

# Delegated Decision Report

|                        |                |                                  |                       |
|------------------------|----------------|----------------------------------|-----------------------|
| <b>Application No:</b> | <b>25/0856</b> | <b>Statutory Period Expires:</b> | <b>6th March 2026</b> |
|------------------------|----------------|----------------------------------|-----------------------|

|                   |                                                         |              |                 |
|-------------------|---------------------------------------------------------|--------------|-----------------|
| <b>Site:</b>      | <b>Newport Retail Park Spytty Road Newport NP19 4QQ</b> |              |                 |
| <b>Proposal:</b>  | <b>ADVERT CONSENT FOR 1NO FREESTANDING DIGITAL SIGN</b> |              |                 |
| <b>Applicant:</b> | <b>Property Manager</b>                                 |              |                 |
| <b>Type:</b>      | <b>Advert Consent</b>                                   | <b>Ward:</b> | <b>Liswerry</b> |
| <b>Decision:</b>  | <b>REFUSED</b>                                          |              |                 |

## 1. BACKGROUND

- 1.1 This application forms a resubmission of previous application ref.25/0382 which was refused in July 2025. The previous reason for refusal is set out below:

*"By reason of its location, scale and design the proposed advertisement will have a significant adverse impact upon interests of acknowledged importance, namely highways safety. This is contrary to Policy GP4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015) and the guidance set out in The Welsh Government Technical Advice Note 7."*

- 1.2 In overview, this proposal differs by;

- 1. Raising the proposed sign by 500mm to place it above signs on the nearby roundabout for improved visual separation*
- 2. A marginal repositioning of the proposed sign to the southeast*
- 3. The provision of landscaping to the northwest and southeast to soften the flanks of the proposed unit in the street scene and make a positive contribution to Amenity.*

## 2. SITE LOCATION AND CONTEXT

- 2.1 The site is set off a roundabout within Newport Retail Park, situated in the Liswerry ward. It lies outside a car park for Home Bargains, which is visible in the backdrop of the proposed advertisement. The area is marked as archaeologically sensitive.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 The applicant seeks advertisement consent for the installation of a digital LED display, measuring 0.3m in depth, 4m in height and 6.4m in width, with a steel support structure. The sign would be sited adjacent to the roundabout which serves Central Avenue and Seven Stiles Avenue.

## 4. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                                                                                         | <b>Decision</b> | <b>Decision Date</b> |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| 89/0297           | ERECTION AND DISPLAY OF 2 ILLUMINATED SIGN BOARDS                                                                                       | GC              | 08.09.1889           |
| 89/0763           | CONSTRUCTION OF DRIVE THRU RESTAURANT AND CAR PARK. DETAILS OF DESIGN AND EXTERNAL APPEARANCE TO COMPLY WITH OUTLINE PERMISSION 1/16738 | AC              | 09.02.1990           |
| 02/0579           | ERECTION OF 6M HIGH SIGN                                                                                                                | G               | 30.07.2002           |
| 06/1663           | REFURBISHMENT OF SHOP FRONTAGES INCLUDING RE-CLADDING, REPLACEMENT OF EXISTING CANOPIES AND NEW SIGNAGE STRUCTURE                       | GC              | 21.02.2007           |
| 07/0602           | PROPOSED NEW LANDSCAPING SCHEME, CCTV AND LIGHTING COLUMNS                                                                              | GC              | 19.11.2007           |
| 07/0894           | ERECTION OF TEMPORARY ADVERTISEMENT                                                                                                     | GC              | 07.09.2007           |

|         |                                                                                                                                                                                                                                                      |    |            |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|
|         | HOARDING                                                                                                                                                                                                                                             |    |            |
| 07/0959 | ERECTION OF 4NO. INTERNALLY ILLUMINATED FREE STANDING SIGNS                                                                                                                                                                                          | GC | 19.02.2008 |
| 08/0093 | ALTERATIONS TO SHOP FRONTS AND SIDE/REAR ELEVATIONS TO UNITS 2,3,4 AND 5 (AMENDMENT TO PLANNING PERMISSION 06/1663)                                                                                                                                  | GC | 17.03.2008 |
| 09/0050 | RETENTION OF EXTERNAL ALTERATIONS, INFILLING ACCESS TO REAR OF UNIT 6 AND ALTERATIONS TO REAR PERIMETER WALL                                                                                                                                         | G  | 20.03.2009 |
| 09/0190 | RETENTION OF TEMPORARY ADVERTISEMENT HOARDING                                                                                                                                                                                                        | GC | 06.04.2009 |
| 11/0446 | PROPOSED EXTERNAL ELEVATIONAL ALTERATIONS TO UNITS 16, 17 AND 18 (AMENDMENT TO PLANNING APPROVAL 06/1663)                                                                                                                                            | GC | 11.07.2011 |
| 11/1322 | PROPOSED DEMOLITION OF PARTS OF UNITS 13 AND 16, CONSTRUCTION OF INFILL UNITS (12A, 13A AND 15A), EXTERNAL ALTERATIONS TO THE REAR OF UNIT 11 AND EXTERNAL ALTERATIONS TO THE ELEVATIONS OF UNITS 12/13 AND 14/15 AND AMENDMENTS TO THE SERVICE YARD | GC | 11.04.2012 |
| 11/1334 | PROPOSED SUBSTATION AND TRANSFORMER WITH ASSOCIATED PALLISADE FENCING AND CREATION OF MAINTENANCE LAY-BY                                                                                                                                             | GC | 13.03.2012 |
| 12/0371 | PROPOSED SUBSTATION TO SERVE UNITS 13A/14/15                                                                                                                                                                                                         | GC | 16.07.2012 |
| 12/0674 | REFURBISHMENT AND ALTERATION OF THE SERVICE YARD AND VEHICULAR AND PEDESTRIAN ACCESS TO THE REAR OF UNITS 14, 15 AND 15A OF NEWPORT RETAIL PARK                                                                                                      | GC | 24.08.2012 |
| 12/1242 | CONSTRUCTION OF 2NO. UNITS (A3 USE) WITH ASSOCIATED ALTERATIONS TO CAR PARK, LANDSCAPING AND FOOTPATHS TOGETHER WITH THE PROVISION OF A NEW SUBSTATION                                                                                               | GC | 03.05.2013 |
| 13/1112 | CONSTRUCTION OF USE CLASS A3 RESTAURANT (UNIT 21) AND ALTERATIONS TO CAR PARK, LANDSCAPING AND FOOTPATHS (REVISION TO PROPOSALS APPROVED BY 12/1242 AS VARIED BY 13/0525)                                                                            | GC | 10.12.2013 |
| 16/0015 | DISPLAY OF 1NO. INTERNALLY ILLUMINATED TOTEM SIGN AND 2NO. FREESTANDING NON-ILLUMINATED SIGNS                                                                                                                                                        | GC | 01.03.2016 |
| 25/0382 | ADVERTISEMENT CONSENT FOR 1NO. FREESTANDING DIGITAL SIGN                                                                                                                                                                                             | R  | 24.07.2025 |

## 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

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 WELSH GOVERNMENT TECHNICAL ADVICE NOTE (TAN) 7: OUTDOOR ADVERTISEMENT CONTROL

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- CE4 (Archaeology)
- GP2 (General Amenity)
- GP4 (Highways & Accessibility)
- GP6 (Quality of Design)

## **6. CONSULTATION RESPONSES**

6.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST:

Thank you for notifying us of this application; consequently, we have reviewed the detailed information contained on your website and can confirm that archaeological mitigation is not required. We have reviewed the area against the information in the regional Historic Environment Record (HER) which shows as follows:

The proposed works are within the Archaeologically Sensitive Area (ASA) of Newport. A review of the 1st – 3rd Edition (1883; 1901; 1921) historic Ordnance Survey maps show no archaeological features within the proposed works area. The proposal includes the erection of signage. The works are of small scale, and with our understanding of the historic environment, it is unlikely that significant archaeological features will be encountered or that existing features will be disturbed. Therefore, the potential impact is considered low.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

6.2 HIGHWAYS OFFICER:

Objection on the grounds of highway safety

The location of the sign means it will dominate the driver's field of view and distract them when approaching from Central Avenue and Seven Stiles Ave (southern arm). It is on the periphery of what they should be looking at. Being a busy retail centre with high numbers of cars, HGVs and pedestrian movements and the inherent difficulty most drivers have negotiating roundabouts, we consider this is an area where drivers must have extra focus to drive safely. They will have to negotiate the roundabout, whilst being cognisant of pedestrians crossing here. The adverts will be within drivers' field of view and hinder the ready interpretation of road markings and movements of other vulnerable road users. Notwithstanding the acceptable collision records, which we consider reflects drivers' recognition of the difficulties and extra focus, the history does not reflect the conditions proposed. They do not therefore give any assurance of future performance. In summary, Highways do not consider it safe to have adverts in the vicinity of pedestrian crossings or junctions where they need to give way to /merge with other traffic.

6.3 ENVIRONMENTAL HEALTH OFFICER:

No objections subject to conditions

## **7. PUBLIC REPRESENTATIONS**

None.

## **8. ASSESSMENT**

8.1 The Welsh Government Technical Advice Note 7 provides guidance on Outdoor

advertisement control and states that applications for advertisement consent can only consider amenity and public safety. As such, the impact on visual/residential amenity and the effect on public safety are assessed as part of this application.

- 8.2 When assessing an advertisement's impact on public safety, local planning authorities should have special regard to its effect upon the safe use and operation of any form of traffic or transport, including the safety of pedestrians.

8.3 **Amenity**

As the property is within a retail park, there are no neighbouring residential properties within a 200m radius of the site and therefore it is considered that there would be no adverse impact to residential amenity.

- 8.4 Moreover, given the location of the application site within a retail park, advertisements are not uncommon within the vicinity. The application site is adjacent to a number of commercial units, some of which display advertisements via internally illuminated pylon disks. The internally illuminated pylon disks at the adjacent units are generally modest in width/scale and are situated approximately 8m above ground level, on top of metal pillars. Advertisements can also be observed on the roundabout in front of the application site, whereby 4no non-illuminated signs have been attached to the free-standing road signage. Each of the 4no signs are approximately 1000mm x 500mm in width, situated approximately 1m above ground level. The proposal seeks to introduce a large 6m wide x 3m high digital display. While the siting, design and scale of this advert make it particularly dominant against what is otherwise an open backdrop, the retail park offers flexibility for signage and a plethora of free-standing signs can be observed throughout. Although no digital signage of this scale/nature can be observed in the vicinity, the retail park could support large signage, and the introduction of such signage is unlikely to cause demonstrable harm to the visual amenity along Seven Stiles Avenue and Central Avenue.

- 8.5 Moreover, the application is now accompanied by landscaping to the northwest and southeast of the sign to soften the flanks of the proposed unit in the street scene. This is considered a positive contribution to amenity.

8.6 **Public/ Highways Safety**

TAN 7 acknowledges that free standing units alongside the highway usually have a dominant impact upon their surroundings, and they therefore need to be sited with particular care to ensure that their effect on pedestrians and highway users is not overwhelming. Due to the prominent siting of the proposed signage on a frequently used roundabout, the Council's Highway Officer was consulted on the application. The Highways Officer has raised an objection on the grounds of highway safety as the location of the sign means it will dominate the driver's field of view and distract them when approaching from Central Avenue and Seven Stiles Ave (southern arm). It is on the periphery of what they should be looking at. Being a busy retail centre with high numbers of cars, HGVs and pedestrian movements and the inherent difficulty most drivers have negotiating roundabouts, we consider this is an area where drivers must have extra focus to drive safely. They will have to negotiate the roundabout, whilst being cognisant of pedestrians crossing here. The adverts will be within drivers' field of view and hinder the ready interpretation of road markings and movements of other vulnerable road users. Notwithstanding the acceptable collision records, which we consider reflects drivers' recognition of the difficulties and extra focus, the history does not reflect the conditions proposed. They do not therefore give any assurance of future performance. The internal road network of the park is very busy and often heavily parked. It has evolved over decades and is not particularly pedestrian friendly with the potential for conflict between vehicles and pedestrians high. The location of the sign in this case is on a small roundabout with 4 arms within the Park itself. It is used by HGVs accessing the commercial service yards of retail units and car transporters accessing vehicles sales and hire centres. It also serves a leisure hub comprising cinema, gym and similar. The roundabout has no clear markings. The arms have pedestrian refuge islands separating lanes but no designated crossings. Parking can often be observed on or close to the roundabout, partly on pavements and pedestrians and cyclists use the area. The proposed advertisement would face the roundabout junction to the south and is clearly designed to attract attention and draw the eye. However, this would occur on a stretch of road at a junction where driver concentration

is especially important due to increased potential for vehicle conflict. In particular, this is a busy junction serving the retail park where one might expect frequent traffic comprising the various modes and vehicle types including heavy goods vehicles which exacerbates the risk to public safety. In these circumstances, the advertisement would present a significant distraction to drivers and road users that would cause a serious risk to highway safety. Low accident data records, as cited above, is not a persuasive argument in its favour. Similarly, the good levels of visibility at the roundabout do not mitigate the concerns in relation to driver distraction likely to result from the proposed advertisement. Therefore, the proposed advertisement would represent a material threat to public safety. Such concerns could not be effectively mitigated through the use of conditions.

- 8.7 Following discussion with the applicant, it has been agreed that there is no viable alternative position for the sign in relation to the site and although the application differs slightly from the previous application i.e. the sign is raised by 500mm, this is insufficient to overcome the previous reasons for refusal and consideration remains the same. Therefore, it is considered that the proposed development will have a significant adverse impact upon highways safety.

## **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 proposed development will have a significant adverse impact upon interests of acknowledged importance, namely highways safety. This is contrary to Policy GP4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015) and the guidance set out in The Welsh Government Technical Advice Note 7.

## **11. DECISION**

### **REFUSED**

01 By reason of its location, scale and design the proposed advertisement will have a significant adverse impact upon interests of acknowledged importance, namely highways safety. This is contrary to Policy GP4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015) Planning Policy Wales (Edition 12) , and advice in Technical Advice Note (TAN) 7: Outdoor Advertisement Control (November 1996).

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: T4895 A4 061 Specification - Proposed Digital 48 LED Display, T4895 A4 060-A Elevations - Existing and Proposed, T4895 A4 051-A Site Plan – Proposed, Location Plan, Cover Letter.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies CE4, GP2, GP4 and GP6 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.