

DELEGATED REPORT

Application No: P/24/0065

Site Address: Unit 23
Merthyr Tydfil Industrial Park
Pentrebach
Merthyr Tydfil
CF48 4DR

Development: Solar panels to front elevation of main roof

Case Officer: Kate Glover

Site Visit: 12th April 2024

Application Expiry Date: 16th May 2024

Consultation reply date expired: 17th April 2024

APPLICATION SITE

The application relates to a unit within an established industrial estate in the settlement boundary. The site is on the southeast end of a row of industrial units which are orientated northwest/southeast. The site is bounded by a highway to the southwest, car parking to the southeast and service yard to the northeast.

PROPOSED DEVELOPMENT

Full planning permission is sought for the installation of solar panels to the front roof plane. The panels would cover an area approximately 8m by 7m on each roof plane and would project above the surface of the roof by 150mm.

PLANNING HISTORY

There are no recent planning applications relating to the site.

CONSULTATION

No consultation exercise was considered necessary in this instance.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining units and two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EcW2 Protecting Employment Sites
- EcW8 Renewable Energy

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and as such the principle of development is acceptable (Policy SW4) subject to compliance with relevant policies and material planning considerations. In this respect it is noted that Policy EcW8 supports the use of renewable energy and applications for renewable energy where they meet certain criteria. This application would not contravene this policy.

The application relates to a unit within an established industrial estate. The panels would have a modest projection of 150mm above the roof plane. The roof height and pitch would make the panels difficult to see from the ground adjacent to the building.

The building is industrial in character and appearance and would be seen in the context of the wider industrial estate. It is considered that the panels would not have any adverse impact on the character and appearance of the building or the wider area. It is considered that the panels would not cause any negative impact on any of the neighbouring units. As such the proposal is found to accord with Policy SW11 of the LDP.

It is recognised that the proposal would result in works to the roof of the unit but the Planning Authority's Ecologist is satisfied that in this instance no ecological survey work is required. It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that

applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes solar panels to the roof, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement would be required and can be secured via a suitably worded condition. The enhancements would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policies EnW1, EnW2 and EnW3 of the LDP.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing Title: Proposed Elevations, Drawing Number FW-04, Rev A, Received on 27 March 2024.

Drawing Title: Proposed Elevations, Drawing Number FW-03, Rev B, Received on 16 April 2024.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. BEFORE WORKS COMMENCE ON SITE a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence. All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

3. With respect to condition 3, it is advised that 1 no. bat box (woodcrete or woodstone). For example, see <https://www.greenwoodsecohabitats.co.uk/shop> (single crevice bat box).

The bat box will be erected on the southeast elevation, near to the apex and at a height of at least 3m. The box will be away from artificial light and will not be directly illuminated.

RECOMMENDATION ENDORSED


 Director of Neighbourhood Services

DATE: 22.04.2024