

DELEGATED REPORT

Application No: P/24/0045

Site Address: Merthyr Motor Auctions
Red Barrel House
Pant Road
Dowlais
Merthyr Tydfil

Development: Erection of solar panels

Case Officer: Marlene Ferreira

Site Visit:

Application Expiry Date: 23rd April 2024

Consultation reply date expired:

APPLICATION SITE

The application site relates to an existing commercial business, Merthyr Motor Auctions, located off Pant Road, in the area of Dowlais. The site is occupied by a business premises and extensive parking to the north east, east and southeast of Pant Road, used in association with the auctioning, storage and valet of vehicles.

DESCRIPTION OF DEVELOPMENT

This application is for a lawful development certificate in respect of the proposed installation of an array of solar panels proposed on the side roof elevations of the existing business premises. The application has therefore been submitted to determine whether the proposed solar panels are 'permitted development' under the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012

The submitted plans illustrate that the proposed solar panels would be installed on three separate south side facing roof slopes of the business premises, which is located back from Pant Road over 30 metres. The plans submitted indicate that the solar panels would have a total projection of 71.6mm and would be sited a minimum of a metre from the roof edge.

PLANNING HISTORY

The council's records do not show any other relevant or recent planning history relating to this site which would be relevant to the consideration of this Certificate of Lawfulness application.

CONSULTATIONS

None are applicable under certificate of lawfulness applications.

PUBLICITY

None are applicable under certificate of lawfulness applications.

POLICY CONTEXT

As a certificate of lawfulness is sought for the proposed solar panels, the planning merits of the proposal are not under consideration. The planning policies are therefore not relevant to the assessment of this application.

PLANNING CONSIDERATIONS

This application, in respect of the proposed solar panels, is considered under Part 43 'Installation of Non-Domestic Microgeneration Equipment', Class A of the Town and Country Planning (General Permitted Development) (Amendment) Order 2012.

Part 43 Class A allows for 'the installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats', subject to the following conditions under Class A.1:

(a) the solar PV or solar thermal equipment would be installed on a wall or pitched roof and would protrude more than 20 centimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

The plans state that the solar panels would project 71.6mm.

(b) the solar PV or solar thermal equipment would be installed on a flat roof and would protrude more than 1 metre above the plane of the roof;

The plans indicate that the solar panels would be installed on the pitched roof of the building only.

(c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of the roof;

The plans indicate that the solar panels would be installed on the roof of the premises and would be sited a minimum of a metre from the roof edge.

(d) the solar PV 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;

The solar panels, as noted above, are proposed on the pitched roof of the building only.

(e) in the case of a building on article 1(5) land or on land within a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall or roof slope which fronts a highway;

The solar panels are not proposed on a building located in a conservation area and would not front the highway.

(f) the solar PV or solar thermal equipment would be installed on a building within the curtilage of a listed building; or (g) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument.

The business site where the solar panels are proposed is not a listed building or a scheduled ancient monument.

Additional conditions are noted under Class A.2 which states:

(a) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;

(b) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(c) solar PV or solar thermal equipment no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.

Furthermore, in respect of the interpretation of Part 43, it states the following:

“block of flats” means a building which consists wholly of flats;

“microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004(4);

“stand alone solar” means solar PV or solar thermal equipment which is not installed on a building; and

“water source heat pump” means a heat pump where the collecting medium is water.”

It is stipulated in the Energy Act 2004:

(6) 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); and

(b) the capacity of which to generate electricity or (as the case may be) to produce heat does not exceed the capacity mentioned in subsection (8).

(8) That capacity is—

(a) in relation to the generation of electricity, 50 kilowatts;

(b) in relation to the production of heat, 45 kilowatts thermal.

The agent has submitted confirmation that the kilowatts power generated from the solar panels would be 36.9KW and would therefore not exceed 50KW.

The proposed development, as illustrated in the plans, would therefore satisfy the above relevant conditions and would be classed as permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2012.

Furthermore, it should be noted that the Council does not hold any records which suggests that there are restrictive conditions or that the removal of permitted development rights have been enforced on this particular site. Thus, it is considered that the evidence submitted adequately indicates that the proposed development would be classed as permitted development. Accordingly, it is recommended that a certificate of lawfulness be issued.

RECOMMENDATION: BE APPROVED

RECOMMENDATION ENDORSED




Director of Neighbourhood Services

DATE: 19.04.2024