

DELEGATED OFFICER REPORT

Application Ref: PN/23/94979

Site Address: UNIT 1, FLANDERS INDUSTRIAL PARK, FLANDERS ROAD, HEDGE END, SOUTHAMPTON, SO30 2FZ

Case Officer: Alex Webb

Description: Prior Notification application under Class J: Installation of a 100 kWp roof-mounted solar PV system, installed flush with the metal seam roof sheet

Particular Site Constraints?	Yes ☒	No ☐
Nature Conservation - NE - SSSI Impact Risk Zones, EA Flood map (Flood Zone 2, Defences, Flood Zone 3 HRA Screening Criteria (River, SAC, SPA, Ramsar Hazards/other environmental - Environment Agency Surface Water Flooding (30 year extent/100 year extent/ 1000 year extent) EBC Owned Land Aviation safeguarding - Airport Safeguarding Zones Tree Preservation Order (93-E 279-E)		

Planning History?	Yes ☒	No ☐
F/16/77906 - Removal of 8no. parking bays within car park to allow access to new permitted service doors, erection of 2 metre tall boundary fence – permitted 22/04/2016 F/07/59500 - The erection of replacement Ind. Unit comprising 5567 sqm of B1 (Light Industry), B2 (General Industry) and B8 (Warehousing and Distribution) floor space, and associated external works, following demolition of existing industrial building. - Granted 6/6/2007 Z/24611/002/00 Erection of new industrial unit with offices - Granted 29/10/1981 Z/24611/000/00 Industrial and warehouse development - Granted 31/3/1981		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Hedge End Town Council:	No Objection		
Pollution	If the roof panels are installed during ordinary daytime hours and on working days, considering the distance to dwellings and ambient noise, the risk of noise impact from the fitting works appears low. In operation, these panels are passive. Sometimes glint or glare is concern. The roof panels appear to be installed horizontally on a flat roof and so it appears there is no risk of reflected sunlight impact to dwellings. Our highways colleagues may have a similar comment.		
Southampton Airport	No response however, given that the proposal could conflict with safeguarding criteria, a pre-commencement condition in relation to the provision of a glint and glare assessment has been added to the approval.		

Site Visit:	Yes ☒	No ☐
13/04/2023		

Policy:
National Planning Policy Framework Planning Practice Guidance
Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11, DM14 and DM15.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

The site is located within a large industrial estate and contains a large industrial unit. There is a parking area to the front and side of the unit and a number of trees on the boundary of the site. The topography is generally flat and level.

The proposal relates to the installation of a roof mounted solar PV system on the roof of the building and is therefore assessed against Schedule 2, Part 14, Class J of the GPDO:

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

Permitted development

J. The installation, alteration or replacement of -

(c) other solar PV equipment on the roof of a building other than a dwellinghouse or a block of flats

Development is 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;*

The proposed solar panels are to be installed to fit flush with the metal seam of the roofsheets on the pitched roof (which is surrounded by a parapet)

- (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);*

No solar PV equipment is to be installed on a pitched roof. The equipment would not protrude more than 0.2 metres beyond the plane of the 1.5 degree roof slope.

- (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;*

The panels would not be installed within 1 metre of the roof edge as shown on the proposed roof plan (drawing no. 312 Rev B)

- (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.

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

The application site is not designated as an ancient 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*

The proposed solar PV equipment would not 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) – Not applicable to Class J (c)

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 application forms confirm that the proposed output would be a maximum of 100 kWp, which equates to approximately quarter of a megawatt, thus not exceeding the criteria.

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*

The proposed solar PV equipment would not be seen from the perspective of the ground looking up as the panels would be screened by the existing parapets. The panels 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.

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

A condition would be placed on the decision notice 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. The solar panels would cover part 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. Conditions are to be imposed to ensure the glint and glare from the panels 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.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

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: For the reasons set out above, prior approval is granted.

Recommendation:	PERMIT ☒	REFUSE ☐
-----------------	---	--

Comments ...
