

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136523/P14J/2023
Date registered valid: 9 March 2023
Proposal: Installation of photovoltaic panels onto existing flat roof
Address: Concord Cafe, Concord Business Park, Threapwood Road,
Manchester, M22 0RR
Ward(s): Woodhouse Park Ward

Applicant: Black Office Finco Ltd
Agent (if any): Mr N Watson NW Architects
Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 19th April 2023

Application details

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

Development type: Notifications

Date of site visit: 9th February 2023

Standard consultations:

Printed: 21 March 2023 Expired: 11 April 2023

Neighbour notifications

Printed: 21 March 2023 Expired: 11 April 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

Description of area

The application site is a single storey flat roofed building in uses as a café within an established business park in Wythenshawe. To the east , south and west of the business park are two and three storey residential properties beyond a tree belt which forms a boundary around the site. Manchester Airport is located 1.3 km to the south west of the site, with the runways being located 1km to the south. The café building is surrounded by taller office buildings.



Building subject of the application is edged red

Description of development

The application proposals are for the installation of a PV array to the roof of the building.

Consultations & Notification Responses

Neighbouring properties were notified of the proposals, no responses were received.

Manchester Airport Aerodrome Safeguarding Officer – No objection subject to conditions dealing with the installation of the PVs to prevent access to birds and an informative relating to cranes.

Issues

In accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 14 Renewable Energy, Class J as amended the installation of solar PV equipment on the roof of a building is regarded as 'permitted development' subject to an application being made to the local planning authority for determination as to whether prior approval is necessary.

On the basis of the scheme being considered as a whole, the proposals can however be considered under the Permitted Development regulations, as the power output does not exceed 1MW.

The highest part of the solar PV equipment would be no higher than 1 metre above the highest part of the roof as confirmed on the applicants submitted application form.

The proposed equipment is to be installed entirely on the flat roof area and no part of the installation will lie within 1 metre of the external edge of that roof as set out on the submitted application forms.

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 does not exceed 1 megawatt.

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.

The solar PV equipment is to be removed as soon as reasonably practicable when no longer needed.

Given the surrounding context, the proposed panels are not considered to result in any impact in terms of glare on occupiers of neighbouring land. The proposed material used for the panels is unlikely to result in glare.

On the basis of the criteria, which has been cross referenced with the relevant legislation contained within Schedule 2, Part 14 Renewable Energy, Class J of the GPDO, the proposed installation is considered permitted development.

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

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.

Therefore, consent is hereby granted in accordance with the following information:

Submitted application forms;

Drawing reference 15055-P603- Proposed roof plan

Vertex S TSM-DE09R.05 data sheet

Solar Photovoltaic Glint and Glare Study March 2023 prepared by Pagepower

- 1) Solar panels to be installed shall be flush to the roof as to prevent access to birds. Where this is not possible bird-proof netting is to be installed and maintained to prevent the solar panels creating a bird attractant.

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Manchester Airport that would increase the risk of a Birdstrike to aircraft pursuant to DM2 of the Core Strategy.

Informative

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

Manchester Airport Safeguarding Officer

Caravelle Court, Concord Business Park, Threapwood Road, Manchester, M22 5LA

Rowan Court, Concord Business Park, Threapwood Road, Manchester, M22 0RR

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 - Within Outer Area

Airport Noise Index Zone - Noise and Nuisance Index - 40-49

Area Team Boundary - Name: SOUTH AREA