

Delegated Decision Report

Application No:	25/0669	Statutory Period Expires:	26th November 2025
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Site:	17-21 Wharf Road Newport NP19 8ET		
Proposal:	CHANGE OF USE FROM WINDSCREEN CENTRE TO INTERNATIONAL SUPERMARKET, HIP TO GABLE ROOF EXTENSION, INSTALLATION OF ROLLER SHUTTER AND OTHER ASSOCIATED EXTERNAL CHANGES		
Applicant:	H Cetin		
Type:	Full	Ward:	Beechwood
Decision:	REFUSED		

1. BACKGROUND

- 1.1 This application is a resubmission following two previous applications and the dismissal of appeal at the site. The previous application included residential uses at first floor, which is no longer proposed. The application was refused for the following reasons:

01 The proposal represents the introduction of a highly vulnerable development on a site located within Zone C1 Flood Risk Area, contrary to Planning Policy Wales, Technical Advice Note 15 and Policy SP3 of the Newport Local Development Plan. The proposal is not justified and has failed to demonstrate that the risks and consequences of flooding can be acceptably managed in regard to the relevant tests in TAN 15. The proposal is therefore deemed to be harmful to the safety of future occupiers of the proposed flats. This would be contrary to Planning Policy Wales, Technical Advice Note 15 and Policies SP3 and GP1 of the Newport Local Development Plan (adopted January 2015).

02 The proposals will cause significant harm to interests of acknowledged importance, namely the vitality and viability of sequentially preferable centres, by reason of no sequential assessment or need being shown for a use best located in a centre. This is contrary to national retail planning policy contained in Planning Policy Wales (Edition 11, February 2021), and policy SP19 of the Local Development Plan for Newport, 2011-2026 (Adopted January 2015). No information has been provided that mitigates this objection.

03 The proposed dormer, by reason of design, scale and location, is unduly dominant, poorly designed and unsympathetic to the host building and will result in an adverse impact to the visual amenity of the host building and to the area. This is contrary to Policy GP6 of the Newport Local Development Plan (adopted January 2015).

04 The flats would provide an inadequate level of internal space and poor outlook for the occupiers of the loft flats and the development would provide no outdoor amenity space for future occupiers. The scheme is overdevelopment. This is contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011-26 Adopted Plan January 2015 and the Council's supplementary planning guidance on Flat Conversions, Outdoor Play space and New Dwellings.

05 The proposals would result in an intensification of the access onto Archibald Street which is substandard and an increased demand for parking and it has not been demonstrated that this can be accommodated within the site. The proposals would therefore be detrimental to highway safety and are contrary to Policy GP4 of the adopted Newport Local Development Plan 2011-2026.

06 The partial conversion of the building for residential accommodation by reason of its location and proximity to noise sources will suffer unacceptable effects to human health and amenity arising from noise impact. Insufficient information has been provided with the application to mitigate for this. The proposals are contrary to Policy GP7 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015).

07 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely leisure and affordable housing provision. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for leisure and education contributions. This is contrary to Policy SP13 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

- 1.2 The Inspector upheld reasons relating to flood risk, character and appearance and retail impact. Reasons relating to highways and pedestrian safety and residential amenity were upheld in part.

2. SITE LOCATION AND CONTEXT

- 2.1 The building is currently vacant but was last used as a windscreen repair business. The site is within the settlement boundary and is located in a densely populated area having a mixed residential/commercial character. The building is orientated towards Wharf Road which is a busy four lane highway leading to Chepstow Road to the north and Corporation Road to the south-west but its rear is orientated to Archibald Street which is of residential character. Directly to the rear (south-east) the building abuts 69 Archibald Street which is a house. Opposite the site and the other side of Wharf Road is a Tool Hire Centre. The site plan shows two parking areas which are accessed via Archibald Street and directly from Wharf Road.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks planning permission for the conversion of a former windscreen centre building to a grocery store. The supporting information states that the intended occupier is a Turkish food-store.
- 3.2 The internal layout shows food counters and shelving. The supermarket floorspace would be approximately 133m². To the rear cycle storage is shown along with a store with customer parking and a bin store to the rear accessed via Archibald Street. The first floor layout shows storage, an office, staff room and bathroom.
- 3.3 The proposals also include external alterations including a hip to gable extension over the main roof of the building, changes to openings, change from flat roof to pitch roof to the rear and roller shutters to the front ground floor openings. Whilst external areas are shown on plans, no detail is provided of these in terms of number of parking spaces, delivery bays etc.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
93/0017	ALTERATION TO NO. 17 (NEW OPENING IN WALL OF FITTING BAY), CHANGE OF USE OF 19 & 21 FROM RESIDENTIAL TO USE AS GLASS REPLACEMENT CENTRE AND ALTERATIONS.	GRANTED WITH CONDITIONS	21.09.2021
23/0922	CONVERSION AND CHANGE OF USE OF FORMER WINDSCREEN CENTRE BUILDING INTO GROUND FLOOR TURKISH/INTERNATIONAL GROCERY STORE, WITH 3NO. 1 BED FLATS TO FIRST FLOOR WITH A FURTHER 2NO. 2 BED FLATS IN LOFT SPACE INCLUDING HIP TO GABLE ROOF EXTENSION, REAR DORMER AND OTHER ASSOCIATED EXTERNAL ALTERATIONS	REFUSED	18.01.2024

24/0522	CONVERSION AND CHANGE OF USE OF FORMER WINDSCREEN CENTRE BUILDING TO PROVIDE GROUND FLOOR TURKISH/INTERNATIONAL GROCERY STORE, 3 X 1 BED FLATS TO UPPER FLOORS AND ASSOCIATED DEVELOPMENT THERETO	APPEAL DISMISSED	30.05.2005
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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 6 – Town Centre First

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.

4.3.14 - In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities should first consider whether there is a need for additional retail provision. However, there is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.

4.3.15 - Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.

Policy SP3 Flood Risk ensures development is directed away from flood risk areas.

Policy SP19 Assessment of Retail Need sets out the retail hierarchy for where retail development should be located. 1. Newport City Centre; 2. A Defined District Centre; 3. Local Centres; 4. Out of Centre.

Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future

occupiers.

Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy R8 Small Scale Retail Proposals states new small scale retail proposals outside of the city and district centres will only be permitted when new residential development would be served or the proposals would cater for under-provision; the proposal is of an appropriate scale; there's no adverse effects on viability of any defined centre; and there are no unacceptable effects on the local amenities or general character of the area.

Policy T4 Parking states that development will be expected to provide appropriate levels of parking.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Parking Standards

Wildlife and Development

Security Measures for Shopfronts and Commercial Premises

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk The planning application proposes change of use from a windscreen centre (less vulnerable development) to an international supermarket (less vulnerable development). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea and TAN 15 Defended Zone. Based on the plans submitted no residential development is planned as part of this application.

We have reviewed the following information submitted in support of the application: - Flood Consequence Assessment, 17-21 Wharf Road, Newport, NP19 8ET, Reference: KRS.0766.001.R.001.C, prepared by KRS Enviro, dated October 2025. The Flood Consequence Assessment (FCA) states: - The site minimum ground level is 7.54 metres Above Ordnance Datum (mAOD). - The finished floor levels will be set at the existing finished floor levels and it is considered impractical to raise the finished floor levels further. Our advice to you is that the FCA satisfactorily demonstrates that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection to the application as submitted. Further detail is provided below. Figure 5 TAN15 During a 0.5% (1 in 200 year) plus climate change allowance (2100) flood event the development is predicted to flood to be flood free. This is compliant with Figure 5 of TAN15 Figure 6 TAN15

During a 0.1% (1 in 1000 year) plus climate change allowance (2100) flood event the development is predicted to flood to a depth of 154mm. this is within the tolerable limits as prescribed within TAN15 and therefore compliant with Figure 6 TAN15.

Further advice Access/Egress

A flood warning and evacuation plan for the site is also suggested, safe access and egress routes can be maintained for vehicles and/or by foot via Wharf Road to the north, across Chepstow Road and then via Victoria Avenue to the north.

Increase in flood risk elsewhere

The building is existing, and no land raising will occur within the site therefore, the proposed development will not impede the movement of floodwater across the site. We are satisfied there are no third-party impacts.

European Protected Species – Bats We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

6.2 Local Highways Authority:

Highway recommendation:

Objection on grounds of highway safety, parking and servicing policies.

Highway Comments:

The submitted plans suggest that customer and staff parking, along with servicing space is available from Archibald Street. This cannot be accepted as the space is too small and the access is unsafe. It has zero pedestrian and little vehicle visibility. In addition, traffic must negotiate a one-way system with weight and width restrictions to reach it.

We note that the site has another yard, but it is not clear how this is to be used or how existing access is to be modified.

The submission does not include any swept paths or assessment of parking and trip generation, so fails to demonstrate that it is not detrimental to highway use and safety. We are aware that a store has been proposed here before, but previous applications also failed to demonstrate that they would not be detrimental to safe and efficient highway use.

The retail need assessment suggests that the store will serve an extensive area not just local streets within walking distance.

In summary the application raises a number of objections on highway safety and policy grounds.

6.3 Environmental Health: I refer to the above application passed to the Environmental Protection Team for comment. I have no objections to the proposed development due to low Environmental Protection Impacts it will have. This is based on the information provided. However, I suggest the following condition should be attached to any permission granted;

Waste Storage and Recycling

There is a lack of information regarding the waste storage and recycling facilities that will be provided to serve the future development. Therefore, either additional information is required or the following condition is recommended;

Prior to first beneficial use, a scheme for the provision of waste storage and recycling 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: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

6.4 SAB: It appears as though there are no external works that would trigger a sab application. I would advise that if this changes and any external works over 100m² are undertaken, they should contact the SAB at the earliest opportunity to discuss the drainage.

6.5 Dwr Cymru – Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 7th October 2025, Site Notice was put up on 10th October 2025.

7.1 NEIGHBOURS: 2no objections received and summarised below:

-I live in an old age person complex where the residents are over 80 years old. There are no parking facilities for the delivery vans also it is on a main road, and the traffic and buses are constantly going by. The car park that is by the building is for the properties on this stretch of the road. We have a lot of anti-social behaviour with gangs of kids hanging around outside the shops directly by the traffic lights, and by the building. There are a variety of shops and a supermarket already on the main road about 2 minutes away. Also there would be no parking facilities on Archibald street as a lot of the cars in the communal car park for the complex are from residents of Archibald street due to lack of parking outside their properties.

-There are not enough parking spaces and cars from outside the court park here now, there would not be any space for people living in Eve's Well court.

8. ASSESSMENT

8.1 Principle of Development:

The site is located within the settlement boundary and in an area having a mixed character of both residential and commercial. The re-use of this prominently sited vacant building has merit. However, the site is constrained with limited parking availability. Furthermore, national and local planning policy is clear that retail uses located outside of retail centres must demonstrate need and if need is established then it must be demonstrated that no sequentially preferable sites are available in the interest of preserving the viability and vitality of the city centre, district centres and local centres. These matters are discussed further below together with the other relevant considerations.

8.2 Visual Amenity/ Character and Appearance;

As noted above, the proposals include external alterations including a hip to gable roof extension over the main roof of the building, changes to openings, change from flat roof to pitch roof to the rear and roller shutters to the front ground floor openings. It was previously noted that the roof design of the building is currently a gable to one end and hip to the other and so the hip to gable roof extension would balance out the roof form of the building and is not objected to. Similarly, the proposed changes to the size and arrangements of openings and the pitched roof in place of an existing flat roof to a single storey rear element are also considered to be acceptable.

8.3 The proposed drawings show a lattice style roller shutter to openings at ground floor level to the front elevation of the building with the housing behind a fascia board. This style shutter accords with the Council's Security Measures for Shopfronts and Commercial Premises SPG and is acceptable.

8.4 The proposed external alterations do not give rise to any neighbouring amenity concerns given the siting of the building relative to the boundaries.

8.5 *Retail need and Sequential Approach*

The proposals include a new retail use located outside of any retail centre designated in the Newport Local Development Plan. In such locations it is necessary to show that there is

sufficient need to justify the provision of a retail unit (or use best located in-centre) outside of a designated centre and in accordance with strategic LDP policy SP19 and Planning Policy Wales. Consideration should then be given to whether an appropriate site is available within a centre. Recent caselaw (*Waterstone Estates Limited v. The Welsh Ministers*) has established the primacy of the need test within Wales. The proposals equate to less than 2500m² floor space so it is not usual for the applicant to examine retail impact on existing centres via a retail impact assessment but it is open for the Local Planning Authority to require it if considers such an assessment to be justified.

8.6 To prove need the applicant must identify a catchment, calculate the available retail expenditure within that catchment and compare that with the existing retail provision within that catchment to identify any shortfall that can serve the proposal. Any assessment of need must be commensurate with the proposal. In out of centre locations, if there is no expenditure capacity/need to serve new uses best located in a defined centre (as defined centres are more sustainable focal points of retail and community facilities per se) there is a simple policy presumption against the development. The overall methodology is well established but can be subject to interpretation and certain levels of assumption.

8.7 Planning Policy Wales, Edition 12 (PPW12) states at paragraph 4.3.14 that:

In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities should first consider whether there is a need for additional retail provision. However, there is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.

8.8 It is stated within paragraph 4.3.15 that:

Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations.

8.9 National Policy is very clear that need is the key consideration when assessing out of centre retail applications or uses best located within a centre.

8.10 National Policy also allows justification for new out of centre uses best located in centres on qualitative need. PPW12 advises at Paragraph 4.3.16 as follows:

Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:

- *supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;*
- *is highly accessible by walking, cycling or public transport;*
- *contributes to a substantial reduction in car journeys;*
- *contributes to the co-location of facilities in existing retail and commercial centres;*
- *significantly contributes to the vibrancy, attractiveness and viability of such a centre;*
- *assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;*
- *addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it;*
- *alleviates a lack of convenience goods provision in a disadvantaged area.*

8.11 In this case the proposed site is not allocated in the adopted LDP and the development would not support any local retail strategy or the centre first stance supported by PPW12.

8.19 In terms of quantitative information accompanying the application, this is limited to a statement from the applicant explaining that there is an unmet cultural and ethnic retail

demand in Newport. It is also stated that the city has a continued and projected population growth based on the Council's LDP and ONS data and the Victoria Ward, where the site is located, has grown by 6.2% since 2011 and is projected to increase further due to infill development and proximity to the City Centre. It is stated that the latest Retail Capacity Study shows there are limited convenience retail options east of the Maindee core and high rates of leakage to larger supermarkets and Newport Retail Park, reducing spend in local centres. It is also stated that the intended occupier would provide an offer which is different to that currently available in the form of the following and that this would complement, not duplicate the existing convenience store offer in Maindee. It would include:

- Fresh Turkish bread and pastries
- Halal meats and traditional deli items
- Imported dry goods (e.g., bulgur, Turkish coffee, pickles, olives)
- Ready-to-eat meals unique to the Turkish culinary tradition

- 8.20 In terms of qualitative information, it is stated that there is local support for the proposal including from Turkish and Middle Eastern families, broader community members seeking diverse food choices and local organisations promoting multiculturalism and community cohesion.
- 8.21 The quantitative and qualitative information is considered to be significantly flawed. Whilst population growth is not disputed, the information refers to a lack of retail options and that this is resulting in leakage to larger supermarkets and Newport Retail Park, reducing spend in local centres. However, the site is not within a defined centre and as such, if granted the proposals would result in a retail use outside of a defined centre and arguably contributing to the further decline of district and local centres. It also contradicts information provided as part of the previous application in which it was stated that Maindee District Centre accommodates several Turkish/international outlets, with which the new grocery store will assimilate with.
- 8.22 The Council places only very limited value on this supporting information in qualitative retail terms. If planning permission were to be granted the Council cannot control the occupancy of the unit by a particular retailer and so any benefit of the assimilation could be lost. The qualitative need information offered by the applicant in support of the proposals is considered to be very limited and does not justify the proposals in the absence of quantitative need information.
- 8.23 The applicant refers to other retail premises outside of centre near to the application site. Whilst the existence of other retail uses outside of any defined centre is acknowledged, this in no way justifies the proposal.
- 8.24 The retail need information accompanying the application is significantly lacking and flawed and is not considered to justify the scheme. There is a policy presumption against the development and this must carry very significant weight indeed.
- 8.25 The proposal is contrary to policies SP19 and R8 of the adopted Local Development Plan.
- 8.26 Case law in Wales is clear that retail tests relating to sequential test and retail impact are not required in the event that need cannot be shown. Whilst need has not been demonstrated in this instance, for the purpose of completeness the sequential test supporting the application has been examined.
- 8.27 Newport city centre is top of the hierarchy of centres in the Council's administrative area and is the focus of all commercial services serving the entire population of the City. Pressures upon it and other defined centres, arising from reduced retail expenditure capacity in the catchment, leakage of expenditure to neighbouring centres outside Newport, increased vacancy rates in centre, loss of anchor stores and well known brands/chains and lack of new commercial start ups in centres along with evidence of decline/lack of vitality and general vibrancy and environmental decline have significant adverse impacts upon these centres and the city as a whole in both the short and long term. To repeat development of out of centre sites for uses best located in centres without very robust justification and satisfaction of retail planning policy objectives would be reckless.

- 8.28 In application of the test it is for the applicant to robustly show that no more appropriate site is available or suitable. Caselaw requires a degree of flexibility is shown in site assessment in order to prevent an applicant setting such a stringent requirement that only their chosen site could ever meet it.
- 8.29 The sequential information is very limited and only refers to Maindee District Centre with no precise details of units that have been considered. It is not clear why the applicant has not considered the City Centre or nearby Corporation Road or Beechwood District Centres. A recent site visit by officers identified several units within Maindee District Centre, as well as units in Beechwood District Centre that are vacant. Whilst the available units may be discounted for valid reasons, this process must be documented as part of the assessment.
- 8.30 The sequential assessment is not robust, and it cannot be concluded that there are not any sequentially preferable units available. Notwithstanding this, the need for the proposed A3 uses have not been established in accordance with local and national policy.

8.31 Air Quality/ Soundscape:

The site is located within an Air Quality Buffer. The Council's Air Quality SPG therefore requires a Simple Air Quality Assessment to establish whether there would be any increased worsening to air quality as a result on the proposals. Such an assessment has not been provided. However, it is recognised that the building has a commercial fall-back use and it is proposed to change to an A1 use. Commercial uses by their nature can require the associated use of vans and lorries which are likely to result in a greater air quality impact than the proposed residential and small scale retail use. On balance, in the absence of such information and given the fall back use of the building it is considered that the the absence of a simple air quality assessment does not justify a reason to refuse.

8.32 Movement:

The previous application included parking provision to serve the retail store in an area to the north-east of the building accessed via Wharf Road. In consideration of the appeal the Inspector confirmed that the layout and access arrangements of the proposed car park for the retail store would be inadequate and detrimental to highway and pedestrian safety, although the number of parking spaces was confirmed to be acceptable. Subsequently, the scheme no longer appears to include parking to this area. The site plan accompanying the application indicates customer parking spaces to the rear of the building via Archibald Street. This area is also indicated for deliveries. Parking spaces have not been demarcated on the accompanying drawings, but the Inspector previously confirmed that 3no customer spaces are acceptable. As noted by the Council's Highways officer, this space would be too small to accommodate both customer parking, turning areas and deliveries and a likely consequence of this is the need for deliveries to occur on Archibald Street which is a one-way street with weight and width restrictions. Furthermore, the Inspector previously noted that: *... "given the one-way restriction and high level of on street parking, I share the Highway Authority's concerns in regard to the practicalities of large heavy goods vehicles (HGVs) utilising Archibald Street and potential disturbance this would cause to residents of the surrounding area. The appellant refers to other retail uses outside of district centres which are serviced by on street deliveries, including on Chepstow Road and Jeffrey Street. Nevertheless, the relevant planning permissions relating to such uses are not before me so do not influence my assessment of the appeal scheme."* In this case, the close juxtaposition of the external yard area accessed off Archibald Street, and the residential properties closeby mean that residents will both see and hear activity within the yard with all the associated issues this brings in terms of service vehicle noise such as reversing alarms, engine revving, doors slamming. The proposed supermarket use can reasonably be expected to have longer opening and servicing hours compared to the previous use with a need for regular deliveries to replenish stock and constant comings and goings of customers. The yard as shown does not appear to be capable of accommodating staff, customer and deliveries without a high likelihood of such elements spilling out onto the adjoining street. The Highways Officer has advised why this is harmful to highways and pedestrian safety. The restricted space available within the site would result in vehicles having to reverse out of the car park with limited visibility of passing pedestrians. Vehicles

would be reversing and turning on/in close proximity to the designated footway to the detriment of both local pedestrians and shoppers visiting the site. Given the site's location within an urban area surrounded by a number of residential streets and Maindee District Centre nearby, the pedestrian footway is well used. Furthermore, given the one-way restriction and high level of on street parking, the practicalities of large heavy goods vehicles (HGVs) utilising Archibald Street and potential disturbance this would cause to residents of the surrounding area is of significant concern. It is therefore considered that the proposals are unacceptable with regard to highway safety and neighbouring amenity and no information has been provided that would mitigate this objection.

- 8.33 With regard to cycle parking, two spaces are shown to the rear of the building, as per the previous submission. In relation to this the Inspector confirmed that whilst there are no details as to whether the cycle spaces would be secure and undercover as advised by the Council's Sustainable Travel SPG, further details regarding security measures for the cycle parking could be secured under condition.

8.34 **Drainage/ Flooding:**

The planning application proposes change of use from a windscreen centre to a supermarket. Both uses are categorised as less vulnerable development. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea and TAN 15 Defended Zone. NRW have reviewed the Flood Consequence Assessment accompanying the application. The FCA states: - The site minimum ground level is 7.54 metres Above Ordnance Datum (mAOD). - The finished floor levels will be set at the existing finished floor levels and it is considered impractical to raise the finished floor levels further. NRW advise that the FCA satisfactorily demonstrates that the risks and consequences of flooding are manageable to an acceptable level. NRW therefore, have no objection to the application as submitted.

- 8.35 Having regard to the nature of the proposed use, the proposals are not considered to result in an increased risk to life from flooding.

8.36 **Biodiversity:**

The proposals include biodiversity enhancement measures in the form of a bird box which is in accordance with PPW12 which requires a net benefit for biodiversity resulting from development.

- 8.37 The Council's Ecology officer has previously considered the proposals in relation to potential for impact on European Protected Species and advises that as the building is not situated near any suitable foraging habitat for bats and as the application does not entail any demolition, even if bats were present then the impact would be minimal. As such it is not considered that a bat survey is required in this instance.

8.38 **Waste:**

The site plan indicates waste storage to the rear of the site to be collected from Archibald Street, which the Inspector considered was acceptable. As such there is no objection to this.

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 It has not been demonstrated that there is a retail need for the development, to the detriment of the vitality and viability of nearby sequentially preferable retail centres.

10.2 The proposals would provide an inadequate level of space for both parking provision and servicing/deliveries, to the detriment of highways and pedestrian safety and the amenity of neighbouring occupants on Archibald Street.

10.3 The application is refused.

11. DECISION

REFUSED

01 The proposals will have a significant adverse impact upon interests of acknowledged importance, namely the vitality and viability of defined centres by reason of a failure to demonstrate a quantitative and/or qualitative need for the proposed A1 use. This is contrary to national policy Future Wales – The National Plan 2040 Policy 6 – Town Centre First, Planning Policy Wales 12 and to Policies SP19 and R8 of the adopted Newport Local Development Plan 2011 - 2026.

02 The development does not provide an adequate area for both off road parking and servicing to serve the use. The development will intensify the use of the rear yard and increase pressure for servicing and parking on Archibald Street and unsafe reversing manoeuvres across and within the public highway directly in front of residential properties with associated noise and disturbance impacts. This is detrimental to highway and pedestrian safety and the amenity of neighbouring residential occupants and is contrary to Policies GP4 and GP2 of the adopted Newport Local Development Plan 2011-2026.

NOTE TO APPLICANT

01 This decision relates to plan Nos: PL01, PL02, Retail Needs Statement, Flood Consequence Assessment KRS.0766.001.R.001.C, Green Infrastructure Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP19, GP2, GP4, GP5, GP6, GP7, R8 and T4 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.