

Delegated Decision Report

Application No:	25/0285	Statutory Period Expires:	6th June 2025
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Site:	76 High Cross Road Rogerstone Newport NP10 9AD		
Proposal:	CHANGE OF USE FROM CAR SALES AND MOTOR SERVICE GARAGE BACK TO ORIGINAL USE OF PETROL FILLING STATION		
Applicant:	S Ali		
Type:	Full	Ward:	Rogerstone North
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The site has been previously used as a petrol filling station, however the most recent lawful use was for car sales and vehicle servicing and MOT testing station despite this not being in operation for several years.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located to the north side of High Cross Road adjacent a row of semi-detached residential properties. There are two vehicle access points onto High Cross Road; the site is laid with hardstanding and features a canopy and flat roofed building featuring 2no. vehicle repair bays, office and MOT testing station.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Change of use from car sales and motor service garage to a petrol filling station.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0380	ADVERTISEMENT CONSENT FOR 1NO. ILLUMINATED FASCIA SIGN, 1NO. NON ILLUMINATED WELCOME PANEL, 3NO. ILLUMINATED CANOPY FASCIAS SIGNS, 1NO. ILLUMINATED POLE SIGN AND WINDOW GRAPHICS	Pending consideration	n/a
24/0881	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF SITE AS A PETROL FILLING STATION	Refused	12.12.2024
91/1254	ERECTION OF INTERNALLY ILLUMINATED POLE SIGNS	Granted with Conditions	19.12.1991
91/0453	ERECTION OF INTERNALLY ILLUMINATED SIGNS FOR PETROL STATION	Granted with conditions	05.07.1991

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

- 5.3 Technical Advice Note 4 – Retail and Commercial Development

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP2 – Health
- SP18 – Urban Regeneration
- GP1 – Climate Change
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- T4 – Parking
- R8 – Small Scale Retail Proposals
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Sustainable Travel
- Wildlife and Development
- Parking Standards
- Air Quality

6. CONSULTATION RESPONSES

6.1 Ecology Officer: No response.

6.2 Landscape Architect: No objection subject to condition for submission of a landscaping plan.

6.3 Drainage Manager: No response.

6.4 Environmental Health Officer: No response.

6.5 Senior Scientific Officer: No response.

6.6 SAB: A SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to visit the relevant website for further discussion.

6.7 Waste Manager: No response.

6.8 Highways Officer: Recommend refusal due to lack of information.

Highway Comments:

The application is not clear, complete or sufficiently detailed. It seems to raise some issues with the neighbouring pfs operation, but these would also apply to this one. In addition, the junction separation would raise concerns and the visibility splays must be demonstrated.

There is no assessment of parking needs or trip generation. There is no information regarding servicing which should include frequencies and swept path assessments for HGVs and management proposals.

The internal layout does not guide vehicles or provide for pedestrians and cyclists.

In conclusion, highways would recommend refusal on grounds of failure to demonstrate no harm

6.9 Natural Resources Wales: We do not consider that the proposed development affects a matter listed on our Consultation Topics, *Development Planning Advisory Service: Consultation Topics* (September 2018).

- 6.10 Dwr Cymru/Welsh Water: No objection subject to condition and note relating to surface water and trade effluent.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on the 16th April 2025 and a Site Notice was put up on the 18th April 2024.

- 7.1 NEIGHBOURS: 2no. representations and 1no. support (summarised):

- Concern relating to late opening hours/24hour opening.
- Increased rubbish
- Impact on atmosphere and public health
- Support reuse of the site as previous use

- 7.2 Rogerstone Community Council: No response.

8. ASSESSMENT

8.1 Main Issues

- 8.1.1 The main issue is the impact of the proposal on the safe use of the highway network, impact on health and residential amenity. These issues will be addressed in turn, followed by other material considerations:

8.2 Impact on Highways and Parking

- 8.2.1 The submitted proposed layout drawing does not include a sufficient level of detail to ascertain how the vehicular traffic and pedestrian movements to and from the retail unit would operate without conflict. Furthermore, the information provided does not include the visibility splays at any access or egress point in order to demonstrate if these are within acceptable parameters.

- 8.2.2 The proposal does not contain any information regarding trip generation, swept path analysis or parking requirements. The Parking SPG sets out the parking and operational space required for a petrol filling station and where a convenience shop is proposed this shall be considered as a 'small shop' for parking standards purposes. It is likely the proposed layout accords with the parking provision, however the site plan does not indicate a location for the parking of delivery vehicles or commercial tanker.

- 8.2.3 It is considered that the proposal is not supported by sufficient information regarding vehicle and pedestrian movements into and through the site, delivery vehicle frequencies, route and onsite management, lack of short stay cycle storage and absence of visibility splay information. The proposal is likely to harm the safe and efficient use of the highway network contrary to Policy GP4.

8.4 Impact on Public Health

- 8.4.1 The third-party comments received highlight an important issue regarding human health and impact on the climate. It is well known that the use of fossil fuels can adversely affect both factors should they be unregulated and unchecked. Regarding human health, the Environmental Health Officer and Senior Scientific Advisor have not commented on the scheme raising any issues. Furthermore, it is considered that there are no specific planning policies which aim to curtail the development of proposed petrol fillings stations. It is therefore, considered that a reason for refusal is not justified on those grounds.

8.5 Impact on Residential Amenity

- 8.5.1 Concerns have been raised by third parties regarding the hours of operation. The application states the proposed hours of operation are Monday to Saturday 0600 – 2300 hours and 1000 – 2100 hours on Sundays and Bank Holidays.

- 8.5.2 The previous application 24/0881 considered that the existing use of the site was for servicing and MOT centre with car sales. The existing use of the site is not limited in terms of its hours of operation by any planning conditions, however it is considered unlikely that such a use would operate as early and as late in the evening as the proposed petrol filling station.

8.5.3 When taking into account the existing use of the site, its unrestricted hours of operation and no objections being raised by Environmental Health or the Senior Scientific Officer, it is considered that the proposal would not result in any significant levels of harm on residential amenity when compared to the unrestricted existing use of the site.

8.5.4 The proposal does not include any built forms of development, as such the impact of the scheme on the levels of daylight, sunlight and overshadowing would not alter from the existing. The proposal accords with Policy GP2.

8.6 **Urban Regeneration**

8.6.1 The reuse of the site would positively contribute toward the vitality of the area in accordance with Policy SP18.

8.7 **Impact on Biodiversity**

8.7.1 The site characteristics result in the site having very little biodiversity value. A green infrastructure statement has been submitted as per the requirements of Planning Policy Wales (Ed.12). A proportionate scheme of biodiversity enhancement is proposed comprising of wildflower planters and bird/bat boxes. It is unclear exactly where the wildflower planters will be located on the site location plan, however this could be dealt with by way of condition should all other matters be acceptable.

8.8 **Impact on Character and Appearance**

8.8.1 The existing roller doors are proposed to be replaced with glazing which replicates the design of the existing. No other development is proposed to alter the external appearance. It is considered that the proposed changes would not harm the wider character and appearance.

8.9 **Small Scale Retail Proposals**

8.9.1 Policy R8 seeks to ensure that any out of centre retail proposals do not harm the viability or vitality of any defined centre within Newport. The proposal is not supported by sufficient information to ensure the district centres would not be harmed by the scheme or to identify a local need for the proposed A1 use. Therefore, the proposal is contrary to Policy R8.

8.10 **Waste**

8.10.1 The proposed layout does not include an area for the storage of waste and recycling. It is considered that the site has sufficient space to provide a waste storage area; as such details could be secured by way of condition if all other matters were 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 proposal is not supported by sufficient information with regard to onsite vehicle and pedestrian movements and visibility splays.

11. **DECISION**

Refuse, for the following reason(s):

01 Insufficient information has been submitted to demonstrate the proposed use would not result in harm on the safe and efficient use of the highway network contrary with Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 The development would have a significant adverse impact upon interests of acknowledged importance, namely the vitality and viability of existing retail centres defined by Newport Local Development Plan. No information has been submitted to attempt to evidence need for the proposed A3 unit. This is contrary to Planning Policy Wales (Ed.12) and to Policies SP19 and R8 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- SD1008 P 04 Green Infrastructure Statement
- SD1008 P 03 Planning statement.
- SD1008 P 02 Proposed plans and elevations
- SD1008 P 01 Existing plans and elevations
- SD1008 P 00 Site plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP18, GP1, GP4, GP5, GP6, GP7, T4, R8 and W3 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.