

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138375/P14J/2023

Date registered valid: 20 October 2023

Proposal: Prior approval application for the Installation of 150 roof mounted solar panels

Address: Trafford House, Southmoor Road, Manchester, M23 9XD

Ward(s): Brooklands Ward

Applicant: Elite Engineering Services

Agent (if any): Mr Arbon Caulmert Limited

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

Recommendation: Approve

Date of recommendation: 01/12/2023

Application details

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

Development type: Minor Other

Date of site visit: 02/10/2023

Standard consultations:

Printed: 23 October 2023 Expired: 13 November 2023

Neighbour notifications

Printed: 23 October 2023 Expired: 13 November 2023

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

The proposal relates to a multistorey office block on Southmoor Industrial Estate. The building is mostly 2 storeys with 3 floor corner tower.

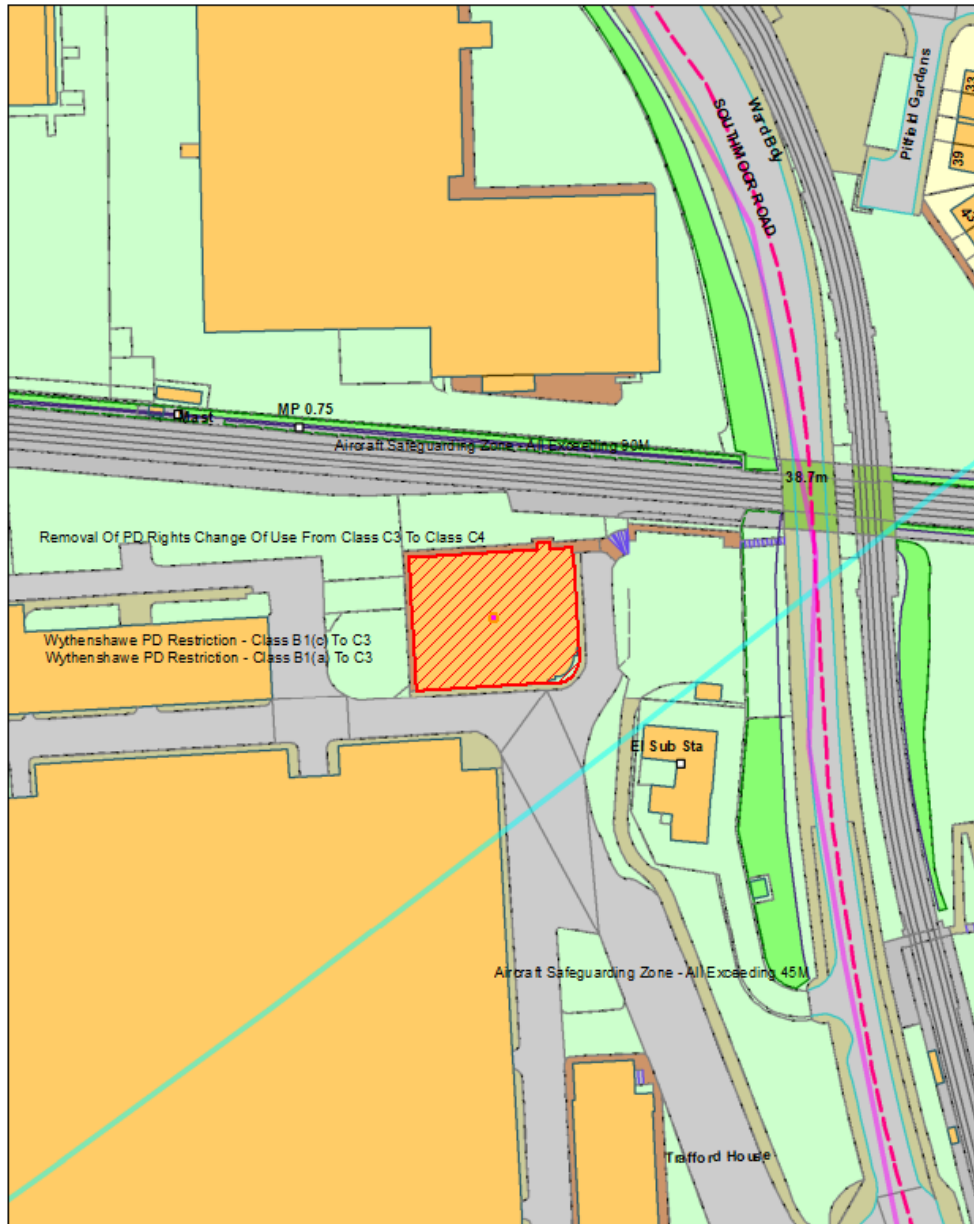
Listed building: Not applicable

Conservation area: Not applicable

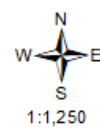
Tree Preservation Order: Not applicable

Description of area

The property is located in the Southmoor Industrial Estate in an industrial/commercial part of the Brooklands ward of Manchester. The property sits adjacent to a National Rail Line and within the Airport Safeguarding Zone (90m).



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Description of development

The applicant is proposing the installation of 150 roof mounted solar panels on Trafford House.

The proposed PVs will generate 63kW and will be installed on the northeast facing pitched roof planes of Trafford House, as shown in Figure 1 & 2 below. The proposed 150 no. PV panels will be installed over 1 metre from the external edges of the roof and will protrude no more than 200mm beyond the plane of the roof when measured perpendicular with the external surface.

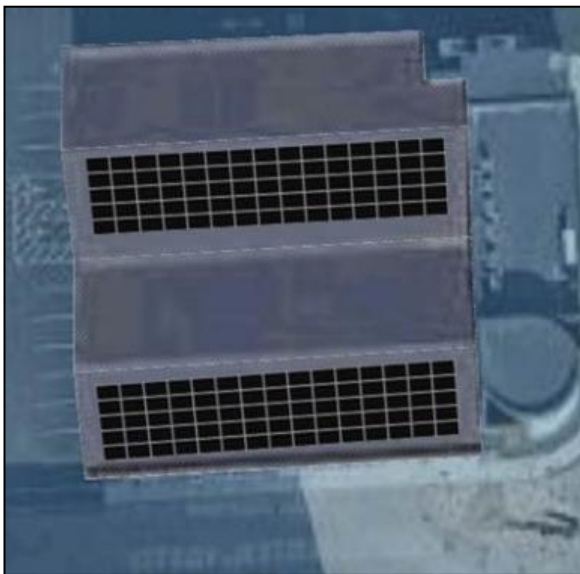


Figure 1



Figure 2

Planning History

133443/LE/2022

Description: Certificate of lawful existing use of Trafford House and Southmoor House as class E(g)i - offices to carry out any operational or administrative functions for a period greater than 10 years

Decision: Approved 31/05/2022

122345/FO/2019

Description: Re-cladding of the industrial warehouse unit

Decision: Approved 27/03/2019

119798/AO/2018

Description: Part A - Erection of two 4-metre-high totem signs and Part B - three 3-metre-high marketing boards to be displayed at the entrance of the Industrial Estate

Decision: Split – Approve and Temporary Approved 09/07/2018

119187/FO/2018

Description: Re-cladding of the industrial warehouse unit and installation of roller shutter doors.

Decision: Approved 25/04/2018

Consultations & Notification Responses

Consultations

Manchester Airport

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 a number of conditions and informatives added to the decision to ensure Aircraft safety.

A pre-commencement condition was added for a glint and glare assessment. The applicant provided a report inflight, which was sent to the Safeguarding Officer for review, and they can

confirm that they are happy with the glint and glare assessment, and are content with the predicted level of glint and glare.

Network Rail

Network Rail were consulted on this application as the site sits adjacent to a national rail line.

They had no objection to the proposed development and are happy the proposed won't have an effect on signal sighting.

Notifications

Local Residents

As per Appendix 1, Occupiers of properties surrounding the application site were notified of the proposal.

No comments, objections, or representations in respect of this application was received.

Site Notice and Press Advertisements

As per Appendix 1, a public site notice was posted as required by the legislation.

No comments, objections, or representations in respect of this application was received.

Policies & Principle

Summary of relevant policy

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the principle of the application is decided in law and the local planning authority can assess the proposal as outlined in the following legislation:

The following policies are considered relevant in the consideration of this application.

- [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 National Planning Policy Framework (NPPF) was first published on 27 March 2012 with the latest version published 05 September 2023. This sets out the government's planning policies for England and how these are expected to be applied. The following sections are considered 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

Principle of 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. The proposal is on a pitched roof (see a)

- c. the solar PV equipment or solar thermal equipment would be installed [F1on 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.

- 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;*

The land is not Article 2(3).

- 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.

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 pitched roof (see J1 a)

- 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 pitched roof (see J1 a)

- 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 pitched roof (see J1 a)

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.

The applicant has confirmed the total output of the proposed PV is 63KW.

The proposal is classed as a Class J (c), other solar PV equipment on the roof of a building, as the proposed PV equipment would be above the 50KW threshold for microgeneration but below the 1-megawatt limit.

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.*

The applicant has not confirmed this in the covering letter, so 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*

A site notice was posted on 02/11/2023 and expired 23/11/2023

- b. *by serving a notice in that form on any adjoining owner or occupier.*

Notification letters were sent to adjoining owner or occupiers as per Appendix 1.

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 a number of conditions and informatives added to the decision to ensure Aircraft safety.

A pre-commencement condition was added for a glint and glare assessment. The applicant provided a report in flight, which was sent to the Safeguarding Officer for review and they can confirm that they are happy with the glint and glare assessment, and are content with the predicted level of glint and glare.

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 sets out the government's planning policies for England and how these are expected to be applied.

The NPPF has been adhered to and considered at all stages of the application.

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.

This proposal is considered to accord with the principles of these policies.

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.

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

- | | | |
|--|-------------|------------------------|
| a. Drawing - Site Plan | 20 Oct 2023 | BLOCK PLAN OF THE SITE |
| b. Correspondence | 20 Oct 2023 | COVERING LETTER |
| c. Glint & Glare Study 28 Nov 2023 - 12850A - Solar Photovoltaic Glint and Glare Study | | |

Recommendation: Approve

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.

2. Airport – bird proofing

The perimeter of the array will need to be bird proofed to prevent access to birds that will be attracted to the relative warmth and security. Alternatively, the site owner will need to

provide a statement to describe prevention measures and monitoring of the site to deter species of birds that are hazardous to aircraft with clear action plans should birds start utilising the space under the arrays.

Reason: Flight safety – Bird strike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Manchester Airport (MAN) that would increase the risk of a Bird strike to aircraft using MAN.

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

1. Airport – RF devices

The use of radio frequency (RF) emitting devices in this location has the potential to interfere with Manchester Airport's Communication, navigation, and surveillance (CNS) equipment. RF devices are to be approved by Manchester Airport prior to energisation.

Reason: Flight safety – In the interests of maintaining the integrity of CNS equipment critical to aviation operations

3. Airport – Tall Equipment

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

Appendix 1 – List of consultees & neighbours notified

Network Rail

Manchester Airport Safeguarding Officer

Unit B2, Southmoor Industrial Estate, Southmoor Road, Manchester, M23 9XD

Unit B, Southmoor Industrial Estate, Southmoor Road, Manchester, M23 9XD

Unit B1, Southmoor Industrial Estate, Southmoor Road, Manchester, M23 9XD

LB Europe Ltd, Units A5 And A6, Southmoor Industrial Estate, Southmoor Road, Manchester, M23 9LR

Schmitz Cargobull Uk Ltd, Units A1 And A2, Southmoor Industrial Estate, Timpson Road, Manchester, M23 9XD

Unit A9, Southmoor Industrial Estate, Southmoor Road, Manchester, M23 9XD

Unit A8, Southmoor Industrial Estate, Southmoor Road, Manchester, M23 9XD

Unit A7, Southmoor Industrial Estate, Southmoor Road, Manchester, M23 9XD

Aim Engineering, Units A3 And A4, Southmoor Industrial Estate, Timpson Road, Manchester, M23 9XD

Southmoor Industrial Estate, Southmoor Road, Manchester, M23 9LR

Ground Floor, Southmoor House, Southmoor Road, Manchester, M23 9LR

Second Floor, Southmoor House, Southmoor Road, Manchester, M23 9LR

Third Floor, Southmoor House, Southmoor Road, Manchester, M23 9LR

Car Spaces, Trafford House, Southmoor Road, Manchester, M23 9XD

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(c) To C3

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

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

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA