

DELEGATED REPORT

Application No:	P/26/0096
Site Address:	61 High Street Merthyr Tydfil CF47 8DE
Development:	Change of use from shop to pilates studio/health suite/shop and replacement shop front
Case Officer:	Marlene Ferreira
Site Visit:	21st May 2026
Application Expiry Date:	25th June 2026
Consultation reply date expired:	11th June 2026

APPLICATION SITE

The application site relates to the ground and basement floors of the terraced property, 61 High Street in the Merthyr Tydfil Town Centre. The building, a three storey flat roof premises (behind parapet wall), features a modern shopfront at ground floor with rendered elevations above and aluminium windows throughout.

The premises is currently occupied by a retail use (St. David's Hospice Care charity shop) at ground floor and used as ad-hoc storage (in association with the existing ground floor use) at basement level. The ground floor is accessed directly off the high street and also benefits from a rear emergency exit, whilst the basement level can only be accessed internally, from the ground level, via an existing staircase, to this lower level.

The premises is not served by any on-site parking facilities.

The application site adjoins commercial properties to the north and south, an access/service road to the east (rear) and the High Street to the west (front).

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the premises from a charity shop with ancillary storage at basement level (A1) to a health shop with a pilates studio (sui generis), to include the addition of a new shopfront.

The proposed development specifically would include the provision of a health shop, selling health and wellbeing products at ground floor, and a Pilates studio at basement level. The internal changes associated with the change of use are minor and would include the provision of an enclosed store area at the rear of the ground floor, and the provision of an equipment store area and a WC at the rear of the basement level.

Externally, the proposal would include the addition of a new shopfront to comprise a more central main entrance and a new secondary pedestrian entrance to the right section of the shopfront. The timber shopfront would feature decorative pilasters either side of the entrances, a central fascia, and a low stallriser.

The main entrance would continue to serve the ground floor use, whilst the secondary entrance would provide direct access to the upper floors of the premises (which appear to currently be accessible via the ground floor only).

PLANNING HISTORY

The following planning history is relevant to this site:

P/99/0333 – Internally illuminated fascia shop sign – Approved: 22nd October 1999

P/99/0234 – Externally illuminated fascia sign on rear elevation - Approved: 30th July 1999.

CONSULTATION

The following consultations were undertaken:

Head of Engineering and Highways	No objection.
Council's Policy Officer	No objection.
Council's Ecology Officer	No objection, subject to conditions.
Environmental Health Officer	No objections, subject to conditions.
Natural Resources Wales	No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and 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 that *‘...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 states 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 6.16, 6.17 and 6.19 discusses the Welsh Government’s objectives for the historic environment and states that these seek to *‘...protect the Outstanding Universal Value of the World Heritage Sites; conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy; safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved; preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous... It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way... Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place...’*

Paragraph 4.3.30 – 4.3.34 discusses commercial development and states that *‘...Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the*

factors which contribute towards their vibrancy. Primary areas are typically characterised by a high proportion of A1 retail uses, and their designation requires an understanding of the existing distribution of uses in a centre together with careful consideration of a centre's role and how it relates to the retail strategy for the area. Secondary areas typically contain mixed uses, for example shops, cafes and restaurants, financial establishments and other services and community facilities. Policies should encourage a diversity of uses in centres. Planning authorities should identify which retail and commercial centres in their development plans have primary and secondary shopping areas, and show these on the proposals map. 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 4.3.36 refers to vacant premises and explains that '*...Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels...*'

Paragraph 6.4.3 discusses biodiversity and states 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...*'

Paragraph 6.6.22 advises on flooding and explains that '*... the climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals...*'

- Technical Advice Notes (TANs)

Technical Advice Note 4: Retail and Commercial Development (2016)

Section 2.3 of TAN 4 refers to the variety of uses in the centre and states that '*...a wide range of uses are located in retail and commercial centres including retail, office, residential, leisure, tourism and community functions...This diversity of uses, whilst benefiting the wider economy, will need to be carefully planned and managed to ensure that no conflicts arise, particularly with regards to amenity...*'

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 12 – Design (2016)

This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales. Section 2.6 of TAN12 states that '*...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...*' Section 4.3 of TAN12 points out '*...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...*'

TAN 15 – Development, Flooding and Coastal Erosion (2021)

This TAN provides guidance that supplements those set out in PPW policies in respect of flooding. It provides a framework within which the flood risks arising from rivers, the sea and surface water, as well as the risk of coastal erosion can be assessed. It goes on to advise on the consequences of the risks and adapting to and living with flood risk.

TAN 24: The Historic Environment (2017)

Section 1.14 of TAN 24 refers to conservation principles and '*... recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...*'

Local Planning Policies

The Merthyr Tydfil Replacement Local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy CW1 – Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision

Policy EcW5 – Town and Local Centre Development

- Supplementary Planning Guidance (SPG):

SPG4 – Sustainable Design, July 2013

SPG5 – Nature and Conservation, May 2015

- Other Guidance:

Merthyr Tydfil Town Centre Conservation Area (June 2009)

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development, would be acceptable, in principle, in a town centre location and whether it would be acceptable with regards to its impact upon the character and appearance of the premises and conservation area. The impact upon residential amenity, ecology and highway safety are also primary 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 premises also lies within the town centre boundary and lies with the town centre primary shopping area, where A1 uses are protected. As such LDP Policies EcW3 and EcW5 are therefore relevant policy considerations. LDP Policy EcW3 advises that *‘Merthyr Tydfil Town Centre is the favoured location for retail, leisure, and other complementary development, being situated at the head of a retail hierarchy....Proposals for new and enhanced retail, leisure and other complementary provision in this location will be permitted where they improve the vitality and viability of the centre...’*

LDP Policy EcW5 advises that *‘Development enhancing the vitality and viability of the town and local centres will be supported...’* It also states that *‘...within the Town Centre Primary Shopping Area, the change 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’...’*

Whilst the proposed health shop/Pilates studio, classified as a sui generis use, would be appropriately located in the town centre, the site, as previously discussed, also lies within the primary shopping area, and as such, the proposed development is required to meet the above relevant criteria since the proposed use would not relate to another ‘A’ use class.

In this instance, the applicant has submitted additional information in support of the application by means of a letter from a local estate agents which explains that the premises has been marketed over the last 12 months for retail use and has had little or no interest. Thus, since no new occupants were found during that time, it therefore appears that a new ‘A’ use in this location is not currently economically viable.

Indeed, it is noted that many of the uses in the Primary Shopping Area are 'A' uses and it is recognised that there are several vacant units currently available. However, it is important to note the ground floor of the use hereby proposed would relate to selling of health and wellbeing products, and as such, the proposed use would still retain an A1 element. It is therefore considered that due to the ground floor use and the fact that it would also operate during the day time, the proposal would have an active window frontage. Thus, the proposal would not result in an over concentration of non-A1 uses, and would therefore not be deemed detrimental to the vitality, attractiveness and viability of the Primary Shopping Area or the wider town centre. The proposed use would therefore accord with the requirements of LDP Policies EcW3 and EcW5.

The premises, given its location within the town centre, in close proximity to the River Taff, is at risk of flooding, with the premises being located within Flood Zones 2 and 3 (both of which are at risk of flooding from Rivers), as identified in NRW's up to date 'flood map for planning'. However, it should also be noted that development proposed is not classed as highly vulnerable. Instead, the proposed use would amount to a less vulnerable development. Furthermore, the development relates to an existing premises in the town centre, which is currently occupied by existing businesses. This, combined with the nature and extent of the development proposed, would not raise significant concerns in respect of flooding, even with the absence of a flood consequence assessment (FCA). NRW have confirmed that (in the absence of a flood consequent assessment), the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences and advised to incorporate flood resilient design where feasible. NRW comments were discussed with the agent (and subsequently sent to agent, via email, on the 17th July 2026), and an FCA was received in support of the application on the 26th June 2026. The submission of an FCA accords with the requirements set out under TAN15 in respect of new developments proposed in Zones 2 and 3. As such, in this instance, the proposal would result in an acceptable form of development in this location which would accord with LDP Policy EnW4 and TAN15.

Character and Appearance

The application site, a three-storey building located along the town centre High Street and within the Town Centre Conservation area. The building appears to have undergone unsympathetic alterations over time, particularly in respect of the shopfront. However, the remainder of the premises is an attractive and well-maintained building, which makes a positive contribution to the character and appearance of the street scene and conservation area.

The proposed works to the premises, which would include the addition of a traditional timber shopfront with symmetrical pilasters either side, stallriser below and a central doorway, are features which are more reflective of the building's historic appearance and provide a sympathetic and appropriate frontage framing the entrance into the premises. Indeed, the proposed shopfront, given its design with one central shop entrance and a separate doorway, also framed by decorative pilasters, appears more balanced and proportionate than the existing shopfront. The shopfront alterations proposed are therefore considered to enhance the frontage of the premises.

Thus, the proposed development, when viewed individually or as part of the wider street scene, would be considered to preserve, enhance and positively contribute to the character and appearance of the building, conservation area and overall town centre shopping environment and would therefore accord with LDP Policies SW11 and CW1.

Residential Amenity

Given the nature of the proposed use, and its potential operation in the day time and evening, It is acknowledged that the proposed use would be considered to have more of an impact on surrounding residential occupiers than the existing use, however, it would not be considered significantly detrimental in respect of noise or disturbance to warrant the refusal of the application. Indeed, the application site is surrounded by a variety of other uses, such as a restaurant, take aways and a public house which operate until later hours of the evening. As such, the proposed change of use to provide a health shop/Pilates studio, within this context, would be considered acceptable and would not have any adverse impact upon residential occupiers. In this respect, it should be noted that no concerns or objections have been received from nearby occupiers or the Council's Environmental Health Section. Thus, it would 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, 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', have been requested. Given the nature of the proposal and the context of the site, it is noted that there would be little opportunity to provide any ecological enhancements in this instance. Furthermore, the proposal would not give rise to any adverse impact on the ecology of the site or surrounding area.

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 only minor 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 development would not be served by on-site parking, however, there is some on-street parking available along Victoria Street, located just opposite the premises. Furthermore, the site lies in a sustainable town centre location, near a variety of facilities and in close proximity to bus stops and a train station. In addition, public car parks lie within a short walking distance of the application site. Therefore, the Head of Engineering and Highways has not raised an objection to this proposal. The development would therefore accord with LDP Policy SW11.

CONCLUSION

For the reasons set out above, the proposed development is considered acceptable and would therefore comply with the relevant policies.

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.

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 Plans and Elevations Drawing No. GA 002 Rev B, received: 17th July 2026.

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

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
- 2.

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 *G. Davies*

PP. Director of Neighbourhood Services

DATE: 22nd July 2026