

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137495/P14J/2023
Date registered valid: 7 July 2023
Proposal: Installation of roof mounted photo voltaic panels.
Address: Unit C, Kelbrook Road, Manchester, M11 2DD
Ward(s): Clayton & Openshaw Ward

Applicant: Mr Carter
Agent (if any): Mrs Chloe Reganaz, Geo Green Power
Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 30 August 2023

Application details

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

Development type: Notifications

Standard consultations:

Printed: 14 July 2023 Expired: 4 August 2023

Neighbour notifications

Printed: 14 July 2023 Expired: 4 August 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Consultations & Notification Responses

Strategic Development and Citywide Support Manager - No objections.

Manchester Airport Safeguarding Officer - No objections although an informative is requested, which has been provided for the applicant.

Issues

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

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;

(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);

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

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

(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.

In relation to this application the applicant has demonstrated/confirmed the following:

- The solar PV equipment would be installed on two connected buildings with slightly sloping pitched roofs (4 roof planes in total) The highest part of the solar PV equipment would be no higher than 0.2 metre above the roof plane.
- The solar 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 each 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 solar PV equipment installed to generate electricity at the site will not exceed 1 megawatt (611kW).
- The solar PV equipment has been so far as practicable, sited so as to minimise its effect on the external appearance of the building and the amenity of the area and will not be easily visible from ground level.
- The solar PV equipment will be removed as soon as reasonably practicable when no longer needed.
- The proposed panels will not result in any impact in terms of glare on occupiers of neighbouring land.

The submitted details, and site circumstances, confirm that the details provided by the applicant are correct. Primarily the proposed arrays would be no higher than 0.2 metres above the roof plane, would not be installed within 1 metre of the external edges of each roof and would not have an overall capacity for the site that exceeds 1 megawatt.

The panels would not be easily visible at ground level and it is considered that the equipment has been sited so that there is no significant impact on the external appearance of the building or the amenity of the area. The site lies in an industrial estate, with a school site opposite and no residential buildings in the immediate vicinity of the site. The proposed panels therefore meet the requirements of the above regulations and in this instance, the prior approval of the local planning authority is not needed.

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

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 137495/PJ4J/2023:

Planning Application Form

Site location plan

Block plan

Drawing titled 'Elevation Plan'

CanadianSolar Data Sheet

All stamped as received by the City Council as Local Planning Authority on 6 July 2023

The email from Chloe Reganaz, dated 7 July 2023 and accompanying CanadianSolar statement about module's reflection, stamped as received by the City Council as Local Planning Authority on 7 July 2023.

Email from Chloe Reganaz dated 25 August 2023 which confirms that a minimum distance of 1 metre will be retained between the panels and the roof edges.

Informatives

1) 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

Environmental Health
Manchester Airport Safeguarding Officer

G H Sheldon, 10 Stainburn Road, Manchester, M11 2GW

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
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) -
Area Team Boundary - Name: NORTH AREA