

DELEGATED REPORT

Application No:	P/24/0074
Site Address:	Formula Bathrooms 23 Pant Industrial Estate Pant Dowlais
Development:	Certificate of Lawful Development for proposed rear roof solar panels
Case Officer:	Marlene Ferreira
Site Visit:	
Application Expiry Date:	29th May 2024
Consultation reply date expired:	

APPLICATION SITE

The application site relates to an existing commercial business, Formula Bathrooms, located at Unit 23 Pant Industrial Estate, in Dowlais. The site is occupied by a large business premises and a parking area to its rear, which is used in association with the operation of the business as a bathroom distributor for retail and merchant trade.

DESCRIPTION OF DEVELOPMENT

This application is for a lawful development certificate in respect of the proposed installation of solar panels to the rear 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 the south facing roof slope of the rear extension on the business premises. 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.

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.

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 for the following **REASON:**

The proposed solar panels constitute 'Permitted Development' by virtue of Class A of Part 43 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 25.04.2024