

# Delegated Decision Report

|                        |                |                                  |                         |
|------------------------|----------------|----------------------------------|-------------------------|
| <b>Application No:</b> | <b>25/0447</b> | <b>Statutory Period Expires:</b> | <b>14th August 2025</b> |
|------------------------|----------------|----------------------------------|-------------------------|

|                   |                                                                                         |              |                  |
|-------------------|-----------------------------------------------------------------------------------------|--------------|------------------|
| <b>Site:</b>      | <b><i>Building At Rear Of The Avenue Clytha Square Newport South Wales</i></b>          |              |                  |
| <b>Proposal:</b>  | <b><i>CHANGE OF USE TO SHOP (A1 USE) INCLUDING NEW SHOPFRONT AND ROLLER SHUTTER</i></b> |              |                  |
| <b>Applicant:</b> | <b><i>B Philip</i></b>                                                                  |              |                  |
| <b>Type:</b>      | <b>Full</b>                                                                             | <b>Ward:</b> | <b>Stow Hill</b> |
| <b>Decision:</b>  | <b>REFUSED</b>                                                                          |              |                  |

## 1. BACKGROUND

1.1 None.

## 2. SITE LOCATION AND CONTEXT

2.1 The application site is located within a predominantly residential area and lies within the Clytha Conservation Area. A children's nursery adjoins the site to the west, with hospital offices situated to the south-east. The site is in close proximity to Cardiff Road and is bordered by a small access route, Grove Lane. The surrounding Clytha Square is characterised by three-storey residential terraced properties.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks the change of use to a shop (A1) including a new shopfront and roller shutter. The Northeast elevation proposes a glazed aluminium shopfront with a fascia sign and shutter housings. However, a second proposed design has also been submitted which appears with an increased ridge height, and cladding sheets. The preferred design has not been specified. The Southwest elevation contains an existing garage door and is not proposed to be changed.

## 4. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                                                                                                                                               | <b>Decision</b> | <b>Decision Date</b> |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| 18/0673           | PARTIAL DISCHARGE OF CONDITION 02 (DETAILS/SAMPLE MATERIALS) OF PLANNING PERMISSION 17/0331 TO RAISE RIDGE HEIGHT OF EXISTING GARAGE AND INSTALL NEW GARAGE DOOR                              | R               | 13.09.2018           |
| 18/0647           | NON MATERIAL AMENDMENT OF PLANNING PERMISSION 17/0331 FOR RAISING OF RIDGE HEIGHT OF EXISTING GARAGE AND INSTALLATION OF NEW GARAGE DOOR. AMENDMENT INCLUDING FURTHER RAISING OF RIDGE HEIGHT | AC              | 26.07.2018           |
| 17/0331           | RAISE RIDGE HEIGHT OF EXISTING GARAGE AND INSTALL NEW GARAGE                                                                                                                                  | GC              | 15.06.2017           |

|         |                                                                                                                         |    |            |
|---------|-------------------------------------------------------------------------------------------------------------------------|----|------------|
|         | DOOR (RESUBMISSION FOLLOWING REFUSAL 16/1216)                                                                           |    |            |
| 16/1216 | RAISE RIDGE HEIGHT OF EXISTING GARAGE AND INSTALL NEW GARAGE DOOR                                                       | R  | 06.03.2017 |
| 16/0453 | CHANGE OF USE OF EXISTING GARAGE AND STORAGE UNIT TO 1 BED APARTMENT WITH DOUBLE GARAGE INCLUDING FIRST FLOOR EXTENSION | GC | 03.07.2017 |
| 14/0225 | DEMOLITION OF EXISTING GARAGE AND STORAGE UNIT AND ERECTION OF 1NO. DWELLING                                            | R  | 30.04.2015 |
| 14/0224 | CONSERVATION AREA CONSENT FOR DEMOLITION OF EXISTING GARAGE AND STORAGE UNIT                                            | R  | 30.04.2015 |

## 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 6 - Town Centre First

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 Technical Advice Note

Technical advice note (TAN) 4: retail and commercial development

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 11: noise

Technical advice note (TAN) 18: transport

Technical advice note (TAN) 21: waste

Technical advice note (TAN) 24: the historic environment

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 CE7 (Conservation Areas)

Policy R8 (Small scale retail proposals)

Policy W3 (Waste)

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 Ecology: I have no comment on this application. The building has a new roof so I think the likelihood of a significant impact upon roosting bats is low.

6.2 Local Highways Authority:

The plans are annotated as garage spaces and both ends of the building have footway crossings providing vehicular access to the building. It therefore appears to be parking. However, the application form states that the extant use is commercial storage. It is important to understand which is correct only insofar as parking policy is applied. If the lawful use is storage, then there would be no loss of parking. Either way Highways do not consider the building suitable for parking as there is no inter-visibility between emerging vehicles and pedestrians. We would not therefore necessarily object to the loss of parking if that's the case but cannot support a loss of parking where there is clearly a high parking stress level. Either way a condition to make good and level the footway crossings on both elevations would be requested if the application is successful. Introducing a shop increases the demand for parking. There is limited day-time parking for non-residents (customers) and no adjacent provision for staff. It is noted that the parking restrictions do not apply after 8pm but the shop would be open until 11pm. This would result in a clash with peak residential parking demand. Based on the SPG the shop should have 2 car spaces and one commercial space, as opposed to just one commercial space for the storage use. Only one full time and two part time staff are expected (from the application form). It is likely therefore that any increase in parking is likely to be marginal. Cars parked at the entrance would however block the visibility for vehicles emerging from Grove Lane. Whilst this is unlawful and therefore not grounds for objection, we would anticipate this happening. In terms of servicing, it seems reasonable to assume this would be on the southern elevation only. Large service vehicles would probably obstruct Grove Lane but

can unload in “no waiting” areas (double yellows). We would not expect any vehicles above 12m length, which can negotiate the adjacent streets safely. In conclusion therefore any servicing impact is likely to be negligible when compared to the existing in terms of traffic. (Others should consider noise etc.) The application suggests that waste would only be put out on collection day. There are however no suitable collection areas identified. Waste would impact highways in terms of amenity and obstruction. As this is commercial waste however, we would suggest that it should remain inside until the private collection service arrives. Should the application be successful, a service management plan may be appropriate. In conclusion, Highways would not support the proposals, but any highway related impacts are limited. Should the Officer be minded to approve we would suggest conditions relating to hours of opening, service management and making good footway should be considered.

6.3 Contamination Officer:

I have no comments in respect of the above application in terms of contaminated land.

In terms of air quality in respect of the above application I recommend the following planning conditions:

-Low carbon heating/photovoltaics condition:

No development shall take place until details of a low emission / low carbon heating system has been submitted to the LPA. This could include a carefully selected ultra-low / low emission boiler potentially supplemented with roof top photovoltaic panels or a suitably installed air source heat pump. Careful consideration and potential improvements to the existing insulation may also be required. The sustainable heating system shall be implemented prior to occupation of the development and retained thereafter.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2).

- Access to Active Travel transport condition:

No development shall commence on site until suitable cycle storage provision has been agreed with the LPA. The stock room is likely to be the most suitable location for this.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2)

6.4 Welsh Water:

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.

6.5 Natural Resource Wales: no comments received.

6.6 Waste manager: No comments received.

6.7 Environmental Health: No comments received.

6.8 Drainage manager: No comments received.

6.9 Heritage Officer:

\*PLANNING POLICY AND CONSERVATION POLICY CONTEXT\*- See Annex 1.

After 1948 (see Monmouthshire Sheet XXXIII.NE Revised: 1948 to 1949, Published: 1954), yards to the rear of both *The Avenue and The Grove* were infilled, to create road-fronting garage buildings upon the same footprint as seen today.

More recently, [18/0647](#) was approved with conditions wherein an enlarged garage building would consist of a 'new natural slate roof', 'yellow brickwork walls to match existing' and a 'Timber Lintel Detail' over the garage door and 'Timber side-roller design door' (see Drawing PL01).

However, retrospective DOC for the above application ([18/0673](#)) was refused, upon the basis that *'The materials used are not considered to be acceptable as they fail to preserve or enhance the character and appearance of the Clytha Conservation Area, this is contrary to Policies SP9 and CE7 of the Newport Local Development Plan 2011-2026. The condition is not discharged and the application is refused.'*

Planning history for the site is copied below.

14/0224 (REFUSED) CONSERVATION AREA CONSENT FOR DEMOLITION OF EXISTING GARAGE AND STORAGE UNIT

14/0225 (REFUSED) DEMOLITION OF EXISTING GARAGE AND STORAGE UNIT AND ERECTION OF 1NO. DWELLING

16/0453 (GRANTED WITH CONDITIONS) CHANGE OF USE OF EXISTING GARAGE AND STORAGE UNIT TO 1 BED APARTMENT WITH DOUBLE GARAGE INCLUDING First FLOOR EXTENSION

16/1216 (REFUSED) RAISE RIDGE HEIGHT OF EXISTING GARAGE AND INSTALL NEW GARAGE DOOR

17/0331 (GRANTED WITH CONDITIONS) RAISE RIDGE HEIGHT OF EXISTING GARAGE AND INSTALL NEW GARAGE DOOR (RESUBMISSION FOLLOWING REFUSAL 16/1216)

E18/0266 BREACH OF CONDITIONS ASSOCIATED WITH 17/0331

18/0647 (GRANTED WITH CONDITIONS) NON MATERIAL AMENDMENT OF PLANNING PERMISSION 17/0331 FOR RAISING OF RIDGE HEIGHT OF EXISTING GARAGE AND INSTALLATION OF NEW GARAGE DOOR. AMENDMENT INCLUDING FURTHER RAISING OF RIDGE HEIGHT

## 18/0673 (REFUSED) PARTIAL DISCHARGE OF CONDITION 02 (DETAILS/SAMPLE MATERIALS) OF PLANNING PERMISSION 17/0331 TO RAISE RIDGE HEIGHT OF EXISTING GARAGE AND INSTALL NEW GARAGE DOOR

Upon the basis of the above (and considering that I cannot see any enforcement action has been served), it appears that the current condition of the building is, unfortunately, now consented by the passage of time.

### **Analysis**

The extant building is prominent within the conservation area. As identified within the CAA, it stands immediately adjacent to The Avenue within that 'Important View' of its principal elevation and, due to its location at back of pavement, within those key views 'Up/down either side of Clytha Square', where it intrudes directly into views of The Avenue from the south.

The existing is a prominent and visually intrusive structure, being modern white-rendered, with brown (and permanently closed) roller-shuttered entrance, uPVC barge boards and a synthetic slate roof.

It is proposed to enlarge the extant garage door opening within the north-facing elevation and introduce a modern aluminium shopfront (without stall-riser), with visible roller shutter housing located behind prominent fascia signage. The type of signage and any associated illumination is unclear.

In addition, there appear to be two existing/proposed drawings offered as part of the application. One of which is un-numbered and appears to show both the existing and the proposed building as considerably taller than the existing, with 'cladding sheets' to the principal elevation of the proposed. Considering the modern materiality of the existing (and the proposed) any enlargement of the existing building would be considered to exacerbate the negative impact of what is already an intrusive building within the area.

As it stands, the proposed would be considered to fail to preserve or enhance the character or appearance of Clytha Conservation Area, contrary to HEWA 2023, TCPA 1990, Planning Policy Wales (Edition 12), Policy CE7 of Newport Local Development Plan 2011 – 2026 and our relevant SPGs.

However, should the applicant maintain the scale of the existing building, and take considerably more care over the proposed shopfront design, it might be that this negative impact can be overcome. In particular, the asymmetric shopfront (without stall-riser), the prominent box-shutter arrangement, and the lack of detail regarding the proposed signage are all of concern, details which could be much better integrated into the overall design with reference to the relevant SPGs.

## **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: 11no. neighbours were consulted. No comments received.

## **8. ASSESSMENT**

8.1 The application seeks a change of use to an A1 shop. The planning history on site demonstrates that there were previous applications granted for a change of use to a 1no.bed flat with a first-floor extension and double garage. This does not appear to have been implemented from the plans submitted, and the period has now lapsed. However, a site visit could not be conducted internally in the property to confirm this. The applicant currently demonstrates the unit as a storage unit and garage.

8.1 **Principle of Development**

The application site is within the defined settlement boundary as shown on the proposals map that accompany the Newport City Council Local Development Plan, accordingly there is a presumption in favour of development and the efficient use of land is encouraged. A full assessment is carried out below.

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 any retail centre as defined within the proposals map that accompany the Newport City Council Local Development Plan and within the Clytha Conservation Area. 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 2500m<sup>2</sup> 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, it is considered the development is approximately 100sqm. Proposals less than 100m<sup>2</sup> 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. Further considerations are 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. This has been stated within PPW12 as below.
- 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 failed to provide any information demonstrating the need for, or justification of, the proposed development outside of a defined centre. No evidence has been submitted to show that alternative locations within existing retail centres have been considered. As such, the siting of the proposed shop is not justified within this residential setting. There are a number of shops/commercial premises located approximately 100m on Cardiff Road. Although the shops in this location are not situated within a defined centre, approval of this scheme would contribute to the further encroachment of commercial uses into predominantly residential areas beyond the designated centres and would be contrary to Policy. The potential impact of the proposal on the vitality and viability of existing retail centres has not been addressed. Consequently, due to the lack of information submitted in support of the proposal, it has not been demonstrated that the development is justified in this location. The application is therefore considered to be contrary to the provisions of Planning Policy Wales (Edition 12).
- 8.2.7 Furthermore, Planning Policy Wales (Edition 12) states in 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 existing building currently appears to function as a store room and garage, and it is considered to have no architectural merit. Given its location within a Conservation Area, any proposal for its regeneration must preserve or enhance the setting of the Conservation Area. Contradictory design plans have been provided, and this is further discussed within section 8.3 of the report. In terms of providing jobs, given the small scale of the proposal, this does not provide an overall justification or need for the shop in this location.

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.

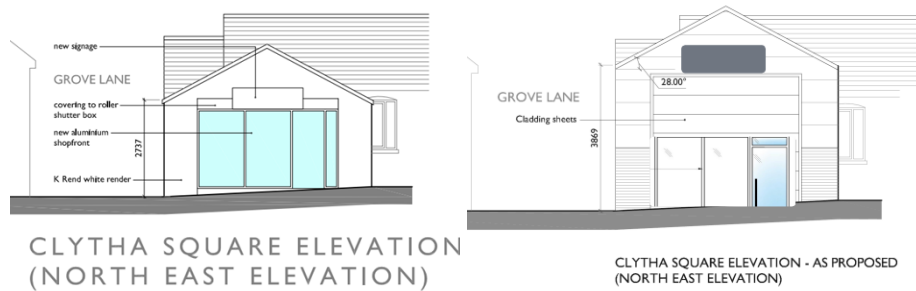
8.2.9 The proposed scheme is small in scale, with opening hours of 09:00–23:00 Monday to Saturday and 08:00–18:00 on Sundays and bank holidays. The size of the unit appears small scale, and this is not likely to create significant noise disturbance to residents within the area. It is likely that the immediate properties would be served by the shop, and would not create a large footfall or traffic generation from wider communities, however, there is no evidence to demonstrate an under-provision of retail in the area. In principle, there is a policy presumption against retail development in this out-of-centre, residential location and sufficient justification has not been provided. As such, the proposal fails to satisfy the requirements of Policy R8.

### 8.3 **Visual Amenity/ Character and Appearance**

8.3.1 It is acknowledged that an internal site visit was requested at the site to assess the site, understand the internal configuration, and to confirm the existing use. However, access for the planning officer was not confirmed and a full assessment cannot be carried out.

8.3.2 The site is defined within Clytha Conservation Area and therefore, development should preserve or enhance the setting of that Conservation Area in line with the Historic Environment Act 2023. The North East elevation proposes to enlarge the extant garage door opening and introduce a modern aluminium shopfront, with visible roller shutter housing located behind the fascia signage. The type of signage and any associated illumination is unclear. In addition, there appears to be two existing/proposed drawings offered as part of the application. One of which appears to show both the existing and the proposed building as considerably taller than the existing, with 'cladding sheets' to the principal elevation of the proposed as below.

Proposed plans on North East elevation:



It is considered the existing North East elevation holds no architectural merit and has an existing roller shutter garage door as shown below. When assessing the design on the smaller proposal, the fenestration details appear slightly awkward but is deemed acceptable. The application proposes a roller shutter and housing. 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,* and Guidance Note SM3 (conservation areas): *Highly prominent shutter types such as solid, pinhole and punched (letter box) type shutters will not be acceptable within or near to conservation areas.* Despite this, given the existing garage roller door, the addition of a roller shutter in this location would not be unacceptable. This would preserve the Conservation Area's existing situation. However, as per the SPG guidance, the shutter housing should have the minimum adverse impact on the appearance of the premises, and this can be readily seen from the plan above. This would be unacceptable.

Existing North East elevation:



The other larger drawing submitted suggests that the ridge height is currently higher than it is. The increase in ridge height and the introduction of cladding sheets above the shopfront windows would appear bulky and poor design. No specific details on colours or materials have been provided. This design is unacceptable and would not preserve or

enhance the setting of the conservation area. Given the discrepancy in information, a full assessment cannot be carried out.

#### **8.4 Heritage**

- 8.4.1 The Heritage Officer has been consulted on the application. Considering the modern materiality of the existing (and the proposed) any enlargement of the existing building would be considered to exacerbate the negative impact of what is already an intrusive building within the area. As it stands, the proposed would be considered to fail to preserve or enhance the character or appearance of Clytha Conservation Area, contrary to HEWA 2023, TCPA 1990, Planning Policy Wales (Edition 12), Policy CE7 of Newport Local Development Plan 2011 – 2026 and our relevant SPGs. However, should the applicant maintain the scale of the existing building, and take considerably more care over the proposed shopfront design, it might be that this negative impact can be overcome. In particular, the asymmetric shopfront (without stall-riser), the prominent box-shutter arrangement, and the lack of detail regarding the proposed signage are all of concern, details which could be much better integrated into the overall design with reference to the relevant SPGs. On assessment of the officers comments, signage details would need a separate consent and could be agreed subject to further information and sections. Whilst the shopfront does not propose a stall riser, the lack of a stall riser is not detrimental given the existing design. In terms of the shutter housing, this is deemed unacceptable, and therefore, will form a reason for refusal.

#### **8.5 Residential Amenity**

- 8.5.1 In terms of residential amenity, the proposed shop's opening hours are considered acceptable within this setting given the overall scale of development and the impact to neighbours would not be of an unacceptable level.
- 8.5.2 No information has been provided regarding servicing arrangements or the nature of the retail use. Impacts should be considered to residents in regard to this concerning noise disturbance at unsociable hours. If the application is to be approved, a condition can be attached to any consent to secure servicing arrangement within sociable hours.

#### **8.6 Air Quality/ Soundscape**

- 8.6.1 In terms of noise, the specific use of the shop as A1 has not been provided, and therefore, the amount of people footfall expected within the unit at one time cannot be assessed. Soundproofing in accordance with building regulations should be installed, however, as forementioned, concerns over later opening hours and the lack of information on servicing/deliveries have not been provided and would be a concern contrary to Policy GP2.
- 8.6.2 The Senior Scientific Officer has provided comment on the application and states, in terms of air quality a condition should be attached for a low emission / low carbon heating system. Given the scale of development, this would not be required in this instance.

#### **8.7 Movement**

- 8.7.1 In terms of parking, the highways officer has been consulted on the application and states, introducing a shop increases the demand for parking. There is limited day-time parking for

non-residents (customers) and no adjacent provision for staff. It is noted that the parking restrictions do not apply after 8pm but the shop would be open until 11pm. This would result in a clash with peak residential parking demand. Based on the SPG the shop should have 2 car spaces and one commercial space, as opposed to just one commercial space for the storage use. Only one full time and two part time staff are expected (from the application form). It is likely therefore that any increase in parking is likely to be marginal. Cars parked at the entrance would however block the visibility for vehicles emerging from Grove Lane. However, this cannot be controlled and therefore, not grounds for objection. Therefore, despite concerns raised by highways, the staffing numbers will not create a detrimental impact, and therefore, not grounds for refusal.

- 8.7.2 As forementioned, it is considered that the shop is of small scale and would serve local need, therefore, the development would unlikely increase significant traffic generation.
- 8.7.3 In terms of servicing, the highways officer states it seems reasonable to assume this would be on the southern elevation only. Large service vehicles would probably obstruct Grove Lane but can unload in “no waiting” areas (double yellows). Highways would not expect any vehicles above 12m length, which can negotiate the adjacent streets safely. Any servicing impact is likely to be negligible when compared to the existing in terms of traffic. Highways have stated that conditions relating to hours of opening, service management and making good footway should be considered.
- 8.7.4 In terms of cycle storage, the scientific officer has suggested that cycle storage should be provided, however, as per the sustainable travel SPG below, the number of staff employed would not warrant cycle storage, and therefore, this will not be conditioned.

| DEVELOPMENT TYPE                                                                                                        | CYCLE PARKING PROVISION                               |                                                                               |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------|
|                                                                                                                         | Long Stay Requirement<br>(secure and ideally covered) | Short Stay Requirement<br>(obvious, easily accessed and close to destination) |
| <b>RETAIL</b>                                                                                                           |                                                       |                                                                               |
| Food and non-food retail, financial / professional services, cafes and restaurants, drinking establishments, take-aways | 1 space per 4 staff                                   | 1 space per 20 staff                                                          |

## 8.8 Biodiversity

- 8.8.1 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. No ecological enhancements are proposed as part of the development. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015). However, this can be reasonably conditioned.

**8.9 Waste**

It is noted that the applicant has created a waste storage unit within the store room and suggests waste will be taken out on appropriate collection days. The highways officer has commented and suggests, there are no suitable collection areas identified. Waste would impact highways in terms of amenity and obstruction. As this is commercial waste however, we would suggest that it should remain inside until the private collection service arrives. Further information would be required on a waste management plan, and this can be secured via condition given that a reasonable storage area has been identified.

**8.10 Other Issues**

Welsh Water have provided comment and states We would request that 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.

**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 It is considered that the unit as an A1 unit in this location has not been justified. The unit is outside of any defined retail centre contrary to National and Local Policy. There is a lack of information to demonstrate need, and therefore, is not acceptable. In terms of the design, contradictory information has been provided within the submission, and therefore, a full assessment cannot be carried out given the siting within Clytha Conservation Area. For the reasons above the application is refused.

**11. DECISION**

**REFUSED**

01 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. The proposal represents an unjustified form of development outside of the defined retail centres. The proposal is contrary to the aims of PPW 12, Policy 6 of Future Wales and Policies SP19 and R8 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

02 The submission contains contradictory design information for the proposed development. There is a discrepancy on the Northeast elevation on fenestration details and the overall height of the development. A full assessment cannot be carried out on the impact to the Clytha Conservation Area, and no information has been submitted to mitigate this. Internal viewing was also required to make a full and proper assessment of this application and access for the planning officer was denied. The scheme is contrary to The Historic Environment Act 2023, TCPA 1990, Planning Policy Wales (Edition 12), Policy CE7 and GP6 of Newport Local Development Plan 2011 – 2026.

**NOTE TO APPLICANT**

- 01 This decision relates to plan Nos: 2025.509\_PL01\_A Plans Elevs Exist Proposed;  
LocationPlan; Blank diagram;

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, SP19, CE7, R8, W3 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](http://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.



## 1. Legislation, Policy and Guidance

The Historic Environment (Wales) Act 2023 (HEWA 2023) came into force 4<sup>th</sup> November 2024 and repeals the previous legislative framework for the protection of the Historic Environment in Wales, including the Planning (Listed Buildings and Conservation Areas) Act 1990. In respect of Conservation Areas, Section 160 of the Historic Environment Wales Act 2023 (HEWA 2023) imposes the general duty (derived from Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990)) that “In 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” (emphasis added).

The HEWA 2023 also inserts a new section 314A into the Town and Country Planning Act 1990 in Wales (Wales: duties relating to listed buildings and features of architectural or historic interest) (TCPA 1990), which imposes the duty (derived from section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) that “*In considering whether to grant planning permission for development which affects a listed building or its setting, the Welsh Ministers or a local planning authority in Wales must have **special regard** to the desirability of preserving: (a) the listed building, (b) the setting of the building, or (c) any features of special architectural or historic interest the building possesses*” (emphasis added).

The primary objective of Planning Policy Wales (Edition 12, February 2024) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW12 takes the seven Well-being Goals and the five Ways of Working as overarching themes and embodies a placemaking approach throughout, with the aim of delivering Active and Social Places, Productive and Enterprising Places and Distinctive and Natural Places. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan-making and the decision-making process.

Chapter 6: Distinctive and Natural Places: Recognising the Special Characteristics of Places (The Historic Environment) - is of particular relevance to the assessment of this application, in particular the following statement:

*The Welsh Government's specific objectives for the historic environment seek to...safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved and...preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous; (para 6.1.6)*

Policy CE7 of Newport Local Development Plan 2011 – 2026, January 2015 states that:

DEVELOPMENT WITHIN OR ADJACENT TO CONSERVATION AREAS WILL BE REQUIRED TO:

- i) BE DESIGNED TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA, HAVING REGARD TO THE CONSERVATION AREA APPRAISAL WHERE APPROPRIATE.
- ii) AVOID THE REMOVAL OF EXISTING HISTORIC FEATURES, INCLUDING TRADITIONAL SHOPFRONTS AND JOINERY.
- iii) USE MATERIALS WHICH ARE TRADITIONAL, OR APPROPRIATE TO THEIR CONTEXT.
- iv) COMPLEMENT OR REFLECT THE ARCHITECTURAL QUALITIES OF NEARBY BUILDINGS WHICH MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OF THE AREA.
- v) PAY SPECIAL ATTENTION TO THE SETTINGS OF BUILDINGS, AND AVOID THE LOSS OF ANY EXISTING DOMESTIC GARDENS AND OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OF THE AREA.
- vi) AVOID ADVERSE IMPACT ON ANY SIGNIFICANT VIEWS, WITHIN, TOWARDS AND OUTWARDS FROM THE CONSERVATION AREA.

Newport City Council's SHOPFRONT DESIGN SUPPLEMENTARY PLANNING GUIDANCE, October 2021 states that:

*4.1. The established principles of successful shopfront design have their foundations in Victorian and Edwardian architecture, which make up the majority of the City Centre, but can be applied successfully to any type of building. A well-designed shopfront should be in keeping with*

*the style and character of the building which frames it, as well as the historic character of the area in which it is located.*

*4.3. The following design principles apply to changes to all existing and new shopfronts, and forms the structure to this guidance document.*

*a. Respond to the context Create unity and cohesion in the street scene by creating shopfronts that sit within the building - maintaining the scale, proportion, and rhythm of the building above.*

*b. Conserving and enhancing character Enhancement of original architectural features, rather than hide or detract from them. Developments in the Conservation Area should pay particular attention to preserving and enhancing the character and appearance of the area.*

*c. Signage and fascias should not be overbearing or over-sized Careful attention to the scale of the fascia, lettering, lighting, additional advertising having a negative impact on the street scene. Signage should be professionally installed.*

*d. Incorporate security features, canopies, lighting and other additional building elements into overall design Additional elements should be incorporated into the building design and not have a negative impact on the street scene.*

*e. Access for all Doorways and entrances should be obvious and accessible to people with disabilities.*

With regard to development within Conservation Areas, it further states that:

*8.3. Shopfront design should respect the architectural language, proportion and style of the appropriate historical period...*

*8.7. Poor quality imitations of historical shopfronts should be avoided. Poorly designed shopfront alterations that detract from the character of the parent building or local area will be refused. Advice related to the design of individual architectural elements can be found in the following sections.*

It provides the following design guidance:

## *9. Design Elements*

## *9.1 Fascia Design and Lettering*

*9.1.1 The fascia is a horizontal band, situated vertically under the edge of a roof displaying the shop title or name. The scale and position of the fascia sign is crucial to the advertisement of the company as well as its contribution to the aesthetics of the building and overall streetscape.*

*9.1.2 The fascia should not dominate the facade. Special consideration should be given to the scale, materials, colour, lettering and illumination of the fascia sign to ensure it fits with the building and the street.*

*9.1.3 Where possible, fascias should be aligned to neighbouring properties, by keeping to a standard width, normally that of the capital (the topmost member of a pilaster). This promotes a more attractive street scene and also ensures that each shopfront retains its original, balanced proportions.*

*9.1.5 Fascias should be no deeper than 20% of the shopfront's overall height. Fascias should not obscure, damage or project in front of visually significant architectural details, including first floor window cills.*

*9.1.7 In Conservation Areas, all fascias should be finished by a well-defined cornice. Corbels can be plain or highly decorative and are encouraged to add a design feature to the shop front.*

## *9.2 Signage and Advertising*

*9.2.1 The main sign associated with a shop is usually located on the fascia board. However, signage may also be accommodated upon the glazing and through hanging signs. The size, location, colour and design of signs can greatly enhance or detract from the appearance of a shop.*

*9.2.2 Signs should not be excessively large and should relate to the pedestrian users of the street. Box fascias should be avoided. Lettering and graphics should be moderately sized and in proportion to the fascia. Clear, well spaced letters are just as easy to read as larger oversized letters.*

*9.2.3 The sign should be limited to the name of the shop with a simple graphic logo and the street number. Too much information which creates visual clutter will not be acceptable*

*9.2.9 Signwriting on traditional shop fronts was traditionally hand painted. This is strongly encouraged. Individually 'cut out' lettering can also appear attractive, however the degree of scale and projection should be carefully considered.*

*9.2.10 Hanging signs are acceptable if they are hung using metal brackets that suit the style of the building, with no more than one per unit. The height of these signs should be proportionate to the fascia, and should be hung at least 2.4m from pavement level and should not project more than 800mm from the building.*

*9.2.11 Projecting box signs are generally not acceptable.*

*9.2.12 Free-standing illuminated signs hung within the window-display should also be avoided.*

*9.7.2 It is a feature of the shopfront that serves a functional and visual purpose. In Conservation Areas and on Listed buildings a stallriser will be required. For contemporary shopfronts, designs should incorporate a stallriser in most instances.*

*9.7.4 Materials used should always respect and enhance the materials of the whole building and shop front. The stall riser should be finished in a quality hard wearing material which is easy to clean. Historic tiling, where present should be retained and enhanced.*

*9.7.5 Stall risers should not exceed 25% of the total shop front. Those that do exceed this height appear to dominate the shopfront, this is unlikely to be accepted. The stall riser should typically be in proportion with the plinth supporting the pilaster. A cill detail should be included between the glazing and the stall riser.*

*9.8.1 Lighting should be considered as part of the overall design rather than a later addition. Subtle lighting can add vitality to the night-time street scene but poorly designed illuminated signs are unattractive.*

*9.8.8 Listed buildings and all buildings within conservation areas should only install lighting that is sensitive to the character of the building/area. Illumination of signs or advertisements will only be permitted where it is demonstrated that there is a positive contribution to the preservation and enhancement of the area/building.*

*9.10.1 In historic areas the use of traditional materials is encouraged, with high quality modern design elsewhere. Materials should harmonise with the character of the building, this can be implemented by ensuring that existing materials are maintained and restored, using materials and colour sensitively, and selecting materials that are durable and attractive. Shiny, reflective material and harsh colours are discouraged.*

*9.11.3 In the Conservation Area, colours for the shopfronts and rendered buildings should reflect the historic character of the architecture. Sensitive use of colours and materials which respect the age and setting of the building can improve the impact of the shopfront on the street scene.*

*10.1. The Council will seek to adopt a balanced approach to shopfront security. Shopfronts should be designed using materials that make burglary and petty vandalism very difficult, and be implemented in a way that makes the City feel safe and attractive to people outside of trading hours.*

*10.2. Security measures should not dominate the shopfront or facade since this will compromise the quality of the environment and ultimately make the place less attractive for shoppers.*

*10.3. Solid and pinhole shutters are unacceptable in the City Centre or the District Centres identified in the Development Plan. The punched (letter box) type is also unacceptable in and near Conservation Areas. Shutters are not acceptable on Listed Buildings. Where physical measures are required, they should be sympathetically integrated into the design of the shopfront.*

*10.4. Planning permission is required for all externally mounted security grilles/shutters. Listed building consent is usually required if proposals for both externally and internally mounted grilles/shutters. If security shutters are proposed the applicant should refer to the Council's Supplementary Planning Guidance on Shopfront Security Shutters.*

According to Newport City Council's *Security Measures for Shop Fronts and Commercial Premises Supplementary Planning Guidance*, August 2015:

*1.3 Shutters are not always acceptable in planning terms and if you are intending to install them you should contact the Council's Planning Section for advice beforehand. You should always consider security measures other than shutters in the first instance. For example toughened glass or internal shuttering (which in many instances will not need planning permission, see Section 06, Internal Shutters and Grilles). Gwent Police can offer advice on 'Designing Out Crime' and should be consulted on the best way to secure your business especially if you have been the victim of a crime.*

*1.7 If you make a planning application to provide or retain a shutter it is essential that you provide:*

- High quality drawings at appropriate (1:50) scale showing the shutter, its housing and any guide rails. You will need a drawing showing the shutter open and a drawing showing the shutter closed. The drawings should show how the shutter relates to the whole building and not just the ground floor. You will also need a drawing showing a section through the shutter and its housing so it is clear how far the housing will stick out from the shop front.*
- Your Design & Access Statement (DAS) which will form part of your application should explain why the shutter and its housing and guide rails are an appropriate security solution for your premises and preferable to other security solutions available such as those mentioned in Paragraphs 1.3 & 1.4.*
- Information on how the shutter and its housing and guide rails will relate to the building and the wider area should be included in your DAS. General guidance on writing a DAS can be found on the Council's website at:  
<http://www.newport.gov.uk/dc/index.cfm?fuseaction=planning.developmentcontrol&contentid=CONT414603>*

*1.10 Guidance Note SM1 (adverse visual impact): 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.*

*4.4 Guidance Note SM3 (conservation areas): Highly prominent shutter types such as solid, pinhole and punched (letter box) type shutters will not be acceptable within or near to conservation areas.*

*6.5 Think about the appearance of the building as a whole and the appearance of the street. A shutter scheme that takes into account the appearance of the whole building and the character of the area is more likely to be acceptable than one which has been done with little thought.*

*6.8 Guidance Note SM5 (housing and guiderails): Housing and guiderails should not project forward of the existing shopfront unless it can be demonstrated this was the only practical solution.*

*8.3 Guidance Note SM6 (solid shutters and industrial areas): Solid shutters are only acceptable in industrial areas and nowhere else.*

## **2. Conservation Area Context**

The proposed development is located within Clytha Conservation Area (CA). According to the Conservation Area Appraisal, February 2020 (CAA):

*The Square and Crescent form an area of coherent mid C19 residential character. The square is composed of predominantly three-storey, terraced housing with stuccoed Italianate elevations, four-paned sashes and slated hipped roofs with bracketed eaves and brick stacks. The Square is approximately trapezoid in shape, with a wedge-shaped open area at its heart. This open space contains important mature deciduous trees (predominantly Lime) which are protected by a Preservation Order. The urban morphology of the square and Crescent compose a fine public space which is unique in the Town. The use of stucco typifies mid-C19 development in Newport (Bridge Street, Park Square, Kensington Place, Victoria Place) but Clytha represents the most impressive example of planned mid-C19 development.*

*'3.4.1 Key views within the Clytha Conservation Area are predominantly channelled by the streetscapes:*

- Up/down either side of Clytha Square (these views enhanced by the gentle slope); and*
- Along Clytha Crescent from either end and the junction with Mountjoy Place'*

*'3.7.5 The historically open spaces in the Conservation Area – the segmental area in front of Clytha Crescent and the wedge of open space in the centre of Clytha Square – have been truncated by later development. The whole of the area in front of Clytha Crescent has been given over to Transport House and its associated car park; and the eastern quarter of the Clytha Square central garden was developed with a pair of semi-detached buildings (The Avenue and The Grove) in around the 1890s, creating Grove Lane, onto which rear yards and garages backed.'*

*The Avenue and The Grove are identified as positive contributors towards the Character and Appearance of the conservation area, both providing the focal point for identified 'Important Views' from the north and south respectively (see Plan 2, p.15).*