

SITE AND CONTEXT

The site located at Former Blazer Club, Ebla Crescent is a detached commercial building within an industrial setting. To the west locates the unclassified road 'Baldwins Crescent' and to the south sits the A road 'Fabian Way'

DESCRIPTION OF DEVELOPMENT

This application seeks a Certificate of Lawful Development (proposed) for the installation of Photovoltaic (PV) Solar Panel and Reconfiguration of Internal Layout of Building.

The solar panels would include 65 PV panels to the front slope, and 65 PV panels to the rear slope. They would not project more than 200mm beyond the plane of the roof slope, and would be set back a minimum of 1m from all external edges of the roof. The roof structure is pitched as opposed to flat.

The internal works would include the reconfiguration and rearrangement of both the ground and first floor layout.

NEGOTIATIONS

Not applicable.

PLANNING HISTORY

Not applicable.

CONSULTATIONS

Not Statutorily Required.

REPRESENTATIONS

Not Statutorily Required.

REPORT

Planning Policies

Planning Policies are not relevant to applications under S192 of the Town and Country Planning Act 1990 (as amended).

ISSUES

The application seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990, which seeks to certify the lawfulness of a proposed

operation on or use of land. The determination of the application is on legal grounds only, any views on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, is irrelevant. Accordingly, this report concentrates solely on whether, based on the facts of the case and relevant Planning Law, the specified matter is or would be lawful.

Having regard to the above, the main issues to consider in the determination of the application relate to whether the proposed solar panels would be lawful.

ASSESSMENT

It should be noted that under Part 43 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended in 2012) this allows the installation of Solar Panels on non-domestic properties as follows:

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats.

Development not permitted

A.1 Development is not permitted by Class A if—

(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;

(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;

(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;

(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;

(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;

(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.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(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.

Summary

The information provided by the agent confirms that the proposed panels will be installed on the curved roof with the highest part of the equipment being less than 20 centimetres above the curved roof. Furthermore, the panels will not be installed within one metre of the external edge of that roof. It is also confirmed that the site is not in Article 1(5) land, the curtilage of a Listed Building or a Scheduled Ancient Monument.

CONCLUSION

By virtue of the fact that the proposed development meets all of the necessary criteria, it is 'Permitted Development' under Schedule 2, Part 43, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). As such, does not require the benefit of planning permission.

Alterations to Internal Layout

ASSESSMENT

It should be noted that under Section 55 (2) (a) of the Town and Country Planning Act alterations of a building which only affect the interior of the building and/or do not materially affect the external appearance of the building shall not be taken to involve development for the purposes of the Town and Country Planning Act .

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

The proposed works at the Site which relate to internal changes only are not, therefore, classed as development in planning terms so do not require planning permission.

Summary

The information provided by confirms that the application is subject to internal works only and that any external works will require the need of a planning application.

CONCLUSION

By virtue of the fact that the proposed works do not constitute development under Town and Country Planning Act 1990, Section 55 (2) and as such, does not require the benefit of planning permission.