

DELEGATED OFFICER REPORT

Application Ref: PN/25/98714

Site Address: SAINSBURY SUPERMARKET, TOLLBAR WAY, HEDGE END, SOUTHAMPTON, SO30 2UH

Case Officer: David Huckfield

Description: Application for prior approval for a non-domestic, flat roof-mounted solar PV installation (1986 modules are designed for the system. Each panel is rated at 425 W, totalling a system size of 844.05kW) under Schedule 2, Part 14, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Existing Out of Town Retail Store		

Relevant Planning History?	Yes ☒	No ☐
Z/29221/004 – Class A1 retail development and restaurant with associated ground level parking, servicing, access provision, landscaping, petrol filling station and ancillary facilities (outline) – GRANTED 08/07/1991		
Z/29221/006 – Class A1 retail development and restaurant with associated ground level parking, servicing, access provision, landscaping, petrol filling station and ancillary facilities (approval of reserved matters pursuant to outline permission 29221/4) – APPROVED 08/07/1991		
There are no restrictions on the original consents for the store (or any others that subsequently followed for extensions or other alterations) which would prevent the exercising of the permitted development rights conveyed by the GPDO for the development proposed as part of this application.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations	None received		
Hedge End Town Council	No objection		
Environmental Health	<u>Air Quality</u> The proposed installation of solar panels does not involve any activities likely to generate air pollution. As such, there are no concerns from an air quality perspective. However, we stress the importance of adopting best practices and measures to safeguard air quality in the area during construction period. <u>Contaminated Land</u> No disturbance on the ground is anticipated. We have no concerns on this regard. <u>Visual and Glare Impact</u> <i>NB: These comments were provided prior to the submission of a glint and glare assessment.</i> No information has been submitted in relation to glare; however, we do not anticipate glare to be a likely cause of nuisance. In terms of visual impacts, as the solar panels are proposed to be installed in the		

	roof of the buildings, the potential visual impacts are considered negligible. <u>Noise</u> The project description Cor Energy 19/12/24 does not give any information regarding noise generated by the inverters. Although the levels are generally low, if the Noise Sensitive Receptor [NSR] being the residential houses Berrywood Gardens were closer to the proposed installation; we may look at compliance with the Council's standards for fixed plant/machinery. In this case the predominant background noise is that of transportation to the M27 and Berrywood Gardens is separated by Charles Watts Way A334. There will be no increase by the inverters to the background levels on the site and at the NSR, with no noise impact. Therefore, I have no objections to the application.
Southampton Airport	<i>Initial comments:</i> Unfortunately we have been unable to comment fully on the proposed development because insufficient information has been provided concerning: a) The potential impacts of glint and glare from the proposed development on aircraft departing or arriving into Southampton Airport. Please provide us with the information requested above at your earliest convenience. On receipt of the information, we will endeavour to complete our assessment as soon as reasonably possible. <i>Following receipt of a glint and glare assessment:</i> 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. 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 the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome.

Site Visit:	Yes ☒	No ☐
A site visit was undertaken by the Case Officer to assess the proposals in context.		

Assessment of Proposals including Legislative and Policy Background: This application has been submitted under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") and seeks a determination from the Local Planning Authority (LPA) as to whether its Prior Approval of certain matters is required before the development could be implemented and, if so, to obtain that approval. <u>Procedure for the assessment of the application:</u> Article 3 of the GPDO grants planning permission for certain classes of development, subject to specified exceptions, limitations and conditions. Class J of Schedule 2, Part 14 grants permission for the installation, alteration or replacement of solar PV equipment on the roof of non-domestic premises. The relevant exceptions to this, as set out within the GPDO, are considered in the below table.

Criteria	Assessment
Development is not permitted by Class J:	
(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 solar photovoltaic equipment would be installed on a flat roof and this criteria is therefore not applicable.
(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);	The solar PV equipment would project 0.309m above the flat roof on which they would be installed (thereby less than the 1m permitted).
(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 solar PV equipment would be sited more than 1m from the external edge of the roof.
(d) The criteria set out within J.1 (d) of Class J were omitted by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), 6(2).	
(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument;	The application site is not designated as a scheduled 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 building upon which the solar PV equipment would be installed is neither listed nor within the curtilage of a listed building.

Having regard to the above criteria, and based upon the information provided, the LPA are satisfied that the application can follow the prior notification procedure.

Matters for consideration under the GPDO:

Paragraph J.4 (2) of Class J requires that before beginning the development a developer must apply to the LPA for its determination as to whether its Prior Approval 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 these respects, Paragraph J.4 (7) allows the LPA to require the developer to submit such information as the authority may reasonably require in order to determine the application.

NB: Whilst noting the comments of the Council's Environmental Health Officer in respect of contaminated land, air quality and noise, these matters are not amongst those which the GPDO stipulates can be considered as part of this prior approval application and, as such, they cannot therefore be of material relevance to its determination.

Assessment of the proposals:

Design and External Appearance:

The solar panels will be sited on the flat roof of the application premises with a limited degree of projection above its surface (0.309m). This, when taken with the height of the building relative to ground level, along with the surrounding perimeter vegetation which provides screening from higher land in the proximity of the site (for example the M27 motorway and its slip road at junction 7 to the west), will limit the visual impacts of the development on its immediate and wider surroundings. The LPA are therefore satisfied that the criteria stipulated in the GPDO for them to be sited, so far as practicable, as to minimise their effect on the external appearance of the building and the amenity of the area has been met and the proposals are thereby considered to be acceptable in this regard.

Impact of glare:

Given the siting of the solar panels, their profile, and the position of the building relative to neighbouring properties and uses, along with the information contained within the submitted glint and glare assessment, it is not anticipated that glare will be an unacceptable cause of nuisance to the occupiers of neighbouring land and no objection has been raised in this respect by the Council's Environmental Health team.

In addition, and following the submission of the aforementioned glint and glare assessment during the application process, Southampton Airport have confirmed that they have no objection to the proposals in this respect and that there is no conflict with their safeguarding criteria. The matter raised in respect of the potential for the use of cranes during construction and the need to consult the aerodrome in this regard will be added to the decision notice as an informative to bring this to the attention of the applicant.

Other applicable conditions:

Class J of Part 14 of the GPDO sets out standard conditions to which development permitted by this Class is subject to. As well as requiring the submission of an application for prior approval to the LPA, it also stipulates that, where prior approval is required, the development must be carried out in accordance with the details approved by the LPA and that the solar PV equipment shall be removed as soon as reasonably practicable when no longer needed. These conditions will be imposed on the decision notice accordingly.

NB: Class J, Paragraph J.4(1)(a) also requires that solar PV equipment must, as far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area. As noted in the above assessment of the proposals, the LPA are satisfied that, based on the details provided, this criteria has been met.

Other material considerations:

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 and the development plan 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, 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 generation and use of a solar power, a sustainable source of energy.

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: The development is considered to comply with the provisions of the relevant Part of the GPDO and is deemed to be acceptable in relation to the matters that the LPA are able to consider under that Part. It is recommended therefore that Prior Approval be granted.

Recommendation:	GRANT PRIOR APPROVAL ☒	REFUSE ☐
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