MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141249/P14J/2024
Date registered valid:	15 October 2024
Proposal:	Prior approval for the installation of Solar PV (Photovoltaic's) system on the roof consisting of 615no. Solar PV Modules
Address:	New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ
Ward(s):	Clayton & Openshaw Ward
Applicant:	Mr Gregg White Rawson EV Power Ltd
Agent (if any):	Mr Gregg White R-EV Power Ltd
Case officer:	Jake Walther Tel: 0161 234 1632 Email: jake.walther@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**10/12/2024**

Application details

Type of application: Prior approval - PV to non-dwelling

Development type: Notifications

Standard consultations:
Printed: 17 October 2024 Expired: 7 November 2024

Neighbour notifications
Printed: 17 October 2024 Expired: 7 November 2024

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

Description of site/building/area
The application relates to the roof of one of the warehouses at the western side of the New Smithfiled Market site. New Smithfield Market is the largest wholesale market in the North West of England occupying a 35 acre site, 4km from Manchester city centre.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development
The applicant is seeking Prior approval for the installation of a Solar PV system on the roof consisting of 615no. Solar PV Modules

Consultations & Notification Responses
Airport Safeguarding – No objection to the proposal.

Neighbouring residents, as per appendix 1 – No comments of objections received.

Policy
Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 relates to the instillation or alteration of solar equipment on non-domestic premises. This allows the instillation, alteration or replacement of:

a. Microgeneration solar thermal equipment on a building;
b. Microgeneration solar photovoltaic equipment on a building; or
c. Other solar photovoltaic equipment on the roof of a building, other than a dwellinghouse or a block of flats.

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;

Complies - The submitted planning documents state that the proposed equipment will not protrude more than 0.2m from the plane of the roof slope of the building where installed on a pitched roof.

(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);

Complies – The Solar PV panels would be installed on pitched roofs.

(c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;

Complies - The minimum offset of 1000mm from the external edge of the roof will be achieved in all locations.

(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;

Complies - The site is not within on article 2(3) land.

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

Complies - The site is not designated as a scheduled monument.

(f) The equipment will not be installed on a listed building or a building within the curtilage of a listed building.

Complies - The building is not listed. The capacity of the solar PV equipment installed to generate electricity at the site does not exceed 1 megawatt.

The solar PV equipment has been sited so as to minimise its effect on the external appearance of the building and the amenity of the area.

In addition, it is not considered that the installation would give rise to impacts in respect of glare on occupiers of neighbouring land.

As a result, the application proposals meet the requirement of Class J of Part 14, schedule 2 of the General Permitted Development Order 2015 as amended.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 polices 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: Approve

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

1) The proposed development raises no adverse issues in respect of external appearance, glare or the general visual amenity of the area and accords with the requirements of Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

   Therefore, consent is hereby granted in accordance with the following information submitted as part of planning application referenced 141249/P14J/2024;

   Received on the 15 October 2024:
   - Supporting Information x8 - Indicative Solar PV Panel Plans
   - Drawing - Site Plan
   - Application Form (Ref: PP-13486641)

2) If the solar PV equipment or solar thermal equipment is no longer required, it will be removed as soon as reasonably practicable.

Appendix 1 – List of consultees & neighbours notified

Manchester Airport Safeguarding Officer

B2-3, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
J Sykes Ltd, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
J7, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
J4, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
J3, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
J2, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
J5-6, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
A2-3, New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ
C1-3, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
Office At H5, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
H6, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
H7, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
Stall At G5, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
Office At G5, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
B1, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
J1, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
A4, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
Stall At H5, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F14, New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ
F13, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F11-12, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F10, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F9, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
Office At D3, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
Office At D1-2, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
Stall At D1, New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ
Stall At D2-3, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA