodrome safeguarding perspective and, with the information supplied, does not conflict with safeguarding criteria. We therefore, have no objection to this proposal.		

Policy:
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 14 (Renewable energy), Class J (installation or alteration etc of solar equipment on non-domestic premises) As per J.4 (1) and (2) the design and impact upon amenity can be considered, this would be assessed against the below policies: Development Plan: <u>Eastleigh Borough Local Plan 2016-2036</u>

Policies: S1 (Delivering sustainable development), S5 (New development within the countryside), S6 (Protection of settlement gaps), DM1 (General development), DM4 (zero or low carbon energy), and DM18 (Extension and replacement of non-residential buildings in the countryside).

Site Visit

Yes ☒

No ☐

10 November 2022. Site photos have also been provided by the agent.

Assessment:

Site & Surroundings

The application site comprises a detached industrial unit, located to the east of Comines Way, and south of Charles Watts Way (A334). There is also another unit (Unit 1) to the south of the application site. Both units are served and accessed by Comines Way via the Kanes Hill Roundabout. The units have associated parking and yard areas and are surrounded by vegetation which comprise designated countryside and settlement gap.

To the south of the application site and Unit 1 are residential properties along West Road, and further east is the M27.

Proposal

Prior notification for the installation of 1,021 roof mounted photovoltaic panels on non-domestic building.

Assessment Against Schedule 2, Part 14, Class J of the GPDO

J Development is permitted by Class J if

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 proposal relates to the addition of solar PV equipment on the roof of a building other than a dwellinghouse or a block of flats (J(c)).

‘Microgeneration’ is defined as 50 kilowatts (in relation to electricity) in the GPDO. The agent has provided information advising that the solar panels will be *0.4KW each, therefore the maximum energy generation will be $0.4 \times 1021 = 408.4kW$* . The proposed electrical output of the development would therefore not be considered ‘microgeneration’.

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

Criteria	Assessment	Compliant?
(a) The solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2m beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope	The building has a pitched roof. The proposed solar panels situated on the pitched roof would not project beyond 0.2m from the roof slope, as shown on drawing referenced ‘Existing & Proposed Sections 22009-A-PL-036 Rev A’.	Complies.

(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 1m above the highest part of the roof (excluding any chimney)	The proposed solar panels would be situated on a pitched roof and therefore this criterion is not applicable.	Not applicable.
(c) the solar PV equipment or solar thermal equipment would be installed on a roof and within 1m of the external edge of that roof	The proposed solar panels would not be located within 1m of the external edge of the roof, as shown on drawing referenced 'Existing & Proposed Sections 22009-A-PL-036 Rev A'.	Complies.
(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	The application site does not fall within Article 2(3) land, nor would the proposals be considered to front a highway.	Complies.
(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as scheduled monument	The application site is not a designated scheduled monument.	Complies.
(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	The application site is not a listed building, nor does it fall within the curtilage of a listed building.	Complies.

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

This section relates to the addition of solar PV equipment or solar thermal equipment being installed on a wall. The proposed solar panels are proposed to be installed on a roof, and therefore the content of this section is not applicable.

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

The agent has advised that the proposed total output would be 408.4kW, this equates to under half a megawatt, thus not exceeding the criteria.

J.4 Conditions

This sets out that Class J development is permitted subject to set conditions.

The below 2 paragraphs have been assessed below:

Criteria	Assessment
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(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.	The proposed solar equipment is almost flush with the roof form and is set in by at least 1m from the external edge. These measures are therefore considered to minimise the overall external appearance of the equipment. In terms of the amenity of the area, the building is set back within the site, with limited public vantage points. Further, and owed to the separation distance between neighbouring properties the impact upon amenities is considered to be limited. A condition is also recommended to be imposed to require the removal of the solar equipment as soon as is 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.	The prior approval application has been submitted by the developer. The LPA consider that prior approval is required, and whilst it is acknowledged that the solar panels would span the majority of the roof, and would have a generic/ utilitarian appearance, given their location and the nature of the host building, the proposals are not considered to be unacceptable, nor inappropriate. With regard to glint and glare, comments have been received from Southampton Airport and the Council's Environmental Health Team whereby this was not raised. EH recommended a condition with regard to noise management to ensure the proposal is acceptable. Overall, it is concluded that prior approval is required, but should be granted as the proposal complies with the relevant criteria of Class J, as well as the relevant policies of the local plan.
Paragraphs 3-12 of J.4 Conditions largely relate to requirements of the developer to submit certain information, and the duties of the Local Planning Authority. The content of these paragraphs has been adhered to.	

Equalities Act:

Section 149 of the Equalities Act 2021 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Climate Change:

National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. The Climate Change and Environmental Implications of this application and their proposed mitigations have been considered.

Conclusion:

The proposal is considered to comply with the requirements of Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. Prior approval is therefore required and granted, subject to conditions.

Recommendation:

**PRIOR APPROVAL REQUIRED
AND GRANTED ☒**

REFUSE ☐