

Development Management
Manchester City Council
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Our ref EKPS/230206/KD

Submitted via the Planning
Portal

2 June 2023

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Dear Sir or Madam,

Prior Approval Application for PV Panel Installation, PZ Cussons, Aviator Way, Manchester M22 5TG

On behalf of our client PZ Cussons (International) Ltd, (hereafter referred to as “the applicant”), we are pleased to confirm a Prior Approval Application for the proposed installation of PV Panels at Aviator Way, Manchester, M22 5TG has been submitted via e-mail.

The application comprises the following documents:

- This Covering Letter;
- Completed Application Forms and Associated Fee;
- Glint and Glare Assessment prepared by Pager Power;
- PV Panel Detail Drawing (ValkPro+ L10 South [1200mm]); and
- Suite of Drawings and Plans prepared by Hilson Moran;
 - Location Plan;
 - 30676-HML-XX-GR-DR-E-182001 Rev P02
 - 30676-HML-ZZ-RF-DR-E-152001 Rev P012
 - 30676-HML-ZZ-RF-DR-E-192001 Rev P02
 - 30676-HML-ZZ-ZZ-DR-E-181001 Rev P02

Legislation

Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”) as amended.

Part 14 of Schedule 2 of the GPDO sets out the permitted development rules in respect of Renewable energy related development and what can be undertaken without the need for a planning application.

Part 14 is then sub-divided into Classes covering various types of development. Class J covers the – installation or alteration etc of solar equipment on non-domestic premises.

Specifically, Class J states:

“Class J – installation or alteration etc of solar equipment on non-domestic premises

Permitted development

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

Development not permitted

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 on a roof and 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.

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;

(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

(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.

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”.

Site Location

The Site is located within the 'Manchester Business Park' at Manchester Airport which is situated immediately to the north of Manchester Airport and directly adjoining the motorway link between the airport and Junction 5 of the M56 as shown in **Figure 1** below.

Outline planning permission for the development was originally approved on 10 July 1997 (reference 051847/OO/SOUTH3/97) and was subsequently amended by planning applications 57543/JO/SOUTH2/99, 069719/JO/2003/S2, and 075073/JO/2005/S2 in order to allow the submission of Reserved Matters planning applications up until 24 November 2012 as detailed below. Consent was granted in August 2008 for the Reserved Matters in relation to the current building (087006/M0/2008/S2), which has subsequently been constructed.

The Site is located in South Manchester, under the jurisdiction of Manchester City Council. The Site is not located within a Conservation Area, an area of outstanding natural beauty; a National Park; or a World Heritage Site. There are no known Article 4 directions which cover the Site.



^ Figure 1: Site Location

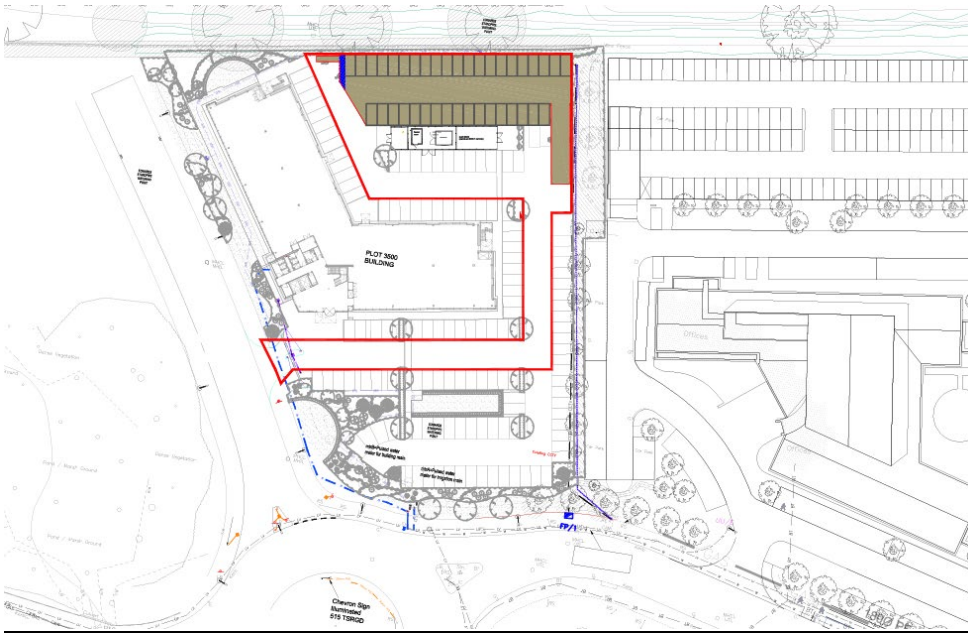
Planning History

There are numerous planning applications covering the 'Manchester Business Park' area, and therefore only the planning applications relevant to the Site (Plot 3500) have been included below (please note discharge of condition and advertisement consent applications have also been excluded):

098194/FO/2011/S2

Erection of decked car park and amendments to the existing surface level car parking area to the rear of Building 3500 to provide an additional 32 car parking spaces - Approved 12 March 2012.

Note: Proposed Site Plan included in **Figure 2** overleaf.

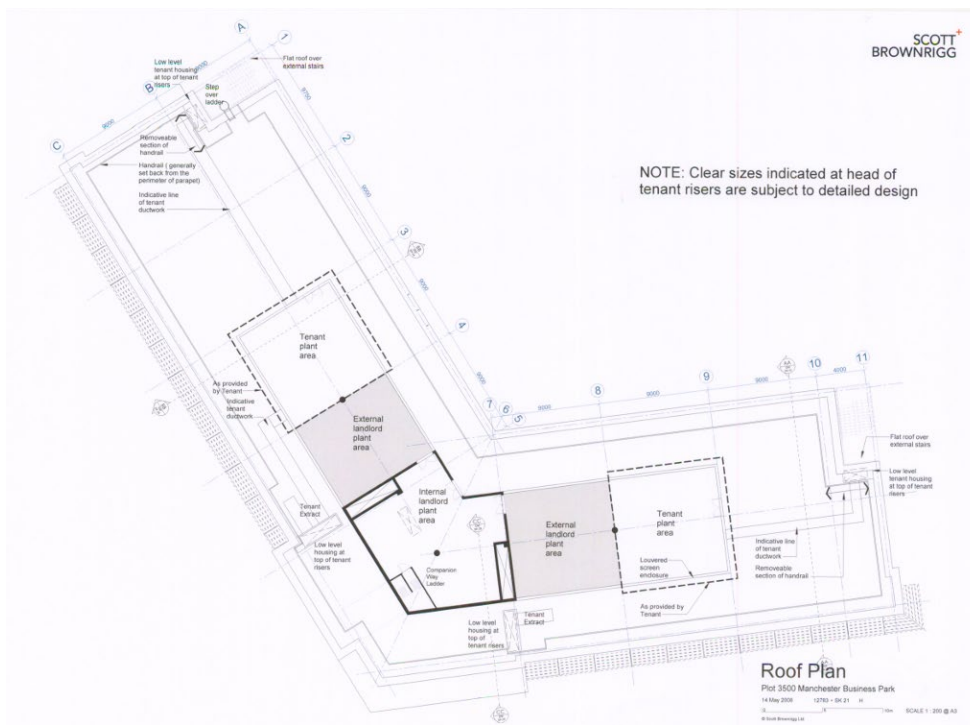


^ Figure 2

087006/MO/2008/S2

Reserved Matters: Erection of a 3 storey (class B1) office building forming 4,582sqm of floor space with associated landscaping and car parking for 174 vehicles - Approved 29 August 2008.

Note: Approved Roof Plan included in **Figure 3** below. No conditions restricting the installation of PV Panels or removing permitted development rights were attached to the consent.



^ Figure 3

075073/JO/2005/S2

Variation of condition no 1 attached to planning application 069719 to extend the date of submission of reserved matters planning applications for the erection of a business park (Class B1 use) until 24th November 2012 - Approved 21 November 2005.

Note: No conditions restricting the installation of PV Panels or removing permitted development rights were attached to the consent.

069719/JO/2003/S2

Variation of condition No. 1 attached to planning ref 051847 to extend date for submission of reserved matters planning applications until 28th October 2006 - Approved 5 Nov 2004.

Note: No conditions restricting the installation of PV Panels or removing permitted development rights were attached to the consent.

057543/JO/SOUTH2/99

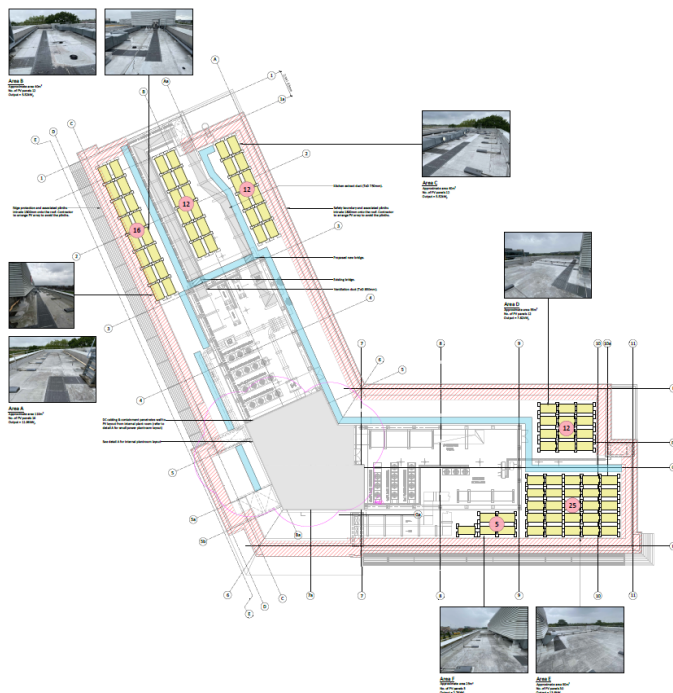
Variation of condition no.1 attached to planning ref.051847 to extend date for submission of reserved matters planning applications until 10 July 2004 - Approved 9 May 2000.

Note: No conditions restricting the installation of PV Panels or removing permitted development rights were attached to the consent.

Proposed Development

The Proposed Development comprises the installation of 82 PV panels measuring 2100mm x 1000mm each with a nominal output of 460Wp. A 750mm wide walkway together with handrail will also be added around the PV panels to allow for servicing. Panels will be located on the main roof area (with a 1800mm safety boundary from the edge of the roof) as detailed in the submitted plans prepared by Hilson Moran.

The General Arrangement Plan is included in **Figure 4** below.



^ Figure 4

Planning Appraisal

Do the Permitted Development Rights Apply?

Based on the above Planning History it is concluded that the development implemented comprises the following applications:

- Planning Application Reference 075073/JO/2005/S2 (Outline)
- Planning Application Reference 087006/MO/2008/S2 (Reserved Matters)
- Planning Application Reference 098194/FO/2011/S2 (Decked Car Park)

It is noted that these Planning Permissions did not include any conditions in relation to the removal of the Permitted Development rights included within Schedule 2, Part 14, Class J of the GPDO.

It is therefore concluded that the Property retains permitted development rights.

Assessment against the relevant Permitted Development Rights Criteria and Conditions

Turning to the assessment of the Proposed Development's compliance with the GPDO, the proposed enlargement complies with all limitations and conditions of Schedule 2, Part 14, Class J of the GPDO as detailed in **Table 1** below.

Permitted development: <i>Class J – installation or alteration etc of solar equipment on non-domestic premises</i>	PV Panels (as per drawings stated above)
<i>J. The installation, alteration or replacement of—</i> <i>(a) microgeneration solar thermal equipment on a building;</i> <i>(b) microgeneration solar PV equipment on a building; or</i> <i>(c) other solar PV equipment on the roof of a building, other than a dwellinghouse or a block of flats.</i>	The development complies as the proposals comprise the installation of solar PV equipment on the roof of a non-residential building. Based on the drawings provided by Hilson Moran – (30676-HML-ZZ-RF-DR-E-152001 P02) the Peak Generation of the equipment will be 48kWp which equates to approximately 48 kilowatts in optimum conditions. As outlined in footnote 1, Microgeneration is defined as less than 50 kilowatts therefore the development would fall under J(b).
Development not permitted	
<i>J. 1 Development is not permitted by Class J if—</i>	
(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 development complies as the equipment will not be installed on a pitched roof.
(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);	The equipment would be installed on a flat roof and the highest part of the solar PV panel (based on the specification by Hilson Moran) would be 309mm above the roof. The proposals would therefore not be higher than 1m above the highest part of the roof and the development complies with this requirement.
(c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;	The development complies as the PV panels are located circa. 1.8m from the edge 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 proposals comply as the Site is not located on article 2(3) land and the PV equipment would not be installed on a roof slope.
(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument.	The proposals comply as the Site is not located on a site designated as 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 proposals comply as the equipment will not be installed on a listed building, or within the curtilage of 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;	The development complies as the equipment would not be installed on a wall.
(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	The development complies as the equipment would not be installed on a wall.
(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.	The development complies as the building is not located on Article 2(3) land and the equipment would not be installed on a wall.
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.	Based on the drawings provided by Hilson Moran – (30676-HML-ZZ-RF-DR-E-152001 P02) the Peak Generation of the equipment will be 48kWp which equates to approximately 48 kilowatts in optimum conditions and is beneath the 1 megawatt limit.
Conditions	
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 development complies as the equipment is located on the roof of the building and designed to be unseen within the street scene.
(b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.	Development can comply – the requirement for the equipment to be removed as soon as reasonably practicable when no longer needed is noted and can be complied with.
(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	As outlined in footnote 1, Microgeneration is defined as less than 50 kilowatts therefore the development would fall under J(b). Notwithstanding, in the case that the generation exceeds 50 kilowatts and is therefore defined as J(c), an assessment of external appearance, and glare on occupiers of neighbouring land has been undertaken. With regards to the design and external appearance of the proposals, the PV equipment will be mounted on a flat roof and will not be visible from the exterior of the building. The proposals are therefore considered to be acceptable in terms of appearance. With regards to neighbouring land, given the Site's proximity to the airport, a glint and glare assessment has been prepared and submitted with the applications and demonstrates that the panels will not have an adverse effect on the operation of the airport (as occupier of neighbouring land).

and the following sub-paragraphs apply in relation to that application:
(3) The application must be accompanied by— (a) a written description of the proposed development; (b) a 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. (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. (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. (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. (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. (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 (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(60), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. (9) The development must not begin before the occurrence of one of the following— (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required; (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or (c) the expiry of 56 days following the date on which the application under sub-paragraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused. (10) The development must be carried out— (a) where prior approval is required, in accordance with the details approved by the local planning authority; (b) where prior approval is not required, or where sub-paragraph (9)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (3), unless the local planning authority and the developer agree otherwise in writing. (11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.
P. For the purposes of Part 14— “microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004¹; and “solar PV” means solar photovoltaics.

[^] Table 1: GPDO Assessment Table

¹ For the purposes of this section “microgeneration” means the use for the generation of electricity or the production of heat of any plant—

- (a) which in generating electricity or (as the case may be) producing heat, relies wholly or mainly on a source of energy or a technology mentioned in subsection (7) (*n.b this includes Photovoltaics*); and
- (b) the capacity of which to generate electricity or (as the case may be) to produce heat does not exceed:
 - (i) in relation to the generation of electricity, 50 kilowatts;
 - (ii) in relation to the production of heat, 45 kilowatts thermal.

Conclusion

With consideration to the previous assessment, it is concluded that the proposed installation of PV Panels complies with the criteria and conditions of Schedule 2, Part 14, Class J of the GPDO.

This submission also demonstrates that the design and external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, is acceptable. As such it is respectfully requested that this Prior Approval Application is approved without delay.

I trust the submitted information is sufficient and I look forward to receiving confirmation that the application has been registered, however should you have any queries or require any further information, please do not hesitate to contact me by email or telephone (07496 641 812).

Yours faithfully,



Katie Daniels MRTPI

Director

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