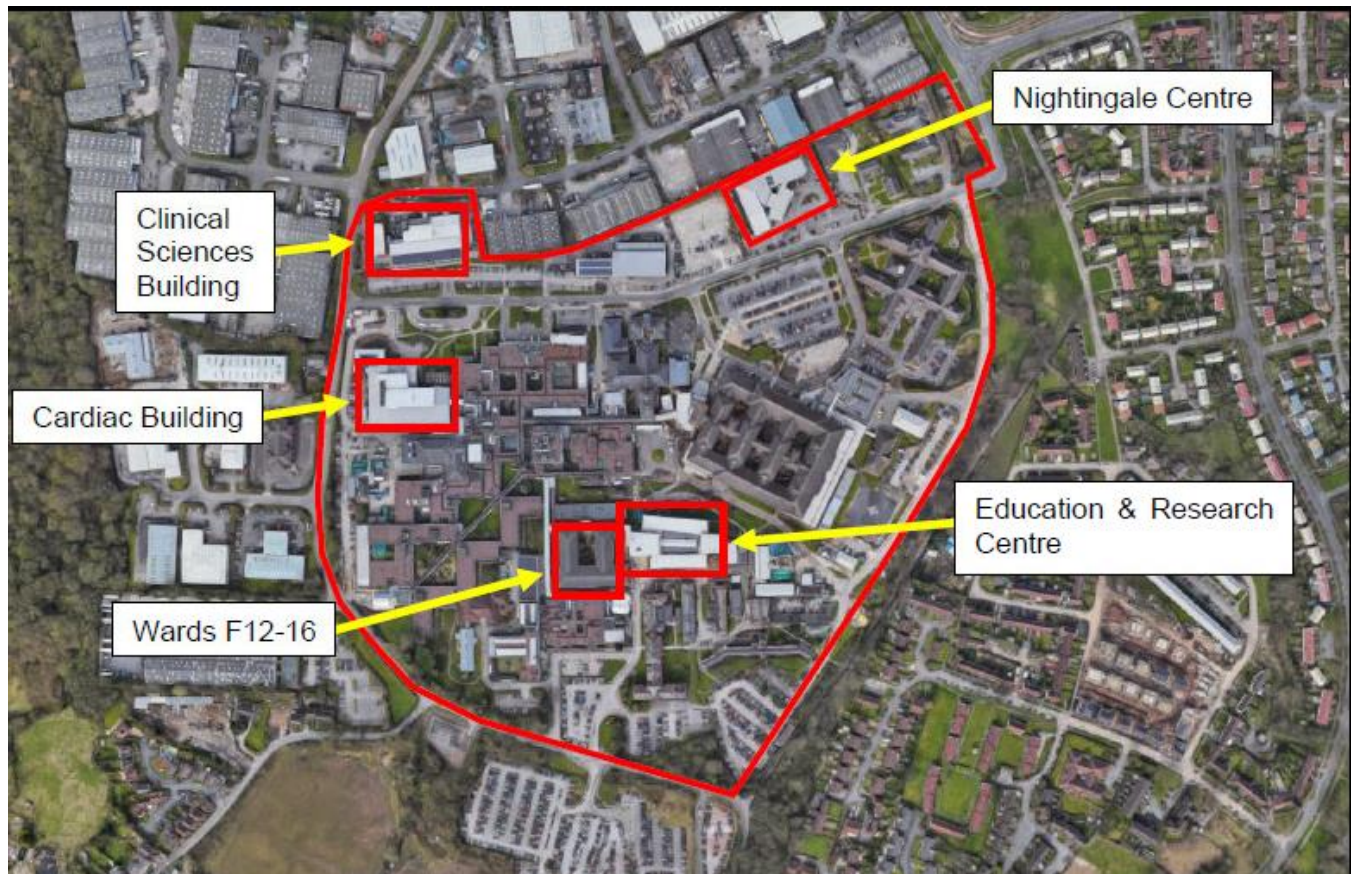


Planning

Growth & Development

Delegated officer report for planning application

Application no. 132669/LP/2022
Date registered valid: 11 January 2022
Proposal: Certificate of Lawful Proposed Development for installation of roof mounted solar array
Address: Wythenshawe Hospital , Floats Road, Manchester, M23 9LT
Ward(s): Baguley Ward
Applicant: Mark Foden Manchester University Foundation Trust International House, Ledson Road, Manchester, M23 9GP
Agent (if any): Mrs Kate McBurney Centrica Business Solutions UK Limited Edison House, 2 Daniel Adamson Road, Salford, M50 1DT
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 28 February 2022



Application details

Type of application: Certificate Lawful Development Proposed
Development type: Certificates of lawfulness
Date of site visit: None for Certificate Lawful Development Proposed
Standard consultations: Printed: 25 January 2022 Expired: 15 February 2022
Neighbour notifications: No neighbour notifications have been printed and sent.
Site notice: No site notice has been produced
Press advert: No press advert had been published
Departure from Development Plan: No
Environmental Statement: Not required
Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of site/building/area

The application site comprises of several buildings across the Wythenshawe Hospital campus which is located on Southmoor Road in the Baguley ward.

The hospital is bounded by the Roundthorn Industrial Estate to the north and west, Jurassic hospital staff car part to the south and by residential dwellings to the east.

Description of development

Installation and implementation of roof mounted 569.5kWp solar PV array at Wythenshawe Hospital. Details of the solar array in terms of location and output are set out below:

Clinical Sciences Building (89.08 kWp)
Cardiac Building (161.84 kWp)
Education & Research Centre (143.14 kWp)
Nightingale Centre (114.24 kWp)
Wards F12-16 (61.2 kWp)

The application notes that the areas where the solar PV panels are to be sited falls within Class B8 (Storage and Distribution) functions within the above areas.

The application is accompanied by a Glint and Glare Assessment which was forwarded to Manchester Airports Group for a determination of the impacts of the proposal on aircraft flying over the site.

Consultations & Notification Responses

Manchester Airport Group – Raised no objection to the proposal.

Issues

Part 14, Schedule 2, Class J of the Town and Country Planning Act (General Permitted Development) Order 2015 (England) (As Amended) applies.

Class J – installation or alteration etc of solar equipment on non-domestic premises

Permitted development

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.

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;
- (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);
- (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;
- (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;
- (e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (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.

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;
- (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
- (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.

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.

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
- (b) the solar PV equipment or solar thermal equipment is removed as soon as 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.

(3) The application must be accompanied by—

- (a) a written description of the proposed development;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer's contact address; and
- (d) the developer's email address if the developer is content to receive communications electronically; together with any fee required to be paid.

(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

(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.

(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.

(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—

(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.

(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.

(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

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(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;

(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.

(10) 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.

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

(12) When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded.

This installation meets section J(c) Permitted Development

Details are provided in the accompanying Glint and Glare Assessment of each PV module orientation and inclination per array per building, as well as building heights above ground. The GGA notes that Trina TSM-DE08M.08 (II) (375 Watt) solar PV panels will be utilised and that the glass material of the modules is best described as lightly textured with Anti-Reflective Coating.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation:

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1)
- 2) Mabbett - Wythenshawe Hospital Glint & Glare Assessment, Project No: 310552 dated 07 December 2021

Appendix 1 – List of consultees & neighbours notified

Manchester Airport Group

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - Wythenshawe PD Restriction - Class B1(a) To C3

Article 4 Direction - Wythenshawe PD Restriction - Class B1(c) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 45M

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH