

DELEGATED OFFICER REPORT

Application Ref: PN/22/94146

Site Address: PEI GENESIS (UK) LTD, GEORGE CURL WAY, EASTLEIGH, SO18 2RZ

Case Officer: Rachael Morris

Description: Installation of solar PV panels on non-domestic building.

Particular Site Constraints?	Yes ☒	No ☐
- Aviation safeguarding - Existing employment site - Airport - Within the urban edge		

Planning History?	Yes ☒	No ☐
- Z/29432/000/00 - Outline: erection of 249,000 ft retail park, 62-acre business park, erection of airport terminal building< demolition and alterations to existing industrial buildings – Refuse – Jul 1987 - Z/07535/012/00 - Outline: business, industrial and warehouse development (use classes B1, B2 and B8), associated shops, new distributor road, junctions and access to airport and development areas – Grant outline – Dec 1992 - Z/07535/029/00 - Amendment of condition no.1 of outline permission 7535/12 to allow warehousing (B8) and offices (B1) on southern development site, in accordance with amended statement criteria – Permit – Apr 1996 - Z/07535/029/00 - Amendment of condition no.1 of outline permission 7535/12 to allow warehousing (B8) and offices (B1) on southern development site, in accordance with amended statement criteria – Permit – May 1996 - Z/07535/032/00 - Erection of building for processing centre for royal mail. Reserved matters for outline permission 7535/12 and variation of condition 31 – Approve reserved matters – Sept 1996 - Z/07535/039/00 - Relief from condition 31 of planning permission reference no 7535/12 dated 18dec1992 to allow future building on the site prior to the improvement of junction 5 of the m27 motorway – Permit – Dec 1998 - Z/35405/000/00 - Reserved matters pursuant to outline planning permission 7535/12 for the erection of production facility with ancillary offices and associated access - car parking and landscaping – Approve reserved matters – May 1999 - Z/07535/042/00 - Relief of condition 32 of outline planning permission 7535/12 to permit development without the addition of a fourth lane on the M27 – Permit – Jul 1999 - Z/07535/044/00 - Application for approval of reserved matters pursuant to outline planning permission 7535/12 for the erection of 4no. Units for B1 and B8 uses with access, parking and landscaping – Approve reserved matters – Oct 1999 - A/39073/000/00 - Display of non-illuminated wall mounted sign fronting runway – Consent to advert display – Sept 2002 - A/08/63455 - Display of 3no. Wall mounted signs (2 signs to be internally illuminated) – Consent to advert display – Sept 2008		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Parish Council:	No Comment		
Southampton Airport:	This has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions.		
Environmental Health:	Given the installation will take place in a commercial setting and amongst high levels of noise from these, the airport and roads, and dwellings or other sensitive premises are distant, an impact to these is unlikely. Please include conditions for daytime working only and to		

	use Best Practicable Means of Pollution Control. Just for clarity, we do not advise or offer advice on 'glint' or visual impact of sunlight reflecting from the installation - the airport operator should be consulted on this.
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Site Visit:	Yes ☒	No ☐
Details: 13/01/2023		

Policy: National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM4, DM11, DM14 and DM15. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment: <u>Assessment Against Schedule 2, Part 14, Class J of the GPDO</u> <u>J Development is permitted by Class J if</u> 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)). <u>J.1 Development is not permitted by Class J if:</u> <table border="1"> <thead> <tr> <th>Criteria</th><th>Assessment</th><th>Compliant?</th></tr> </thead> <tbody> <tr> <td>(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</td><td>The proposed panels (approx. 544 panels) are on pitched roof areas. The roof areas will be utilised for the installation of panels mostly with a flat to roof system, not exceeding 0.2m from the plane of the roof slope, as confirmed by the agent.</td><td>Complies.</td></tr> <tr> <td>(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)</td><td>The proposed panels on the small area of flat roof (approx. 126 panels) will use a pitched ballasted system for the panels on the northeast side of the building with these not exceeding 0.4m from the plane of the roof, as confirmed by the agent.</td><td>Complies.</td></tr> </tbody> </table>	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 proposed panels (approx. 544 panels) are on pitched roof areas. The roof areas will be utilised for the installation of panels mostly with a flat to roof system, not exceeding 0.2m from the plane of the roof slope, as confirmed by the agent.	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 panels on the small area of flat roof (approx. 126 panels) will use a pitched ballasted system for the panels on the northeast side of the building with these not exceeding 0.4m from the plane of the roof, as confirmed by the agent.	Complies.
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(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 889-GA-01 Rev 2.	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.	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 content 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 application.

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 output would be a maximum of 268kWp, which equates to approximately quarter of a megawatt, thus not exceeding the criteria.

J.4 Conditions

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

Criteria	Assessment
(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 panels cannot be seen from the perspective of the ground looking up, are mostly screened by existing parapets, and are set in by at least 1m from the external edge. These measures are therefore considered to minimise the overall external appearance of the equipment. The impact upon the building's setting and neighbouring amenities is considered to be limited. A condition will be placed to remove 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. Comments have been received from Southampton Airport and the Council's Environmental Health Team which recommend conditions 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 Policies DM1 and DM4 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.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

Equalities Implications:

Section 149 of the Equalities Act 2010 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

Conclusion:		
Recommendation:	GRANT ☒	REFUSE ☐
Comments ...		