

Delegated Decision Report

Application No:	25/0240	Statutory Period Expires:	28th May 2025
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Site:	119-121 First Floor Chepstow Road Newport NP19 8BZ		
Proposal:	CHANGE OF USE OF GROUND FLOOR TO A COMMUNITY AND SOCIAL CLUB		
Applicant:	S Oruk		
Type:	Full	Ward:	Victoria
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is a double fronted ground floor retail unit located at 119-121 Chepstow Road in the Victoria Ward.
- 2.2 The site is located within the Maindee District Centre as per Policy R6 of the Newport Local Development Plan 2011-2026 (adopted January 2015), it is within the Chepstow Road/Caerleon Road Air Quality Management Area (AQMA) and is located within Flood Zone 3 (Rivers and Sea)(Defended Zone – Sea) as per the Flood Map for Planning.
- 2.3 Historically, Google Streetview shows the entirety of the ground floor was in use as an Estate Agents (Leonard D. Morgan & Co.) between July 2008 and October 2015. At some point after October 2015, No. 121 Chepstow Road became a Bridal Shop / Wedding Hire Shop, with no.119 continuing in use as an Estate Agents.
- 2.4 In 2017 the ground floor of 119-121 was brought into use as a Kurdish Community Centre. A retrospective planning application (17/1143) with the description “Retention of Change of Use of Ground Floor of Premises to a Community Centre (D1)” was registered on 22nd May 2017, with planning permission being Granted with Conditions on 12th July 2018.
- 2.5 At some point following the approval of 17/1143 and October 2020, the entire ground floor of the property was brought into A1 retail use and has been occupied as ‘Maindee Pound Plus’ and ‘Blue Ocean Seafood Store’. No planning permission was sought.
- 2.6 To the east, the site adjoins 123-125 Chepstow Road, which is an A3 restaurant named ‘Valentine’s Grill and Bakery’ and to the west the site adjoins a Barbershop (A1). A nail salon is located at first floor. At the rear the site backs onto residential properties at Duckpool Road.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks planning permission for the use of the ground floor of 119-121 Chepstow Road as a community and social club with the application indicating this will have a membership, with the sales of coffee, snacks and alcoholic beverages. Little information is provided otherwise in terms of how the site will operate.
- 3.2 The proposed ground floor layout shows the floor space would predominantly be occupied as a seating area and a bar, with a w/c located at the rear.
- 3.3 The application forms state the opening times would be seven days a week between 1100 – 0000.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
17/1143	RETENTION OF CHANGE OF USE OF GROUND FLOOR OF PREMISES TO A COMMUNITY CENTRE (D1)	GRANTED WITH CONDITIONS	12.07.2018

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.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – SUSTAINABILITY

SP3 – FLOOD RISK

GP2 – GENERAL AMENITY

GP4 – HIGHWAYS AND ACCESSIBILITY

GP5 – NATURAL ENVIRONMENT

GP7 – ENVIRONMENTAL PROTECTION AND PUBLIC HEALTH

R7 – NON RETAIL USES IN DISTRICT CENTRES

W3 – PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

T4 – PARKING.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

PARKING STANDARDS.

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: No objection.

6.2 Welsh Water Dwr Cymru: No objection.

6.3 Gwent Police: No objection.

6.4 Highways: There is no specific parking standard for this use as described as it is a licensed café and assembly/community centre. To determine if any impact over the existing is likely, we would request further information about how the development would be used.

That said it is likely that there would be multi-purpose trips and potential for walking and cycling. If it is to function in a similar way to a café or bar we would not anticipate any issues in terms of parking or servicing. These use types are expected in this location.

What may potentially raise concerns is group activities, but this would depend on the timing and scale of them.

The proposals should incorporate cycle parking which could be addressed by way of condition.

6.5 Waste: No objection.

6.6 Environmental Health: No response.

6.7 Senior Scientific Officer: No response.

6.8 Drainage: No objection.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 3rd April 2025 and a Site Notice was put up on 11th May 2025.

7.1 NEIGHBOURS: All properties within 50m of the site were consulted (118no. properties). 5no. objections were received, with a summary of concerns listed below;

- Concerns regarding the proposed sale of alcohol and potential for antisocial behaviour, increased noise and disturbance and disorder;
- Concerns regarding betting and gambling on the premises;
- Parking Issues.

7.2 COUNCILLORS HUSSAIN AND HORTON: No response.

8. ASSESSMENT

8.1 Key Considerations:

8.1.1 The key issues and considerations relevant to the determination of the application are as follows;

- The acceptability of a non-retail use within the District Centre;
- Parking Demand;
- General Amenity and the character of the area;
- Flooding.

8.2 Non-Retail Use in District Centre:

8.2.1 The relevant Policy is R7 (Non-Retail Uses in District Centres). This Policy is designed to protect retailing functions within the District Centre, ensure adequate parking and ensure no unacceptable impact on general amenity, including residential amenity. The policy states;

IN DISTRICT CENTRES ACTIVITIES IN USE CLASSES A2 (FINANCIAL AND PROFESSIONAL SERVICES), A3 (FOOD AND DRINK) AND VARIOUS LEISURE AND COMMUNITY USES 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) SATISFACTORY CAR PARKING AND ACCESS ARRANGEMENTS EXIST OR CAN BE PROVIDED;
- iii) THERE WOULD BE NO UNACCEPTABLE EFFECT ON THE LOCAL RESIDENTIAL AMENITIES OR THE GENERAL CHARACTER OF THE AREA IN TERMS OF NOISE AND DISTURBANCE OR EXTRA TRAFFIC GENERATED.

8.2.2 In terms of non-retail use the unit has not been in a lawful retail use since at least 2008 and possibly for longer than this and in this sense the proposed change of use is neutral having

no adverse impact on the District Centre's retailing function. It is noted that the most recent use of the premises has been retail, however there was no permitted change of use from the previous lawful use as a Community Centre and planning permission was not sought. It is understood that this use has now ceased.

8.2.3 As a Community and Social Club the location within the District Centre is desirable as this is clearly 'a use best located within a centre'. Paragraph 4.3.14 of PPW 12 reinforces the role of defined centres as the best location for retail, leisure and commercial activities and that there is no requirement to demonstrate 'need' for developments within defined retail and commercial centre boundaries. As such there is no need to consider sequentially preferable locations or the need for the development. It is located in a sustainable and preferred location and will not have any negative impact on the Centre's overall viability and vitality.

8.2.4 Criterion ii Parking and Access and iii Local Amenity and Character will be considered in the following sections of this report.

8.3 **Parking:**

8.3.1 The application forms state the area of the building is 80sqm and the drawings have been measured with the proposed floor plan measuring 75sqm (excluding fire escape and W/C).

8.3.2 The 'Parking' SPG requires the following parking provisions for a D2 use;

- 1 Commercial Vehicle Space;
- 1 space per 10sqm of gross floor area.

8.3.3 This equates to 1no. commercial space and 8no. car parking spaces. Parking concerns have been raised within local objections received. Under the 17/1143 permission for a community centre, there was an uplift in parking from the prior lawful use as an Estate Agent. This was justified against the sustainable location of the site, the access to public transport, some on road parking being available within the local area as well as pay and display parking being available.

8.3.4 The most recent lawful use of the site is as a community centre. The proposed use is not anticipated to significantly result in an alteration to the existing parking requirement. The site is highly sustainable and has a public pay and display car park within 75 metres. Therefore, giving weight to the previous use as well as the sustainable location within the District Centre and proximity to public parking (albeit pay and display) in this particular instance no harm can be identified in terms of parking and highway safety and there would be no reasonable grounds to refuse planning permission on this basis.

8.3.5 The proposal is compliant with Policy T4 and GP4 of the NLDP 2011-2026 (adopted January 2015).

8.4 **Local Amenity and Character;**

8.4.1 Policy GP2 (General Amenity) states;

Development will be permitted where, as applicable:

- i) *There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;*
- ii) *The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;*
- iii) *The proposal seeks to design out the opportunity for crime and anti-social behaviour;*
- iv) *The proposal promotes inclusive design both for the built development and access within and around the development;*
- v) *Adequate amenity for future occupiers.*

- 8.4.2 The uses either side of the site are both commercial and above is a nail salon. There is not understood to be any residential use immediately adjoining the site (other than to the rear) and therefore no scheme of noise insulation is necessary in this case.
- 8.4.3 There are two residential properties to the rear of the site, these being Nos. 2 & 3 Duckpool Road. The other adjacent properties on Duckpool Road being in commercial use; The Tip Top Chinese Takeaway at No. 1 and 'Moving Sounds' in Nos. 4 & 5. Whilst the proposed ground floor plans do not show any access to the external area, the red line of the site has included it. It was previously conditioned that the rear outdoor area was not to form part of the approved Community Centre, and in this case it would be consistent and reasonable to apply the same condition to the approval of the proposed use. In order to safeguard the amenity of the properties to the rear.
- 8.4.4 Noise, disturbance and anti-social behaviour linked to the proposal have been concerns raised in local objections. Gwent Police have been consulted and have offered no objection. No comment has been received from Environmental Health. The site is located within the Maindee District Centre and this type of use is appropriate and in keeping with the mix of commercial uses that currently operate and contribute to the vitality and viability of the Centre. Owing to the mix of uses within the area there is currently night time activity and goings on within the area and the proposed use would not significantly contribute to any noise and disturbance over and above that. It is considered necessary that hours of operation should be controlled through a planning condition so that the premises is operating in line with the uses within the local vicinity. Any specific issues related to the site that related to noise and disturbance could be dealt with through Environmental Health regulations as a statutory nuisance, if required.
- 8.4.5 Issues of alcohol being consumed on the premises have been raised along with gambling. The specific sale of alcohol and undertaking of gambling from the premises would be a matter for licensing and would require separate control from the planning process. In terms of the use class, these activities would not raise significant concern in this context.
- 8.4.6 Overall, the proposal is considered to comply with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

8.5 **Flood Risk:**

- 8.5.1 The planning application proposes a less vulnerable development in flood risk terms, a community facility. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 Sea and a TAN15 Defended Zone.
- 8.5.2 NRW offer no objection to the proposal and it is considered that it complies with Policy SP3 of the NLDP 2011-2026 (adopted January 2015) and TAN15.

8.6 **Refuse:**

- 8.6.1 Typically, this type of commercial use would require external storage, ready for presentation for road side collection. However, the plans show that the building has no access to an external storage area. This means that refuse would either need to be stored within the building or receptacles to the front. Whilst this is not considered to be ideal, it would be the same arrangement as per the previous Community Centre use and would not be considered any worse.
- 8.6.2 As such, this arrangement is acceptable.

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 use of the site complies with the relevant policies of the Newport Local Development Plan 2011-2026 (adopted January 2015).

10.2 Planning permission is granted with conditions.

11. **DECISION**

GRANTED WITH CONDITIONS

Approved Plans & Documents

01 The development shall be implemented in accordance with the following plans and documents: Drawing No. PDR/606/80/25/b – Proposed Floor Plans.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

General conditions

Hours of Operation

02 The opening hours of the development hereby approved are restricted to 0800 – 2300 Monday to Thursday, 0800 - 0000 on Saturdays and 1000 – 2300 on Sundays and bank/public holidays. Outside of the hours the premises shall be closed and all patrons and members of the public shall be vacated.

Reason: To ensure that the proposed development does not prejudice residential amenities and in accordance with GP2 and R6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

No Use of External Space

03 Only the internal area as shown on approved document *Drawing No. PDR/606/80/25/b – Proposed Floor Plans* shall be used as the approved club and no other part of the red lined site.

Reason: To preserve the residential amenity of neighbours to the rear of the site in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

Hot Food

04 If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point that is to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and deodorising filters. Details of the above equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Existing Plans.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, GP2, GP4, GP5, GP7, R6, R7, T4 and W3 were relevant to the determination of this application.

03 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.