

DELEGATED REPORT

Application No:	P/24/0055
Site Address:	Unit 1 Cyfarthfa Industrial Estate Merthyr Tydfil CF47 8PE
Development:	Installation of solar panels to front
Case Officer:	Rebecca Owens
Site Visit:	20th March 2024
Application Expiry Date:	8th May 2024
Consultation reply date expired:	11th April 2024

APPLICATION SITE

The application relates to unit within an established industrial estate in the settlement boundary. The site is bound by a highway to the north, car park to the south and other units to the east and west.

PROPOSED DEVELOPMENT

Full planning permission is sought for the installation of solar panels to the front roof plane. Forty eight panels are proposed, arranged in three row of sixteen. The panels would cover an area approximately 18.1m by 5.25m on each roof plane and would project above the surface of the roof by 70mm.

PLANNING HISTORY

There are a number of recent planning applications relating to the site but none of these are relevant to the determination of this application.

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
- EnW4 Environmental Protection
- CW1 Historic Environment
- CW2 Cyfarthfa Heritage Area
- 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. Whilst a proportion of the front roof plane would be covered with solar panels as part of this proposal, the panels would have a modest projection of just 70mm above the roof plane and the roof height and pitch would make the panels difficult to see from the ground adjacent to the building. Notwithstanding this, on an industrial type building of this scale and within the wider industrial estate setting, it is not considered that the panels would have any adverse impact on the character and appearance of the building itself or indeed the area in general which forms part of Urban Character Area 5. Similarly, given the distance of this building from the nearest dwellings, the solar panels would not result in any harm to residential amenity. Moreover, it is not considered that they would negatively impact on any of the

neighbouring units. As such the proposal is found to accord with Policies SW11 and CW1 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 893.004A, Received on 12 March 2024.

Drawing Title: Proposed Roof Plan, Drawing Number 893.006, Received on 12 March 2024.

Drawing Title: Proposed and Existing Front Elevation, Drawing Number 893.007, Received on 12 March 2024.

Drawing Title: Solar panel section, Drawing Number 893.008, Received on 19 March 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 2 no. bat boxes (woodcrete or woodstone) are erected on the side elevation. For example, see <https://www.greenwoodsecohabitats.co.uk/shop> (single crevice bat box).

RECOMMENDATION ENDORSED

DATE: 12.04.2024


Director of Neighbourhood Services