

DELEGATED REPORT

Application No:	P/23/0186
Site Address:	Unit 5 Triangle Business Park Pentrebach Merthyr Tydfil CF48 4TQ
Development:	Change of use from offices to educational tutoring facility
Case Officer:	Marlene Ferreira
Site Visit:	10th August 2023
Application Expiry Date:	27th September 2023
Consultation reply date expired:	3rd October 2023

APPLICATION SITE

The application site relates to Unit 5, a large metal clad and brickwork building, located at Triangle Business Park in Pentrebach. Specifically, the application site relates to the first floor offices located on the southeastern corner of the building. This office area measures approximately 244m² and has been vacant for over a year.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use to this part of the unit, from offices (A1 use class) to educational tutoring facility (D1 use class).

This section of the building currently comprises 4 offices, associated facilities (WC and kitchen) and a corridor. It is proposed that these offices be used for educational tutoring lessons for pupils on a 1:1, 1:2 and 1:3 basis to provide additional learning/support towards English and Maths GCSE's. A total of 10 full time staff would be employed to operate the tutoring facility.

PLANNING HISTORY

The Council's records do not show any recent or relevant planning history for this site.

CONSULTATION

Head of Engineering and Highways	No objection.
Policy Group Leader	No objection.

Environmental Health

No objection.

Natural Resources Wales

No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, nearby premises were consulted and a notice was displayed within the vicinity of the site. No letters of representation were received following this 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 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

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 3.55 states that *‘...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for*

appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...

Paragraph 6.4.3 discusses biodiversity and states that *'...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'*

- TAN (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 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 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...'*

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the proposed development is acceptable in principle in this location, and with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary. Thus, the principle of development is considered acceptable and is generally supported by LDP Policy SW4, provided the proposal is compatible with other relevant policies and material planning considerations.

The site also lies within the Triangle Business Park protected employment site and as such, LDP Policy EcW2 is relevant to the assessment of this application. This policy states that ‘...At Pengarnddu, Pant Industrial Estate, Goatmill Road, EFI Industrial Estate, Cyfarthfa Industrial Estate, Triangle Business Park, Merthyr Tydfil Industrial Park, The Willows/ Abercanaid Industrial Estate, and at allocated employment sites, development will be permitted if:-

- *It is within Use Classes B1(b), B1(c), B2 or B8; or*
- *It provides an ancillary facility or service that supports the primary employment use, or*
- *It is an acceptable complementary commercial service outside class B uses, or*
- *It is an appropriate waste management facility compatible with existing industrial and commercial activities.*

Development proposals for uses other than those stipulated and that would result in the loss of employment land / premises at the above sites will only be permitted where it can be demonstrated that the proposal would not lead to an unacceptable change in the nature of the employment site and where the existing use is inappropriate or the land / premises are surplus to the requirements of the employment market...’

It is noted that this proposal would introduce a non B use class at the existing site. However, the vacant offices have been marketed for at least 12 months and there has been no interest in the premises for uses falling within the B use class. As such, it is considered that this part of the premises has been shown to be surplus to the requirements of the employment market. Furthermore, since the site relates to a small area not exceeding 244m², its use as a tutoring facility would therefore not be considered to impact the overall employment nature of the building, or the wider designated employment site. The proposal would therefore accord with LDP Policy EcW2.

Character and Appearance

The proposal relates to a change of use only and no internal or external alterations are proposed in association with the educational tutoring facility. The proposal would therefore comply with LDP Policy SW11.

Residential Amenity

The premises lies within an established business park and as such, it is located away from residential properties. Thus, the proposed use would be acceptable within this context and would not cause any adverse harm upon residential amenity. It would therefore accord with LDP Policy SW11.

Ecology

This application proposal relates to a change of use to a section of an existing building. As such, the Council's Ecology Officer has not requested any survey work. However, enhancement works in line with the Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancements' has been requested which includes the installation of a bat box. Having considered the nature of the works, which would not involve any internal or external alterations, the ecological enhancement works would be considered a reasonable request in this instance.

Parking and Highway safety

The proposed use would operate from an existing unit which already benefits from associated parking provision within the front car park. It should also be noted that the proposed use would occupy approximately 244m² with a maximum of 10 staff members. Thus, the parking requirements for the proposed use would not be considered higher than those currently associated with the use of the premises as offices. The Head of Engineering and Highways has considered the proposal and has not raised any objections in this respect. As such, the proposal would accord with LDP Policy SW11.

CONCLUSION

For the reasons set out above, the proposed development is considered to be acceptable and complies with the relevant LDP policies.

Finally, 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 no: 2023-101-002p, received: 2nd August 2023

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

PP.

DATE: 22.09.2023