

DELEGATED REPORT

Application No:	P/26/0095
Site Address:	2A Victoria Street Merthyr Tydfil CF47 8BS
Development:	Change of use of ground floor and basement from retail premises (A1 use class) to tattoo studio (sui generis)
Case Officer:	Rebecca Owens
Site Visit:	22nd May 2026
Application Expiry Date:	25th June 2026
Consultation reply date expired:	11th June 2026

APPLICATION SITE

The application relates to the ground floor and basement level of a vacant retail unit located in the settlement boundary. The site is within the primary shopping area of the town centre and the Town Centre Conservation Area. It is also within Flood Zone 3. The site is bound by Victoria Street to the front, a pedestrian lane to the west and other properties to the east and rear.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the ground floor and basement from retail premises (A1 use class) to tattoo studio (sui generis).

The submitted information indicates that the premises would be open between the hours of 9am until 6pm 7 days a week and would employ six full time and one part time member of staff.

No external alterations are proposed.

PLANNING HISTORY

The relevant planning history is summarised below:

P/16/0228	Conversion of first and second floors from retail use to 2 No. self contained flats, alterations to existing windows, creation of new windows and insertion of new door Granted planning permission subject to conditions on 1 November 2016
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CONSULTATION

The following bodies were consulted, and their responses are presented below:

Head of Engineering and Highways	No objection
Environmental Health Manager	No objection subject to conditions
Planning Policy Officer	No objection
Natural Resources Wales	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties, and two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) must be taken into considerations. Relevant sections are identified below:

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for peoples to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that *“Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate”*. Paragraph 4.1.1 reiterates this noting *“The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the*

causes of climate change and airborne pollution". Similarity, Paragraph 4.1.37 notes that *"Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services"*. In respect to car parking paragraph 4.1.51 notes *"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"*.

- Section 4.3 relates to retail and commercial development and paragraph 4.3.3 highlights that planning authorities should:
 - *"promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;*
 - *sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and*
 - *improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport"*.
- An emphasis is placed on creating viable and vibrant centres with paragraph 4.3.33 explaining that *"Vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's well-being and success, whilst also reducing the need to travel"*. Paragraph 4.3.34 expands on this further and notes that *"In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening"*.
- Paragraphs 6.1.14 – 6.1.17 relate to conservation areas. Paragraph 6.1.14 notes that *"There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised"*. With paragraph 6.1.15 clarifying that *"There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level"*.
- Paragraphs 6.2.1 – 6.2.14 refer to green infrastructure, green infrastructure statements and net benefit to biodiversity.
- Paragraphs 6.6.22 – 6.6.29 refer to development and flood risk.

The following Technical Advice Notes are also relevant:

- TAN 15: Development and Flood Risk and updated TAN 15: Development, flooding and coastal erosion
- TAN 18: Transport
- TAN 12: Design
- TAN 24: Historic Environment

Local Planning Policies

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

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- SW13 Protecting and Improving Local Community Facilities
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EcW3 Retail Hierarchy – Supporting Retailing Provision
- EcW5 Town and Local Centre Development

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

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundary (Policy SW4) and as such the principle of development is acceptable subject to other relevant policies and material planning considerations which are set out below.

Policy EcW3 highlights that the town centre is the favoured location for retail, leisure and other complementary development and supports proposals for new and enhanced retail, leisure and other complementary provision where they improve the vitality and viability of the centre. Similarly, Policy EcW5 supports development that enhances the vitality and viability of the town centre. This policy also states that within the Primary Shopping Area (PSA) changes of use of the ground floor to 'non-A' use classes will only be permitted where: -

- It is demonstrated through active and appropriate marketing that the existing use is no longer economically viable; and,
- The proposal would not result in an over concentration of non-A1 uses that would be detrimental to the vitality, attractiveness and viability of the local centre; and,
- The proposal would not result in the creation of a dead window frontage; and,
- The proposal would not have an unacceptable effect on the amenity and viability of neighbouring uses, having regard to the 'agent of change principle'.

As the proposal is for a change of use to a sui generis use (a tattoo/piercing shop) with the site being located within Merthyr Tydfil Town Centre the proposal is appropriately located. However, being within the PSA, the above criteria is also relevant. With respect to this, the application has been supported by a written statement which highlights that the property has been vacant since November 2025 with no new occupiers found during that time. This would indicate that an 'A' use may not be economically viable in this location,

and it is also acknowledged that there are several vacant units within the PSA currently available which could accommodate a new 'A' use. Whilst the proposed use is sui generis, it is also noted that it operates in a similar way to 'A' uses such as hairdressers. The majority of uses within the PSA are 'A' uses and as such the development would not lead to an over concentration of non-A uses that would be detrimental to the vitality, attractiveness and viability of the PSA or town centre. In fact, the proposal would bring a vacant unit back into beneficial use with an active frontage, which would have a positive impact in this respect. Furthermore it is not considered that it would result in an unacceptable effect on the amenity and viability of neighbouring uses.

Having regard to the above, and noting that Planning Policy Wales (PPW) and the LDP recognises that retail uses must be carefully blended with cultural, leisure and other uses if town centres are to continue to thrive, it is not considered that the proposal would be harmful to the vitality and viability of the town centre or contrary to Policies EcW3 and EcW5 of the LDP.

As highlighted above, the proposal would result in the loss of a retail unit and as such Policy SW13 would be relevant. This policy seeks to protect the loss of community facilities unless it can be appropriately justified under the following criteria:

- alternative provision of at least equivalent value to the local community can be provided nearby, or
- the existing provision is inappropriate or surplus to the needs of the community and is no longer required, or
- there is no longer a viable community use for the facility.

Given that there are several retail units uses within close proximity of the site the proposal would not contravene this policy.

Character, visual amenity and impact on conservation area

The application site is located within the Town Centre Conservation Area and Urban Character Area 1 (UCA1). As such the design and visual impact of the development is an important consideration, with Policy CW1 highlighting that proposals will only be permitted where they would preserve or enhance designated historic environment assets. However, this proposal relates only to the use of the premises, and no external alterations are proposed. As such, there would no impact to visual amenity and the changes would not harm the character of the conservation area or UCA1. It is therefore found to comply with Policies SW11 and CW1 of the LDP.

Residential amenities

Regard has also been had for the impact of the proposal on the residential amenities of surrounding occupants. In this respect it is noted that there would not be any physical alterations to the building just a change in its use. The site is located in the town centre and thus in an area where a higher level of noise and activity is to be expected. In addition, a tattoo studio would not likely give rise to any increased comings and goings than that which would be associated with a retail unit and as such would not result in an increase in noise and disturbance to local residents. The proposal is therefore found to accord with Policy SW11 of the LDP in terms of residential amenity.

Car parking and highway safety

It is noted that the site does not benefit from any off-street parking and no designated parking is included as part of the proposal. However, the existing use as retail unit would generate a parking demand and it is not considered that the proposed tattoo studio would result in any significant increase in parking need. Furthermore, the site is located in a sustainable location within the town centre and is therefore in close proximity to services, facilities and public transport links. As such, no concerns are raised in respect to car parking or highway safety, and no objection has been received from the Head of Engineering and Highways.

Flood risk

The application site is located within Flood Zones 2 & 3 – Rivers, of the Flood Map for Planning. However, it would introduce an alternative use which would also be classed as less vulnerable. TAN 15 notes that in respect to less vulnerable development in Zone 3 *“proposals will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives”*. In this respect it is noted that the proposal would bring a vacant unit within the town centre back into beneficial use which is necessary to assist the local authority strategy to regenerate the town centre and sustain this area.

It is reiterated that, the property currently has a retail use, and the proposal relates purely to a change from this use to a tattoo parlour which would operate in a similar way to other ‘A1’ uses such as hairdressers. In addition, these uses are both classed as less vulnerable development and as such the development would not result in an increase in risk. On this basis Natural Resources Wales have not objected to the proposal and having regard to this and the scale and nature of the development it is not considered proportionate or reasonable to request a detailed FCA. However, the application has been supported by a Flood Risk Statement. This acknowledges that the site is within Flood Zone 3 – Rivers and recognises that there is a potential risk of flooding but highlights that there would not be any works involved that would increase flood risk on or off the site. It also sets out flood mitigation and resistance measures. Being located on the basement and ground floors, it is recognised that it would be difficult to provide a safe means of escape given that this and immediate area surrounding it falls within the area of flood risk. However, this is the arrangement for a significant number of commercial units within the town centre and given the importance of regenerating and supporting the viability of the town centre it is not considered that this would necessitate the refusal of the application. Furthermore, the applicant has indicated that they would sign up for flood warnings which would give advanced notice of flooding and thus time to ensure safe means of escape.

Having regard to the above, the flood risk is on balance found to be acceptable.

Ecology

It is recognised that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes a change of use no external alterations, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement would be sought and secured by condition, which would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

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.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

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:

Ground floor plan, Received 30 April 2026

Basement floor plan, Received 30 April 2026

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

3. **BEFORE** the use hereby approved commences, 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.

RECOMMENDATION ENDORSED *G. Davies*

PP. Director of Neighbourhood Services

DATE: 30th June 2026