

Delegated Decision Report

Application No:	26/0168	Statutory Period Expires:	5th May 2026
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Site:	40-41 Commercial Street Newport NP20 1HP		
Proposal:	PROPOSED CHANGE OF USE OF A VACANT RETAIL UNIT (CLASS A1 SHOPS) TO A BETTING SHOP (SUI GENERIS) AND MINOR WORKS		
Applicant:	Done Brothers (Cash Betting) Ltd.		
Type:	Full	Ward:	Stow Hill
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within the city centre conservation area. The three storey building is on a prominent corner plot on Commercial Street and Llanarth Street characterised by an angular form of Gothic architecture.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal seeks to change the use of the existing ground floor A1 retail unit to a *sui generis* betting shop with minor internal alterations to provide a customer counter, customer toilet and staff facilities.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
26/0169	ADVERTISEMENT CONSENT FOR THE DISPLAY OF HALO ILLUMINATED FASCIA LETTERING AND 2 NO. EXTERNALLY ILLUMINATED (TROUGH LIGHTING) PROJECTING SIGN	Pending consideration	n/a
21/0954	CHANGE OF USE OF UPPER FLOORS TO CREATE AN 11 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS USE), THE CREATION OF EXTERNAL AMENITY SPACE AND THE INSTALLATION OF AN ADDITIONAL DOOR FACING LLANARTH STREET TO ALLOW ACCESS TO THE BIN/BIKE STORE	Refused	24.11.2022
17/0928	INSTALLATION OF 4NO. INTERNALLY ILLUMINATED FASCIA SIGNS AND 2NO. INTERNALLY ILLUMINATED PROJECTING SIGNS	Granted with conditions	01.12.2017
98/0032	REPLACEMENT OF PART OF SHOPFRONT	Granted	26.03.1998
98/0015	ERECTION OF 2 INTERNALLY ILLUMINATED SHOP SIGNS	Granted	27.02.1998

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 Historic Environment (Wales) Act 2023

5.4 Technical Advice Note 4: Retail and Commercial Development
Technical Advice Note 24: The Historic Environment

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- CE6 – Archaeology
- CE7 – Conservation Areas
- T4 – Parking
- R1 – City Centre Schemes
- R2 – Primary Shopping Frontages
- R3 – Non-Retail Uses in Secondary City Centre Shopping Areas
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Shopfront Design
- Sustainable Travel
- Waste Storage and Collection Archaeology and Archaeologically Sensitive Areas
- Wildlife and Development
- Parking Standards
- Security Measures for Shopfronts and Commercial Premises

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer: No objection.

6.2 Drainage Officer: No response.

6.3 Environmental Health Officer: No response.

6.4 Waste Manager: No response.

6.5 Gwent Police: No response.

6.6 Newport Access Group: No response.

6.7 HENEB: No response.

6.8 Highways Officer: No objection.

Highway Comments:

With respect to trip, generation, parking and servicing the proposed use is arguably less onerous than the extant use.

The proposal does not detail any cycle parking for staff, this should be secured by way of condition. It should be fully enclosed and secure with Sheffield style racks.

In summary, there are therefore no objections subject to the following conditions.

Suggested Conditions:

Except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council. Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

- 6.9 Natural Resources Wales: We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics: Natural Resources Wales / When to consult Natural Resources Wales about a planning application.

We therefore do not have any comment to make on the proposed development.

- 6.10 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. 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.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on the 12th March 2026.

- 7.1 NEIGHBOURS: 1no. objection (summarised:
- Existing issues regarding homelessness and begging, proposal would entice more to hang around the area.
 - Numerous betting shops in Newport so is another one really needed.
- 7.2 COUNCILLORS:
- 7.2.1 Councillor Al-Nuami: Please note that I am objecting to the proposed change of the vacant retail unit at 40-41 Commercial St to a betting shop.

I agree totally with the significance of this building to the character of the city centre and in particular to the commercial heart of it.

And while I can understand that occupation and use of a vacant building is preferable to it remaining empty, I think approving the use of such a prominent and attractive building in the

heart of the commercial of the city centre, as a betting shop would be detrimental to the aims of the regeneration agenda of the Council.

The regeneration of the city centre has a central aim of increasing the footfall in the centre. The use of the building as a betting shop would have a negative contribution to that.

7.2.2 Councillor Thomas: No response.

8. **ASSESSMENT**

8.1 **Principle of Development:**

8.1.1 The site is located within the city centre and therefore the principle of development is acceptable in accordance with Policy SP1 subject to other material planning considerations.

8.2 **Impact on the Conservation Area and Archaeology**

8.2.1 The proposal includes new fascia signage and 2no. projecting signs which are considered under the advertisement consent application 26/0169. The Principal Heritage Officer has raised no objection to the schemes advertisement design or the proposed use of the building on any heritage impacts.

8.2.3 The Historic Environment (Wales) Act 2023 Section 160 sets out that when exercising a planning function in relation to a building or other land in a conservation area, a person must have special regard to the desirability of preserving or enhancing the character or appearance of that area.

8.2.4 The external alterations are limited to the fascia and projecting signage, with the use itself bringing a long-term vacant unit back into beneficial use. The proposal is therefore considered to preserve the appearance of the area through the limited external alterations and enhance the appearance of conservation area by bringing the vacant unit back into use on this prominent corner plot.

8.2.5 Therefore, the proposal is considered to accord with the duties of the Historic Environment (Wales) Act 2023 and accords with TAN24 and Policies SP9 and CE7.

8.2.6 The proposal does not include any below ground excavations to facilitate the proposed change of use. As such, the scheme would not result in any adverse impact or disturbance of any below ground deposits. The proposal accords with Policy CE6.

8.3 **Urban Regeneration**

8.3.1 The application site has been vacant since approximately 2016 as set out within the supporting statement which the Local Planning Authority does not contend. Policy SP18 is clear that proposals which assist regeneration in the urban area where they contribute toward the vitality, viability, quality of the enforcement, provision of business opportunities within the urban area and reuse of vacant and underused will be favoured.

8.3.2 Given the length of time the unit has been vacant and a statement from a suitably qualified property professional setting out the previous efforts to market the property, it is considered that the proposal would positively contribute towards the urban regeneration objectives and accords with Policy SP18.

8.4 **Impact on Amenity and Character & Appearance**

8.4.1 The proposed development seeks a change of use from one commercial use to another. Betting shops are often located in high streets/commercial areas, therefore, the use is considered to be acceptable within the context of the site. There is no evidence to suggest that the proposed change of use would have an adverse effect on the character and appearance of the area. The proposal does not include any additional built development or additional window openings. Therefore, the scheme would not result in any additional impact regarding overshadowing, levels of daylight and sunlight entering neighbouring properties.

8.4.2 The visual amenity is considered to be improved through the reuse of the vacant unit and the proposed signage is considered to accord with the commercial character of the ground floor units in the city centre.

8.4.3 The upper floors relate to the previous retail use and therefore contain no residential units or any other commercial business. The proposed hours of operation are 0800 – 2200 hours Monday to Saturday and 0900 – 2200 hours on Sundays (incl. Bank Holidays). Given the lack of immediate neighbouring properties and the nature of the use these hours are considered acceptable and will be controlled through a suitably worded condition.

8.4.4 The proposed hours of operation within the context of a city centre and absence of residential properties to the upper floors are considered acceptable and would bring some activity within the high street after normal shopping hours. The proposal accords with Policy GP2.

8.4.5 The proposed fascia signage and projecting signs are considered to not result in any adverse impacts upon the wider character and appearance of the area and would integrate with the existing context of ground floor commercial units in accordance with Policy GP6.

8.5 **Impact on Highways and Parking**

8.5.1 The proposal does not involve any alterations to the existing highway, therefore the scheme would not result in any adverse impact on the safe and efficient use of the highway network.

8.5.2 Turning to parking, the site is located within Parking Zone1, which represents as the most sustainable location in parking terms given the proximity of amenities and transport nodes. The Highways Officer has commented setting out the requirement for enclosed secure cycle storage. The application site does not have any outdoor space in which to secure such provision; the proposed internal layout does include a staff room, however, to secure cycle storage within the staff room area would reduce the amenities of staff using the already constrained staff seating area. On balance, given the sites overall sustainability and proximity to other modes of public transport it is considered in this instance that cycle storage is not required to make the scheme acceptable in policy terms.

8.6 **Biodiversity**

8.6.1 Planning Policy Wales (Ed.12) sets out that planning application should be supported by a proportionate Green Infrastructure Statement setting out how the step-wise approach has been considered in order to achieve a net gain in biodiversity.

8.6.2 The application is not accompanied by a Green Infrastructure Statement. However, a site inspection confirmed that there are very limited opportunities to achieve a net gain in biodiversity, as the site is a ground floor retail unit within the city centre. Having regard to the scale and nature of the proposed development within its wider context, it is not considered necessary to secure biodiversity enhancement measures in this instance.

8.7 **City Centre Schemes**

8.7.1 Policy R1 supports redevelopment schemes which enhance retail facilities within the city centre; however since the adoption of the Local Plan, Technical Advice Note 4 – Retail and Commercial Development has provided further guidance on underperforming commercial centres.

8.7.2 The guidance from TAN4 sets out that:

Para. 9.2 'when a retail and commercial centre's performance is poor, due perhaps to local or national economic conditions, and frontages become characterised by persistently high vacancy rates, local planning authorities should consider applying a more flexible strategy. Local planning authorities should decide if restricting change of use from A1 to non A1 uses in primary areas is the most effective strategy. In these circumstances over emphasis on A1 uses alone in primary areas may serve to weaken the centre's prospects of being vibrant and viable; making it more vulnerable to decline. The positive role that non A1 uses such as food and drink, financial, and other services can bring to both primary and secondary areas should be examined by local planning authorities.'

Para. 9.3 'Flexibility to expand or contract primary and secondary areas and to allow changes of use to attract investment and diversify the range of businesses is essential within vulnerable or declining centres.'

Para. 9.5 '*Long term vacant property can have a detrimental affect on the appearance and economic performance of a centre.*'

- 8.7.3 The site has a primary shopping frontage facing Commercial Street and a secondary shopping frontage facing Llanarth Street.
- 8.7.4 Turning to Policy R2, the proposal would break the retail frontage of more than 15m as the units frontage measures approximately 23m. However the unit is flanked by A1 retail units on Commercial Street and Llanarth Street. The whole frontage is proposed to be used for the *sui generis* use as a betting shop, therefore criterion (iii) of Policy R2 is not met. As set out in the above sections, the building is located on a prominent corner plot but have been vacant for an extended period of time with no vendor coming forward to reuse the building under its current use class. The proposed fascia and projecting signs are considered acceptable in the context of the city centre ground floor uses. The proposed *sui generis* use is considered typical within a city centre setting.
- 8.7.5 Planning Policy Wales (Ed.12) has general support for the regeneration of existing commercial centre units and the positive contribution they bring to the vitality and viability of the area. Furthermore, TAN4 sets out that planning authorities may be more flexible with ground floor commercial unit uses within the city centre to try and combat declining retail centres through introducing use outside of the A1 use class. The proposal would seek to bring back into use a long-term vacant unit on a prominent corner plot and provide 6no. full time equivalent employment opportunities within a highly sustainable location. On balance, the proposed *sui generis* use is considered acceptable due to the regeneration benefits and employment opportunities within the city centre.
- 8.7.6 Reference is drawn to the allowed appeal decision CAS-01509-P1Z2X3 at a neighbouring local authority for the change of use to an adult gaming centre within a primary shopping frontage area. The proposed use considered during that appeal is akin to this planning application given the nature of the activities. The appeal found that the proposed leisure use would not harm the vitality or viability of the town centre or result in fragmentation of the shopping frontage. The Inspector goes further identifying that an active frontage has a broader function than it simply being able to look through a shop window into a premises and that the associated activity of people entering and leaving the unit would maintain footfall which contributes toward ground floor activities within the town centre contributing to the overall vitality and viability.
- 8.7.7 The above appeal decision further reinforces that the proposal to bring back into use a long-term vacant unit in the heart of the city centre would achieve the regeneration aims and retain associated footfall contributing to the vitality and viability of the city centre.
- 8.7.8 Consideration has been given to the findings of *Checking out: The varying performance of high streets across the country* (Paul Swinney, Oscar Selby and Luka Kovacevic July 2025) in the assessment of this application. The referenced study found that Newport has one of the highest rates of empty retail units in the UK. Accordingly, it is considered that uses that are complimentary to retail and that are acceptable and appropriate within city centres should be supported.

8.8 **Waste and Recycling Storage**

- 8.8.1 The site location plan does not include any outdoor space to provide an area for waste and recycling storage. The floor layout is considered to be of sufficient size to provide a storage cupboard for waste and recycling when considering the low levels of waste and recycling anticipated from the proposed use. Details of the waste and recycling storage area shall be secured by way of condition.

8.9 **Other Matters**

- 8.9.1 The existing challenges within the city centre regarding homelessness are noted however, it is considered that the proposed land use is unlikely to impact or increase the levels of homelessness currently experienced nor has any evidence been provided to support this claim. Furthermore, the supporting statement confirms that the existing bookmakers on 66 Commercial Street will be closed following the opening the application site. As such, the proposal would not result in a net increase in the number of bookmakers in the city centre.

The closure of the 66 Commercial Street property is not a requirement to make the scheme acceptable in planning terms, and it would not be reasonable or necessary to attach a condition requesting this.

- 8.9.2 Turning to Cllr Al-Nuami's objection, the significance of the building and its siting and contribution toward the conservation area has been considered and found to be acceptable given the limited impact upon the external appearance the reuse of a long term vacant unit. The proposed use of the site as a betting shop is not uncommon in high streets or city centres and do contribute toward increasing footfall within the city centre by their very nature.

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 would result in the reuse of a long-term vacant prominent commercial unit within the city centre and result in local employment opportunities. The submitted marketing information clearly identifies the prolonged efforts to market the unit for retail purposes.

Therefore, on balance the scheme is considered acceptable and accords with the aims of Technical Advice Note 4 to apply flexibility within declining city centres.

**11. DECISION
GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents:

- Proposed Elevations (Drawing ref: 1384WP-EL Rev 4)
- Licence Plan (Drawing ref: 1384WP-LL Rev 3)

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 The hours of operation shall be restricted to 0800 – 2200hours Monday to Saturday and 0900 – 2200hours on Sundays and Bank Holidays.

Reason: In the interests of the amenities of occupiers of adjoining properties in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP18, GP2, GP4, GP5, GP6, CE6, CE7, T4, R1, R2, R3 and W3 were relevant to the determination of this application.

02 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.