

Delegated Decision Report

Application No:	25/0203	Statutory Period Expires:	16th May 2025
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Site:	34 Clytha Park Road Newport South Wales NP20 4NZ		
Proposal:	CHANGE OF USE FROM RETAIL (CLASS A1) TO FLEXIBLE RETAIL (A1 USE) AND OFFICE (A2 USE) IN GROUND FLOOR AND BASEMENT		
Applicant:	JFN 1 Ltd.		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	Granted with Conditions		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a mid terraced property situated on Clytha Park Road in the Allt-yr-Yn ward. The site is one of 15 properties situated within the Clytha Park Road Local Centre. The application site currently has an A1 retail use at ground floor and a residential use on the upper floor. The application site is situated within parking zone 2. The location of the application site is highly sustainable, as its located approximately 165m from Newport Train Station. The unit appears to have been vacant for some time. From west to east, the row comprises a convenience food store (double unit- A1 use), an A3 use (pizza takeaway), A vacant A1/A2 unit, a vacant A1 unit (application site), and a fish and chip takeaway (A3). Opposite is a mixture of A1 and A1/A3 units including a Tesco Express, a pharmacy and a bridal wear shop as well as a coffee shop (A1/A3) and two small bars (A3).

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks consent for the change of use of the ground floor and basement to allow greater flexibility in the use of the space. The application seeks a change from retail A1 to any use falling within A1 retail and A2 Financial/professional services. No physical alterations are proposed as part of this application.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
21/0715	CHANGE OF USE FROM STORE TO RETAIL (A1 USE) IN THE GROUND/BASEMENT FLOOR UNIT	Granted with Conditions	16.09.2021

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

4.3.1 Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

4.3.2 Retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction. Opportunities to live in these centres, combined with their good public transport links, make them the most sustainable places.

5.3.1 TECHNICAL ADVICE NOTES

5.3.2 Technical advice note (TAN) 4: retail and commercial development, Technical advice note (TAN) 5: nature conservation and planning

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.4.1 Policies SP1 (Sustainability), SP18 (Urban Regeneration), SP19 (Assessment of Retail Need), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), R9 (Change of use to Non-Retail Uses Inside Local Centres), T4 (Parking) of the Newport Local Development Plan (2011-2026) are relevant to the determination of this application.

5.5 SUPPLEMENTARY PLANNING GUIDANCE

5.5.1 The Parking standards supplementary planning guidance (adopted 2020) is also relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 **Highways:** No objection. The proposed additional use is less onerous (in terms of servicing) but have similar parking needs when compared with the existing retail use and no adverse impacts are anticipated.

6.2 **Environmental Health Officer:** No response received.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 28.03.2025

7.1 NEIGHBOURS: 7no. neighbours were consulted. No representations were received.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site forms part of the Clytha Park Road Local Centre, as defined by the proposals map that accompanies the LDP. Due to the nature and location of the proposal LDP Policies SP19 and R9 are applicable in establishing the principle of development.

8.1.2 Policy SP19 (Assessment of Retail Need) states:

Development should be of a scale appropriate to the retail centre within which they are located, and should contribute to or sustain the vitality and attractiveness of that retail centre within the hierarchy. Smaller scale retail, leisure and other uses such as branch offices and cafés may be more appropriately located in District or Local Centres.

8.1.3 Policy R9 indicates that the proposals for change of use of existing shop premises to financial and professional services (use class A2), food and drink uses (use class A3), and

leisure and community uses within local centres will be permitted only where:

- i) The concentration of such uses at ground floor level would not prejudice the viability of the centre's retailing role;*
- ii) There will be no unacceptable adverse effects on the local highway network; and*
- iii) There will be no unacceptable effects on local residential amenity or the general character of the area in terms of noise and disturbance or extra traffic generated.*

8.1.4 As outlined in the description of the site, the area comprises of a mix of A1 and A3 uses in this local centre. A survey of the local centre has been undertaken and confirms that 9no. properties of the 15no. properties within the local area have an A1 use. From the planning statement and also a consideration of google street view, it is clear that the unit has struggled to retain a viable use and has been vacant for more than a year. However, it is a well-located local centre close to offices and the city centre, which would experience good footfall. Although an A1 use is always preferred, the potential alternative uses would maintain an active shopfront and any person accessing the site could result in linked trips to the neighbouring shops. Further to this, the A1 element is potentially being retained as a retail use could still occupy the unit. Over half of the properties within the local centre also have A1 use. As such, it is considered that the change would not prejudice the retailing aspect of the local centre.

8.1.5 It is noted that the adjoining neighbour at 33 Clytha Park Road had a similar application approved under 21/0852. Accordingly, the principle of the use is considered acceptable, subject to there being no significant impact on visual amenity, residential amenity or highway safety. These matters will be considered below.

8.2 Character and Appearance

8.2.1 The proposed development does not include any physical alterations; therefore, no detrimental visual impact will arise from the proposal.

8.2.2 In terms of the change of use the proposal has the potential to impact upon the character of the area, as this is not limited to the built environment but also encompasses how a place functions. Given the location of the site at a lower ground floor, the A1 use being retained, and not forming part of any protected shopping frontages it is not considered that the proposal would have an unacceptable adverse impact upon the shopping/retail function of the area or its character.

8.3 Residential Amenity

8.3.1 Criterion (iii) of Policy R9 requires the development to not adversely affect local residential amenity. There are residential properties in the upper floors, above the application site and the upper floors of buildings along Clytha Park Road.

8.3.2 The hours of operation have not been specified within the submission of this application, however application 21/0715 required the hours of operation to be limited to 07:30 to 22:00 Monday to Saturday, and 09:00 to 18:00 times on Sundays, Bank or Public Holidays. Outside of these hours the premises shall be vacated and closed to the public. The A1 use is being retained, and it is not considered that the proposed A2 use would operate in a way that is more harmful than the existing A1 use. The same condition will be attached to ensure that the amenity of neighbouring occupiers is protected.

8.4.3 In view of the above, and the distance to residential units, it is considered that the use would not result in an unacceptable impact on the amenity of surrounding residents. As such, the scheme would be compliant with policy R9 as well as GP2 and GP6.

8.5 Highways

8.5.1 Criterion (ii) of policy R9 requires the development to have no adverse impact upon the highway network. The property is well located in close proximity to both the main bus and train stations and is considered to be highly accessible by a variety of modes of transport. There is also short term parking options on the street.

8.5.2 There is no off street parking provision but due to its central and sustainable location along

with the proposed use, the Highways Authority has not raised any objections to the proposal. It is not anticipated that the use would not result in a level of traffic that would unacceptably impact on the highway network. The proposal accords with policy R9 and T4.

8.6 **Biodiversity**

8.6.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. However, the scale and nature of the development is considered to be minor, having no impact upon biodiversity interests. It is considered disproportionate to require a biodiversity enhancement scheme in this instance.

8.7 **Waste**

8.7.1 The application site already has an A1 use, and details were requested as part of permission 21/0715. These details were not submitted and as the use classes will expand on site and as waste nature could alter significantly it is considered necessary for details of waste storage/management to be submitted for approval by the LPA, which will be secured via condition.

9. **OTHER CONSIDERATIONS**

9.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which

was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 The proposed change of use is considered acceptable in respect to the principle of development, visual impact, impact upon residential amenity and impact upon the highway network. The proposed development would therefore comply with the aforementioned policies.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with revised application form, existing floorplans, proposed floorplans, site location plans and ground floor plans- 01.

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

02) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting that Order, the use shall only be used for A1 or A2 (Professional services) of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason: To ensure the uses are maintained in accordance with the proposals to ensure the LPA can control any changes to the alternative uses that could potentially impact the viability of the town centre and central shopping area, complying with R9 of the Adopted LDP 2011-2026

03 Prior to first beneficial use, a scheme for the provision of waste storage and recycling for shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: In the interests of public health.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP18, SP19, GP2, GP4, GP5, GP6, R9, T4 of the Newport Local Development Plan (2011-2026) are relevant to the determination of this application.

02 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.