

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137434/P14J/2023
Date registered valid:	26 June 2023
Proposal:	Prior notification application for the installation of photovoltaic equipment to the roofs of existing student accommodation.
Address:	Dale House, Naylor Halls, Vine House & Warde Halls, Birley Fields Campus, Bonsall Street, Manchester, M15 6GU
Ward(s):	Hulme Ward
Applicant:	Manchester Metropolitan University
Agent (if any):	Miss Jennifer Chatfield, Deloitte
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	9 August 2023

Application details

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

Development type: Notifications

Date of site visit: 10 July 2023

Standard consultations:

Printed: 4 July 2023 Expired: 25 July 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 10 July 2023 Expired: 31 July 2023

Press advert

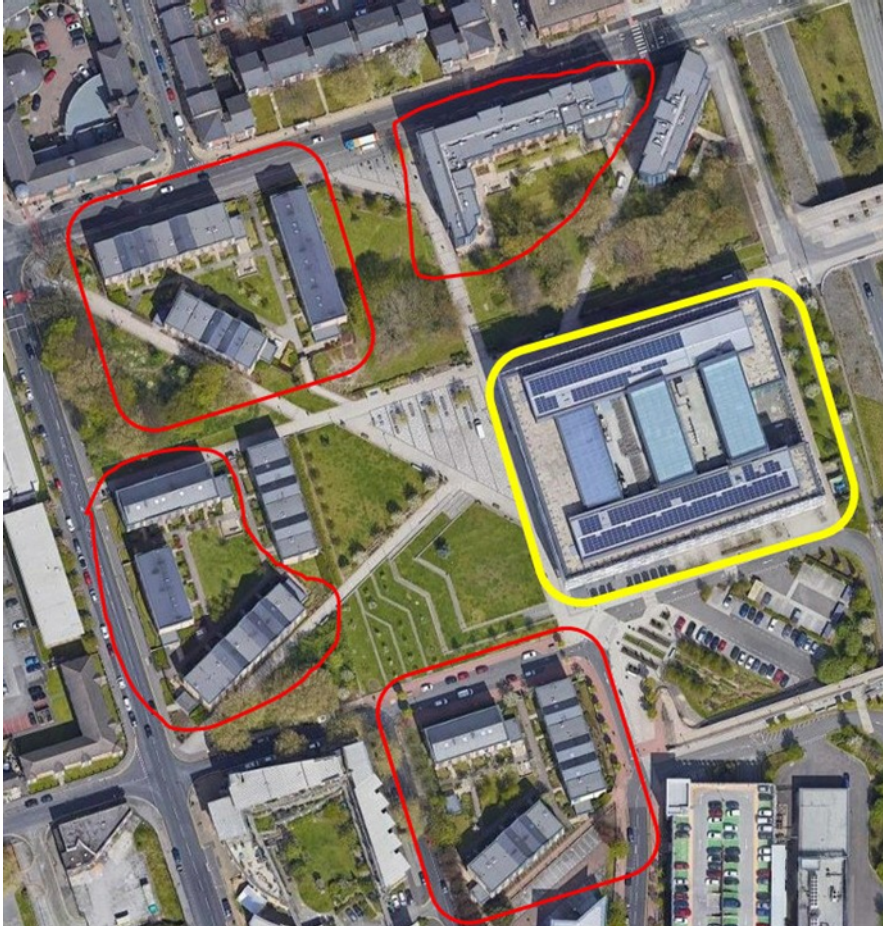
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

This application relates to the Dale, Warde, Vine and Naylor halls of residence located within MMU's Birley Field Campus. The buildings subject to this application are shown in red. The John Brookes Building is marked in yellow.



Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

The applicant is seeking confirmation as to whether the prior approval of the Local Planning Authority is needed for the installation of solar panels on the roofs of the Dale, Warde, Vine and Naylor halls of residence under the Permitted Development regulations contained within the Town and Country Planning (General Permitted Development) (England) Order 2015, specifically Class J of Part 14 of Schedule 2 of that Act.

The applicant obtained permission to install photovoltaic equipment to the roof of the John Brookes Building in 2017 (ref: 117011/P14J/2017), these can be seen on the image above.

Consultations & Notification Responses

Local Residents/Businesses – No comments received.

Aerodrome Safeguarding Officer – No objections to the proposal.

Issues

Permitted Development – The proposal would be permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 14 Renewable Energy, Class J, relating to the installation of solar PV equipment on the roof of a building in the basis that:

- The PV equipment would be installed on a flat roofs and would not project higher than 1 metre.
- The PV equipment is to be installed entirely on roof areas and no part of the installation will lie within 1 metre of the external edge of that roof.
- The site is not on article 2(3) land, designated as a scheduled monument, nor does it contain any listed buildings.
- The capacity of the PV equipment installed to generate electricity at the site will 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 as the panels are located below parapet walls or are situated at such a height that they cannot be readily viewed.
- The proposed panels will not result in any impact in terms of glare on occupiers of neighbouring land.

Siting and appearance – As the panels are sited away from the edge of the building and are not readily visible from the public domain, it is considered that the quality and appearance of the panels would not adversely impact on the character of the existing building.

Impact of Glare on Neighbouring Land – Given the siting and orientation of the panels and distance to adjoining properties, it is not considered that the proposal would have an impact on adjoining landowners or users of the highway.

Aerodrome Safeguarding – Given the comments of Aerodrome Safeguarding Officer it is acknowledged that the proposal would not prejudice aircraft safety in and around Manchester.

Conclusion – The local planning authority is satisfied that the proposed panels therefore meet the requirements of the above regulations and prior approval is not required.

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

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, impact of glare on neighbouring properties 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 137434/P14J/2023 and received on 26 June 2023:

- a) Application Form
- b) Location Plan
- c) Solar Glare Report
- d) Dale House, Naylor Halls, Vine House and Warde Halls Supporting Information

Appendix 1 – List of consultees & neighbours notified

Manchester Airport Safeguarding Officer

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA