

DELEGATED REPORT

Application No:	P/25/0211
Site Address:	Unit 2 Phoenix Industrial Estate Goat Mill Road Dowlais Merthyr Tydfil
Development:	Change of use from Fabrication/Welding Unit to Mot Garage/Bay (sui generis)
Case Officer:	Marlene Ferreira
Site Visit:	7th August 2025
Application Expiry Date:	18th September 2025
Consultation reply date expired:	20th August 2025

APPLICATION SITE

The application site relates to an industrial building, known as Unit 2, located within the Phoenix Industrial Estate. The unit, which is relatively small and measures approximately 80sq.m, is located amongst other industrial type buildings, many of which are significantly larger in scale. The unit was last used as a fabrication workshop, for the production of iron gates and fences. However, this use ceased in June 2025 and the unit remains vacant.

The building is accessed off an unadopted lane which runs off the main road into the Phoenix Industrial Estate. Parking spaces exist to the front of the application unit, and other surrounding units, and are used in association with the operation of each of the businesses.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of unit 2 from a fabrication workshop (B2 use) to an MOT garage (sui generis).

The proposed development does not seek to carry out any internal or external alterations to the unit. Thus, other than the addition of equipment, no changes to the internal layout or external appearance of the unit, are proposed. Two spaces (located to the front of units 1 and 2) would be used as MOT parking bays.

The Mot garage, which would operate from Monday to Friday 7:00 until 20:00 and Saturday 09:00 until 17:00, would employ 1 full-time member of staff.

PLANNING HISTORY

The council's records do not indicate any other recent or relevant planning history in respect of this site.

CONSULTATION

Head of Engineering and Highways	No objection, subject to conditions.
Planning Policy Officer	No objection.
Environmental Health Manager	No objection, subject to conditions.
Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were 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 9 – Resilient Ecological Networks and Green Infrastructure

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

National Planning Policy

- Planning Policy Wales (edition 12, February 2024)

Paragraph 3.3 refers to good design and states '*...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 explains 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 5.4.3 and 5.4.4 discusses employment sites and clarifies that '*...Planning authorities should support the provision of sufficient land to meet the needs of the employment market at both a strategic and local level. Development plans should identify employment land requirements, allocate an appropriate mix of sites to meet need and provide a framework for the protection of existing employment sites of strategic and local importance. 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 6.4.3 discusses biodiversity and highlights 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...*'

- Technical Advice Notes (TANs)

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 23 – Economic Development (2014)

This TAN provides advice in respect of existing employment sites. Paragraph 4.6.7 states that '*...certain industrial and related uses may conflict with other uses, especially housing. To operate effectively, these activities usually need dedicated industrial areas, where they can be confident that they will not be a bad neighbour to anyone. In managing the retention and release of existing employment sites authorities should aim to ensure that the integrity of remaining employment sites is not compromised...*'

Local Planning Policies

The Merthyr Tydfil Replacement Local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy SW13 – Protecting and Improving Local Community Facilities

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

Policy EcW2 – Protecting Employment Sites

PLANNING CONSIDERATIONS

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

Principle of Development

The premises lies in the settlement boundary – Primary Growth Area. Development in this location is supported by LDP Policy SW4 provided it complies with all relevant LDP policies and other material considerations.

The application site also lies within Phoenix Industrial Estate, located off Goatmill Road, and therefore lies within the Goatmill Road protected employment site. As such LDP Policy EcW2 is therefore a relevant policy consideration.

LDP Policy EcW2 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 class B1(b), B1(c), B2 or B8; or, it provides ancillary facility or 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.

At existing employment sites and premises outside the sites identified development proposals for non B-class uses that would result in the loss of the employment land / premises will be permitted where it can be demonstrated that the existing use is inappropriate or the land/premises are surplus to the requirements of the employment market...’

The proposed development, which seeks to change the use of the existing unit from a fabrication workshop, classified as class B2, into an Mot garage, classified as a sui generis use, would evidently amount to a development outside the above stipulated B use classes.

As such, it would result in the loss of an employment unit. However, it is important to note that the applicant of this proposal is also the occupant of the adjoining unit immediately to the north, unit 2, which currently operates as a car repair/servicing business (B2 use class) known as JKS Auto Services. As such, the proposed MOT garage would run alongside and as part of this existing business. It is therefore considered that the proposed development would amount to an ancillary service/use which would support the existing primary employment use. Thus, the proposed development would therefore accord with the criteria set out under LDP Policy EcW2.

Character and Appearance

The proposed development, as explained earlier, relates to a change of use only. As such, no changes to the internal layout or external appearance of the building are proposed in association with this application. Thus, the proposed development, would not be considered to have any adverse impact on the character or appearance of the building or the wider area, and would therefore accord with LDP Policy SW11.

Residential Amenity

The impact of this proposal has been considered with regards to residential amenity.

In this instance, having taken account of the proposed use of the unit, its operation times, its siting, including its distance from existing residential properties/occupiers, the proposed development would not be considered to give rise to any significant adverse impacts, such as noise, smells, or other nuisances etc and would therefore not be deemed significantly harmful to residential occupiers. Indeed, the unit is located within a well-established industrial site, which already comprises numerous business uses, such as the adjoining car repair garage, which has the potential to be far more disruptive than the use hereby proposed. Furthermore, it should also be noted that no objections have been raised from the Environmental Health Manager in this respect. Likewise, no representations or concerns have been received from residents in respect of this use. The proposal would therefore accord with LDP Policies SW11 and EnW4.

Ecology

The proposed development has been considered by the Council's Ecologist, and given the nature of the works proposed, which includes a change of use only, the Council's Ecologist has not requested any survey work. However, enhancement works in line with the Environment (Wales Act 2016) and Welsh Government Circular 'Securing Biodiversity Enhancements' would be requested by a suitably worded condition, which could be added to any planning permission granted.

It is also noted, under chapter 6 of Planning Policy Wales (edition 12) that applications should be supported by Green Infrastructure Statements (GIS). However, due to the nature of the development proposed, whereby no external alterations are proposed, the submission of a GIS would be deemed disproportionate and unreasonable. Thus, the proposed development would therefore be considered acceptable and accord with LDP Policy EnW1.

Parking and Highway Safety

The proposed Mot garage, as clarified above, would be served by two parking spaces located to the front of units 1 and 2. The Head of Engineering and Highways has considered the proposed development, associated parking layout and existing access arrangement and has noted that there is sufficient on-site car parking provision available to serve the proposed use. Furthermore, additional parking facilities are available to the east, adjacent to the front of other existing industrial units. Moreover, unrestricted parking is also available along the adopted highway into the Phoenix Industrial Estate. As such, no objections have been raised by the Head of Engineering and Highways Manager in respect of highway safety. The proposed development would therefore not be deemed detrimental to highway or pedestrian safety or the free flow of traffic and would accord with LDP Policy SW11.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and would comply with the relevant policies and guidance.

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:

- Proposed Layout, Drawing no: 01383, received: received: 24th July 2025

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

3. **Prior to the beneficial occupation of the unit hereby approved**, a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. 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 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: 01.09.2025