



Note

Unit 6A to 6B, 28 East Retail Park, Docks Way, Newport Planning Application Reference 25/0155

1 Scope & Purpose

- 1.1 This Note has been prepared by Quod, on behalf of Newport Lux S.A.R.L ('the Applicant'), in respect of a pending planning application (ref. 25/0155) at 28 East Retail Park, Docks Way, Newport ('the Application Site').
- 1.2 Specifically, we are responding to the comments raised by Officers at Newport City Council ('NCC')¹ and propose revisions to the application proposals now being advanced.
- 1.3 This Note should be read alongside the Planning Statement & Retail Impact Assessment ('PSRIA') (February 2025) that supported the planning application, which addresses relevant retail policy matters.

2 Proposed Application Changes

- 2.1 The intended occupier was Poundland. The retailer has since been restructured and sold, and the leasehold opportunity has fallen away.
- 2.2 Discussions with other prospective occupiers have advanced. The Applicant has now agreed Heads of Terms with an alternative operator, principally selling bulky goods.
- 2.3 Whilst the overall nature of the planning application does not change (i.e. a goods condition modification under Section 73), the range of goods to be sold by the intended occupier is not as wide as that previously required by Poundland.
- 2.4 Set out below is the revised condition previously sought for Poundland and that now proposed for the alternative occupier.

Condition wording as proposed for Poundland

"The unit known as Unit 6 and identified on the plans hereby approved, shall only be used for the sale of toys, leisure products, home and garden goods, flowers, hardware, pet care products and pet foods, books, newspapers and magazines, stationary including greeting cards, confectionary, grocery, toiletries, clothing, accessories, alcoholic drinks for consumption off the premises, tobacco, save that any single product category shall not exceed 10% of the gross floor area with the exception of grocery and alcoholic drinks for consumption off the premises which shall not exceed 30% of the gross floor area and fashion, accessories and

¹ Email correspondence dated 19th May 2025



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footwear, which shall not exceed 30% of the gross floor area, and items ancillary thereto and installation of a standalone ATM and / or National Lottery.”

New Condition wording now proposed (additional text in bold and underlined)

*“The unit known as Unit 6 and identified on the plans hereby approved, shall only be used for the sale of DIY products (including building materials, kitchen and bathroom fitting, garden materials and goods), vehicle goods and accessories, furniture, carpets and floor coverings, electrical household goods, and household furnishings, office supplies, office equipment / technology, and ancillary uses (including a print shop, copy centre, service centre for office equipment, technology centre and limited customer refreshments, **up to 10% of the gross floorspace for the sale and display of clothing and footwear** and for no other purpose whatsoever, including any other purpose set out in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987.”*

- 2.5 Significantly, the revised condition now being sought does not seek the ability to sell food and other wider non-food goods not currently permitted from Unit 6. Instead, it largely retains the existing condition (largely bulky non-food goods) but also seeks the ability for up to 10% of the floorspace to be used for the sale of clothing and footwear which is in any event ancillary. Critically, the intended occupier of the unit will principally remain a bulky goods retailer – as currently permitted.

3 Comments raised by NCC

- 3.1 In respect of the pending application, NCC has provided a number of queries and have asked for clarification and further justification for the proposals. However, significantly, these comments were raised in respect of the proposed broadening of the existing goods restriction to enable Poundland to lawfully trade from Unit 6. As outlined above, the proposed widening of the existing goods restriction now being proposed is much more limited and only proposes the ancillary sale and display of clothing and footwear from 10% of the floorspace.
- 3.2 Within the context of the revised wording, we provide a response to the comments raised in turn below, particularly given the change in prospective occupier.

Sequential Approach

- 3.3 In applying the sequential approach to site selection, the submitted PSRIA did not assess opportunities within Newport city centre. It was deemed that locating the proposals in the City Centre, which is located at the very periphery of the core catchment, would not meet the same need that the proposal is intending to meet (i.e. residents in the west of the City). This approach is entirely consistent with that deemed acceptable by NCC in considering the withdrawn scheme at the Application Site².

² ref. 23/0587



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- 3.4 In considering this specific matter, the correspondence from NCC refers to whether this approach is consistent with the judgment in *Aldersgate Properties Ltd v Mansfield District Council* [2016].
- 3.5 We are fully aware of this judgment, and in our view the approach that has been undertaken in applying the sequential approach is not contrary to this. The driving rationale for not considering opportunities in the City Centre is because locating the proposed development in this location will largely serve a different core catchment to the application proposals. Such an approach reflects established best practice in that it is only necessary to consider sequential alternatives within the likely catchment of the proposed development.
- 3.6 Notwithstanding this, for completeness we have considered vacant units within and at the edge-of Newport city centre. These are summarised at Table 1 below.

Table 1: Existing Vacancies / Units being Marketed within and at the edge-of Newport City Centre

Address	Floorspace (sqm)
119 Commercial Street	198
22-23 High Street	395
Unit 2, 147 Commercial Street	424
Unit 27, Friars Walk Shopping Centre	287
Unit 28, Friars Walk Shopping Centre	287
Unit 16, Commercial Street	214
Unit 6-7, Chartist Tower, Upper Dock Street	83
Unit 4, Chartist Tower, Upper Dock Street	43
41 High Street	128
Unit 1-3, Upper Dock Street	493
Unit B2, Station Quarter	174
Unit B5, Station Quarter	744
Unit A3, Station Quarter	127
Unit B6, Station Quarter	141
Unit B3, Station Quarter	174
Unit B4, Station Quarter	203
Unit B1, Station Quarter	283
Unit A4, Station Quarter	111
Unit Su5, Friars Walk Shopping Centre	1,689
Unit R5, Friars Walk Shopping Centre	419



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Address	Floorspace (sqm)
Unit Su9, Friars Walk Shopping Centre	260
Unit R10, Friars Walk	265
Unit 19, Friars Walk Shopping Centre	707
Unit Su6, Friars Walk Shopping Centre	579
Unit 22-26, Friars Walk Shopping Centre	208
Unit 2, The Corn Exchange, High Street	240
Unit Su2, Friars Walk Shopping Centre	532
Kiosk K1, Friars Walk Shopping Centre	40
Unit R1a, Friars Walk Shopping Centre	444
Former Cineworld, Usk Plaza	2,700
Kingsway Centre, John Frost Square	137

Source: EGi and LoopNet (August 2025)

- 3.7 In reviewing potential these units, the vast majority fall below the minimum floorspace threshold identified (929 square metres) as set out in the submitted PSRIA. A 30% reduction in floorspace to that provided at the Application Site remains reasonable and applicable for the alternative occupier, demonstrating flexibility in applying the sequential approach to site selection.
- 3.8 In addition, it is also important to note that the proposed use is for the reoccupation by a bulky goods retailer (as currently permitted), with a very small, ancillary element of the existing floorspace to also be used for the sale of clothing and footwear. Given the nature of the intended occupier, adjacent, at grade, car parking, now represents an important operator requirement. This is essential to enable shoppers to easily transfer bulky goods that have been purchased to their car. This represents a further operating requirement when considering the suitability of alternative sites and was not a requirement for Poundland. This provides a further important distinction between the current and previous application proposals when now addressing the relevant retail 'tests'.
- 3.9 There are only two units within or at the edge-of Newport city centre that meet the minimum floorspace requirement – Unit D5 in Friars Walk Shopping Centre and the former Cineworld at Usk Plaza. Both these sites were considered and dismissed in the determination of the recent Aldi application at the Retail Park (refs. 24/0066 & 24/0067) as not being suitable for the intended retailer. Indeed, in addressing the sequential approach, the Officer's Delegated Report (paragraph 8.2.39) for the Aldi application concluded that:

"Overall, it is accepted that there remains no sequentially preferable site that is available and suitable for the proposed development and that could meet the same requirement of the



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application proposals. Therefore, the Sequential Test is addressed and the criterion is satisfied.”

- 3.10 This conclusion is equally applicable for the application proposals given the similarity in the operating requirements of a discount food retailer and a bulky goods retailer (e.g. minimum unit size; large open floorplates to provide large display areas; appropriate servicing arrangements; and dedicated adjacent, at-grade, customer car parking).
- 3.11 Within this context, further consideration of the two identified sites is provided below.
- 3.12 The former Cineworld comprises two floors and it is understood to comprise around 2,700 square metres of floorspace. Whilst this quantum of floorspace is sufficient to accommodate the proposed development, its configuration is not suitable for a bulky goods operator. The building would also not easily lend itself to subdivision, and the ground floor alone would not meet the minimum floorspace threshold. In addition, the unit occupies an elevated position off Usk Plaza. This means that regular direct servicing will not be viable as there is no direct access from the surrounding road network.
- 3.13 The unit also lacks the necessary at-grade customer car parking which is essential for bulky goods retailers. Whilst it is acknowledged that there is a multi-storey car park adjacent to the unit (Kingsway Centre car park), which is managed by NCC, this provides direct access to the Kingsway Centre rather than to the former Cineworld. The car park is also chargeable and provides an important city centre car park that is used by visitors to Newport. As such the prospective bulky goods operator would have no control over its use.
- 3.14 Unit Su5, Friars Walk Shopping Centre extends to 1,689 square metres and is located within the existing shopping centre. Whilst this unit is sufficient in size to accommodate the proposed development, it lacks immediately adjacent, at grade, customer car parking required for bulky goods retailers. Instead, existing parking that is available is shared multi-storey car parking that is used for visitors to the Shopping Centre and wider City Centre, which is a short walk from the unit and is chargeable. This arrangement is entirely unsuitable for a bulky goods operator.
- 3.15 Whilst we do not consider it necessary to consider opportunities within Newport city centre, given that these are located at the very periphery of the anticipated core catchment of the Application Site, for all the reasons identified there is no suitable and available site.
- 3.16 Against this background, the sequential approach to site selection continues to be satisfied and has been strengthened due to the nature of retailer now proposed.

Impact Assessment

- 3.17 Comments have been raised regarding to the impact assessment undertaken as part of the PSRIA. Notably these largely relate to the convenience retail sector. As outlined above, food goods are no longer proposed under the revised condition for the alternative prospective



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occupier. Instead, the revised proposals now being advanced is seeking to accommodate a bulky goods retailer (as currently permitted) with a small element of clothing and footwear sales. Consequently, a number of the matters previous raised with regard to retail impact (and retail need) are no longer applicable.

3.18 Furthermore, given the changes now sought retail impact is not deemed a policy consideration in the determination of the application proposals. The proposed goods widening relates to just 130 square metres (i.e. 10% of 1,302 square metres). This compares to up to 781 square metres previously proposed for Poundland, which included an element of food sales, which is currently restricted.

3.19 This quantum of floorspace (130 square metres) falls well below the impact threshold set by local planning policy (2,500 square metres). Whilst it is acknowledged that national policy identifies that requests for retail impact assessments may be necessary for small applications, it is important to reiterate that the Application Site comprises existing retail floorspace that can already be occupied by a range of non-food retailers that itself will have an impact on neighbouring centres. The existing floorspace will remain entirely for non-food retailing with the bulk (90%) of floorspace to be used for goods already permitted to be sold.

3.20 Given this, retail impact is no longer a policy requirement in the consideration of the application proposals. As such there is no requirement to provide any further clarification / justification in support of the application. The issues raised by NCC are no longer relevant in the determination of the application proposals.

4 Summary

4.1 The revised scheme now being advanced significantly differs to that previously proposed in terms of the range of goods proposed to be sold. Indeed, the bulk of the goods sold by the intended occupier can already be lawfully sold from the Application Site. This application simply seeks to allow for up to 10% of this existing floorspace to also be used for the sale of clothing and footwear which should in any event be viewed by Officers as being ancillary. At least 90% of the floorspace will be retained for bulky non-food goods – as currently permitted. Critically, the application proposals are no longer seeking to introduce an element of food sales.

4.2 Given the changes now sought the retail test that remains relevant in the determination of the application proposal (just the sequential approach to site selection) has been robustly addressed. This has demonstrated that no sequentially preferable site exists that is available and suitable for the proposed development.

4.3 Overall, there is no retail policy reason why the application cannot be supported.

ENDS