

DELEGATED OFFICER REPORT

Application Ref: PN/23/95077

Site Address: Unit 2B School Lane Chandlers Ford, Eastleigh

Case Officer: Rachael Morris

Description: Installation of 630.no photovoltaic panels (500W each/315 kWp across the roof) on pitched roof.

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

Planning History?	Yes ☒	No ☐
- Z/08035/005/00 - Erection of 2no. Industrial/Warehouse Units Following Demolition of Existing – Permit – Nov 1994		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None		
Parish Council:	No Comment		
Southampton Airport:	The Notification for prior approval for the Installation of 630.no photovoltaic panels (500W each/315 kWp across the roof) on pitched roof at 2B School Lane Chandlers Ford, Eastleigh, has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition detailed below: RE1 Submission of Renewable Energy Scheme (RE) No development shall take place until full details of renewable energy schemes have been submitted to and approved in writing by the Local Planning Authority. No subsequent alterations to the approved renewable energy scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of a glint and glare assessment. Reason: Potential for reflection from Solar Photovoltaic (SPV) Systems to cause glare, dazzling pilots or leading them to confuse reflections with aeronautical lights. SPV developers should be aware of the requirements to comply with the Air Navigation Order (ANO) 2016. In particular, developers and Local Planning Authorities (LPA) should be cognisant of the following articles of the ANO with respect to any SPV development regardless of location: • Article 240 – Endangering safety of an aircraft. • Article 221 – Lights liable to endanger. • Article 222 – Lights which dazzle or distract. The potential for SPV installations to cause electromagnetic or other interference with aeronautical Communications Navigational and Surveillance equipment (CNS) must be considered by the SPV developer, in coordination with the CAA, the aerodrome Air Traffic Service provider (ATS), the Air Navigation Service Provider (ANSP) and/or NATS and the MoD, as required. It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Southampton Airport, or not to attach conditions which Southampton Airport has advised, it shall notify Southampton Airport, and the Civil Aviation Authority as		

	specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within CAP 1096 the Guidance to crane users on the crane notification process and obstacle lighting and marking.
--	---

Site Visit:	Yes ☒	No ☐
Details: 23/06/2023		

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: 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:

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)).

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 proposed panels (approx. 630 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	The proposal does not include an area of flat roof.	Complies

equipment would be higher than 1m 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 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 Roof Plan referenced 04.10.22 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.	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 315 kWp, which equates to approximately a third 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 are set in by at least 1m from the external edge and are unlikely to be seen from the ground to any large degree. 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	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

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.

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 who have recommended a condition 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 and Equality Implications

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 ...		