

DELEGATED OFFICER REPORT

Application Ref: PN/24/96850

Site Address: Utilita Bowl, Marshall Drive, West End, Southampton, SO30 3XH

Case Officer: Summer Sharpe

Description: Installation of 1,044 solar panels across 5no. buildings contained within the Utilita Bowl venue.

Particular Site Constraints?	Yes ☒	No ☐
• Urban edge • Airport safeguarding zone • Surface water flooding • Great Crested Newt Zones (amber & red) • SINC (Telegraph Woods – south/west)		

Planning History?	Yes ☒	No ☐
There have been numerous planning applications at the site.		

Publicity:	Letters ☐	Site Notice ☒	Newspaper ☐
Representations:	<u>1no. Objection, summarised as follows:</u> (a) unreliable power to destabilise national grid, and (b) requiring backup from fossil fuel generators. <u>1no. Comment, summarised as follows:</u> (a) clarification on ambient air temperature/ heat island effect, and (b) waste management/ recycling of solar panels.		
Parish Council:	None received.		
Environmental Health:	<u>Comments 22 April 2024:</u> No objection to the proposal on noise grounds (following the receipt of additional information). <u>Comments 27 March 2024:</u> Is there any plant/ equipment to be installed (other than the panels). Rectifiers and similar will generate and mains hum or buzz, which may or may not be an issue depending on where it is to be sited, and proximity of noise sensitive receptors.		
Airside Operations:	<u>Comments 20 May 2024 (following receipt of Glint & Glare Assessment):</u> The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal. <u>Comments 1 April 2024:</u> Holding objection. If the proposed development contains solar PV panels or large quantities of glass, and is adjacent to the airport or normal aircraft routes, consideration should be given to the possibility of glare or dazzle to pilots and a glint and glare hazard assessment should be requested from the developer.		

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:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), S2 (Approach to new development), DM1 (General development), DM4 (zero or low carbon energy), and WE4 (Land at Ageas Bowl and Tennis Centre, Botley Road, West End).

Site Visit	Yes ☐	No ☒
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Assessment:

Site & Surroundings

The application site relates to 5no. buildings contained within the Utilita Bowl. The Utilita Bowl and grounds are situated to the south of Botley Road and the west of Junction 7 of the M27. To the north and west are residential estates and some commercial centres. To the east is the motorway and a commercial/ industrial estate. To the south is the golf course and associated grounds.

The 5no. buildings subject to this application are positioned around the main cricket grounds. The hotel is to the east, with the east and west stands to the west and wellbeing centres to the south.

Proposal

Prior notification for the installation of 1,044 solar panels across 5no. buildings contained within the Utilita Bowl venue. These buildings comprise;

- 1) Utilita Bowl Hotel
- 2) East Stand
- 3) West Stand
- 4) Wellbeing Centre
- 5) Arthur Holt

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 5no. buildings within the Utilita Bowl, other than a dwellinghouse or a block of flats (J(c)). These buildings comprise; hotel, stadium stands, and health and wellbeing centres.

It is noted that microgeneration of solar thermal and PV equipment is set out in criteria (a) and (b). 'Microgeneration' is defined as 50 kilowatts (in relation to electricity) in the GPDO.

However, as the proposals relate to criteria (c) 'other solar PV equipment on the roof of a building', microgeneration is not engaged. The agent has provided information advising that the solar panels would generate 433.26kW, albeit not defined or required by criteria (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	There are 3no. 'pitched' roofed buildings; (1) Utilita Bowl Hotel, (2) East Stand, and (3) West Stand. The plans show that the proposed solar panels would not exceed 0.2m above the roof.	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)	There are 2no. flat roofed buildings; (4) Wellbeing Centre and (5) Arthur Holt. The plans show that the proposed solar panels would measure approx. 0.35m above the flat roof thus not exceeding 1m.	Complies.
(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 submitted Planning Application Statement and plans show that the proposed solar panels would not be located within 1m of the external edge of the roof.	Complies.
(d) criteria has been removed	-	-
(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 buildings within this application are not listed buildings, nor do they 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 roofs of buildings, and therefore the content of this section is not applicable.

J.3 This criteria has been removed (December 2023).

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
(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.	On the submitted plans, the proposed solar equipment is shown to have limited projection above the respective roof form(s) and would be 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 buildings are all situated within the Utilita Bowl Complex and are not overtly visible from public vantage points. Further, and owed to this 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(s), and would have a generic/ utilitarian appearance, given their location and the nature of their host building(s), the proposals are not considered to be unacceptable, nor inappropriate. With regard to glint and glare, comments have been received from Southampton Airport requiring further information. The agent provided a glint and glare assessment which Southampton Airport have reviewed and raised no objection to. The Council's Environmental Health (EH) also originally requested additional information with regard to noise. Following receipt of that further information, EH raised no objection with regard to noise. Overall, it is concluded that prior approval is required, but should be granted as the proposals comply 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.	

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 ☐