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CASE OFFICER	Kate Glover
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	9th April 2025

Application No.
P/24/0265

Date
26th November 2024

Determining Authority
MTCBC

Proposed Development

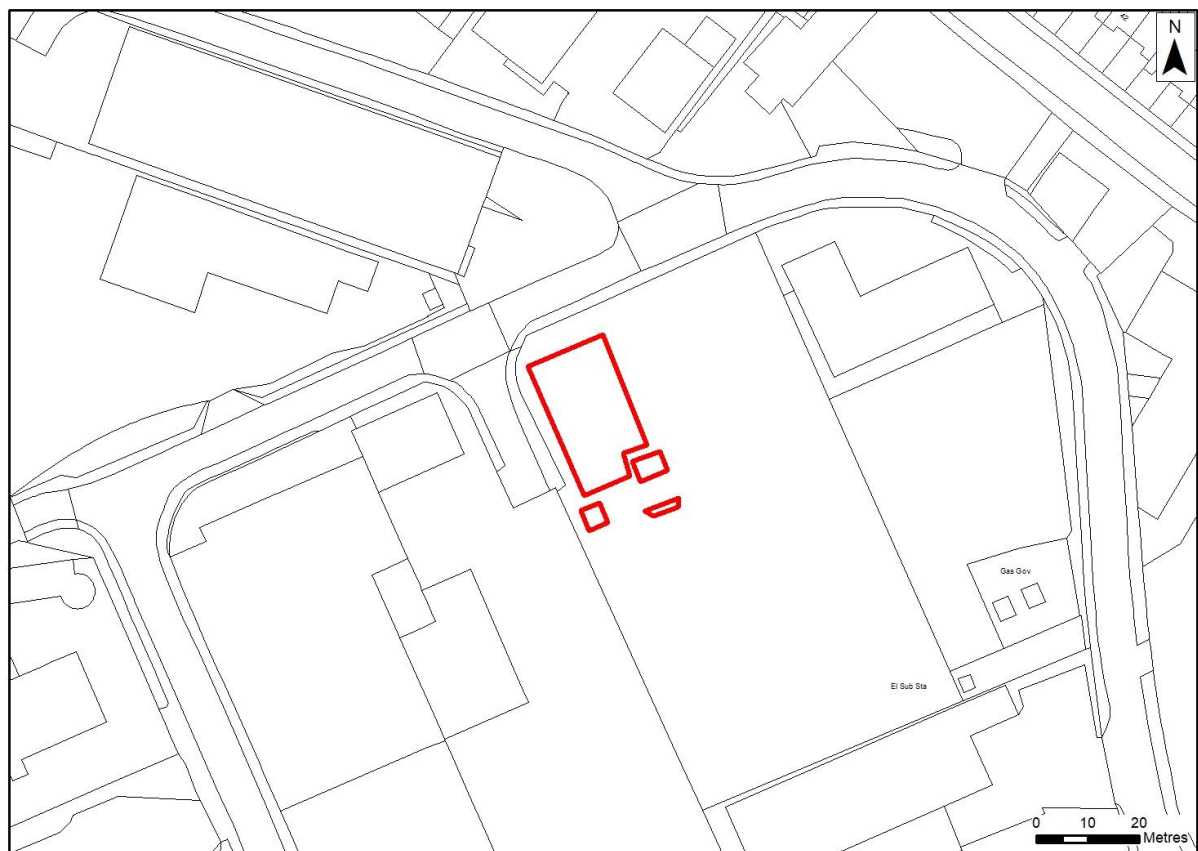
Location

Name & Address of Applicant/Agent

Change of use from use classes B1,B2,B8 to a Veterinary Practice (Sui Generis use).

Unit 1
Paisley Business Park
Pant Industrial Estate
Merthyr Tydfil
CF48 2SR

Ms Rhian Nicholls
c/o Mrs Rhianon Jones
CarneySweeney
Brunel House
2 Fitzalan Road
Cardiff



This application has been called-in by Councillor Sammon to be considered by the Planning Committee due to concerns raised regarding the impact of parking and highway safety in the area.

APPLICATION SITE

This application relates to a recently approved industrial unit, measuring approximately 329m², which forms part of a larger development of 14 industrial units (Paisley Park). The site is under construction and was granted permission under planning application P/20/0109.

The site is located in the north-eastern section of the Pant Industrial estate and is bound to the west and south by existing industrial units. To the east is an industrial unit and vacant land with overgrown vegetation. The main highway serving the site is to the north. Additionally, the site is located within the settlement boundary (LDP Policy SW4), a Primary Growth Area and the Pant Industrial Estate Protected Employment Site (LDP Policy EcW2).

PROPOSED DEVELOPMENT

Planning permission is sought for the change of use of the industrial unit from Use Classes B1, B2 & B8, to a Veterinary Practice (*sui-generis* use). This is effectively a resubmission of a previous application for the same development (P/24/0087) that was refused permission due to concerns relating to the loss of an employment within Use Class B, parking concerns and ecology impacts.

The proposed ground floor plans of the vets include a customer seating area, customer toilets, reception area, four consulting rooms, two operating theatres, kennels, cattery, x-ray room, laboratory, dental area, dispensary, janitor room/cupboard, morgue and isolation area. The proposal includes the installation of a mezzanine floor at first floor level which would provide an additional 264m² of floorspace. The plans show that the first floor would provide two offices, a call centre (3 seats), a boardroom (12 seats), staff room (4 seats), two store rooms, staff kennels, pharmacy store, staff toilets, staff shower, janitor room/cupboard and IT room. Detailed information on the mix of full or part-time positions is not provided however the planning statement indicates that the proposal would generate jobs for up to 7 members of staff.

The proposal includes external alterations to the principal elevation which would be limited to the installation of a large glazed section to serve the main reception area together with an external roller shutter, which would be situated where there is an existing loading bay /entrance.

The vets would have 5 parking spaces and a cycle stand for up to 6 bicycles available to staff and customers.

The core opening hours would be 8.00 to 18.30, Monday to Friday and would run on an appointment only basis and the occasional emergency appointment.

PLANNING HISTORY

The relevant planning history is summarised below:

- P/96/0121 Erection of a factory Unit 5306 sq metres (57113 sq ft) and associated car parking and landscaping
Granted 10.04.96
- P/20/0109 Erection of industrial units (Use Classes B1, B2, B8) and associated works
Granted 12 Aug 2020
- P/20/0278 Vary condition 8 (retaining walls) of planning permission P/20/0109
Granted 10 Dec 2020
- P/23/0226 Removal of conditions 11 and 13 and variation of conditions 2, 3, 5, 6 and 12 of planning permission P/20/0109
Granted 06 Nov 2023
- P/24/0087 Change of use from use classes B1, B2, B8 to a Veterinary Practice (Sui Generis use)
Refused 22 Aug 2024 for the following reasons:
1. The application has not demonstrated that the land or premises are surplus to the requirements of the employment market, or that the permitted use is inappropriate, or that the proposed use is ancillary to the wider function of the employment site, contrary to Policy EcW2 of the Merthyr Tydfil Replacement Local Development Plan.
 2. The application has not demonstrated that the proposal would be supported with parking commensurate with the proposed use, contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.
 3. The application has not demonstrated a net benefit in respect of biodiversity contrary to Policy EnW1 and Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan, Planning Policy Wales 12 and The Environment (Wales) Act 2016.

CONSULTATION

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|-----------------------------------|---|
| Head of Engineering and Highways: | Objection, as the proposed use would result in a detriment to highway safety as there is insufficient parking available to service the number of customers and staff. |
| Planning Ecology Officer: | No objection subject to the provision of enhancements |
| Planning Policy Officer: | No objection, sufficient information has been submitted to address the requirements of LDP Policy EcW2. |

Environmental Health Manager: No objections.

Welsh Water No objection, subject to conditions relating to surface water drainage and animal waste.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a site notice was displayed within the vicinity of the site on the 4th December 2024

As a result of the publicity exercise two letters of objection have been received and a summary of the concerns raised is summarised below:

- There are already three veterinary practices in the area, with a fourth that closed in Abercanaid a few years ago.
- Potential impact on the occupation of the neighbouring units due to pet waste, odours and high foot traffic.
- Lack of parking as there are only four parking spaces including one disabled bay particularly when compared with other vets that have more spaces: Ash has 25 spaces, Vets4Pets have 50+ (retail park) and Victoria Pets has 12 client spaces plus separate parking for staff. The shortfall of parking will lead to congestion, impacting on spaces available for other nearby businesses or along the nearby roads which would be to the inconvenience of the local community.
- Another veterinary practice is not necessary.
- The proposal may drive up costs and not lower them.
- Potential for dogs defecating in the area.

POLICY CONTEXT

National Development Framework

Future Wales: The National Plan 2040 (February 2021) (Future Wales)

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) (PPW):

Paragraph 3.3 discusses good design and states it *'...is fundamental to creating sustainable places where people want to live, work and socialise. 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 surrounding area...'*

Paragraph 3.4 goes on to discuss the objectives of good design which are characterised into 5 key aspects, these being *'... Access – ensuring access for all; Character – sustaining*

or enhancing local character, promoting legible development, a successful relationship between public and private space, quality, choice and variety, innovative design; Community Safety – Ensuring attractive, safe public spaces, security through natural surveillance; Environmental Sustainability – Achieving efficient use and protection of natural resources, enhancing biodiversity and designing for change; Movement – Promoting sustainable means of travel...’

Paragraph 3.22 points out that planning authorities should develop and maintain places that support healthy, active lifestyles across all ages and socio-economic groups.

Paragraph 4.1.51 advises that *“A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.”* In addition paragraph 4.1.52 advises that *“Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. This includes preventing pavement parking through the design of the street.....”*

The following Technical Advice Notes (TAN) provides guidance on matters relevant to this proposal:

- TAN 5: Nature Conservation and Planning
- TAN 18: Transport
- TAN 23: Economic Development

Paragraph 2.3 of TAN18 advises that *“Integration of land use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development, in particular climate change and the outcomes identified in the Assembly Government’s Environment Strategy. Integration can help the Assembly Government achieve these environmental outcomes, together with its wider sustainable development policy objectives by:*

- ensuring new development is located where there is, or will be, good access by public transport, walking and cycling thereby minimising the need for travel and fostering social inclusion;*
- managing parking provision;*
- ensuring that new development and major alterations to existing developments include appropriate provision for pedestrians (including those with special access and mobility requirements), cycling, public transport, and traffic management and parking/servicing;”*

Paragraph 4.7 of TAN18 advises that *“In determining maximum car parking standards for new development, regard should be given to:*

- public transport accessibility and opportunities or proposals for enhancement;*
- targets and opportunities for walking and cycling;*
- objectives for economic development including tourism;*
- the availability in the general area of safe public on- and off- street parking provision;....”*

Paragraph 4.13 of TAN18 advises that “Where appropriate, the local parking strategy should link parking levels on new development sites with either the existence or introduction of on-street control regimes. Maximum parking standards should not be applied so rigidly that they become minimum standards. Maximum standards should allow developers the discretion to reduce parking levels. However, a particular concern with reduced on-site parking is the potential for problems associated with ‘over-spill’ parking. Local planning authorities when developing the local strategy or applicants when undertaking a transport assessment should assess the extent of existing on-street parking pressures and the impact of new development. Where on street space is at a premium, local planning authorities could seek contributions from developers towards the implementation of on-street parking controls or refuse permission for developments where despite controlled parking, unacceptable road safety or congestion issues will probably remain.”

Local Planning Policies

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

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW4: Environmental Protection
- EcW2: Protecting Employment Sites
- SW9: Planning Obligations

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

- Note 2: Planning Obligations (March 2012)
- Note 4, Sustainable Design
- Note 5, Nature and Development

PLANNING CONSIDERATIONS

This planning application is effectively a resubmission of a previous scheme (P/24/0087) that was refused planning permission due to concerns raised at the time relating to the loss of an employment use with Use Class B, parking concerns and ecology impacts, as set out above in the planning history section of this report.

To address these concerns, revised floor plans have been submitted, together with further evidence in relation to the marketing of the industrial unit. Additional information has also been provided in relation to traffic movements, parking, as well as a Green Infrastructure Statement. Accordingly, the main issues to consider under the assessment of this application relate to the principle of development, parking provision and highway safety, ecology, environmental protection and visual impact.

Principle of Development

Economic Well-being Policy EcW2 (Protecting Employment Sites) states that at Pant Industrial Estate 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.

The proposal is for the change of use of a unit that falls within Use Class B, to a Veterinary Practice, which although is deemed to be a '*sui-generis*' use, could be considered akin to a clinical or health centre use. A vets use is not considered to be an acceptable complementary commercial service outside of Use Class B, as while a vets could provide a service to the users and employees of Pant Industrial Estate, the intended user/customer-base is further afield than the users of the existing employment site. However, as the majority of Pant Industrial Estate comprises Class B uses, it is unlikely that the vets would lead to an unacceptable change in the nature of the employment site which would be to the detriment of the site's industrial characteristics.

The Paisley Park site was completed in approximately May 2024, and was actively marketed during its construction and since its completion. A marketing brochure, produced by Knight Frank (available on the company's website) is dated January 2024. As such, the site has been appropriately marketed for a suitable period of time and given that the unit in question remains vacant, it has been proven that the unit is currently surplus to the requirements of the employment market. As such, there is sufficient evidence to satisfy the requirements of Policy EcW2, and that the loss of employment land (within Use Class B) is justified in this instance. Notwithstanding this, it is acknowledged that the proposed use would nonetheless maintain some employment opportunities at the site. In this regard it is acknowledged that the Planning Policy Officer has not raised an objection to the proposed development.

The proposal is therefore acceptable in principle and in accordance with Policy EcW2, subject to its compliance with other relevant policies.

Parking and Highway Safety

The Planning Statement indicates that 7 members of staff would be employed at the proposed vets, although there are no details on the positions that would be held i.e. practitioner/nurse or supporting staff, or if the positions would be fulltime and/or part-time. The proposed plans show that the ground floor of the vets would provide a customer seating area, reception area (2 seats), four consulting rooms, two operating theatres, x-ray

room, laboratory, morgue and dental area. There would also be an isolation area, cattery, kennels and janitor room/cupboard. A mezzanine floor would be constructed and provide a first floor which would contain two offices, a call centre (3 seats), a boardroom (12 seats), staff room (4 seats), as well as, a janitor cupboard, staff kennels, 2 storage rooms, a pharmacy store, prep room, IT room and staff toilets. The introduction of a mezzanine floor considerably increases the overall floor area of the building and the potential facilities it can provide.

The Head of Engineering and Highways has reviewed the Transport Statement and its Addendum which considers the potential impact on traffic movements and parking. In the statement reference is made to other vet sites in an attempt to draw some comparisons with the current proposal and the level of parking provision that would be appropriate. However, the Head of Engineering and Highways considers these comparisons to be unacceptable as they relate to larger vets which may not include a similar range of facilities and are also supported by larger parking areas. Notwithstanding this, each site should be assessed on its own merits and within its own context.

The Head of Engineering and Highways acknowledges that the business is '*sui-generis*' and as such there are no specific standards which are set out in the CSS Wales Parking Standards. However, it has been advised that it would be reasonable to seek a minimum of 15 parking spaces to accommodate 4 veterinary surgeons and nurses (practitioners), 3 ancillary staff and at least 8 customers, which would comprise of those in a consulting room with a practitioner and those waiting for their appointment with a practitioner. In addition to this, it would also be reasonable to assume that there would be other customers visiting the vets (outside of appointments) for other reasons, such as to pick up prescriptions, medication, emergency appointments, and collection/drop off for pets before and after longer treatments such as operations or dental works.

The CSS Wales Parking Standards have also been reviewed, which does not provide any specific guidance in relation to '*sui-generis*' uses or vets, but does contain guidance in relation to Health Centres and Surgeries, which could be said to be of a similar nature to that of a vets. In relation to Health Centres/Surgeries the parking guidelines identify the need for 1 parking space per practitioner, 1 space per 3 ancillary staff members and 3 customer parking spaces per practitioner. As such given the number of rooms set aside for consulting and operations it is likely that there would be a minimum of 4 practitioners at the proposed vets, leaving 3 ancillary staff. Therefore, based on the information provided the proposal would require at least 5 parking spaces for staff and 12 spaces for customers, which would equate to the need for a total of 17 parking spaces to serve the proposed use.

Despite the method of how parking requirements is assessed, there are serious concerns over a discrepancy between the levels of activity and provision for practitioners and ancillary staff as shown on the proposed plans, which is not commensurate to the number of staff stated. It may be that not all the consulting rooms are occupied at the same time however it is reasonable to draw a conclusion in this instance that given the scale of the development there would likely be a greater number of staff, which would further compound the potential shortfall in parking provision.

It has been suggested by the applicant that the parking spaces available elsewhere within the Paisley Park could also be utilised. However, these parking areas are clearly allocated to the adjacent industrial units and would not be available to serve the proposal. The

suggestion by the applicant that the parking spaces serving the other units could be used is somewhat contradictory to their argument that the 5 parking spaces are sufficient to serve the proposed vets.

With regard to parking along the adjacent highway it is noted that the proposed vets is located within an established industrial area where large vehicles often move around the site, which require sufficient room to manoeuvre around junctions and along the highway. The Head of Engineering and Highways has serious concerns that the proposed vets would lead to ad-hoc parking along the highway and that this has the potential to impede the movement and free-flow of large vehicles in the area. This could also lead to vehicles parking along the pavements which would give rise to pedestrian safety concerns.

Turning to matters of sustainable transport, the Head of Engineering and Highways advises that there may be some potential for staff to car-share or use public transport to reach the site. However, given the nature of the use and its location in an industrial estate, generally away from any residential area, it would be unreasonable to assume that a large proportion of the customers would rely on public transport especially when travelling with pets.

In conclusion, there are concerns that there would be a significant shortfall in the appropriate level of parking provision to serve both staff and customers. This has the potential to result in ad-hoc parking and overspill into the parking areas allocated for the adjacent units, which would then impact on the parking provision for those businesses. Additionally, there is potential for the parking to impinge on the free flow of traffic movements for large vehicles along the local highway network within the industrial estate. Therefore, the proposal would give rise to an unacceptable impact on the local highway network, which would undermine pedestrian and highway safety and the free flow of traffic around the industrial estate. As such the proposal fails to meet with the requirements of Policy SW11 of the LDP.

Ecology

Policies EnW1 of the LDP which relates to nature conservation and ecosystem resilience seek to ensure that the green infrastructure and the biodiversity interests are maintained and enhanced. The proposal primarily seeks a change of use of the industrial unit with no proposed extensions or significant alterations to the building. Given the scale and nature of the proposal, there are no significant concerns in respect of the potential impacts on the green infrastructure or any protected species or habitats. It has been advised by the Council's Ecologist that the site presents limited opportunity to provide ecological enhancements and that the provision of a bat box on the western elevation of the building would provide an acceptable enhancement that provides a net benefit to biodiversity. This could be reasonably secured as a condition to ensure this enhancement is implemented. Accordingly, the proposal would meet the requirements of Policy EnW1 of the LDP.

Environmental Protection

Environmental Policy EnW4 seeks to ensure that development will not result in an unacceptable risk to surface water and public health and where appropriate conditions may be imposed to secure any necessary mitigation.

It is acknowledged that Welsh Water/Dwr Cymru (WW/DC) has raised no objection to the proposal and advise that conditions be put in place to ensure:

- 1) that no surface water from any increase in the roof area of the building or impermeable surfaces shall drain to the public sewerage system; and
- 2) That animal waste is not disposed directly or indirectly to public sewerage system.

It is noted that the proposal would not increase the roof area of the building or the amount of impermeable surface. Therefore, a condition relating to surface water would not be relevant in this instance. Whilst the applicant has indicated that any animal waste would be disposed of via specialist contractors, it is considered that the condition suggested by Welsh Water would be appropriate in the interest of protecting the sewer systems. Furthermore, it is noted that Environmental Health have not raised any concerns in respect of animal waste or potential odours that may otherwise have an impact on the amenities of neighbouring properties. Accordingly, the proposal meets with the requirements of LDP Policy EnW4.

Visual impact

LDP Policy SW11 which relates to sustainable design and placemaking, seeks to ensure that development is appropriate in its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density.

It is considered that the insertion of a glazed area into the large doorway on the front elevation to serve the reception area, would not materially affect the character and appearance of the building or the wider industrial estate. Therefore, the proposal meets the requirements of LDP Policy SW11.

Response to third party comments

The majority of the points raised as a result of the publicity exercise have been addressed in the earlier sections of this report. However, the following comments are also highlighted in response to other concerns raised:

- Whilst concerns have been raised in respect of the potential for dogs fouling in the area, it is noted that the Environmental Health Manager has not raised any concerns on this matter. Notwithstanding this, it should be noted that this is not a material planning consideration.
- Concerns relating to the impact on veterinary pricing and competition in the area is not a material planning consideration.

CONCLUSION

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.

The proposal fails to demonstrate that there is sufficient parking commensurate with the scale of the proposed use and that the proposal would not result in a detriment to highway safety. Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following **REASON**:

1. The proposal fails to demonstrate that sufficient parking can be provided that is commensurate with the scale of the development, which would give rise to ad-hoc and indiscriminate parking along the highway and impact on the parking provision for adjacent businesses, to the detriment of highway safety and the free flow of traffic movements. Therefore, the development is contrary to Policy SW11 of the Merthyr Tydfil County Borough Replacement Local Development Plan.