

DELEGATED REPORT

Application No:	P/25/0300
Site Address:	Units 2 To 4 Compass Court Merthyr Tydfil Industrial Park Pentrebach Merthyr Tydfil
Development:	Change of Use from Industrial (use class B1, B2, B8) to a learning facility (use class D1)
Case Officer:	Gareth Davies
Site Visit:	18th November 2025
Application Expiry Date:	5th January 2026
Consultation reply date expired:	5th December 2025

APPLICATION SITE

The application site comprises three relatively modest industrial units located on the north western side of a private gated complex. The site lies towards the northern end of the Merthyr Tydfil Industrial Park.

The Industrial Park is located south west of the A4054 and south east of the A4060 between Abercanaid and Troedyrhiw. The wider site occupies flat land on the valley floor and comprises light and general industrial units of varying sizes along with associated and ancillary units such as Booker Cash and Carry or independent used car sales. The smaller units offer a variety of small businesses that meet local needs.

PROPOSED DEVELOPMENT

The proposed development involves the change of use of units 2-4 from an industrial use to a teaching facility (B1/2 to D1 use class) no alterations are proposed internally or externally. Specifically, the local college intend to use the facility to teach bricklaying.

Lessons will last approximately 2 hours with 2-3 lessons taking place each day between 9am and 4pm. The site has 12 parking spaces for only 3 lecturers. It is estimated that only 10% of pupils would bring cars to the site and the maximum number of pupils attending the site would not exceed 30 for any given lesson.

PLANNING HISTORY

P/07/0492 – erection of 12no. light industrial units – Approved 18/01/2008.

P/06/0572 – Installation of lighting columns, improvements/extensions to existing footways and landscaping works – Approved 20/12/2006

P/06/0552 – erection of signage – Approved – 20/12/2006

CONSULTATION

Head Engineering & Highways Manager – No objections

Council Ecologist – No objections

Environmental Health Manager – No objections

Natural Resources Wales – No objections

Dwy Cymru Welsh Water – No objections

South Wales Fire & Rescue Service – No objections

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, site notices were placed in and around the site on 18th November 2025.

No objections or representations were received as a result of this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales the National Plan (February 20210)

- Policy 1 – Where Wales will grow.
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Planning
- Policy 8 – Flooding
- Policy 33 – national growth Area – Cardiff Newport and the Valleys.

National Planning Policy

Planning Policy Wales (Edition 12 February 2024)

- Placemaking in Action: Good Design, Making Better Places Strategic Placemaking
- Previously Developed Land Economic Infrastructure
- Economic Development
- Recognising the Special Characteristics of Places.
- Recognising the Environmental Qualities of Places.

Technical Advice Notes (TAN's)

TAN 12 Design

TAN 15 Development and Flood Risk

TAN 23 Economic Development.

Local Planning Policies

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) (2016 – 2031)

- LDP Objective 4 Regeneration: To promote the suitable re use of previously developed land and continued regeneration of local communities.

The following development plan policies would apply: -

- Policy SW4: Settlement Boundaries
- Policy SW11: Sustainable Design and Placemaking
- Policy SW12: Improving the Transport Network
- Policy EnW1: Nature Conservation and Ecosystem Resilience
- Policy EnW4: Environmental Protection
- Policy EcW2: Protecting Employment Sites

PLANNING CONSIDERATIONS

The key determining factors in the consideration of this planning application are the planning policy position particularly in relation to the proposed use and flood risk, the impact of the proposed development on the highway network, impact on amenity and the impact on local ecology.

Planning Policy and Flood Risk

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

In this instance within the terms of the Merthyr Tydfil Replacement Local Development Plan, the application site lies clearly within defined settlement limits where new development is expected to take place. Though the proposed use falls into use class D1 and this represents a switch away from an industrial use class, it could be considered a complementary commercial service that supports a primary employment use and as such satisfies the requirements of the Local Development Plan Policy EcW2 insofar as it relates to the use of his particular industrial estate. However, the applicants have provided information indicating that the units in question have been vacant since late 2024 and have been marketed for occupation since that time without success. Consequently it is considered that the applicant has demonstrated that the unit is surplus to the requirements

of the employment market. Further the majority of this industrial estate is occupied by B class industrial units and it is therefore considered that, with the proposal being of small scale, it would not lead to an unacceptable change in the nature of the employment site.

The application property lies within zone 2 as defined under the Flood Map for Wales and the current iteration of TAN 15 Development and Flood Risk. The planning application is supported with a flood Risk Assessment as the TAN would normally require for the creation of a highly vulnerable use within such an area. Paragraph 9.5 of the TAN advises *“decision makers should apply professional judgement when considering development categories not explicitly listed based on the risks posed to lives and livelihoods in the event of a flood.”* Though the proposed use establishes that it is specifically within the list, as colleges are mentioned, it doesn't in this instance take account of what it is the college is intending to teach in this instance which specifically is practical bricklaying which lies outside of what would normally be taught in a classroom. The proposal is supported with a Flood Consequences Assessment, which is a requirement when highly vulnerable development is proposed within flood zone 2, and Natural Resources Wales have been consulted on its content and have not raised any objection to the proposed development as a result of its content and findings. Paragraph 10.19 also advises that *“Proposals for redevelopment on brownfield land of any vulnerability will need to assist, and be consistent with, the Development Plan strategy to regenerate an existing settlement or achieve key economic or environmental objectives.”* Allowing the development could therefore be interpreted as consistent with the strategy of the Replacement Local Development Plan and consistent with objective 4 and 12 of that plan.

In this instance due regard has to be taken of the findings of the FCA. Further, the kind of teaching that will take place and the way it will be taught which is bricklaying within a covered area is not a conventional “in classroom” activity. This is not a conventional educational use or teaching method which would normally generate such an objection and could in all practicality be considered more akin to a construction type use which would not necessarily draw such an objection. Notwithstanding this, as noted by NRW, based on the FFL of the building being 145.87mAOD the site would be outside of the 1% (1 in 100 year) event plus climate change allowance extent. During a 0.1 (1 in 1000 year) event plus climate change, the flood levels could reach 145.00mAOD, which NRW notes would mean the building itself would remain flood free. It is acknowledged that there remains some risk around the site becoming flooded with a depth of up to 0.4m in a 0.1% flood event, although within close proximity to the south of the site, is an area of land that appears to remain flood free. On balance, given the nature of the educational facility, the fact the building would remain flood free and the benefit of bringing the unit back into beneficial occupation, which has been vacant for some time, the proposed change of use is deemed to be acceptable in this instance.

The approval of this application would not trigger the need to consult Welsh Government to enquire whether they intend to call in the proposals as that would only apply to highly vulnerable development within flood zone 3 (see TAN 15 paragraph 14.6).

Highway Considerations

The proposed development would be undertaken teaching in a manner that would not result in an overlap between lessons which would avoid any potential for congestion in around the site at change over times. The proposed development would under current standards require the provision of 14 car parking spaces and there is an under provision of

two spaces. Whilst this represents a slight shortfall in provision, given the specific nature of what is being proposed (which can be further restricted by condition if considered necessary), this would not form a solid basis for the refusal of the planning application.

Impact on Amenity

The proposed development would be located within an established industrial/commercial area with similar and arguably more contentious uses situated round about. The nearest residential properties are some 150m distance away with other business units in between the site and those houses which would be unaffected by the proposed change of use.

Ecology

The Council's Ecologist has not raised objection to the proposed development but has emphasised the need to ensure the proposed development delivers net benefit to biodiversity. This can be achieved through the application of appropriate conditions to any consent that might be granted.

Other Matters

Environmental Health have suggested that conditions be applied to any permission that might be granted to control dust that might result from the operation of the premises and to ensure that any waste generated is disposed of in an appropriate manner. These though are matters that can be more efficiently addressed under other legislation. General advice in respect of contamination is also suggested.

The South Wales Fire & Rescue Service suggest that suitable access be maintained for firefighting appliances along with appropriate water supplies being available for firefighting purposes. The estate is already well served with both.

Dwr Cymru Welsh Water in raising no objections to the proposed development also suggest the use of a condition to restrict the discharge of surface water should the proposals involve any increase in roof area or impermeable surfaces. As the application involves only a change of use of the existing building this is unnecessary

CONCLUSIONS

The proposed development is acceptable in planning terms meeting the policy requirements with regard to the ongoing vacancy situation at these units, and more importantly, the applicants have been able to demonstrate acceptability of the development in terms of flood consequences. The proposals are demonstrably acceptable in terms of all other material planning considerations and accordingly a positive recommendation is made.

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 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 in 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:

- Site Location plan.

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

3. **Within three months of this decision** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. The 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 County Borough Council Replacement Local Development Plan.

4. **Within three months of the date of this permission** details of secure cycle parking spaces/stands to serve the development shall be submitted to and approved in writing by the Local planning Authority. The agreed details shall be provided prior to the first beneficial use of the development hereby approved.

Reason - To promote sustainable modes of transport in accordance with Policy SW12 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 16.02.2026