

PRIOR NOTIFICATION

PORTSMOUTH WATER

SOLAR DEVELOPMENT AT PORTSMOUTH WATER'S

HEADQUARTER BUILDINGS

Introduction

Tetra Tech Planning have been instructed by Portsmouth Water in connection with a Prior Notification application to determine whether Prior Approval is required for the installation of solar panels at Portsmouth Water's Headquarter building, Brockhampton Road, Havant, PO9 1NU. If prior approval is required, this application also seeks to know whether it is granted.

This Statement provides information on the proposal and demonstrates why the development benefits from the permitted development rights of Schedule 2, Part 14, Class J(c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), hereafter referred to as the GPDO. This Statement should be read in conjunction with the accompanying documents listed below:

- Glint and Glare Assessment (Pager Power, August 2021)
- 90-02012-P01-RE01 Location Plan
- 90-02012-P02-RE01 Existing Plan
- 90-02012-P03-RE01 Proposed Plan
- 90-02012-P05-RE01 Flat Roof Details

Application Site

The site is located to the west of Havant Town centre and east of Bedhampton, (Easting: 471005, Northing: 106274). The site contains an array of commercial buildings associated with the water treatment works and offices and is adjacent to Brockhampton Springs. An aerial view of the application site has been included at **Figure 1** below.

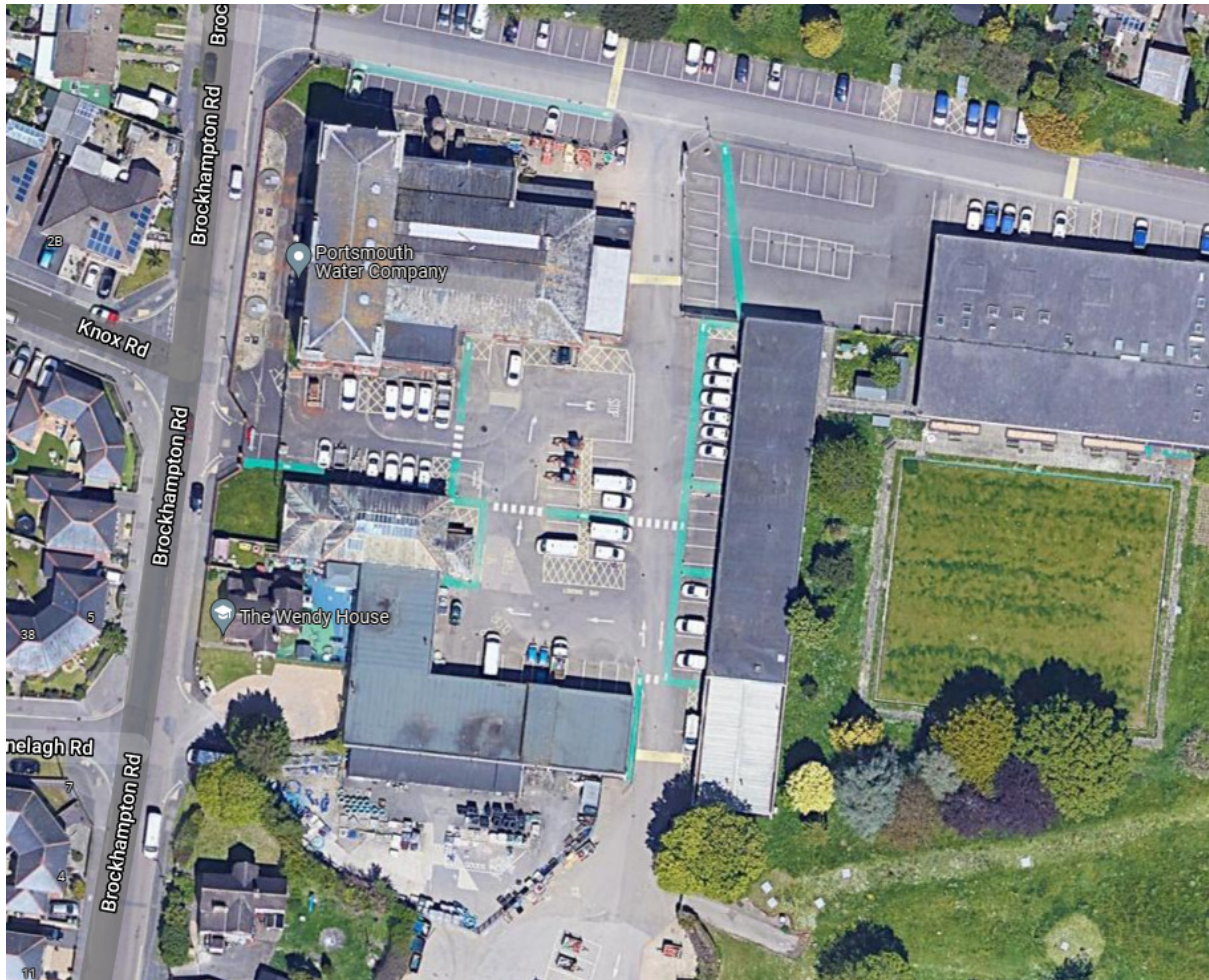


Figure 1: An aerial view of the application Site.

The site lies in Havant Borough Council's Brockhampton conservation area, as shown in **figure 2** below.

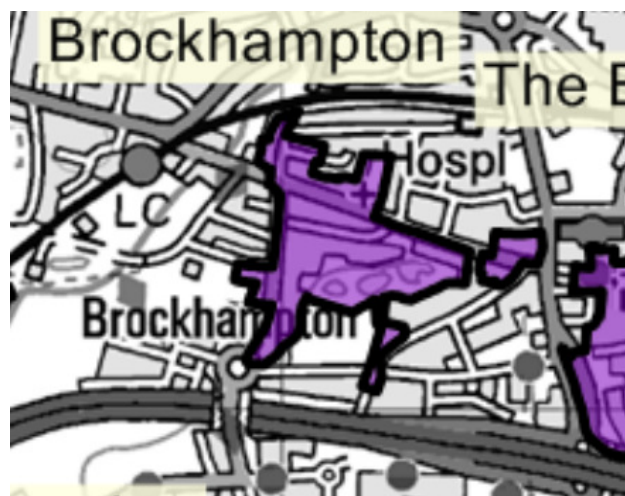


Figure 2 showing HBC conservation area boundary

Proposed Development

It is proposed to install solar panels on the roofs of two buildings within the application site in order to provide the wider operational site with renewable energy. The buildings have been identified below at **Figure 3** as 'Building A' to the east and 'Building B' to the south west of the site.

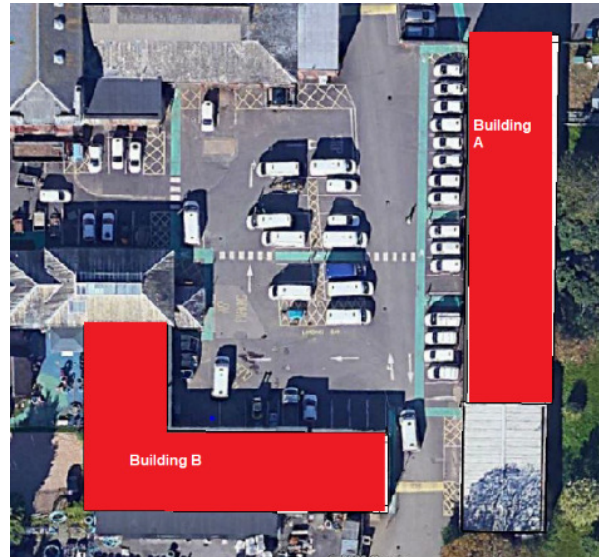


Figure 3: Buildings A and B.

The solar panels are proposed to be installed on sections of the roofs, as shown at **Figure 4** below.



Figure 4: A section of the Proposed Site Plan showing the proposed solar installation in purple.

Compliance with Schedule 2, Part 14, Class J of the GPDO

This section of the Supporting Statement demonstrates that the application meets the necessary requirements of Schedule 2, Part 14, Class J.

Part 14 Class J grants the following permitted development rights:

J. 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.**

Scope of Class J(c)

We consider the proposed development falls within the scope of definition of Part 14, Class J(c) of the GPDO (contained above) for the following reasons:

- The proposed development is to be placed upon the roof of a building that is not a dwellinghouse or block of flats.
- It does not fall within the definition of 'microgeneration' (see below), it is not therefore Class J(a) or J(b) development and falls within 'other solar PV equipment' included within Class J(c).

The GPDO's definition of microgeneration, as stated at Schedule 2, Part 14, P (page 153) of the document, is the same as in Section 82(6) of the Energy Act 2004, reproduced below at **Figure 5** for ease of reference.

- (6) For the purposes of this section "microgeneration" means the use for the generation of electricity or the production of heat of any plant—
- (a) which in generating electricity or (as the case may be) producing heat, relies wholly or mainly on a source of energy or a technology mentioned in subsection (7); and
 - (b) the capacity of which to generate electricity or (as the case may be) to produce heat does not exceed the capacity mentioned in subsection (8).
- (8) That capacity is—
- (a) in relation to the generation of electricity, 50 kilowatts;
 - (b) in relation to the production of heat, 45 kilowatts thermal.

Figure 5: Section 82(6) and 82(8) of The Energy Act 2004

The proposed development would have a total electrical output of 87.2kW which takes it outside the definition of 'microgeneration' as this is over the prescribed 50 kilowatts for electrical generation. It therefore falls outside the scope of Class J(a) and J(b), meaning it is Class J(c) development and subject to the relevant criteria to be considered permitted development.

Meeting the Criteria

Development is **not** permitted by Class J subject to a number of criteria (J.1 a-e, J.2 a-c and J.3), the relevance of the specified criteria to the proposal is set out in **Table 1** below:

Table 1 – Criteria for Permitted Development Rights under Part 14 Class J		
Para	Criteria	Relevance
J.1 (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;	<i>Not applicable</i> – The proposed development is not on a pitched roof (they are flat roofs) and so this criterion does not apply. See category (b) instead for a flat roof.
J.1 (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);	<i>Complies</i> – As supported by the accompanying drawings, the maximum height of the solar installation is 280mm which is less than 1m.
J.1 (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;	<i>Complies</i> – The proposed development does not go within 1m of the external edge of the roof.
J.1 (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;	<i>Complies</i> – Despite being on article 2(3) land (Conservation Area), the proposed development is not on a sloped roof.
J.1 (e)	the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument;	<i>Complies</i> – The proposed development is not on a site designated as a Scheduled Monument.
J.1 (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.	<i>Complies</i> – The proposed development is not on or within the curtilage of a listed building.
J.2 (a)	Development is not permitted by Class J(a) or (b) if 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	<i>Not applicable</i> – The proposed development falls under Class J(c) and not J(a) or J(b).

	measured from the perpendicular with the external surface of the wall;	
J.2 (b)	Development is not permitted by Class J(a) or (b) if 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;	<i>Not applicable</i> – The proposed development falls under Class J(c) and not J(a) or J(b).
J.2 (c)	Development is not permitted by Class J(a) or (b) if 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.	<i>Not applicable</i> – The proposed development falls under Class J(c) and not J(a) or J(b).
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.	<i>Complies</i> – The proposed output of the proposed development is 87.2kW which is less than 1 megawatt.

Compliance with Conditions

Development is only permitted by Class J where it complies with conditions in J.4, compliance with these conditions is demonstrated in **Table 2** below:

Table 2 - Conditions for Permitted Development Rights under Part 2 Class J(c)		
Para	Condition	Compliance
J.4 (1)(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;	<i>Complies</i> – The proposed development is low in profile (280mm) and the buildings on which the equipment is to be sited benefit from an existing visual barrier that exceeds this height so the panels will be barely visible to the public and neighbouring properties. See ‘Glint and Glare Mitigation’ below for more information.
J.4 (1)(b)	the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.	<i>Complies</i> – The solar equipment will be removed as soon as is reasonably practicable when no longer needed.

J.4 (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.	<i>Complies</i> – The application with which this document is submitted satisfies this requirement. This application is accompanied by a Glint and Glare Assessment that confirms, with the necessary mitigation, that the impacts of glint and glare on neighbouring properties is acceptable. See ‘Glint and Glare Mitigation’ below for more information.
J.4 (3)(a)	The application must be accompanied by a written description of the proposed development;	<i>Complies</i> – A written description of the proposed development is contained within this document at page number 3.
J.4 (3)(b)	The application must be accompanied by a plan indicating the site and showing the proposed development;	<i>Complies</i> – The application is accompanied by the following drawings that contain this information: • 90-02012-P01-RE01 Location Plan • 90-02012-P02-RE01 Existing Plan • 90-02012-P03-RE01 Proposed Plan • 90-02012-P05-RE01 Flat Roof Details
J.4 (3)(c)	The application must be accompanied by the developer’s contact address;	<i>Complies</i> - The Local Authority have the contact address of the developer’s agent through which the developer can be contacted.
J.4 (4)(d)	The application must be accompanied by the developer’s email address if the developer is content to receive communications electronically;	<i>Complies</i> – The Local Authority have the email address of the developer’s agent through which the developer can be contacted.
J.4 (4)(a)	The local planning authority may refuse an application where, in the opinion of the authority the proposed development does not comply with any conditions, limitations or restrictions specified in Class J applicable to the development in question.	<i>Noted</i>
J.4 (4)(b)	The local planning authority may refuse an application where, in the opinion of the authority the developer has provided	<i>Noted</i>

	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.	
J.4 (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.	<i>Noted</i>
J.4 (6)(a)(i-iii) + (b)	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— (i) describes the proposed development; (ii) provides the address of the proposed development; (iii) specifies the date by which representations are to be received by the local planning authority; or (b) by serving a notice in that form on any adjoining owner or occupier.	<i>Noted</i>
J.4 (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.	<i>Noted</i>
J.4 (8)(a)	The local planning authority must, when determining an application take into account any representations made to them as a result of any notice given under sub-paragraph (6);	<i>Noted</i>
J.4 (8)(b)	The local planning authority must, when determining an application have regard to the National Planning Policy Framework issued by	<i>Noted</i>

	the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.	
J.4 (9)(a-c)	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; (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or (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.	<i>Noted</i>
J.4 (10)(a-b)	The development must be carried out— (a) where prior approval is required, in accordance with the details approved by the local planning authority; (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.	<i>Noted</i>
J.4 (11)	The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.	<i>Noted</i>
J.4 (12)	When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded.	<i>Noted</i>

Glint and Glare Mitigation

This Prior Notification application is accompanied by a Glint and Glare Assessment that has been prepared by Pager Power and should be read in conjunction with this document. The assessment was wholly desk based and concluded that there would be a moderate impact on three residential properties as a result of the proposed development. The report recommends at paragraph 7.3.1 that mitigation be placed along the western edge of the buildings, the required mitigation location is demonstrated at **Figure 6** below by pink lines.

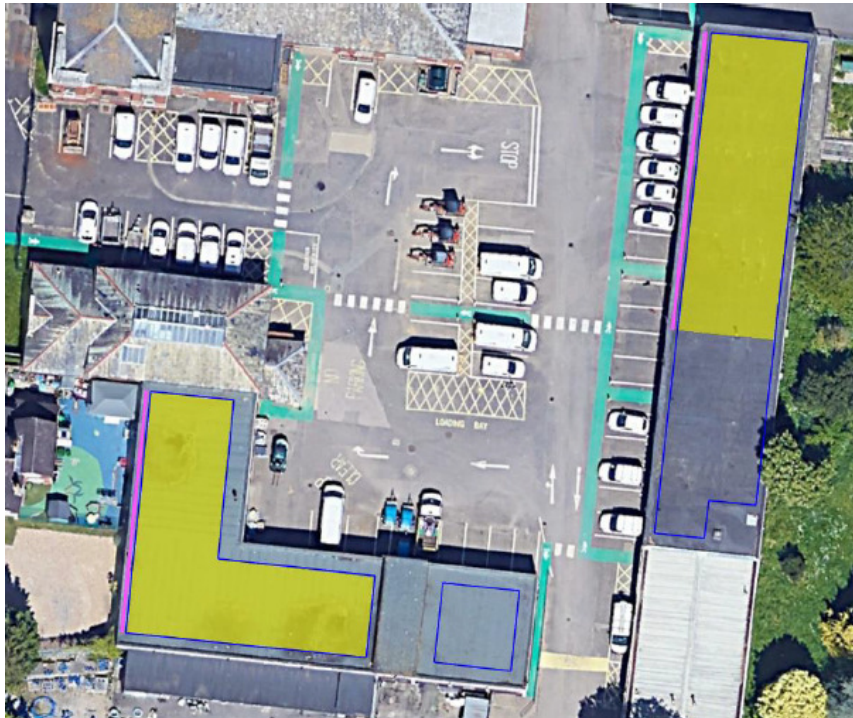


Figure 6: Recommended mitigation locations demonstrated by pink lines.

As the assessment was desk based, the existing façade of the buildings that provide a frontage height above that of the flat roof was not taken into consideration. The below email extract from the consultant at Pager Power, **Figure 7**, confirms that the mitigation is required to be 309mm above the rooftop.

I would reckon that screening placed along the location of the pink lines (i.e. on the rooftop boundary) to at least a height of equivalence of the maximum height of the panels (309mm above the rooftop) would be sufficient to screen views from the ground floor.

Regards,

Aaron Williams | PAGERPOWER Urban & Renewables

Figure 7: Email extract confirming mitigation requirements.

The images below, **Figures 8 and 9**, show the front elevations of both 'Building A' and 'Building B' where the mitigation is recommended. It can be seen from these photographs that there are existing drainage holes into downpipes within the building frontages.



Figure 8: West elevation of Building A.



Figure 9: West elevation of Building B with ‘The Wendy House’ in the foreground.

As a result of the raised façade, the height of the building frontage is greater than that of the roof height, the difference being more than the 309mm recommended for mitigation. For this reason, the mitigation that was recommended in the Glint and Glare Assessment is not necessary as the existing fabric of the buildings achieve the required screening of the proposed panels. Further mitigation is not therefore proposed, and we consider, as per the accompanying report, the impact of glint and glare on neighbouring properties is acceptable. The external appearance of the proposed installation is also considered to be acceptable as the panels will not be visible from the ground and will be barely visible from other vantage points.

Conclusion

The above assessment demonstrates that the proposed solar installation at Portsmouth Water’s headquarter building meets the relevant criteria and conditions of Part 14 Class J(c) to constitute permitted development. If prior approval is required, as per condition J.4 (2), then we consider that this should be granted due to the negligible impact of the proposed development