

DELEGATED REPORT

Application No:	P/23/0022
Site Address:	Fountain Shop 14 Lower High Street Merthyr Tydfil CF47 8EB
Development:	Installation of solar panels on the roof to the front and rear
Case Officer:	Marlene Ferreira
Site Visit:	3rd February 2023
Application Expiry Date:	23rd March 2023
Consultation reply date expired:	20th February 2023

APPLICATION SITE

This application relates to a terraced property at 14, 14a and 14b Lower High Street, near the town centre. The property, aside from the dominant front advert at ground floor, comprises a somewhat traditional frontage with slate roof tiles and sliding sash windows. It has been substantially extended to the rear and is currently occupied by a commercial business.

The premises forms part of a curved row of terraced properties which lie opposite the entrance into the Town Centre High Street and within the Town Centre Conservation Area. The neighbouring properties, like the application site, are of a similar design and appearance and occupied by commercial businesses.

PROPOSED DEVELOPMENT

This application seeks planning permission to install solar panels on the front (west) and rear (east) roof elevations of the property.

An array of solar panels would be positioned along the full width of the front roof elevation, occupying an area of approximately 29m² and along the full width of the rear roof elevation, occupying an area of approximately 9m².

The Ultra V solar panels, manufactured by Suntech, would each measure 2.27m by 1.1m and 0.35m deep and would be black in colour. These would be installed using the GSE in-roof system, on the battens of the premises and would project a total of 0.015 metres above the existing roof slates.

It is noted that the submitted plans also include the installation of solar panels on the side elevation of the rear projection. However, given that these do not front the rear highway, this part of the development would amount to permitted development. As such, it has not been considered in the assessment of this application.

PLANNING HISTORY

The following planning history is relevant to this site:

P/17/0253 – ATM advert – Approved: 29th September 2017

P/17/0252 – Install ATM to the front of the premises – Approved: 29th September 2017

P/03/0299 – New fascia – Approved: 25th July 2003

CONSULTATION

The following consultations were undertaken:

Town Planning's Policy Officer	No response.
Town Planning's Ecologist	No objection, subject to conditions.
Environmental Health Manager	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby properties and a site notice was displayed within the vicinity of the site. No letters of representation have been received in response to the publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policy

- Planning Policy Wales (Edition 12, February 2024)

Paragraph 3.3 refers to good design and states that *'...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental,*

cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...'

Paragraph 3.9 refers to character and states that '*...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...'*

Paragraph 3.14 refers to context appraisal and states that these '*...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...'*

Paragraph 6.16, 6.17 and 6.19 discusses the Welsh Government's objectives for the historic environment and states that these seek to '*...protect the Outstanding Universal Value of the World Heritage Sites; conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy; safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved; preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous... It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way... Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place...'*

- TAN's (Technical Advice Note)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that '*...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'*

TAN 12 – Design (2016)

This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales. Section 2.6 of TAN12 states that ‘...*Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...*’ Section 4.3 of TAN12 points out ‘...*Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...*’

TAN 24: The Historic Environment (2017)

Section 1.14 of TAN 24 refers to conservation principles and ‘... *recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...*’

Local Planning Policies

The Merthyr Tydfil Replacement Local Development Plan 2016-2031

LDP Policy SW4 – Settlement Boundaries

LDP Policy SW11 – Sustainable Design and Placemaking

LDP Policy CW1 – Historic Environment

LDP Policy EnW1 – Nature Conservation and Ecosystem Resilience

LDP Policy EcW8 – Renewable Energy

- Supplementary Planning Guidance (SPG):

SPG4 - Sustainable Design, July 2013

SPG5 – Nature and Conservation, May 2015

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed introduction of PV solar panels would be acceptable in respect of their impact upon the character and appearance of the premises, the conservation area and the wider area. The impact of the proposed development upon ecology and residential amenity are also important considerations.

Principle of development

The application site lies within the settlement boundary – Primary Growth Areas. New development in such areas is supported by LDP Policy SW4 provided it complies with other relevant planning policies.

Given the nature of development, LDP Policy EnW8 is also relevant. This policy states that the use of renewable energy will be supported as a means of reducing local carbon footprint.

The proposed development is therefore acceptable in principal and would comply with LDP Policies SW4 and EnW8.

Character and Appearance

The proposed development, as described above, seeks to introduce solar panels on the front and rear roof slopes of the main premises.

The solar panels are required to reduce energy use at the site. These solar panels would be located, as previously noted, to the rear and front roof of the premises, and would therefore be visible within the front street scene. It should be noted however that the solar panels would be black in colour and therefore very similar in colour to the existing roof slates. Furthermore, these would only project above the roof slope by approximately 0.015 metres. This projection would therefore be minimal. This combined with its colour which would be very similar to that of the existing roof slates, would appear almost unnoticeable when viewed from the street scene by passers-by.

The proposal would therefore result in an acceptable form of development which would not be considered to significantly harm the appearance of the property, nor would it adversely affect the character of the existing street scene or wider conservation area. As such, it would accord with LDP Policies CW1 and SW11.

Residential Amenity

The proposal has been considered in respect of its impact upon surrounding neighbouring occupiers. However, given the nature and siting of the development, the proposal would not be considered to cause any harm upon the surrounding residential amenity. In this respect, no representations were received following the publicity exercise. The relationship between the proposed development and the neighbouring dwellings would therefore be considered acceptable and would accord with LDP Policy SW11.

Ecology

Given the nature of the proposed works, the Council's Ecologist requested that a Preliminary Roost Assessment (PRA) be submitted in support of the application. The PRA report was received on 4th May 2023. It has been reviewed by the Council's Ecologist who has not raised any concerns and is satisfied with the conclusions reached, i.e. no evidence of bats were found and as such, no further survey work or recommendations were stipulated.

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 enhancements, in the form of a bat box, would be required, as requested by the Council's Ecologist, and could be secured via a suitably worded condition. These enhancements would contribute to the wider green infrastructure objectives. The proposed development would therefore be considered to accord with LDP Policy EnW1.

CONCLUSION

The proposed development, for the reasons discussed above, is therefore considered acceptable and would accord with the relevant policies.

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.

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:

- 916.001, received: 26th January 2023;
- 916.002, received: 26th January 2023;
- 916.003, received: 26th January 2023;
- Cross Section IR Slate Universal Kit, Sheet 1/1, received: 17th June 2024;
- Suntech, Ultra V, Half-Cel Monofacial Module, received: 17th June 2024.

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

3. Prior to the installation of the solar panels, a scheme for biodiversity enhancement, to include the provision of a bat box on the southern elevation (at a height of at least 3 metres) and 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 - In the interest of biodiversity to accord with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 05.07.2024