

DELEGATED REPORT

Application No:	P/25/0030
Site Address:	7 Victoria Street Merthyr Tydfil CF47 8ED
Development:	Change of use from toy store (A1) to tattoo/piercing shop (sui generis)
Case Officer:	Marlene Ferreira
Site Visit:	13th February 2025
Application Expiry Date:	4th April 2025
Consultation reply date expired:	18th April 2025

APPLICATION SITE

The application site relates to a commercial premises located off Victoria Street in the town centre. The two storey premises is the end terrace in a row of commercial properties located within the town's primary shopping area and adjacent to the Town Centre Conservation Area. It is currently vacant and was formerly used as a toy store (A1 use class).

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the premises from a toy store (A1 use class) to a tattoo/piercing store (sui generis).

The proposal does not include any external or internal alterations. As such, whilst the ground floor of the premises will be used as the piercing/tattoo studio and the first floor will be used as a stockroom/storage area, the internal layout of the building at ground and first floor will remain unchanged.

PLANNING HISTORY

The Council's records do not show any other planning history for this site.

CONSULTATION

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

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed within the vicinity of the site. One letter of representation was received following this publicity exercise. The letter raised the following concerns:

- *'...The town centre has already seen a decline in footfall, and the introduction of a direct competitor in such extreme proximity will significantly dilute the already limited trade available...'*
- *'...Being self-employed is already a significant challenge, but having to share trade with another tattoo studio next door will only compound these difficulties...'*
- *'...The reality is that placing two tattoo studios side by side will create an immediate and unnecessary conflict. If my business suffers, I will struggle to sustain my lease and meet my financial obligations. Likewise, the new studio may face similar difficulties, leading to the eventual closure of both businesses. Instead of supporting economic growth, this decision could result in two empty shops, further diminishing the appeal of this area in the town centre...'*

Ward councillors were made aware of the representation received but have not requested that the application be determined by the Planning Committee. As such, the application will progress to be determined under delegated powers by the Director of Neighbourhood Services.

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...'*

- 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...'*

Technical Advice Note 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

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed change of use, from an A1 use class to sui generis use, 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 adjacent conservation 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 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 tattoo/piercing store, 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, it is important to note the applicant has submitted additional information in support of the application which explains that the premises has been vacant since 7th June 2023 and has therefore remained empty and unused for a period of almost 2 years. Other information submitted, also confirms that the premises was acquired by the Council as part of the Town Centre acquisition, since no new occupants were found during that time. As such, it therefore appears that a new 'A' use in this location is not currently economically viable.

Furthermore, the occupation of the premises to provide a tattoo/piercing store, would bring a vacant unit back into beneficial use, resulting in an active window frontage and an overall increase to the number of businesses within the primary shopping area. It should also be acknowledged that the majority of uses in the Primary Shopping Area are 'A' uses and there are several vacant units remaining with this area. It is therefore evident that the proposed use, would not result in an over concentration of non-A1 uses and therefore not be detrimental to the vitality, attractiveness or viability of the Primary Shopping Area or wider town centre. As such, having considered the above, it is considered that the proposed use would accord with the requirements of Policies EcW3 and EcW5.

Character and Appearance

The proposed development, as explained earlier, relates to a change of use only. As such, there are no external or internal alterations proposed to the premises and the proposed development would therefore not have any adverse impact on the character or appearance of the area or the adjoining conservation area. The proposal would therefore accord with LDP Policies SW11 and CW1.

Residential Amenity

Given the nature of the proposed use, its hours of operation, and its siting away from residential properties/occupiers, the proposed use would not be considered to give rise to any significant noise or disturbance and would therefore not be deemed significantly harmful to adjoining occupiers. Indeed, the only other premises adjoining the application site is 6 Victoria Street which also operates as a tattoo studio. Thus, the proposed operation of the premises as a tattoo/piercing store would not be deemed any more harmful than the operation of the existing neighbouring business. It should be noted that no objections have been raised from the Environmental Health Manager in this respect. The proposal would therefore comply 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 no external or internal 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. 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.

Response to Representations

The concerns raised in the letter of objection refers to competition between businesses. This however would not be a material planning consideration, and as such cannot be considered in the assessment of this application.

CONCLUSION

The proposed development, for the reasons discussed above, is therefore considered acceptable and would accord with the relevant policies.

Finally, I have considered 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"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision 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 Ground Floor Plan, received: 7th February 2025
- Proposed First Floor Plan, received: 7th February 2025

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 09.04.2025