

DELEGATED OFFICER REPORT

Application Ref: PN/26/101425
Site Address: Utilita Head Office , Bournemouth Road, Eastleigh, SO53 3QB
Case Officer: Gregg Chapman
Description: Prior approval application under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of solar photovoltaic (PV) equipment on the roof of the eastern wing of the building

[Please note that the western wing is within Test Valley Borough Council administrative jurisdiction]

Particular Site Constraints?	Yes ☒	No ☐
- Urban Edge - Direction under Article 4 excluding Classes IV(2) and VI(1) from permitted development - Policy DM15 Existing employment sites Adopted Local Plan - Southampton Airport Consultation - Nutrient Neutrality Catchment - HRA Screening - Solent and Southampton Water Special Protection Area (SPA) and Ramsar, the Solent Maritime Special Area of Conservation (SAC) - Solent Mitigation and Disturbance Zone - New Forest Recreation Mitigation and Disturbance Zone		

Planning History?	Yes ☒	No ☐
Z/37737 – ERECTION OF THREE STOREY OFFICE BLOCK (5,608 SQUARE METRES) WITH LANDSCAPING AND PARKING FOR 245 CARS (PART OF APPLICATION SITE FALLS WITHIN THE ADMINISTRATIVE BOUNDARY OF TEST VALLEY BOROUGH COUNCIL) - Approved, August 2003 Z/37737/01 - ADDITION OF SECOND FLOOR LINK, ADDITIONAL OFFICE SPACE TO SECOND FLOOR AND REDUCTION OF STAIR TOWER – Approved, March 2005 F/05/55780 – Construction of new surface car park (21 new spaces) following demolition of part of existing building - Approved, February 2006. A/13/72809 - Display of 2no. Internally illuminated free standing signs – Consent, September 2013.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Parish Council:	No response received		
HCC Highways	No objection		
Southampton Airport	Initial Comments: Request a Glint and Glare Assessment 2 nd Consultation: No comments received		

Site Visit:	Yes ☒	No ☐
Details: 09/07/26		

Policy:

The submission falls to be considered under the terms of Article 3(1) and Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Part of the assessment of the proposal under the Order (condition 3), is *“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...”*

In that respect regard is had to;

**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 and DM14.

Supplementary Planning Documents:

Quality Places; Parking Standards.

Assessment:

Under Article 3(1) and Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), development is permitted for the installation, alteration or replacement of certain solar equipment on non-domestic premises, subject to limitations and conditions.

Paragraph J.4 (4) provides that the Council may refuse an application where it considers that the proposed development does not comply with, or 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 that are applicable to the development in question. These are set out below.

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; **[No, protrusion is shown as 0.15 metres only]**

(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, the roof has a curved profile]**

(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; **[No, the proposed solar panels which are closest to the edge of the roof are 1 metre minimum from the external edge].**

~~(d) deleted by Statutory Instrument 2023 No.1279 (21st December 2023).~~

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or **[No]**

(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. **[No]**

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; **[N/A - no solar panels proposed on a 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 **[N/A - no solar panels proposed on a wall]**

(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. **[N/A]**

J.3 – ~~deleted by Statutory Instrument 2023 No.1279 (21st December 2023).~~

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 **[Applies - Prior approval not required as the solar panels are considered to not be clearly visible from the public realm, given the siting on the roof and existing vegetation and surrounding (frontage) buildings and thus do not impact the external appearance of the building, nor the amenity of the area]**

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

(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.

[Applies - Prior approval not required. The information submitted shows the proposed PV equipment to be located flat to the profile of the shallow curved roof. Due to their location on a tall roof, with a low profile, and the presence of boundary vegetation and other office buildings, they would not be highly visible from the public realm. It would not result in a negative impact in terms of glare for neighbouring land.

The proposal would not give rise to an unacceptable impact from glare upon neighbouring land, the local highway, nor would it be likely to adversely affect air traffic. Southampton Airport were consulted, requesting further information, which was subsequently received. Following further consultation, and the expiry of that period, Southampton Airport have not provided any comment. It is noted that Southampton Airport had no objection to application PN/26/101424 which is in closer proximity to the Airport]

(3) The application must be accompanied by—

(a) a written description of the proposed development; **[Yes]**

(b) a plan indicating the site and showing the proposed development; **[Yes, site location plan and proposed array of solar panels shown on layout plan, along with specifications of the solar equipment submitted on 7th July 2026]**

(c) the developer's contact address; and **[Yes]**

(d) the developer's email address if the developer is content to receive communications electronically; together with any fee required to be paid. **[Yes]**

(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 **[N/A]**

(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. **[N/A, sufficient information has subsequently been provided]**

(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. **[N/A application is recommended 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— **[Yes, a site notice was posted]**

(i) describes the proposed development; **[Yes]**

(ii) provides the address of the proposed development; **[Yes]**

(iii) specifies the date by which representations are to be received by the local planning authority; or **[Yes]**

(b) by serving a notice in that form on any adjoining owner or occupier. **[Yes]**

(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 **[Additional information was requested – scaled plans and elevation plans and a glint and glare assessment and was subsequently submitted on 7th July 2026]**

(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 **[Applies, no comments received]**

(b) (as amended) have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application **[N/A. Prior Approval not required]**

(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; **[Applies]**

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or **[Applies]**

(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 **[Does not apply give 9 a and b]**

(10) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority; **[N/A Prior approval not required]**

(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. **[Applies]**

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. **[Applies, no conditions are imposed other than the conditions that are imposed through the Order]**

(12) When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded **[no public holidays within publicity period]**

Other Matters

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; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality; (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

In conclusion, the proposal complies with Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Prior approval is therefore not required.

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