

# Delegated Decision Report

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|------------------------|----------------|----------------------------------|---------------------------|
| <b>Application No:</b> | <b>25/0817</b> | <b>Statutory Period Expires:</b> | <b>28th November 2025</b> |
|------------------------|----------------|----------------------------------|---------------------------|

|                   |                                                                                                                                     |              |                  |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------|
| <b>Site:</b>      | <b>157 Commercial Street Newport South Wales NP20 1JQ</b>                                                                           |              |                  |
| <b>Proposal:</b>  | <b>INSTALLATION OF AN INTERACTIVE COMMUNICATION HUB UNIT WITH INTEGRAL ADVERTISEMENT DISPLAY, DEFIBRILLATOR AND CITY WAYFINDING</b> |              |                  |
| <b>Applicant:</b> | <b>N Still</b>                                                                                                                      |              |                  |
| <b>Type:</b>      | <b>Full</b>                                                                                                                         | <b>Ward:</b> | <b>Stow Hill</b> |
| <b>Decision:</b>  | <b>Refused</b>                                                                                                                      |              |                  |

## 1. BACKGROUND

- 1.1 The application comprises of a series of applications for the implementation of a Communications Kiosk and Advertising Display in various within Newport City Centre.

## 2. SITE LOCATION AND CONTEXT

- 2.1 The application site is located in a prominent location along Commercial St, between Boots and Nationwide. The advertisement screen would be located on the rear of the communication kiosk. The kiosk would be sited adjacent to other street furniture, namely between 2no. street trees. The application site is located within the Town Centre Conservation Area and in the setting of 153 Commercial St, which is the nearest Grade II listed building.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks consent for the placement of a communications kiosk, to include a defibrillator, wayfinding screen and telephone on the front and an advertisement display screen on the reverse. The Advertisement screen would face to the north of High Street, with the development sited perpendicular to the road. The advertisement display screen would be 1.895m in height and 1.065m in width. The communications kiosk itself would be 2.63m in height, have a total depth of 0.92m and would be 1.34m in width. Materials include a steel frame with a powder coated steel casing.
- 3.2 The associated application for the advertisement screen is being considered under application 25/0818.

## 4. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                                                                                                            | <b>Decision</b>       | <b>Decision Date</b> |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------|
| 25/0818           | ADVERTISEMENT CONSENT FOR THE INSTALLATION OF AN INTERACTIVE COMMUNICATION HUB UNIT WITH INTEGRAL ADVERTISEMENT DISPLAY, DEFIBRILLATOR AND CITY WAYFINDING | Pending Consideration | N/A                  |

## 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

## 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.

4.1.6 Planning authorities must set out in their development plan an integrated planning and transport strategy. This should set out how the planning authority will: improve physical and digital connectivity

5.2.1 Affordable, secure electronic communications infrastructure is essential to people and businesses. The availability and exchange of information afforded by telecommunications ensures people are connected to important services, their communities and the wider world and is essential for long term prosperity.

## 5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.3.1 Policies GP2 (General Amenity), GP3 (Service Infrastructure), GP4 (Highways and Access), GP5 (Natural Environment), GP6 (Quality of Design), CE6 (Archaeology) and CE7 (Conservation Areas) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this application.

## 5.4 TECHNICAL ADVICE NOTES

5.4.1 Technical Advice Note (TAN) 5: Nature Conservation And Planning and Technical Advice Note (TAN) 7: Outdoor Advertisement Control are relevant to the determination of this application and Technical Advice Note (TAN) 24: The Historic Environment.

## 5.5 HISTORIC ENVIRONMENT (WALES) ACT 2023

5.6 Consideration has been given to the following document(s) in the assessment of this application: Managing Conservation Areas in Wales (CADW).

5.7 Consideration has also been given to the Newport City Centre Conservation Area Appraisal (April 2018).

## 6. CONSULTATION RESPONSES

### 6.1 **Highways:**

The proposal does not replace an existing phone and is not needed to maintain any telecoms services. It does not establish any need for the various features to be placed on highway in this location and does not provide any benefit that outweighs the consideration of pedestrians.

The site is a pedestrian dominated area, providing access to the primarily retail and typical town centre uses.

The positioning of the advert does not create any specific safety concerns in terms of vehicular movements or impact service access.

The general principles of balancing highway function and sense of place are presented within Manual for Streets (MfS) and MfS 2.

Section 2.4.10 MfS states:

"2.4.10 This way of looking at streets can be expressed as a two-dimensional hierarchy,<sup>11</sup> where the axes are defined in terms of place and movement (Fig. 2.5). It recognises that, whilst some streets are more important than others in terms of traffic flow, some are also more important than others in terms of their place function and deserve to be treated differently. This approach allows designers to break away from previous approaches to

hierarchy, whereby street designs were only based on traffic considerations.”

The town centre streets must provide for high levels of movement (albeit pedestrian and cycle movements mainly). At the same time, it must provide a strong sense of place to be attractive and have vitality.

The principles of decluttering and presenting an inclusive, coordinated street scene are made clear in MfS and MfS 2 and relevant excerpts can be found here:

<https://assets.publishing.service.gov.uk/media/5a7e0035ed915d74e6223743/pdfmanforstreets.pdf>

One key point to note is that the highway authority has a duty to ensure that it complies with the Disability Discrimination Act. This is discussed at s2.7 (p21) where the six principles are set out, including taking account of disabled persons' disabilities. Which requires them to consider any impacts of development placed on highway.

The matter of decluttering is addressed in s5.10, (p58) with recommendations to reduce and remove clutter at 9.1.9 (p115/6) and 10.2.1 (p121). Clearly where the issue of clutter has not yet become critical, it is vital to be mindful to avoid creating the problem. Avoidance is better than cure.

Whilst there is a need for various types of street furniture, it is essential to consider what is necessary and allocate space accordingly. Anything that is not strictly needed should not be placed on highway.

Section 6.1 (p63) states that street design should be inclusive: “providing for all people regardless of age or ability”.

At 6.2 (p63) onwards, MfS discusses the requirements for pedestrians and cyclists. The key prerequisites are sufficient space (6.3.10 (p65) and 6.3.23 (p68)). The guidance includes a visual representation of how pedestrian densities and other activities influence the need for greater space. (refer to Figure 6.8 (p68) and Figure 6.9 (p69)).

We do not have volumetric surveys of pedestrian movements to present but do not consider it appropriate to think in terms of minimum widths for the town centre where service vehicles, pedestrians and cyclists are mixed together, and movement patterns can be complex and growth should be accommodated.

6.3.10 (p65) states that all street furniture is a hazard for various disability groups. We must therefore only accept what is needed to minimise the hazards to disabled persons.

Further guidance for signage is contained within Traffic Signs Regulations 2016, however the only points to make are that signs should be consistent in presentation, located at key points and minimal in number for ease of interpretation.

“Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure” is published by the Department for Transport (2021) and can be found here:

<https://assets.publishing.service.gov.uk/media/61d32bb7d3bf7f1f72b5ffd2/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf>

It states the following at Section 2.3 (p16):

“Planning for accessibility improvements

The accessibility of infrastructure can be much improved as part of on-going repairs, maintenance and modernisation schedules. Such improvements can be made at a lower cost and with less disruption than if the improvements are made separately. For example, resurfacing a footway may provide the opportunity to clear some of the clutter often found in the pedestrian environment, and so remove barriers to movement. Relevant staff should be made aware of the importance of doing this.

At 3.1 (p17) it goes on to state:

“3.1 Definitions

It is essential that design for disabled people should be to the highest possible standards. This section provides information on the basic human requirements for ease of movement.

In designing or modifying facilities the aim should be to be generous in the allocation of space.”

Whilst the first statement does not refer directly to new development, it is clear that the principle of removing clutter is supported and therefore any additional clutter would not be supported. Indeed, it would be considered detrimental to the movement of all not just those with disabilities.

The second statement emphasises the need “to be generous with space”. Indeed, a theme of the document is to avoid working to minimal standards.

At section 4.2 (p28) it discusses the space requirements in more detail. It states:

“4.2 Width and height clearance

Footways and footpaths should be made as wide as is practicable, but under normal circumstances, a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. If this is not feasible due to physical constraints, then a minimum width of 1500mm could be regarded as the minimum acceptable under most circumstances, as this should enable a wheelchair user and a walker to pass each other. Where there is an obstacle, such as lamp columns, sign posts or electric vehicle charging points, the absolute minimum width should be 1000mm, but the maximum length of such a restricted space should be 6 metres.”

It should be noted that the minimum width is quoted for use where there are constraints and not town centre levels of demand. A developer’s desire to install advertising is not a constraint. That could go somewhere else. Furthermore, we do not accept that any of the other benefits claimed would be significant enough to justify the narrowing of any pedestrian route (see later comments).

Street furniture is considered further at section 4.7 (p32):

“4.7 Street furniture

Street furniture refers to the many and varied objects located in a typical high street, precinct or footway, including streetlights, sign-posts, traffic signs, waste bins, bollards and seating. These usually have important functions and specific purposes: for example, bollards positioned for reasons of security, or as traffic control measures, electric vehicle charge points, and sign-posts installed to provide public information.

Other items found in the pedestrian environment may have a purely commercial purpose. They include portable objects such as tables and chairs placed on footways adjacent to cafés, bars, pubs and restaurants. Free-standing advertising boards such as “A-boards” might also cause a hazard for pedestrians, particularly if their location is unpredictable and if the route around them is not clear and can be particularly problematic for vision impaired and other pedestrians who rely on a memorised ‘map’ of their environment to navigate, for long cane users, and for guide dogs.

Whatever their purpose, objects on routes used by pedestrians can present an obstacle and hazard, particularly wheelchair users and vision impaired people”.

Clearly, the benefits of street furniture must be weighed against the disbenefits. Highways do not accept that there are any significant benefits associated with the proposals to outweigh the issues faced by those with disabilities.

To mitigate for the potential issues the document goes on to state that:

“As a general design principle, any item of street furniture should be tonally and colour contrasted with its environment in order to make it as conspicuous as possible. Consideration should be given to choosing a finish that enables an object to be easily seen in its environment. For that reason, brushed metal finishes should be avoided”

Whilst it is possible to contrast the proposed furniture, making it “conspicuous” goes against the principles of creating a sense of place. For those reasons, we would not support anything that does not provide a necessary function within the highway.

In summary, Highways would raise objections relating to national policy on decluttering and inclusivity.

Should the Planning Officer consider that the equipment is needed or acceptable, we would request that the structure as aligned with the existing planter etc to minimise the obstruction

created. This would be compliant with GPDO guidance. Any lighting should comply with current lighting guidance and be dimmed at times of poor ambient lighting conditions.

#### **Informative Notes:**

The applicant should note that section 115E of the Highways Act 1980 requires the permission of the highway authority and frontages to place structures on the highway. Advertising does not benefit from the provisions of the general permitted development order.

Essential telecoms equipment permitted under the provisions of the GPDO is required to avoid being sited within visibility splays and to be positioned and orientated to minimise obstruction of highway/footway.

In addition, the Communities and Local Government publication “*Outdoor advertisements and signs: a guide for advertisers*” also requires that advertisers must have the permission of the landowner

6.2 **HENEB:** No objection

6.3 **Principal Heritage Officer:** According to the Town Centre Conservation Area (CA) Appraisal (April 2018):

*‘Commercial Street is one of the principal thoroughfares through the Town Centre Conservation Area.’*

*‘Corner buildings are among the most prominent in the Conservation Area, especially on Commercial Street where there are a number of junctions with secondary thoroughfares. Clock towers, turrets and protruding bays are common features on these buildings, making them prominent markers within the streetscape and the visual flow from one street to another smoother.’*

This is true of those (unlisted) buildings which flank the junction to Friars Street (Nos. 34 & 35), located directly to the east of the proposed. Featuring rounded bays, oriel windows and pedimented dormers all formed in Portland Stone, they make a very positive contribution to the character and appearance of the CA. Due to the offset nature of the proposed (to the western side of the street), the impact upon views of these key buildings will be low.

Of particular note, the proposed development is also located in close proximity to Grade II Listed 152-153 Commercial Street, wherein the development will inevitably intrude into views of the asset from the north, particularly as the pedestrian approaches. Fortunately, the advertisement screen is orientated to face south, reducing the impact of the proposed within this particular view.

*‘The architecture of the City Centre Conservation Area strongly reflects its commercial nature – both historic and present-day. This is most obviously shown in the number of ground floor shopfronts, typically concentrated on Commercial Street and the High Street. Many of these are heavily altered or have been entirely replaced with modern units.’*

The ground floor shop fronts to the immediate area, including the western side of the street, are modern. Therefore, the proposed will not directly intrude into views of any significant shop frontages, with the fine upper storeys of CA buildings remaining unhindered within longer-range views. In addition, the post-war modernist Boots development (Nos. 154-156a) offers a stark elevation to the north-west of the proposed. Though of some interest in its own right, it makes no positive contribution to the character or appearance of the conservation area and the intrusion offered by the proposed screen within nearby northerly views will be low.

#### **Summary**

Though low, it is considered that there will inevitably be some negative impact upon both the character and appearance of the Town Centre Conservation area, and the Setting of 152-153 Commercial Street, by virtue of the visual distraction that additional street clutter and bright illuminated signage will bring. This will need to be considered against the public

benefits that the proposed development will potentially offer.

This impact could potentially be reduced further by limiting screen brightness, eliminating moving images and restricting time intervals between advertisement changes.

6.4 **Environmental Health Officer:** No objection

6.5 **Senior Scientific Officer:** No response received.

6.6 **Streetworks Telecoms:** No response received.

6.7 **Tree Team:** No objections subject to adding a condition relating to the installation and maintenance of utility apparatus in proximity to trees.

## 7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 03.06.2025. A Site Notice was put up on 10.09.2025

7.1 NEIGHBOURS: 14no. neighbours were consulted. No representations were received.

## 8. ASSESSMENT

### 8.1 Principle of Development

8.1.1 The application site is located within a settlement boundary as defined by the proposals maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

8.1.2 Future Wales Policy 13 relates to Supporting Digital Communications. The policy states “Planning authorities must engage with digital infrastructure providers to identify the future needs of their area”. Policy GP3 relates to service infrastructure, and states that development will be permitted where necessary and appropriate service infrastructure can be provided. The communications kiosk will offer a 4g coverage and telephone. It will also provide a defibrillator. Based on the services that the communications kiosk will provide, it is considered that the placement of the kiosk is justified, subject to meeting the requirements of the policies aforementioned above.

### 8.2 Character and Appearance

8.2.1 The site lies within the Town Centre Conservation Area and in close proximity to several Listed Buildings. A Design and Heritage Statement was submitted to assess the proposal’s impact. The Principal Heritage Officer has expressed concerns relating to the proposed development, noting that the placement of the structure will have a negative impact upon the street scene, setting of the nearby listed buildings and character and appearance of the Conservation Area, they acknowledge the public benefits associated with the kiosk however note that these must be weighed against any negative impact.

8.2.2 In isolation, the provision of facilities such as a defibrillator and 4G coverage could be considered to outweigh the harm identified to the character and appearance of the area. However, the Local Planning Authority gives significant weight to the fact that that another kiosk has recently been approved nearby, under application ref. 25/042. Whilst this consent has not yet been implemented, the developer has 5 years to do so. It is considered that the cumulative presence of both kiosks would result in significant harm to the character and appearance of the Conservation Area through the introduction of excessive street furniture.

8.2.3 The Local Planning Authority have expressed their concern to the applicant and suggested that a different location could be considered more favourably, this was not supported or taken forward by the applicant.

8.2.4 Notwithstanding the impact upon the historic assets/environment it is considered that the introduction of an additional kiosk in this location would result in a detraction from the relative open character of this section of Commercial Street, it is considered that the development would reduce the visual permeability of the area to an unacceptable degree and obscure the pleasant views towards the trees and seating area that are currently enjoyed and which make a significant positive contribution to the amenity and character of the area.

8.2.5 In this context, the public benefits of the proposal do not outweigh the identified harm. The proposal is not considered acceptable, as it would fail to preserve or enhance the character and appearance of the area, contrary to policy GP6.

### 8.3 Residential Amenity

8.3.1 Illuminance levels from the screens have not been provided. However, given the distance to the nearest residential property, the fact that the installation is not at upper floor level, and its alignment with existing street paraphernalia such as lighting columns and signage, it is anticipated that the proposed arrangement would result in a worse lighting impact than the existing situation. No unacceptable impact on the residential amenity of nearby residential occupiers has been identified, in accordance with policy GP2.

### 8.4 Highways

8.4.1 The Highways Officer initially raised concerns regarding potential street clutter and pedestrian impact. While it is acknowledged that the installation of this communications kiosk alone would retain a substantial amount of pavement space for pedestrian use, the Local Planning Authority must also consider the cumulative effect of similar schemes. A comparable application has recently been approved in close proximity, and as a result the public benefits of this proposal, such as the provision of Wi-Fi and a defibrillator, are diminished, given that these facilities will already be available nearby. On balance, the combined impact of both kiosks would lead to increased street clutter and greater obstruction to pedestrian movement, which cannot be justified by the additional benefit.

### 8.5 Biodiversity

8.5.1 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. PPW 12 requires development to provide a net-benefit for biodiversity informed by a Green Infrastructure Statement that uses the DECCA principles and step-wise approach as detailed within Chapter 6.

8.5.2 In this case no biodiversity enhancement or GI statement has been submitted to accompany the application. Whilst typically a biodiversity enhancement scheme would be requested, due to the limited scale of the development, an on-site enhancement would not be appropriate. The step-wise approach indicates that an enhancement scheme could be requested off-site. However this would need to be secured via legal agreement. Given the scale of development and that the proposal is located within a developed area with little to no biodiversity benefit, it would be disproportionate to request an off-site biodiversity enhancement scheme.

### 8.6 Archaeology

8.6.1 The application site is situated in an archaeologically sensitive area. Given the scale of the development, it is not anticipated that there would be an impact on the archaeology of the area. Heneb have offered no objection to the scheme.

### 8.7 Trees

8.7.1 The Tree Officer was consulted due to the kiosk's proximity to a tree protected by the Conservation Area. No objection has been offered to the proposals subject to a condition being added to ensure that the works are carried out in strict accordance with the requirements of British Standard: BS 5837:2012 (Trees in relation to design, demolition and construction).

## **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 While the proposed communications kiosk may be acceptable in isolation, with another kiosk already approved nearby, the combined presence of both structures would introduce excessive street furniture, resulting in harm to the character and appearance of the Town Centre Conservation Area and the setting of adjacent Listed Buildings and would increase street clutter and obstruct pedestrian movement. The public benefits of the proposal, , do not outweigh the identified harm.**

## **11. RECOMMENDATION**

### **REFUSED**

01 by reason of its scale and siting, the development would result in visual interruption, distraction and additional street clutter and would have a harmful impact on heritage assets of recognised importance, specifically the character and appearance of the nearby Listed

Buildings, and would fail to preserve or enhance the Town Centre Conservation Area. The proposal is contrary to Policy GP6 and CE7 of the Newport Local Development Plan 2011–2026 (Adopted January 2015), Planning Policy Wales 12 and, The Historic Environment (Wales) Act 2023 Technical Advice Note (TAN) 24.

02 The addition of the proposed development by reason of its scale and siting would result in additional street clutter that would have a harmful impact on Highways Safety as the proposed communications kiosk would cause obstruction and reduce pedestrian movements. As such, the proposal is contrary to policy GP4 of the Newport Local Development Plan 2011 (Adopted January 2015).

#### *NOTE TO APPLICANT*

01 The decision relates to the following plans: Appendix A - A02962 - Application Site Map and Visuals, Infocus Communication Hub - Newport City Council - Planning Heritage Statement 2\_2., Infocus Communication Hub - Newport City Council - Planning Heritage Statement 1\_2, Appendix E - Zoll 3 specs.p, Appendix D - Hub Management Plan, Appendix B - Hub Unit Spec

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP3, GP4, GP5, GP6, CE6 and CE7 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.