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Merthyr Tydfil County Borough Council
Planning Services
Civic Centre
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Merthyr Tydfil
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Submitted electronically only

January 2024

Dear Sir/Madam

**RSPCA MERTHYR TYDFIL CLINIC, ABERCANAI INDUSTRIAL ESTATE, ABERCANAI,
MERTHYR TYDFIL, CF48 1YF**

**PLANNING APPLICATION FOR CHANGE OF USE - TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED) THE TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (WALES) ORDER 2012 (AS AMENDED)**

I write on behalf of the Royal Society for the Prevention of Cruelty to Animals ('RSPCA'), to request planning permission in relation to the aforementioned site herein referred to as the 'Site'.

The RSPCA, as the owner of the property in question, are seeking to change the use of part of the upper floor of their veterinary clinic from self-contained residential unit for staff to office space.

The description of development is therefore proposed as:

"Change of use of part upper floor (Unit D61) from residential (RSPCA associated staff only) to office accommodation"

Together with this covering letter, the following documents have been submitted via the Planning Portal (Ref: PP-12768840):

- Location Plan
- Site Plan
- Floor Plan – J0046512-21-02
- Floor Plan – identifying unit D61
- Top Floor Fire Plan

- Description/schedule of existing uses on the Site (see below)
- Correct fee (see below)

The application fee will be paid by the Applicant via the Planning Portal which has been calculated at £460 based on the proposed nature of development being “*Other material change of use of a building or land*” with no concessions, reductions or exemptions.

Introduction

The RSPCA are the world's oldest and largest animal welfare charity, with the primary focus of rescuing, rehabilitating and rehoming or releasing animals across England and Wales.

As an organisation, they have rehoming centres, wildlife rehabilitators and animal hospitals which are funded by donations to the national RSPCA, as well as local branches. These separately-registered charities work under guidelines set by the national RSPCA and are primarily funded by local donors.

The Merthyr Tydfil Clinic provides lifesaving veterinary care to thousands of animals rescued by RSPCA frontline officers. They also provide vital support to rescued animals being cared for at RSPCA centres and provide accommodation to staff.

The RSPCA would like to change one of the residential flats to office space for use by one of their Inspectorate groups, currently based elsewhere.

The Site and the Surrounding Area

The application site is located within Abercanaid which is a small village in the Welsh county borough of Merthyr Tydfil. It is situated 2.5 miles south of Merthyr town centre, west of Pentrebach, across the River Taff and north of Troedyrhiw.

The application site relates to an existing building located in the Abercanaid Industrial Estate to the north of the main body of housing in Abercanaid. The A470 runs to the west of the site with the River Taff running directly to the east.

The site is currently used as an animal clinic with staff accommodation on the upper floor. It is accessed off the main road through the estate.

An extract from google maps showing the site is included below.



The property was granted planning permission in 2001 (P/01/0049) for the “*Erection of R.S.P.C.A. Veterinary Clinic with 3 self contained units of residential accommodation for staff in roof space*”

The occupation of the residential units, as per Condition 2 of the permission is restricted to persons employed or professional associated with the Clinic.

The only other planning history of note relates to the erection of a free standing illuminated sign (approved under reference P/04/0622) and alterations to the existing exercise yard (approved under reference P/09/0101).

A review of the replacement LDP demonstrates the site is located within a Protected Employment Site (Policy EcW2), the Settlement Boundary (Policy SW4) and is within the Hoover Strategic Regeneration Area as defined by LDP Policies SW6. The site is also within Urban Character Area UCA 9 defined by policy CW1. The River Taff to the eastern boundary is a SINC.

A review of the historic Wales maps identifies there are no listed building within the site boundary. The nearest listed buildings are a collection of Grade II listed buildings at Quay Row.

A review of the coal authority maps identifies the application site is located within a coal mining report area.

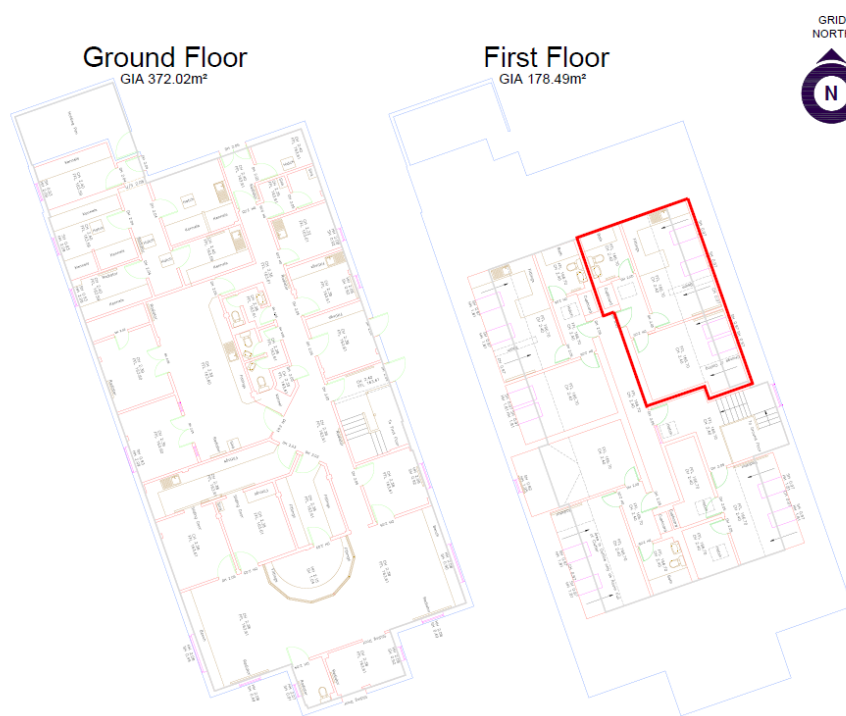
The site as existing has one vehicular access point which also acts as the pedestrian access point into the site.

The nearest bus stops to the site are located along the highway to the south west of the site. The Taff Trail also runs to the west of the site. The nearest train station is Pentre-Bach located just under 1 mile away to the south east.

The Proposals

This application seeks planning permission for the change of use of unit D61 from residential accommodation (for staff) to office use. The use of the building as a whole will remain as per the existing use and no external changes are required or proposed.

The unit in question is located immediately next to the existing staff/store room and identified in the plan below.



Accordingly, no physical development is currently proposed as part of this application. The proposals assume that all matters such as access etc remain as per the previous situation on the Site.

The Site is in an identified employment area, with reference to the policies map, and is located where surrounding sites are allocated for similar development. As such, it is considered that the change of use will have no negative impact on the provision of residential accommodation or on the wider area.

Adopted Planning Policy

The planning policy framework for the determination of this application is provided by national planning guidance, together with the adopted The Adopted Merthyr Tydfil Replacement Local Development Plan 2016 – 2031 (LDP) adopted in January 2020.

Planning Policy Wales ('PPW') Edition 11 (February 2021) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes ('TAN's), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

Planning Policy Wales

PPW (11th Edition – February 2021) is the principal planning policy document of Welsh Government that should be taken into account in the preparation of development plans and in the determination of planning applications and appeals.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.

PPW provides the national strategic guidance for land use planning matters in Wales and aims to deliver the vision for Wales as set out in the Well-being of Future Generations Act:

A more prosperous Wales, a resilient Wales, which supports healthy, functioning ecosystems and recognises the limits of the global environment, a healthier Wales, a more equal Wales, a Wales of more cohesive communities, a Wales of vibrant culture and a globally responsible Wales.

Sustainable development is defined as:

“Sustainable development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.“

PPW aims to ensure that the planning decisions taken in Wales, regardless of scale, will improve the lives of both current and future generations, building a better environment to accommodate current and future needs.

PPW and the National Development Framework (‘NDF’) set out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (‘SDP’s) and Local Development Plans (‘LDP’s).

Paragraph 2.13 of PPW states that *“The plan-led system underpins the delivery of sustainable places. To ensure all development plans and decision taken by the planning system work together to deliver sustainable places. The 5 Key Principles represent a guiding vision for all development plans, including the National Development Framework”*.

The 5 key principles are:

- Growing the economy in a sustainable manner;
- Making best use of resources;
- Facilitating accessible and healthy environments;

- Creating and sustaining communities;
- Maximising environmental protection and limiting environmental impact

Paragraph 2.28 provides the key factors in the assessment process with regards to economic development. This includes:

- *“The numbers and types of long-term jobs expected to be created or retained;*
- *Whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities or upgrading the environment;*
- *The contribution the development would make to achieving wider strategies, for example the growth or regeneration of certain areas;*
- *The contribution this economic activity will have to wider policy goals; and*
- *How the proposal would support the achievement of a more prosperous, low carbon, innovative and resource efficient Wales.”*

PPW requires that the planning system should support economic and employment growth which generate economic prosperity and regeneration where possible. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic use.

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 3.51 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 respect of the Re-Use of Previously Developed Land, Paragraph 3.55 states that *“Previously developed land in settlements should generally be considered suitable for development because their re-use will promote sustainability principles.”*

Paragraph 5.4 states that *“For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and income”*.

Paragraph 5.4.1 discusses economic development as *“...the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses...”*

Paragraph 5.4.2 states that economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy. This section focuses primarily on traditional employment land uses (B1, B2 and B8) while policies on other economic sectors are found elsewhere in PPW.

Paragraph 5.4.4 states that *“Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration; Sites identified for employment use in a development plan should be protected from inappropriate development”*.

Paragraph 5.4.16 states that *“Economic clustering typically occurs when businesses from the same or similar industry, or with a common interest, choose to locate in close proximity for mutual benefit. Often, clustering concerns high technology, innovative or research and development based companies, but may also include finance, food and media businesses, or supply industries serving larger manufacturers. Businesses can benefit from shared facilities, infrastructure, local pools of skilled and qualified labour, common supply chains and links to higher education”*.

Future Wales the National Plan: 2040

Future Wales – the National Plan 2040 is Wales’ national development framework which sets out the direction for development in Wales to 2040. It is a development plan that sets out a strategy for addressing key national policies including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of communities. The spatial strategy is a guiding framework which sets out the key national policies that will guide and encourage development which supports sustainable growth in both urban and rural areas across Wales.

As the national development framework, Future Wales is the highest tier of development plan and is focused on solutions to issues and challenges at a national scale. Its strategic nature means it does not allocate development to all parts of Wales, nor does it include policies on all land uses. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans at local authority level.

Technical Advice Notes

Technical Advice Notes (‘TANs’) supplement the policy principles of PPW and add further detail on issues which might affect development potential of the Site. TANs which are currently considered relevant to the proposal are:

TAN	Title	Summary
TAN 11	Noise (1997)	Provides advice on how the planning system can be used to minimise the adverse impact of noise without placing

		unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business.
TAN 15	Flood Risk (2004)	Document currently under review, moving away from a precautionary framework to one that is risk based addressing all sources of flood risk and incorporating a source-pathway-receptor model. The final revised TAN 15 was due at the end of 2020
TAN 18	Transport (2007)	Describes how to integrate land use and transport planning including advice on transport related issues when planning new development including integration between land use planning and transport, location of development parking and the design of development.
TAN 23	Economic Development (2014)	Provides guidance on proposed developments that seek to generate wealth, jobs and income.
TAN 24	The Historic Environment (2017)	Provides guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and Listed Building (LBC) applications specifically in relation to World Heritage Sites, Scheduled Monuments, Archaeological remains, Listed buildings, Conservation areas, Historic parks and gardens, Historic landscapes, Historic assets of special local interest.

Merthyr Replacement Location Local Development Plan 2016 - 2031

The development plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 is the adopted Local Development Plan which forms the statutory framework for the development and use of land within Merthyr Tydfil. The LDP was adopted on the 29th January 2020 and sets out the spatial vision for the future of the area.

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable in this location in principle, and whether it would be acceptable with regards to its impact upon the character and appearance of the premises, residential amenity, parking provision and highway safety.

Adopted LDP policies to be considered of relevance to the proposals include, but are not limited to:

- Policy SW4: Settlement Boundaries
- Policy SW6: Hoover Strategic Regeneration Area
- Policy SW11: Sustainable Design and Placemaking

- Policy EnW1: Nature Conservation and Ecosystem Resilience
- Policy EnW4: Environmental Protection

Planning Considerations

As stated above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The key material considerations of relevance in the determination of the application are as follows:

- The principle of development
- Transport
- Noise
- Other Material Planning Considerations

It is important to stress that while a residential unit is being lost, this unit is not a traditional dwelling, catering only for staff related to the principle use of the building. Furthermore, the site is located on an active industrial estate where standard residential uses would be unlikely to be supported. The principle of additional office accommodation to serve the needs of the current use is therefore acceptable.

The Site is a brownfield site located within the settlement boundary, historically home to an active employment generating use. PPW requires that the planning system should support economic and employment growth which generate economic prosperity and regeneration where possible and as stated above, paragraph 3.51 states that previously developed land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.

In respect of the Re-Use of Previously Developed Land, Paragraph 3.55 states that *“Previously developed land in settlements should generally be considered suitable for development because their re-use will promote sustainability principles.”* Paragraph 5.4 states that *“For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and income”*.

Paragraph 5.4.2 states that economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing) and recognises that the construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy.

Paragraph 5.4.4 states that *“Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration”* suggesting that the partial redevelopment of this Site, through a change of use, should be supported.

The application site lies within the settlement boundary and as such, the proposal would therefore be in accordance with LDP Policy SW4 since new development in this location is acceptable in principle, provided

it complies with other relevant LDP policies. The application site lies entirely within Zone C2 of the Development Advice Map (DAM) contained in TAN15. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3, Rivers.

Since the principal use of the unit would remain and no new built form is proposed the building should be classified as less vulnerable development. As such, the location of the proposed development is considered acceptable subject to the applicant being made aware of the potential flood risks. The proposed development would therefore accord with LDP Policy EnW4.

In terms of the impact toward the amenity of any surrounding residential, the primary consideration would likely be noise. It is not considered that a noise impact assessment is required for the purposes of this application given its location in an industrial estate.

It is acknowledged that the unit lies in an established industrial estate and that the property (home to the only residential dwellings in the estate) is completely surrounded by industrial units. As such, any significant noise and disturbance generated from the workshops, factories etc and the associated comings and goings of lorries and other vehicles is already a prevalent occurrence in this area.

In terms of the impact towards the surrounding highway network, the highway infrastructure that provides access to Site is considered suitable to accommodate the movement of commercial related traffic. The Site's location provides easy access to the strategic highway and the site is capable of accommodating car and cycle parking.

Summary & Conclusions

The proposal relates to securing a change of use from residential (staff related) to commercial, office use capable of supporting the ongoing work of the RSPCA.

The proposed development, for the reasons discussed above, would be acceptable and should therefore be approved in order to assist the RSPCA in improving their overall service. 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 Wellbeing of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application.

The change of use would be considered policy compliant at a national and local level, ensuring that the Site continues to offer a viable economic use in a sustainable location. The effects of the proposed development have been carefully assessed and it is concluded that the development will have no significant adverse effects on the local area.

I trust the plans and documents submitted allows the application to be determined positively at the earliest opportunity, however, should you require any further information or wish to discuss any aspect of the proposal, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Gareth Jackson', with a stylized, flowing script.

Gareth Jackson
Partner

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