

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138920/P14J/2023

Date registered valid: 26 January 2024

Proposal: Prior Approval application for the installation of 192no. rooftop Photovoltaic modules

Address: The Pavilion, Towers Business Park, Wilmslow Road, Manchester, M20 2LS

Ward(s): Didsbury East Ward

Applicant: Mr Liam Moses Kennedy Wilson

Agent (if any): Mr Oliver Hughes Knight Frank

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21/02/2024

Application details

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

Development type: Notifications

Date of site visit: 30/01/2024

Standard consultations:

No consultations have been printed and sent.

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

Description of site/building

Proposal is related to the The Pavilion office building in the Tower Business Park.

Listed building: Not applicable

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: Not applicable



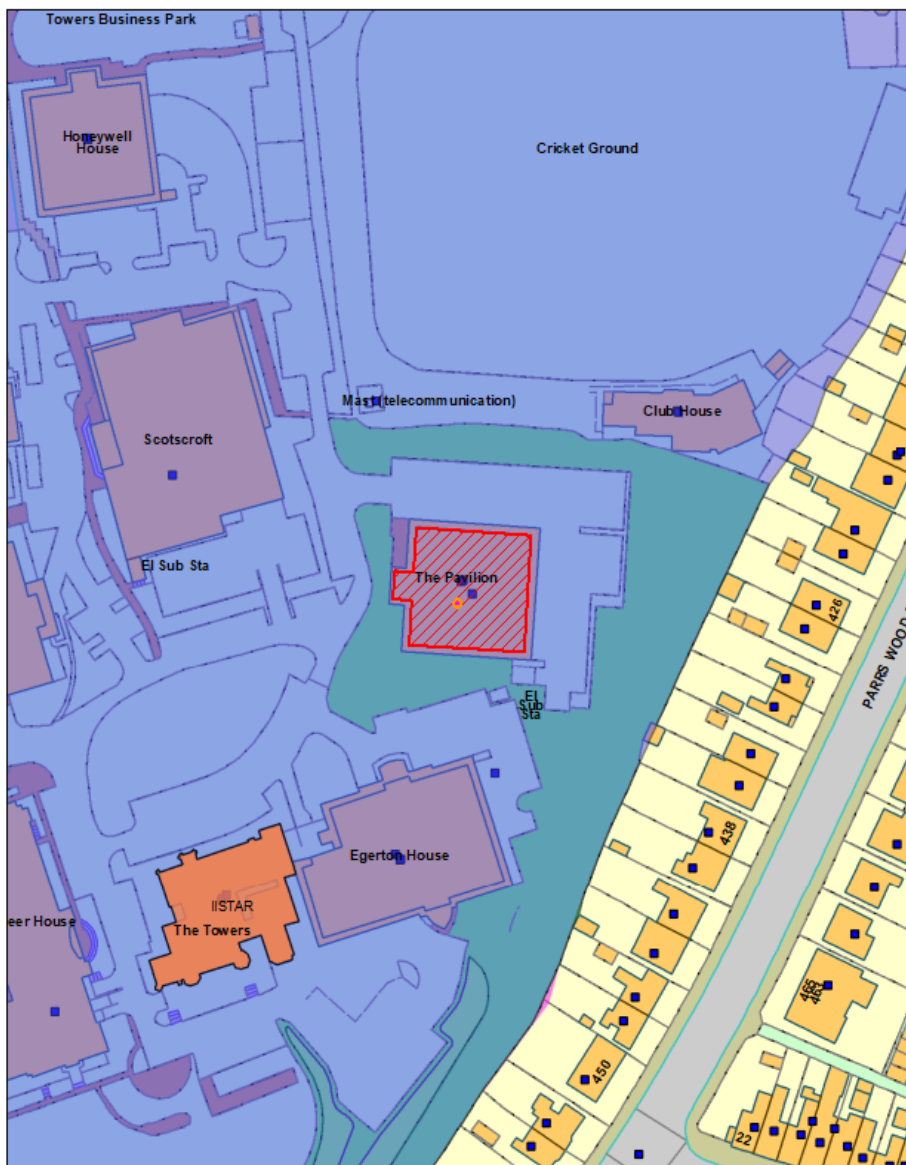
Figure 1. Entrance from Wilmslow Road



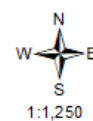
Figure 2. The Pavilion

Description of area

The proposal building is located within the Towers Business Park in the Didsbury East ward of Manchester. The business park sits within the Didsbury St James Conservation Area. Towers Business Park features the Grade II* The Towers (Shirley Institute)



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Description of development

Installation of 192 rooftop PV modules, with an installed DC power of 82.56kWp (60kW max AC achieved power).

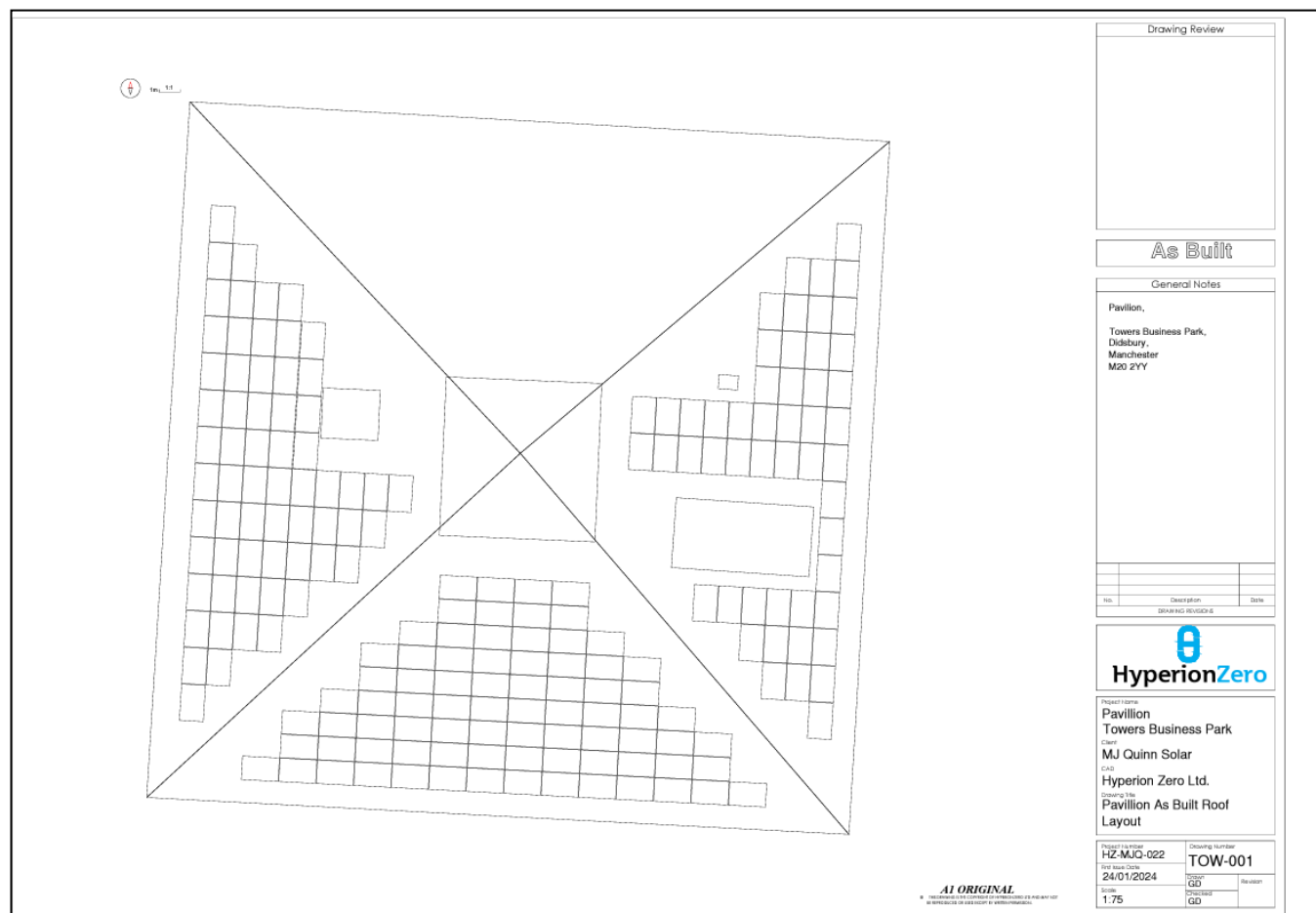


Figure 3. Roof PV Plan

Planning History

137775/TPO/2023

Works to trees - G1 remove epicormic shoots on limes on Kingston Rd; G1/2 Maple remove dead branches greater than 30mm; G1/3 Chestnut remove dead branches greater than 30mm; G1/15 remove dead branches greater than 30mm; G1/31 Done 2022

G1/32 Lime remove dead branches greater than 30mm ; G1/49 Ash fell to ground level; G1/50 fell to ground level

1/49 fell to a low stump; G2/40 Remove dead branches of a dia. greater than 50mm; G3 Limes remove major deadwood;

9 Clear pathways through low vegetation to enable clear views of larger tree stem; G10/34 Maple dead fell to a low stump

G10/37 Beech fell to a low stump; G11 Lift crown/s to provide a minimum 3m ground clearance - over car park; G13/22 Sycamore fell to a low stump; G13 remove major deadwood

Decision: No Objection 27/10/2023

122143/TCA/2018

Works to trees - proposed works to various trees across the site and felling of a dead Lawson Cypress (G11)

Decision: No Objection 02/01/2019

116481/FO/2017

Creation of 52 additional car parking spaces (45 spaces net gain) within the Towers Business Park, including the creation of a 32 space decked car park to the south of Scotscroft House.

Decision: Approved 12/03/2018

110702/TPO/2015/S2

Works to trees - proposed removal of Beech (T3) and Sycamore (T5)

Decision: Approved 02/02/2016

105267/NMC/2014/S2

Non-material amendments to application 103435/JO/2013/S2 to allow for amendments to the central piazza landscaping scheme

Decision: Approved 29/04/2014

104967/TCA/2014/S2

Works to trees - proposed pruning of group of trees adjacent to Didsbury Cricket Ground

Decision: Approved 01/04/2014

103435/JO/2013/S2

Variation of planning conditions 2, 3, 4, 5, 11, 13 and 14 of planning permission 101468/FO/2013/S2 to allow phased implementation of the development, alterations to the schedule of works to trees, phased works to car parking (including decked car park) and allow

details of fumes and acoustic insulation to be agreed prior to the first occupation of the development.

Decision: Approved 04/11/2023

103433/JO/2013/S2

Variation of condition no.2 attached to planning permission ref: 101042/FO/2012/S2 to allow repositioning of refuse storage and smoking shelter and reduction in the length of the living wall.

Decision: Approved 18/10/2013

101042/FO/2012/S2

Replacement of existing refuse, cycle storage and smoking shelters with new facilities site wide and creation of living walls at Kingston House and Honeywell House

Decision: 10/01/2013

Consultations & Notification Responses

Consultations

Manchester Airport Safeguarding

Manchester Airport Safeguarding were consulted on this application due to the proximity of the airport.

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria. They have no objections.

Notifications

Site Notice

As per Appendix 1, a public site notice was posted.

No one commented, objected, or gave their opinion on this application.

Policies & Principle

Summary of relevant policy

Applications for planning permission must be assessed against the local development plan, unless there are important reasons not to, as stated in planning law.

The application's principle is determined in law. The local planning authority can check the proposal within the following law.

In considering this application, we consider the following policies relevant.

National

- [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)
 - This order is a statutory instrument, applying in England, that grants planning permission for certain types of development (such development is then referred to as permitted development)
 - Schedule 2, Part 14 Renewable Energy
 - Class 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.
- [The National Planning Policy Framework \(The NPPF\)](#) - The Government released the NPPF on March 27, 2012, and updated it on September 5, 2023. Here, you can find the government's planning policies for England. It also explains how to apply them. We consider the following sections relevant to this proposal.
 - Section 4 – Decision-making
 - Section 6 – Building a strong, competitive economy
 - Section 12 – Achieving well-designed places
 - Section 14 - Meeting the challenge of climate change, flooding and coastal change
 - Section 16 - Conserving and enhancing the historic environment

Principle of the development

This proposal falls within Schedule 2, Part 14 Renewable Energy, of the Town and Country Planning (General Permitted Development) (England) Order 2015. In particular the rule pertaining to Class J development consisting of installation or alteration etc of solar equipment on non-domestic premises.

The principle of the proposal is accepted, and the local planning authority can assess the proposal as a prior approval, against conditions set out in the legislation in the following section.

Town and Country Planning (General Permitted Development) (England) Order 2015

Schedule 2, Part 14 Renewable Energy – Class J – installation or alteration etc of solar equipment on non-domestic premises

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;*

The applicant has confirmed the proposal will protrude no more than 200mm beyond the plane of the roof when measured perpendicular with the external surface.

- 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);*

Not applicable

- 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 applicant has confirmed the proposal will be installed over 1 metre from the external edges of the roof.

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

The site is not a scheduled 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 site is not a listed building. Grade II* The Towers (Shirley Institute) is close to the site but not within the curtilage of the application.

[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;*

Not applicable. The proposal is on a roof.

- 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*

Not applicable. The proposal is on a roof.

- 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.*

Not applicable. The proposal is on a roof.

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*

The applicant has confirmed that the PV equipment will be sited so as to minimise as far as practicable its effect on the external appearance of the building and the amenity of the area.

b. the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

A condition has been added to ensure this happens.

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. written description of the proposed development; b. 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.*

The applicant has provided the information as required and paid the necessary fee for the application to be assessed.

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.

The applicant has provided the required information to assess the proposal as complying with the particulars of the legislation.

- 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.*

Not applicable. The applicant has provided the information as required and paid the necessary fee for the application to be assessed.

- 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.*

A site notice was posted on 30/01/2024 and expired 20/01/2024

- 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.*

The applicant has not been asked to provide any more documents or information 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*

The Manchester Airport Safeguarding Officer was notified of the proposed development as the site is located in a Manchester Airport safeguarding zone. The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria. They have no objection subject to informatives added to the decision to ensure Aircraft safety.

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

See following section.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework explains the government's planning policies for England. It also explains how to use these policies.

At all stages of the application, we have adhered to and considered the NPPF.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 6 - Building a strong, competitive economy

Section 6. of the NPPF outlines the development management principles to help create the conditions in which businesses can invest, expand, and adapt.

Section 12 - Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 12 outlines how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

Section 16 - Conserving and enhancing the historic environment

Section 16 of the NPPF outlines the development management regarding heritage assets.

Considering potential impacts (Para. 199-208)

These paragraphs outline when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The site is located within the Didsbury St James Conservation Area and close to the Grade II* listed The Towers (Shirley Institute). The proposed PV would have less than substantial harm to the listed asset and wider conservation area especially given the context of a busy business park.

We consider this proposal to accord with the principles of the NPPF.

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 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.

Conclusion

Prior approval – Schedule 2, Part 14, Class J

The proposed development raises no adverse issues in respect of external appearance, 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.

Recommendation: Approve

Approval is hereby granted in accordance with the following drawings and documents:

- | | | |
|------------------------|-------------|-------------------------------|
| a. Application Form | 27 Dec 2023 | APPLICATION FORM |
| b. Drawing - Proposed | 26 Jan 2024 | TOW-001 PAVILLION ROOF LAYOUT |
| c. Drawing - Site Plan | 27 Dec 2023 | |

Condition(s) to be attached to decision for Approval

1. Removal when no longer required.

The solar PV equipment or solar thermal equipment will be removed as soon as reasonably practicable when no longer required.

Reason: to ensure compliance with the Town and Country Planning (General Permitted Development) (England) Order 2015.

Informative(s) to be attached to decision for approval.

1. Airport – Bird proofing

Care should be taken to prevent birds inhabiting the space between the roof and solar array as to prevent an increase in the bird strike risk at Manchester Airport.

Appendix 1 – List of consultees & neighbours notified

Manchester Airport Safeguarding Officer

Appendix 2 – Planning constraints

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

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Conservation Area - Didsbury St James Conservation Area 1970

Area Team Boundary - Name: SOUTH AREA