

# DELEGATED REPORT

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| <b>Application No:</b>                  | <b>P/25/0174</b>                                                                       |
| <b>Site Address:</b>                    | <b>Unit 1<br/>Waterloo House<br/>Penydarren<br/>Merthyr Tydfil<br/>CF47 0SX</b>        |
| <b>Development:</b>                     | <b>Change of use from storage and distribution unit to a contrast therapy facility</b> |
| <b>Case Officer:</b>                    | <b>Gareth Davies</b>                                                                   |
| <b>Site Visit:</b>                      | <b>26<sup>th</sup> June 2025</b>                                                       |
| <b>Application Expiry Date:</b>         | <b>15th August 2025</b>                                                                |
| <b>Consultation reply date expired:</b> | <b>17th July 2025</b>                                                                  |

## APPLICATION SITE

The application site is located to the north of the A4102 approximately 50m east of its junction on the roundabout with High Street. The property is one of a pair of industrial units located to the rear of Waterloo House. The unit has a footprint of 20.4m x 9.6m and stands approximately 4m high at the highest part of its mono pitch roof. the building is of conventional construction with a cream painted render to the walls and a grey mono pitch poly roof. The property has a commercial steel roller shutters to the front along with a pedestrian access.

In broader terms the application site sits to the edge of an established industrial area within a wider zone where industry gives way to residential accommodation.

Access to the building is derived via an established junction on the north side of the A4102 immediately northeast of Waterloo house itself. The forecourt area is tarmacked and allows for up to 10 carparking spaces to serve the existing facility and proposed development.

## PROPOSED DEVELOPMENT

The proposed development involves the change of use of the unit into a contrast therapy facility. There would be no external alterations to the building. Internally, the existing partitions will remain as they are but will be put to differing uses including office, kitchen and leg pulse room. The remainder of the unit which is currently open plan, would be sub-divided to provide a waiting area, changing rooms communal area, saunas, steam room with ice baths and showers.

## PLANNING HISTORY

There is no relevant planning history to take into consideration in the determination of this application.

## CONSULTATION

Head of Engineering & Highways – No objections

Council Ecologist – No objections

Environmental Health Manager – No objections

Rights of Way – No objections

Regeneration – No response received

Natural Resources Wales – No objections

South Wales Fire & rescue Service – No objection and refers to standing advice

## PUBLICITY

In accordance with the Town & Country Planning (General Development Procedure) (Wales) Order 2012 letters were sent to neighbouring properties on 23rd June 2025 and site notices were displayed in the vicinity of the site on 26<sup>th</sup> June 2025.

No objections have been received as a result of the consultation exercise.

## POLICY CONTEXT

Planning Policy Wales (Edition 12, February 2024):

Planning Policy Wales provide guidance on matters relevant to this application, namely:

- Placemaking in Action: Good Design Making Better Places
- Strategic Placemaking: Previously Developed Land
- Active and Social Places: Living in a Place
- Economic Infrastructure: Economic Development
- Recognising the Special Characteristics of Places
- Recognising the Environmental Qualities of Places

Technical Advice Notes (TANs):

TAN 12: Design (March 2016)

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

Future Wales provides guidance on matters relevant to this application, including, but not limited to:

- Policy 1: Where Wales will grow

- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

The Merthyr Tydfil County Borough Council Replacement Local Development Plan:

The following development plan policies would apply:-

- Policy SW4: Settlement Boundaries
- Policy SW11: Sustainable Design and Placemaking
- Policy SW12: Improving the Transport Network
- Policy SW13: Protecting Community Facilities
- Policy EnW1: Nature Conservation and Ecosystem Resilience
- Policy EnW4: Environmental Protection
- Policy EcW2: Protecting Employment Sites

The following Supplementary Planning Guidance (SPG) is applicable:-

- SPG Note 4: Sustainable Design (July 2013)
- SPG Note 5: Nature and Development (May 2015)

## PLANNING CONSIDERATIONS

The key factors in the determination of this application are the requirements of planning policy, the consequences of the proposed development for the amenity of the area, highway considerations and ecological considerations.

### Planning Policy

The application site lies within settlement limits as defined by the Local Development Plan and also lies within a Primary Growth Area where development would normally be allowed subject to compliance with other relevant planning policies and any other material planning considerations.

The proposed use has no designation within the established use classes though given the nature of the proposed use would most readily fall into to the D1 use class (Non residential Institutions). Policy EcW2 requires that proposals for non-B class uses on existing employment sites located outside of allocated employment sites should demonstrate that the existing use is inappropriate or that the land or premises are surplus to the requirement of the employment market. The proposed development would result in the loss of B class employment land and the introduction of a Contrast Therapy Centre (Generally considered to fall within the D use Classes). The applicant has provided information to support the application stating that the application property has been vacant for over 6 months the previous occupier having downsized their operation. Additionally, the applicant points out that there are several industrial units available for occupation at the nearest protected employment site e.g. Pant Industrial Estate. Consequently, with Waterloo house not lying within a protected employment site, the unit appears surplus to the requirements of the employment market and meets the policy requirements placed upon it by Policy EcW2.

## Amenity Concerns

The application site lies on the fringe of a long-established industrial area though is not within any specific designation under the Local Development Plan. The proposed development seeks only to change the use of the building; no external alterations are proposed though the development would involve some internal reconfiguration. Issues of scale, integration with existing space, loss of light or privacy do not therefore arise. The nearest residential property lies approximately 95m northwest of the application building with intervening uses and a dual carriageway in between. Within the context of the amenity issue, highway safety and waste collection issues do not arise in this instance. The nature of the proposed development is such that the use would not be considered injurious to the amenity of other uses located in proximity to the application site. Accordingly, the proposed development is considered compliant with the requirements of Policies SW11 and EnW4 of the Local Development Plan.

## Highway Considerations

The planning application indicates that the proposed development would make use of the existing access and parking arrangements available at the site. Having considered the nature of the proposed use and the availability of parking space within the site, the Head of Engineering and Highways has raised no objection to the proposals subject to a condition requiring the parking areas to be used for the parking of vehicles only unless otherwise agreed in writing with the Local Planning Authority. The application property is within settlement limits and occupies a sustainable location where it lies close to established bus and cycle routes on the A4102 and the High Street. The site is accessible by means other than the private car and given the nature of the development meets the aspirations of Policy SW12 of the Local Development Plan.

## Ecology

The application site is an established industrial unit located within settlement limits that presents as a highly urbanised locality with low ecological value. The Council's ecologist recognises this fact and has not asked for any further ecological evaluation of the site but has recommended the development achieve ecological enhancement in line with The Environment (Wales) Act 2016. This can be achieved through the application of an appropriate condition to any permission that might be granted.

## Other Issues

The application property lies within a Landscape of Outstanding Historic Interest however the proposal does not impact on the historic environment due to the nature of the proposal and as such Local Development Plan Policy CW1 does not need to be given consideration in this particular instance.

Similarly, Local Development Plan Policy EnW4 which requires proposals to have due regard to the potential for pollution either in their construction or operation does not bite in this case given that it relates solely to the use of the building.

The nature of the proposal is such that it would not require a Section 106 planning agreement to make the development acceptable. As such the requirements of Local Development Plan Policy SW9 do not apply in this case.

## CONCLUSIONS

The proposed development is acceptable in terms of key planning policies. Moreover, the proposal is acceptable in the context of the other key determinants in this case namely amenity impacts, the effect on the highway network and the ecology of the locality. Other relevant material planning considerations are of insufficient weight to otherwise affect the positive consideration of this proposal. The principle of development is considered acceptable, and the proposed development is also acceptable within the terms of all other relevant planning considerations and as such a positive recommendation is offered.

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:

- Proposed and existing plans and elevations: April 2025

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

3.     The parking spaces as shown on the approved plan shall be kept clear and shall remain available for such purposes at all times.

**Reason** - To ensure that vehicles are parked off the highway in the interests of highway safety in accordance with Policy SW12 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

4.     **Prior to the development hereby approved being brought into beneficial use** 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.

## INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 05.08.2025