

Delegated Decision Report

Application No:	26/0125	Statutory Period Expires:	26th May 2026
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Site:	1 Harlech Retail Park Cardiff Road Newport NP20 3BA		
Proposal:	VARIATION OF CONDITION 8 OF PLANNING PERMISSION 93/0261/0 TO ALLOW OPEN A1 RETAIL SALES FROM UNIT 1 INCLUDING UP TO 30% OF THE SALES FLOORSPACE (I.E. 704SQM) FOR FOOD AND DRINK SALES.		
Applicant:	The Mary Street Estate Limited		
Type:	Renewals and Variation of Conditions	Ward:	Gaer
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 Outline planning permission (93/0261) was granted with conditions for the “Development of superstore, petrol filling station, DIY retail warehouse with garden centre, associated access works, car parking areas, engineering works and landscaping at the site now known as Harlech Retail Park, Cardiff Road.

1.2 Condition 08 of the permission states;

The use of the DIY Retail Warehouse hereby approved, shall be restricted to the sale of DIY goods (including building materials, kitchen and bedroom fittings, garden materials and goods), vehicle goods and accessories, furniture, carpets and floor coverings, electrical household goods and household furnishings, and for no other purpose whatsoever, including any other purpose set out in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987.

Reason: To restrict the range of goods available from the unit in the interests of the vitality and viability of the town centre.

1.3 Condition 08 relates to Unit 1, the subject of this application, which has been used historically by Homebase until the unit was vacated a number of years ago.

2. SITE LOCATION AND CONTEXT

2.1 The site is Unit 1 of the Harlech Retail Park, an out of centre retail destination located on Cardiff Road, in the Gaer Ward.

2.2 Unit 1 provides 2,608sqm of Gross Internal Floorspace (GIA) and is one of five units on site, which share a large car park. The other units include a Tesco Extra store, Hobbycraft, City Carpets and Curry's PC World. In the northern corner of the site there is a Tesco petrol filling station and a drive thru McDonalds restaurant.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application is applying to modify the wording of Condition 08 to a form of wording that would allow the open A1 retail sales from Unit 1, including up to 30% of the sales floor space (704sqm) for the sale of food and drink.

3.2 The applicant has proposed the following wording of Condition 08 within their submission;

“The retail sale of food and drink from Unit 1 (identified on drawing 32508-PL00 rev C) shall be ancillary in nature and limited to no more than 30% of the total net sales floorspace of the unit.”

3.3 The intention is for the rewording of the condition to enable Home Bargains, the trading name of TJ Morris, to occupy the currently vacant unit.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
93/0261	Development of superstore, petrol filling station, DIY retail warehouse with garden centre, associated access works, car parking areas, engineering works and landscaping	Granted with Conditions	31 st March 1993
95/0289	Development of superstore, non food retail warehouse, garden centre and associated works (approval of Reserved Matters in respect of application no. 93/0261/O)	Approved with Conditions	30 th June 1995

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

4.3.1 Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

4.3.13 It is important that communities have access to adequate levels of retail provision. Evidence should demonstrate whether retail provision is adequate or not, by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need).

4.3.14 In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities should first consider whether there is a need for additional retail provision. However, there is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.

4.3.15 Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations.

4.3.16 Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:

- supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;
- is highly accessible by walking, cycling or public transport;
- contributes to substantial reduction in car journeys;
- contributes to the co-location of facilities in existing retail and commercial centres;

- significantly contributes to the vibrancy, attractiveness and viability of such a centre;
- assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;
- addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it;
- alleviates a lack of convenience goods provision in a disadvantaged area.

4.3.17 It will be for the planning authority to determine and justify the weight to be given to any qualitative assessment. 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. If there is no quantitative or qualitative need for further development for retail and commercial centre uses, there will be no need to identify additional sites.

Retail Impact Assessments

4.3.25 Retail developments outside designated retail and commercial centres, and which are not located on an allocated site, can impact on the viability and vibrancy of a centre. Impacts resulting from such development, whether individual or cumulative, may include changes in turnover and trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies and existing or proposed retail sites allocated in the development plan. The purpose of the retail impact assessment is to consider these issues and determine if these developments are likely to have detrimental consequences.

5.3 TECHNICAL ADVICE NOTES

- TAN 4 – Retail & Commercial Development;
- TAN23 – Economic Development.

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP18 – Urban Regeneration
- SP19 – Assessment of Retail Need
- GP1 – Climate Change
- GP2 – General Amenity
- GP4 – Highways & Accessibility
- GP5 – Natural Environment
- GP7 – Environmental Protection & Public Health
- T4 - Parking
- T5 – Walking and Cycling
- R11 – Development of Existing Out of Centre Retail Sites
- W3 - Provision for Waste Management Facilities in Development

5.5 SUPPLEMENTARY PLANNING GUIDANCE

- Sustainable Travel
- Waste Storage & Collection
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Welsh Water Dwr Cymru: No objection.

6.2 Local Highways Authority: No objection.

6.3 Planning Policy: No response.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 23rd February 2026 and a Site Notice was put up on 27th February 2026. No responses have been received.

8. ASSESSMENT

8.1 Principle of Development:

- 8.1.1 The proposal represents the reuse of one vacant building within the urban boundary. The unit has a lawful retail use, albeit with a goods restriction, however, it is located outside of a defined retail centre as per the NLDP 2011-2026 (adopted January 2015).
- 8.1.2 Policy SP1 (Sustainability) states that proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable location on brownfield land within the settlement boundary, as well as listing 10no. criteria that applications will be assessed against as to their potential contribution.
- 8.1.3 Policy SP18 (Urban Regeneration) states that proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to 4no. criteria.
- 8.1.4 In principle, as the development is including the reuse of a currently vacant retail unit that is located within the urban boundary, as opposed to developing a new unit, the proposal is considered to be acceptable in principle. However, the application will need to demonstrate that all other material considerations have been complied with and in this instance, this will most notably relate to national and local retail policy.

8.2 Retail Policy Assessment:

- 8.2.1 Policy SP19 (Retail Need) states;

RETAIL AND ASSOCIATED USES BEST LOCATED IN A CITY CENTRE WILL BE SUBJECT TO AN ASSESSMENT OF NEED IF NOT WITHIN A DEFINED CENTRE, AND APPLICATION OF THE SEQUENTIAL TEST IF NOT WITHIN THE CITY CENTRE.

As the site has an existing lawful retail use and the application is applying to vary the restriction of goods sold from the units, Policy R11 – 'Development of Existing Out of Centre Retail Sites' is the relevant Retail Policy. Policy R11 states;

OUTSIDE THE CITY CENTRE AND DISTRICT CENTRES, PROPOSALS FOR REDEVELOPMENTS OF AND EXTENSIONS TO OUT-OF-CENTRE RETAIL OUTLETS, AND GARDEN CENTRES, INVOLVING INCREASES IN FLOORSPACE TO PREVIOUS CONSENTS AND/OR CHANGES TO THE RANGE OF GOODS SOLD WILL ONLY BE PERMITTED PROVIDED THAT:

- i) NEED IS IDENTIFIED;
- ii) THE PROPOSED DEVELOPMENT WOULD NOT, EITHER IN ITS OWN RIGHT, OR CUMULATIVELY WITH OTHER OUT OF CENTRE DEVELOPMENTS AND OUTSTANDING PLANNING PERMISSIONS, HAVE AN ADVERSE EFFECT ON DEFINED RETAIL CENTRES AS A CONSEQUENCE OF THE TYPE OR RANGE OF GOODS SOLD;
- iii) THE SEQUENTIAL TEST CAN BE SATISFIED HAVING REGARD TO THE AVAILABILITY, SUITABILITY AND VIABILITY OF CITY AND DISTRICT CENTRE SITES, OR EDGE-OF-CENTRE SITES WHICH COULD ACCOMMODATE THE PROPOSED RETAIL USES;
- iv) THE PROPOSAL WOULD NOT INCREASE THE LAND AREA OF THE SITE;
- v) THE SURROUNDING HIGHWAY AND TRANSPORTATION NETWORK HAS CAPACITY TO SERVE THE DEVELOPMENT, AND THAT ACCESSING AND SERVICING ARRANGEMENTS CAN BE ACCOMMODATED IN A SATISFACTORY MANNER;
- vi) THE PROPOSAL IS FULLY ACCESSIBLE ON FOOT, BY BICYCLE AND BY PUBLIC TRANSPORT.

- 8.2.2 The application includes the submission of a Planning and Retail Statement (PRS) undertaken by Carney Sweeney. The Local Planning Authority instructed Nexus Planning to undertake an independent retail audit of the submitted information. A base year of 2026 and a design year of 2031 has been adopted for the retail impact assessment.
- i) Retail Need*
- 8.2.3 The application seeks to amend Condition 08 of the parent permission to allow occupation by Home Bargains. The site lies outside any designated retail centre within the Newport Local Development Plan 2011–2026. In such locations, proposals involving changes to the range of goods sold must demonstrate need, consider sequential site availability, and assess impacts on existing centres. Recent case law (*Waterstone Estates Ltd v Welsh Ministers*) confirms the primacy of the quantitative need test in Wales, although qualitative need remains a material consideration.
- 8.2.4 Assessment of quantitative need requires identification of the catchment area, estimation of available expenditure, and comparison with existing retail provision to determine any surplus capacity. While the methodology is established, outcomes are dependent on assumptions and interpretation.
- 8.2.5 PPW 12 states at Paragraph 4.3.14 that:
- In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities should first consider whether there is a need for additional retail provision. However, there is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.*
- 8.2.6 Further pertinent advice is at Paragraph 4.3.15:
- Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace¹, particularly as a basis for development plan allocations.*
- 8.2.7 The applicant's Retail Statement (PRS) relies primarily on the Nexus Retail Addendum (2023), which identifies a significant negative capacity for convenience goods floorspace (–£196.3m by 2026) and a smaller negative capacity for comparison goods (–£40.7m), the latter forecast to become positive by the end of the Plan period. At both the base year (2026) and design year (2031), there is no identified capacity for convenience goods, and only limited capacity emerging for comparison goods.
- 8.2.8 Although the PRS identifies expenditure growth within the catchment area, it does not incorporate the most up-to-date data or account for committed developments. The 2023 Addendum identifies substantial commitments, particularly in convenience goods (£49.0m), most within the catchment area. When these are taken into account, it is likely that there remains significant negative capacity for convenience goods.
- 8.2.9 The PRS assesses the proposal against a 'fallback' scenario of furniture retail, which could be accommodated under the existing condition. While the assumed turnover of this fallback appears potentially overstated, it is reasonable to conclude that it could generate a higher turnover than the proposed Home Bargains use. Conversely, the turnover assumptions for Home Bargains may be conservative, suggesting potential underestimation.

¹ Officer's emphasis

8.2.10 The PRS concludes that sufficient capacity exists to support the proposal. However, this conclusion is based on incomplete evidence, as it does not reflect updated data or committed developments. When these factors are considered, it is unlikely that there is quantitative capacity for additional convenience goods floorspace within the catchment area. While the position for comparison goods is more favourable, the PRS fails to demonstrate a quantitative need for the convenience goods element of the proposal.

8.2.11 National Policy also allows justification for new out of centre retail on qualitative need. PPW12 advises at Paragraph 4.3.16 as follows:

Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:

- *supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;*
- *is highly accessible by walking, cycling or public transport;*
- *contributes to substantial reduction in car journeys;*
- *contributes to the co-location of facilities in existing retail and commercial centres;*
- *significantly contributes to the vibrancy, attractiveness and viability of such a centre;*
- *assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;*
- *addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it;*
- *alleviates a lack of convenience goods provision in a disadvantaged area.*

8.2.12 In terms of the qualitative need, the PRS suggests that there is existing latent demand for improved variety store representation in Newport. It suggests that the value proposition would help people with the cost of living crisis and improve local choice. Whilst these are relevant considerations, Newport already has a wide variety of existing value retailers, including two Home Bargains stores, so this consideration is given little weight.

8.2.13 The submission also draws attention to job creation, with up to 100 full and part time jobs quoted. This is again relevant, though the full time equivalent position would need to be off set against any job losses arising as a result of the impact of these proposals.

8.2.14 The PRS therefore establishes that there is a limited qualitative need for the proposals.

Retail Need Conclusion

8.2.15 The Retail Audit has concluded that the need for the proposed development is, overall, weak. There is no evidence presented of any quantitative or qualitative convenience goods need, and only limited qualitative need. These conclusions are relevant in the overall consideration of the application, and when forming later views on the impact of the proposals. Notwithstanding, some qualitative need is evidenced and, in respect of PPW guidance, it is not considered that there is sufficient ground to refuse the proposals before proceeding to a consideration of the sequential and impact tests.

ii) Retail Impact

8.2.16 PPW12 advises that an impact assessment is needed when a proposal is expected to have an adverse impact on the viability and vibrancy of an existing centre. Elements to consider are:

- changes in turnover and trading ability within centres,
- consumer choice,
- traffic and travel patterns,
- footfall,
- impact on centre regeneration strategies or upon existing or proposed retail sites allocated in the development plan.

8.2.17 PPW12 advises that Retail Impact Assessment are mandatory on out of centre schemes above 2500m² but should be proportionate for smaller schemes where impacts on

designated centres can be expected. This is a smaller scheme being for a Home Bargains store extending to 2,608sqm (GIA) with a sales area of 2,347sqm, which is an increase of 261sqm of net sales area from the previous restricted retail use and is under the threshold requiring a Retail Impact Assessment in PPW 12.

- 8.2.18 The PRS has set out a proportionate impact assessment, using a five step method to quantify impact, as discussed below;

Step 1 – Establish Catchment Area, Base/Design Years and Determine what is being assessed.

As referred to earlier in this assessment, the PCA and base year (2026) and Design Year (2031) have all accepted.

Step 2 – Examine the ‘no development’ scenario

The tables are based on re-use of the 2023 RLS population, expenditure and market share data (2019 surveys). As outlined previously, Nexus consider that the PRS could have taken the opportunity to update population and expenditure data in Table 1 in line with best practice. In terms of retail commitments, the Aldi proposal at 28 East Retail Park is included for and considered under a cumulative impact assessment at Table 3. The Council is not aware of any further extant permissions which should be taken into account.

Step 3 – Assess Turnover and Trade Draw

Market share is derived from 2023 RLS (2019 surveys). This data is projected forward to 2031 using the latest Experian Retail Planner Briefing Note at the time of publication. After setting these out in Table 3, the PRS considers ‘trade draw’. Trade draw is an exercise in understanding where a proposal would draw its customers from geographically (i.e. different Zones or postcodes). This is not a step which the PRS takes. It actually considers is ‘trade diversion’, which is an exercise in understanding which stores/centres a proposal derives its trade from. Given the relatively minor nature of the turnover of the proposals, especially relative to the agreed fallback position, this omission is not considered in this instance to overly impact the overall findings.

Step 4 – Assess Impact on Existing Centres

The turnover of the proposed occupier (Home Bargains) has been set out alongside the previous occupancy (Homebase) and the potential (accepted) fallback scenario as a furniture retailer. Nexus have a view that the turnover of a furniture retailer fallback scenario is likely to have been overstated and similarly that the turnover of the proposal may have been understated. On this basis, Nexus have tested a scenario where each has a margin of error of 10% for robustness (i.e. fallback turnover is £10.20m p/a & proposal turnover of £11.30m p/a). Adopting these test scenarios, the application proposals would have a turnover of £1.1m pa greater than the fallback scenario, and a turnover of £5.8m greater than the previous occupancy by Homebase (shown as £5.5m).

Table 3 assesses trade diversion arising from the proposal, including cumulative effects with the committed Aldi development. The approach reflects the established ‘like-affects-like’ principle, and it is accepted that the proposal would primarily compete with larger format and variety goods retailers rather than independent traders.

For convenience goods, around 13% of trade is expected to be diverted from Newport city centre, with 87% drawn from out-of-centre destinations. The main sources include Tesco Extra (33%), Home Bargains at Newport West Retail Park (25%), Lidl on Cardiff Road (10%) and the committed Aldi at East Retail Park (5%). Having regard to retail function, proximity and market share, this pattern is considered broadly realistic.

In relation to comparison goods, whilst the PRS does not explicitly address impacts on non-bulky sectors (e.g. clothing, footwear, toys, books and stationery), this has been taken into account in the assessment. Overall, the distribution of trade diversion is considered reasonable, with 15% from the city centre, 25% from Home Bargains, 20% from East Retail

Park, 16% from Tesco Extra and 13% from Mendalgief Retail Park. Trade diversion to the Aldi commitment has been incorporated based on the submitted evidence for that scheme.

Step 5 – Consider Consequences of Impact

The majority of trade diversions impact on out of centre locations, which do not benefit from policy protection and it is accepted that those diversions are likely to be modelled appropriately.

Table 3 indicates that the proposal would give rise to a cumulative impact of -1.5% on the turnover of Newport City Centre. Applying the sensitivity test, which assumes that the PRS may have understated the likely turnover of the proposal by 10%, increases this impact to approximately -1.7%.

The PRS concludes that such an impact would be modest and within acceptable limits. However, this conclusion is not accepted without qualification. Evidence within the PRS identifies that the City Centre is currently experiencing a vacancy rate of approximately 33.5%, significantly above the national average, with clear indications of reduced vitality and viability in parts of the centre. In this context, even relatively small proportional impacts have the potential to give rise to concern, and there is no definitive threshold below which impacts can automatically be considered acceptable.

In assessing the significance of impact, it is necessary to have regard to the accepted fallback position. Whilst the fallback scenarios (either continued occupation by Homebase or a furniture retailer) may generate similar overall turnover, their bulky goods focus would result in materially lower levels of overlap with the City Centre offer compared to the proposed development. As such, trade diversion from the City Centre under the fallback scenario would be expected to be notably lower, potentially in the order of 5% or less. On this basis, and applying the 'worst case' fallback scenario (furniture retailer with a turnover of £10.2m per annum and 5% diversion), this would equate to approximately £0.5m per annum diverted from the city centre. When considered cumulatively with the committed Aldi development, this would result in an overall impact of around -1.0%.

Notwithstanding these considerations, and recognising the very high vacancy levels of the City Centre, it is not considered that the difference in impact between the fallback scenario (approximately -1.0%) and the proposed development (approximately -1.7%) would, in itself, be sufficient to demonstrate a 'significant adverse impact' so as to justify refusal of the application on retail impact grounds.

iii) Sequential Test

- 8.2.19 National policy allows for the application of a sequential test and 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 either 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 centre and Policy R11 which requires locations to be acceptable in sequential terms.
- 8.2.20 In application of the test it is for the applicant to robustly show that no more appropriate site is available or suitable. PPW provides limited guidance on the appropriate area of search for sequential sites, but it is widely accepted that sequential sites should serve the same or similar catchment area when compared with the application site. The PRS sets out a range of site search parameters at its 6.4. These include operator requirements around a minimum net floorspace, single level trading, a dedicated car park and service area, and site prominence. Each of these is reasonable, though in regards to the quoted minimum net floorspace of 2,300 sq m net it is customary to allow for some flexibility. Very often this is quoted at 10% of the application proposals, and so it is considered that a minimum net floorspace requirement of around 2,100 sq m net should also be considered. There are many Home Bargains stores of this size or less across the UK.

8.2.21 Potential sequentially preferable sites within or on the edge of designated retail and commercial centres, as defined on the proposals map, should be considered.

City Centre

- Kingsway Shopping Centre;
- Basement of Kingsway Shopping Centre;
- Site of Former Newport Centre, Kingsway;
- 68-72 Commercial Street;
- 77-80 Commercial Street;
- 81-82 Commercial Street;
- 1-7 Cambrian Road;
- Friars Walk Shopping Centre – Former Cineworld;
- Friars Walk Shopping Centre – Former Debenhams Store;

District Centres

- Commercial Road District Centre;
- Handpost District Centre.

Local Centres

- Clytha Park Road;
- St Woolos;
- Basseleg Road;
- Gaer Road;
- Cardiff Road.

Other Sites

- Former Sainsbury's, Wyndham Street.

8.2.22 The Sequential assessment has considered individual sites, with a particular emphasis on Newport City Centre. The PRS makes a series of suitability and viability assumptions about vacant units at Kingsway Shopping Centre, the former Newport Centre, Commercial Street and Friars Walk. Notwithstanding some concerns, Nexus agree that in each instance there are reasons why the sites are not suitable, viable and/or available. In most instances, such as Kingsway Shopping Centre, Friars Walk and units on Commercial Street and Cambrian Road, this is due to site size, even when amalgamations are considered. There are also no sites identified in district centres or local centres within the PCA. Nexus further agree that the former Sainsbury's site is unlikely to qualify as an edge-of-centre location due to its poor on foot connectivity and constrained vehicular access and, in any event, would require construction of a new unit as it has been demolished to slab level.

8.2.23 Nexus have undertaken their own search of well known property website and consulted with Officers in the Council and have been unable to identify any sequentially preferable sites in the City Centre or elsewhere within the PCA. During the course of this application Marks and Spencer has announced closure of the Friars Walk Foodhall unit, however at 1,300sqm this unit is well below the agreed floorspace and is considered unsuitable for the proposed development.

8.2.24 Overall, notwithstanding some of Nexus' methodological concerns, it is ultimately agreed that there are unlikely to be any sequentially preferable sites within the PCA. Therefore, the Sequential Test is addressed and the criterion is satisfied.

iv) Land Area of the Site

8.2.25 The proposal will utilise the existing retail unit and the land area is not proposed to be increased. An increase of retail floorspace of 261sqm is proposed, however as demonstrated within this assessment this is considered to be acceptable.

8.2.26 The proposal complies with this criterion.

v) Highway and Transport Network

- 8.2.27 The Council's Highways Officer has been consulted as part of the application. They have confirmed that the existing parking provision within the retail park is extensive so it is considered an acceptable level of provision for the proposed end user. In terms of any increase in 'new' vehicle trips, this is considered to be insignificant as the proposed use would be anticipated to share trips/footfall for food/non food with the adjacent retail units and no issues are anticipated.
- 8.2.28 The proposal would comply with the aims of Policy GP4 and T4 and complies with this criterion.

vi) Accessibility

- 8.2.29 This criterion stipulates that the proposal must be fully accessible by foot, bicycle, and public transport. The application site is located within the Urban Boundary, situated in an established area with various retail and commercial uses, although it is not designated as a 'Centre' in the NLDP 2011-2026 (adopted January 2015).
- 8.2.30 Harlech Retail Park is located within close proximity to residential areas, including the Gaer, Mon Bank Redrow housing estate and the former South Wales Argus residential site that are each within a reasonable distance and are accessible on foot. Slight further away, but still accessible is the Former Whiteheads Works site at Mendalgief Road. Formalised crossing points across Cardiff Road are located at the retail park's entrance and there are bus stops served with a regular service on Cardiff Road, within close proximity.
- 8.2.31 The site is considered reasonably sustainable, it is accessible by foot and is served by nearby bus stops, providing public transport options. However, the lack of designated cycle access means the proposal does not fully meet this criterion. Nevertheless, given the existing retail use of the site, the proposal is considered acceptable on balance.

Retail Conclusion

- 8.2.32 Overall, having considered the proposed development and taking into account the findings of the independent retail audit, it is found that whilst a weak case for retail need has been made, it has been found that there is no likely sequentially preferable alternative site. Having regard to the accepted fallback position, the proposal is unlikely to result in any significant adverse impact on defined retail centres.
- 8.2.33 As such, on balance it is considered that the proposal complies with Policy SP19 and R11 of the NLDP 2011-2026 (adopted January 2015) and PPW12.

8.3 Visual/Residential Amenity & Impact on Character and Appearance

- 8.3.1 This application is solely seeking the variation to the wording of the existing Condition 08 to allow for the sale of a wider range of retail goods. Any external alterations required or signage needed would need to be subject to separate applications, and assessment would therefore be required at that stage.
- 8.3.2 In terms of the impact on the surrounding area including residential amenity and the character and appearance, the existing site is retail and its function will not be changing other than for the more expansive range of goods being sold. There will be no adverse impact on residential or visual amenity or on character and appearance of the surrounding area, and the proposal is acceptable in this respect.
- 8.3.3 The proposal complies with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

8.4 Biodiversity & Green Infrastructure

- 8.4.1 Chapter 6, titled '*Distinctive and Natural Placemaking and Well-Being*', of *Planning Policy Wales (PPW) Edition 12* (updated February 2024) outlines the requirement for planning authorities to actively maintain and enhance biodiversity within the scope of their functions. The concept of a net benefit for biodiversity asserts that development should result in an improvement to biodiversity and ecosystem resilience, leaving these in a significantly better state than prior to development, thereby ensuring both immediate and long-term benefits. Additionally, PPW 12 (Para 6.2.12) stipulates that a Green Infrastructure Statement (GIS) *should* be submitted with all planning applications. The scope of the GIS should be proportionate to the scale and nature of the proposed development and shall detail how green infrastructure has been integrated into the proposal.
- 8.4.2 A GIS has been submitted that is proportionate to the proposed development. Following the Stepwise Approach, it explains that given the nature of the application then no GI within the site would be impacted by the proposal.
- 8.4.3 In terms of enhancement, the GIS has proposed the installation of 3no. Seville Woodstone Nest Boxes for birds, which are proposed on trees to the eastern boundary of the retail park. Whilst this enhancement is proportionate, given the applicant is not the landowner and it has not been demonstrated that the trees shown are within their control the LPA would not be able to secure this via planning condition.
- 8.4.4 Given that this application pertains solely to the procedural matter of varying the wording of Condition 08, it is not deemed necessary to control enhancement in this instance. Should there be any forthcoming applications for external alterations to the building to facilitate the new user then appropriate enhancement could be secured at that juncture.
- 8.4.5 The proposal is considered to comply with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

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 Overall, it is considered that the application has adequately demonstrated that the requirements of Policy SP19 (Assessment of Retail Need) and R11 (Development of Existing Out of Centre Retail Sites) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and national retail policies set out in PPW and TAN 4 in respect of retail need and impact.
- 10.2 As such, the proposal to vary the wording of Condition 08 of planning permission 96/0261 is considered to be acceptable.
- 10.3 The application is Granted with Conditions.
- 10.4 Any existing conditions forming part of the original 93/0261 planning permission that are no longer relevant have not been re-applied to this decision.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: PL00_D_Existing Site Location Plan.

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 building shall not be occupied until space for the parking, loading and unloading of vehicles has been provided within the curtilage of the site in accordance with the Council's parking standards and such space shall be kept available at all times for such purposes.

Reason: To ensure the efficient functioning of the site and to avoid the need for vehicles to be parked on the adjoining highway.

03 The building shall not be occupied until facilities have been provided within the curtilage of the site to enable vehicles to turn on site and thereby enter and leave in a forward gear.

Reason: In the interests of highway safety.

04 No plant or equipment shall be installed on the roof of the building approved without the prior written permission of the Local Planning Authority.

Reason: To ensure that the appearance of the building will be satisfactory.

05 No storage of material or manufactured items shall take place on site, except in accordance with plans to be first approved by the Local Planning Authority, which plans shall include proposals related to the location, extent, surfacing, treatment and method of screening of such storage areas.

Reason: To keep the site clear of intensive storage areas and in the interests of visual amenities.

06 The retail sale of food and drink from Unit 1 (identified on drawing 32508-PL00 rev C) shall be ancillary in nature and limited to no more than 30% (704sqm) of the total net sales floorspace of the unit.

Reason: To restrict the range of goods available from the unit in order to protect the vitality and viability of the Defined Centres as per Policy R11 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Planning and Retail Statement (Carney Sweeney Feb 2026); Covering Letter (Carney Sweeney 11.02.2026); Retail Audit (Nexus Planning March 2026); TJML Letter of Support (06.02.2026); GI Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP18, SP19, GP1, GP2, GP4, GP5, GP7, T4, T5, R11 and W3 were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.