

Delegated Decision Report

Application No:	25/0268	Statutory Period Expires:	17th June 2025
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Site:	110-111 Commercial Road Newport NP20 2GW		
Proposal:	RETROSPECTIVE RETENTION OF SHOPFRONT CHANGES AND INSTALLATION OF ROLLER SHUTTER AND PROPOSED CHANGE OF USE OF GROUND FLOOR TO GROCERY STORE		
Applicant:	D Hassan		
Type:	Full	Ward:	Pillgwenlly
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a prominent corner plot which faces onto Commercial Road and Courtybella gardens. The site is situated within close proximity to Courtybella gardens Environmental Space and an Edwardian, single storey public convenience Grade II listed building (18177) to the South East on the end of the Environmental Space, fronting Commercial Road. The site is characterised by a mix of commercial and residential properties. Commercial Road District Centre is located around 250m to the North West of the site. The site is in a sustainable location with bus stops situated along Commercial Road. The unit is situated within Flood Zone 3 as defined by the Flood Map for Planning.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks a change of use from a library to a grocery store (A1) with retrospective alterations to the shopfront and the installation of a solid external shutter.

3.2 The main entrance to the shop is situated off Commercial Road and has made external alterations to the windows, removing the existing stall riser and inserting 6no.floor length windows in grey aluminium. A solid external roller shutter has also been installed in grey to the front elevation. There is a fire exit to the rear of the unit onto Courtybella gardens and no external changes are proposed on this elevation. The internal layout contains retail space, a staff area, waste storage and cycle store area, and staff WC.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
08/0885	CHANGE OF USE TO LIBRARY	G	18/09/2008
00/0884	GROUND FLOOR ALTERATIONS TO EXISTING SHOP TOGETHER WITH THE CONVERSION OF THE UPPER FLOORS TO FORM 5 FLATS	GC	22/09/2000

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 8- Flooding

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 The Historic Environment Act (2023)

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 (General Amenity)

Policy GP4 (Highways and Accessibility)

Policy GP5 (Natural Environment)

Policy GP6 (Quality of Design)

Policy SP19 (Assessment of Retail Need)

Policy R8 (Small scale retail proposals)

Policy CF12 (Protection of Existing Community Facilities)

Policy W3 (Waste)

Policy SP3 (Flood Risk)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

SECURITY MEASURES FOR SHOPFRONTS AND COMMERCIAL PREMISES SPG

WASTE STORAGE AND COLLECTION

SHOPFRONT DESIGN SPG

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 the retention of less vulnerable development. The Flood Map for Planning identifies the application site to be at risk of flooding and is within Flood Zone 2 and 3 (Sea). Given the nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. We would also expect the developer to take the opportunity to incorporate flood resilient design where feasible. Guidance on resilient design can be found in Chapter 13 of Technical Advice Note (TAN) 15: Development, flooding and coastal erosion (2025) which references advice from Construction Industry Research and Information Association, including a Code of Practice and Guidance for Property Flood Resilience. We provide advice on our website Natural Resources Wales / Preparing for a flood which may be useful for the developer or occupant of the proposal.

6.2 Local Highways Authority:

There do not appear to be any proposals for cycle storage or waste storage/management. Further information is requested, to demonstrate compliance with policies and prevention of obstruction and amenity issues.

6.3 Welsh Water:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

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.

6.4 Waste Manager: No comments received.

6.5 Contamination Officer: No comments received.

6.6 Environmental Health: No comments received.

6.7 Drainage Manager: No comments received.

- 6.8 SAB:
Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to contact SAB.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 23/04/2025, Site Notice was put up on 25/04/2025.

- 7.1 NEIGHBOURS: 11 neighbours were consulted. No comments were received.

8. ASSESSMENT

- 8.1 The application seeks a change of use from the library to a grocery store (A1). The planning history on site demonstrates that the last use of the unit appears as a library. On a site visit conducted, it appears that works have commenced on site, and the windows and external roller shutter has been installed.

8.2 Retail

When assessing the change of use, the first consideration is the designation of the site. The proposal is for a small-scale retail proposal and is situated outside of the Commercial Road District Centre. Policies, R8 and SP19 apply to this scheme.

- 8.2.1 National policy allows for the application of a sequential test in the event that need is identified. The purpose of this is to clarify whether locations within or next best, adjacent to existing centres can accommodate the proposed development. Failing that out of centre locations can be considered. The purpose of the policy is to support and enhance existing retail centres by making sure new development is within an existing centre or immediately next to one. This is also reflected in local policy where SP19 requires the sequential test to be applied to all retail locations outside of the city and is particularly important in areas where defined centres are known to be experiencing decline or pressures upon their vitality and viability. Recent caselaw (Waterstone Estates Limited v. The Welsh Ministers) has established the primacy of the need test within Wales. 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.

- 8.2.2 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 proposal equates 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. On assessment, limited information has been provided by the applicant, however, proposals less than 100m² are considered to be of a localised scale and are not considered to justify a retail impact on existing centres via a retail impact assessment, and a quantitative needs assessment is not required in this instance given the scale. However, assessment of the location of the site is discussed below.

- 8.2.3 When assessing the sequential test, 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.
- 8.2.4 PPW12 states in 4.3.18, *The Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development. Future Wales provides further context on 'town centres first' policy in respect of large scale and out of centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres.*
- 8.2.5 PPW12 in para 4.3.20 states, *'Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community and should not be allowed if they would be likely to put development plan retail strategy at risk.'*
- 8.2.6 The applicant has stated that the shop is targeted for the localised area and previous properties were sought by the applicant within the District Centre, however, there were none suitably sized. The applicant has suggested that the development site is located adjacent to a number of retail uses including convenience stores, laundrette, hot food takeaways etc.,. The siting of the grocery store here would not appear incongruous and as forementioned would likely only serve the local community given its small scale. It is noted that the scheme is highly accessible by walking, cycling or public transport and its location would likely not increase car journeys given the scale of development. Local residents surrounding the development would utilise the grocery store rather than people making specific car journeys, especially given that larger stores such as Asda Superstore is located within the District Centre with its own parking to the Northwest where this would attract greater numbers of people from elsewhere toward the District Centre. Therefore, for the reasons set out above, the location here would not demonstrably impact the vitality and viability of the District Centre.

8.2.7 PPW12 states within paragraph 4.3.17, '*... Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced*'. The applicant is proposing to regenerate the building given that it has been vacant. When assessing the use of the building for other uses, it is considered that there is a policy presumption against residential development on the ground floor within this site given that it is situated within a highly vulnerable flood zone. The property appears to have been used previously as a library. Therefore, it is likely the unit would become vacant if a commercial business is not placed here and is a material consideration when assessing the scheme.

8.2.8 It is noted that the application would also need to adhere to Policy R8. R8 looks at small scale retail proposals. Small scale retail proposals will only be permitted where:

- i) NEW RESIDENTIAL DEVELOPMENT WOULD BE SERVED OR THE PROVISION WOULD CATER FOR UNDER-PROVISION IN THE AREA;
- ii) THE PROPOSAL IS OF A SCALE APPROPRIATE TO THE LOCALITY;
- iii) THERE WOULD BE NO ADVERSE EFFECTS ON THE VIABILITY AND VITALITY OF ANY DEFINED CENTRE;
- iv) THERE WOULD BE NO UNACCEPTABLE EFFECT ON THE LOCAL RESIDENTIAL AMENITIES OR THE GENERAL CHARACTER OF THE AREA IN TERMS OF NOISE AND DISTURBANCE OR EXTRA TRAFFIC GENERATED.

8.2.9 As detailed within the report above, the scale is appropriate for the character of the area, serving the immediate locality without detracting from the viability and vitality of the District Centre. In terms of noise and disturbance, opening hours are proposed, 8:00am to 21:00pm Monday to Saturday and on Sundays/bank holidays 09:00am to 21:00pm. This is reasonable along Commercial Road, and this will be controlled via condition. Therefore, given the scale of development and reasons outlined above, policy R8 is satisfied.

8.3 **Visual Amenity/ Character and Appearance**

There are changes to the windows on the unit facing onto Commercial Road. It is noted that unit appeared to hold a stall riser with 6no. aluminium windows facing onto Commercial Road. The proposed windows are retrospective and are full length grey aluminium windows. This provides a more modern appearance to the traditional unit. However, it is considered this would not be detrimental to the unit or surrounding area, and this is replicated within close proximity on adjacent convenience stores. Given the setting, these changes are deemed acceptable.

8.3.1 The previous shutters on the library appeared as an internal lattice shutter. On a site visit conducted, 2no. new solid grey external roller shutters have been fitted across the double shopfront. The host site is in a highly visible location, situated on the corner of 2no. roads, providing clear views to the development. Within the SPG 'Security Measures for Shop fronts and Commercial Premises' (August 2015), paragraph 1.10 states, *Shutters, their housing and guiderails should be designed to have the minimum possible adverse impact on the appearance of the premises, the whole building and the street in general*. The SPG further states in SM6, *Solid shutters are only acceptable in industrial areas and nowhere else*. The shutters on the unit appear solid and dominating, covering the entire shopfront, and would not be respectful to the building. Solid shutters in this location are unacceptable

as per SM6 within the SPG. Whilst it is acknowledged that a number of units along the street hold roller shutters, it is not apparent that these have permission. This can be seen under 07/0518 at 121 Commercial Road where unlawful roller shutters were installed as part of a scheme, and the application was refused, with an enforcement case subsequently opened. Therefore, the existing roller shutters in the streetscene does not set a precedent and the approval of such a scheme would have a detrimental impact to the streetscape and building contrary to Policy GP6 and the SPG.

The housing and guiderails have not been incorporated into the shopfront and appear prominent and bulky, providing a poor visual design. The SPG in Guidance note SM5 states, *Housing and guiderails should not project forward of the existing shopfront unless it can be demonstrated this was the only practical solution.* The housing projects forward of the existing shopfront, and is a highly prominent and dominant feature on the shopfront. No practical solution has been provided for the justification of this housing, and would be a negative addition on the shopfront and within the streetscene, contrary to Policy GP6 and the SPG.

8.4 **Residential Amenity**

As forementioned, the unit previously appeared to be a library. From council tax records it appears that above the unit there are flats. The application states opening hours of the grocery store would be 8:00am to 21:00pm Monday to Saturday and on Sundays/bank holidays 09:00am to 21:00pm. Given the siting and use of the unit, these opening hours are deemed reasonable and would unlikely cause undue noise disturbance to residents.

8.5 **Loss to a Community Facility**

Given the site was previously used as a library (community facility), Policy CF12 Protection of Existing Community Facilities applies. It is noted the policy states the loss of a facility will only be permitted where alternative provision can be made, of at least an equal benefit to the local population; or it can be demonstrated that the existing provision is surplus to the needs of the community. The applicant has provided an article stating, Newport City Council did not renew the lease for a library as it is one of the least used libraries in the city and the use of digital services is on the rise. Therefore, it is considered that Policy CF12 is adhered to given there is a lack of need.

8.6 **Heritage**

There is an Edwardian, single storey public convenience Grade II listed building (18177) situated to the South East of the host site, and is positioned at the South East end of Courtybella gardens Environmental Space, fronting onto Commercial Road as shown in the image below. New development should preserve or enhance the setting of a listed building. Given that there is an adequate separation distance between the host site and the listed building, and that the road turns the corner away from the listed building, it is considered that the development would not cause demonstrable harm to the setting and would preserve the listed building in accordance with section 96 of the Historic Environment Act (2023).



8.7 Highways

The host site does not provide parking, however, given the scale of development and the location with a public car park to the rear, this is deemed acceptable. The highways officer has not raised concerns over this, however, the officer states there does not appear to be any proposals for cycle storage or waste storage/management. Since this objection, the applicant has provided an area for waste and cycle storage within the unit and this is deemed acceptable.

8.8 Drainage/ Flooding

The unit is situated within Flood Zone 3 (Sea) as defined by NRW's Flood Map for Planning as is not situated within a defended zone. TAN15 in para 4.7 states *'the fundamental principles of the TAN are to restrict new development in Zone 3 subject to the limited exceptions in section 10 and to ensure that decision makers have taken flood risk matters into consideration in all other zones.'* The development proposes the change from one low vulnerable use (library) to another low vulnerable use (grocery store). TAN15 in paragraph 9 states, *'A flood event can have different consequences for different types of development, which influences where it is acceptable to locate development. For example, flooding in residential areas can result in a traumatic impact on lives. Other land uses, however, may be able to manage infrequent or low-level flooding in an acceptable way – flooding of this nature may be disruptive but unlikely to be dangerous.'* It is considered given that the use on ground floor is less vulnerable development, there is no increase in risk and therefore, the siting here is deemed acceptable.

- 8.8.1 NRW have been consulted on the application and state given the nature of the proposed development (and in the absence of a flood consequences assessment) we consider the

proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences.

8.9 **Biodiversity**

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. A bat box and a bird box is proposed on the rear elevation facing onto Courtybella gardens. As such the proposal is currently compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

- 8.9.1 PPW12 in paragraph 6.2.12 states, '*A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.*'. Given the scale of development, a GI statement is not appropriate in this instance and the applicant has satisfied the requirement for a net gain to biodiversity.

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 In conclusion, whilst the development of a small scale grocery store could be justified in this location, reusing a prominent corner unit on Commercial Road, it is considered that the roller shutters and housing are a bulky, dominating feature on the shopfront and within the streetscape. This would be unacceptable and therefore, the application is refused on these grounds.

11. **DECISION**

REFUSED

01The roller shutters and associated housing, would have a significant adverse impact upon interests of acknowledged importance, namely the visual impact upon the unit and streetscene. The shutter housing and guiderails would project forward of the existing shopfront creating a prominent, bulky design, which is highly visible within the streetscene. No justification to demonstrate that other housing types were impractical in this location has been provided, contrary to SM5 in the Security Measures for Shopfronts and Commercial Premises SPG (Adopted 2015). The two solid roller shutters cover the entire double shopfront which results in a stark and unattractive frontage. The shopfront is prominently situated on the corner of two roads, and solid shutters in this residential/commercial setting would be unacceptable in principle which adversely affects the appearance of the area, contrary to Policies GP6 of the Newport Local Development Plan (2011-2026), and the Security Measures for Shopfronts and Commercial Premises SPG (Adopted 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Revised 25-049 110-111 Commercial Road_Newport-P05A-Proposed Plan; 25-049 110-111 Commercial Road_Newport-P04A-Elevations 2; 25-049 110-P06-Proposed Block Plan; 25-049 110-P03- Existing Floor Plan; 25-049 110-P02 - Existing Block Plan; 25-049 110-P01-Site Location Plan; 25-049 Design and Access Statement -R1

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, SP19, R8, W3, CF12 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.

04 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

05 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

06 In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.