

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138272/FH/2023
Date registered valid: 28 November 2023
Proposal: Installation of photovoltaic panels to roof.
Address: 3 Claremont Avenue, Manchester, M20 1JN
Ward(s): Didsbury West Ward

Applicant: Mr Jareth Keenan
Agent (if any): Mr Kurk Mayhew Heatable
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 22 January 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 14 December 2023

Standard consultations:

Printed: 30 November 2023 Expired: 21 December 2023

Neighbour notifications

Printed: 30 November 2023 Expired: 21 December 2023

Site notice

Posted: 14 December 2023 Expired: 7 January 2024

Press advert

Published: 5 December 2023 Expired: 19 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order: No

Description of area

The application site relates to 3 Claremont Avenue located within the south Manchester ward of Didsbury West. The application site relates to a new build, three storey detached dwellinghouse contemporary in design built in a mix of red brick, white render and cladding to the flat roof third storey element. The property benefits from a terrace accessible from the third storey element, a front paved driveway and private rear garden bounded by timber fencing.

The applicant site sits to the northern edge of the Albert Park Conservation Area. This part of the Conservation Area comprises of a mix of buildings styles, from the traditional terraced dwellings of nos. 2 to 12 Claremont Avenue to the modern apartment blocks of Lapwing Court, Brankgate and Jack Edwards Court. To the north of the applicant site sits the Metrolink line and Lapwing Lane is sited to the south of the site.

Description of development

The submitted application seeks planning permission for the installation of photovoltaic panels to roof. The PV panels would sit upon the sloped flat roof element of the third storey of the property. 16 PV panels would be installed using Renusol + modules. The solar panels would fit on triangular shaped bases with the base stand having dimensions of Height: 390 x Length:

2039 x Width: 961 mm. A photo of the product was provided for consideration, as was a system datasheet. The data sheet confirmed the product would be a freestanding ballasted PV mounting system and would be made of HPDE, aluminum and stainless steel materials.

Planning History

Although no planning history exists for no.3 Claremont Avenue, the following history can be found for the development of the wider site:

080259/FO/2006/S2- Land Off Claremont Avenue- Erection of three x 3 storey detached dwellinghouses with associated parking and landscaping.
Approved 13 December 2006.

Neighbouring property no.1 Claremont Avenue also benefits from PV panels. However, no planning history for this element of works can be found on the system.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Transport for Greater Manchester

Transport for Greater Manchester (Metrolink) were consulted on the application and provided the following response:

Metrolink have no comments to make in respect of this application.

West Didsbury Residents Association

West Didsbury Residents Association were consulted on the application and no responses were received.

Issues

POLICY

The National Planning Policy Framework (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective and
- c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities.
- ii. Chapter 12. Achieving well-designed and beautiful places.
- iii. Chapter 14- Meeting the challenge of climate change, flooding and coastal change
- iv. Chapter 16- Conserving and enhancing the historic environment.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are Policy DM1 (Development Management), Policy SP1 (Spatial Principles) and Policy EN1 (Design Principles and Strategic Character Areas), Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development), Policy EN5 (Strategic Areas for low and zero carbon decentralised energy infrastructure), Policy EN6 (Target Framework for CO2 reductions from low or zero carbon energy supplies), Policy EN7 (Energy Infrastructure opportunities low and zero carbon decentralised energy schemes), Policy EN8 (Adaptation to Climate Change), EN3 (Heritage).

Saved Unitary Development Plan for Manchester (1995)

DC18.1 The Council will give particularly careful consideration to development proposals within Conservation Areas.

a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

- i) the relationship of new structures to neighbouring buildings and spaces;
- ii) the effect of major changes to the appearance of existing buildings;
- iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
- iv) the effect of signs and advertisements;

v) any further guidance on specific areas which has been approved by the Council.

b. The Council will not normally grant outline planning permission for development within Conservation Areas.

c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.

d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.

e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Reasons- The Council is to pursue the above policies to encourage and help ensure the protection, preservation and enhancement of its Conservation Areas, which are areas of special character representing the rise and development of the world's first industrial city. The protection of such areas helps stimulate local pride and encourages both tourism and further investment. The policy gives effect to the obligation placed on the Council by statute to give

particular attention to the quality of developments within conservation areas, and reflects the general policy objectives set out in policy E3.8 in this plan.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

The following policies are relevant:

- i.JP- S1- Sustainable development
- ii.JP- S2 – Carbon and energy
- iii.JP- S5 – Flood risk and the water environment
- iv.JP- H1 – Scale, distribution and phasing of new housing.

ISSUES

Principle of Development

The submitted application seeks planning permission for the installation of photovoltaic panels to roof. The equipment installed to lessen the property's carbon footprint through an increased use of renewable / green energy sources is acceptable given the Council's commitment to reducing the carbon emissions of the city and reaching its net zero-carbon target by 2038. As such, the proposal is considered pursuant to policies EN4, EN5, EN6, EN7 and EN8 of the Core Strategy (2012). As such, the principle of development is considered acceptable and Permitted Development rights for similar solar equipment projects are available for use by a dwellinghouse. However, consideration must also be given to the proposal's appearance and impact upon visual and residential amenity and the impact to the Albert Park Conservation Area. The issues will be discussed in detail below.

Visual/ Residential Amenity

The PV panels would sit upon the slightly sloped flat roof element of the third storey of the property and would involve the insertion of 16 PV panels would be installed using Renusol + modules. The applicant site is sited to the north of Lapwing Lane and bounded to the north by the Metrolink line.

Any impact in terms of amenity would be felt in a visual sense. No loss of light or privacy implications would arise due to the nature of the proposal. The property sits at a hidden position from Lapwing Lane and sits within the cul-de-sac of Claremont Avenue. Claremont Avenue on the southern side relates to a row of terraced, red brick, two storey dwellinghouses. Since the neighbours opposite reside within two storey dwellinghouses, it would be unlikely a view of the PV panels at third storey would be visible from within the neighbour's properties. Due to the proximity of the neighbours no.1 and no.5 Claremont Avenue, it is unlikely the proposal would be easily visible from the neighbours' external amenity spaces. The proposal is most likely to be visible from further away and maybe visible from the properties of Jack Edwards Court and within the front amenity spaces of properties along Moorland Street. However, given the proposal would be sited at a height and given each of the PV panels would have a maximum height of 417mm it is not considered to create an overbearing feature to the detriment of the neighbouring properties. Any harm would not be considered so severe to warrant a refusal on the scheme.

Overall, the benefits of carbon reduction to the applicant site is considered to outweigh any harm to visual amenity. It is considered the proposed development is acceptable in terms of the National Planning Policy Framework (NPPF), Manchester's Core Strategy, including policies DM1, EN4, EN5, EN6, EN7 and EN8.

Design and Appearance

When considering the acceptability of the proposal, consideration should be given to Permitted Development rights for similar proposals. Permitted Development rights under Part 14 Renewable Energy- Class A allow the installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on a dwellinghouse. As such, the principle of development is already accepted. However, if the solar equipment is to be installed on a flat roof on Article 2(3)* land then the developer must apply to the local planning authority for prior approval. Whilst the current application has been made via a Householder application, it is still considered acceptable given an application has been made for the LPA to review. Although the equipment at a distance would be visible as it would be sited on a flat roof and sited within the streetscene, it is the most appropriate position for the equipment to be sited.

The solar panels would fit on triangular shaped bases with the base stand having dimensions of Height: 390 x Length: 2039 x Width: 961 mm. The equipment is utilitarian in appearance- a freestanding ballasted PV mounting system and would be made of HPDE, aluminum and stainless steel materials. Whilst the use of HPDE would contrast the more traditional materials within the surrounding area, the contrasting materials would be in keeping with the contemporary nature of the host property. The use of HPDE would be limited in its coverage and not easily visible from the streetscene. It is also necessary for the equipment to work appropriately- the benefits associated with the proposed solar panels cannot be achieved without the structure. Therefore, the design and appearance is considered pursuant to Policy DM1 of the Core Strategy.

Sustainability and Carbon Emission Reduction

Pursuant to policies EN4, EN5, EN6, EN7 and EN8, photovoltaic panels to roofs can help to lower carbon footprints as it uses a renewable, natural source of heat – the sun. It can lead to an increased reliance on green / renewable energy for the use of 3 Claremont Avenue, which is considered to accord with policy EN5 of the Core Strategy and chapter 2 of the NPPF, by reducing the building's carbon footprint and emissions.

Impact to the Albert Park Conservation Area

The applicant site sits to the northern edge of the Albert Park Conservation Area. This part of the Conservation Area comprises of a mix of buildings styles, from the traditional terraced dwellings of nos. 2 to 12 Claremont Avenue to the modern apartment blocks of Lapwing Court, Brankgate and Jack Edwards Court. To the north of the applicant site sits the Metrolink line and Lapwing Lane is sited to the south of the site.

Given the property sits within the development site of 1-5 Claremont Avenue which is characterised by contemporary dwellinghouses, it shows how the Albert Park Conservation Area can develop with more modern additions. The proposal would be in keeping with the contemporary style of the host property and any adverse impact to the surrounding setting would be outweighed by the need to help achieve Manchester's targets of becoming carbon neutral by 2038.

The proposal would not affect the views of the Conservation Area. From the junction of Pandora Street and Lapwing Lane the host property is not easily visible due to its hidden location. Whilst the side elevation of the property may be visible from a small alleyway leading off on Burton Road onto Moorland Road, the proposal is not considered to create a significant amount of harm beyond that already caused by the property with contrasting materials.

In addition, the equipment would be viewed in connection with similar equipment seen at 1 Claremont Avenue, although no formal planning history can be seen for this element.

Given the above, it is considered that the development would have a neutral impact on the character and appearance of the Albert Park conservation area and any less than substantial harm to the conservation area would be of a very low degree. Any harm caused would be significantly outweighed by the provision of a zero-emission energy source for 3 Claremont Avenue, especially given the regulations available through Permitted Development rights.

Conclusion

Given the above issues, it is considered that the proposal is acceptable in terms of its principle, appearance, and impact upon existing levels of visual and residential amenity, sustainability and impact on the Albert Park Conservation Area, as it broadly complies with policies SP1, DM1 and EN4-EN8 of the Core Strategy and the NPPF and EN3 of the Core Strategy and DC18 of the UDP in relation to conservation.

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.

Recommendation: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. Officers have worked with the applicant/agent in a positive and proactive manner and appropriate conditions have been placed on the approval granted.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

-Supporting Information- Product Specification, stamped as received by the City Council as Local Planning Authority on 9 October 2023.

-Drawing- Site Plan- PV (Solar) Site Information, stamped as received by the City Council as Local Planning Authority on 9 October 2023.

-Photo, stamped as received by the City Council as Local Planning Authority on 9 October 2023.

-Application Form, stamped as received by the City Council as Local Planning Authority on 10 October 2023.

-Drawing- Proposed- Elevation Drawings and Rood Plan with Panels, numbered x4, stamped as received by the City Council as Local Planning Authority on 1 December 2023.

-Supporting Information- Planning Statement, stamped as received by the City Council as Local Planning Authority on 1 December 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved policies DC26 of the Manchester City Councils Unitary Development Plan and policy DM1 & SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

3) The development shall be constructed only using the approved materials:

-Supporting Information- Product Specification, stamped as received by the City Council as Local Planning Authority on 9 October 2023.

-Photo, stamped as received by the City Council as Local Planning Authority on 9 October 2023.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policy DM1 of Manchester's Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Transport For Greater Manchester
West Didsbury Residents Association

5 Claremont Avenue, Manchester, M20 1JN
1 Claremont Avenue, Manchester, M20 1JN
12 Claremont Avenue, Manchester, M20 1JN
10 Claremont Avenue, Manchester, M20 1JN
8 Claremont Avenue, Manchester, M20 1JN
6 Claremont Avenue, Manchester, M20 1JN
4 Claremont Avenue, Manchester, M20 1JN
2 Claremont Avenue, Manchester, M20 1JN

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Albert Park Conservation Area 1988
Area Team Boundary - Name: SOUTH AREA