

Delegated Decision Report

Application No:	25/0871	Statutory Period Expires:	18th December 2025
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Site:	18A Caerleon Road Newport South Wales NP19 7BW		
Proposal:	S73 APPLICATION TO VARY CONDITION 2 (OPENING HOURS) OF 22/1190 RETENTION OF HOT FOOD TAKEAWAY (A3 USE) AND EXTRACTION EQUIPMENT		
Applicant:	S Aksu		
Type:	Renewals and Variation of Conditions	Ward:	St Julians
Decision:	REFUSED		

1. BACKGROUND

- 1.1 Planning permission was granted in 2023 for the use of premises for hot food takeaway and extraction equipment. The permission was subject to the following condition restricting opening hours:

The hours of use of the premises hereby approved shall only be between 08:00 hours and 19:00 hours Monday to Friday and 08:00 hours and 18:00 hours on Saturdays. Outside of these times, the premises shall be closed to customers.

Reason: In the interest of neighbouring amenity in accordance with Policy GP2 of the Newport Local Development Plan.

- 1.2 This application seeks to vary the condition to allow for extended opening hours.

2. SITE LOCATION AND CONTEXT

- 2.1 The unit is located on Caerleon Road near to the junctions with Gloster Place and Junction Road. It previously formed part of a Barbers shop which is still in operation to the front of the building. The unit is accessed via a door to the side elevation on junction road.
- 2.2 The area has a predominantly residential character although there are some commercial uses evident including a Tesco Express to the north and to the west of the site on the opposite side of Caerleon Road is a jeweller, bicycle shop and builders merchants. As noted above, there is also a barbers shop in close proximity.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposed opening hours are Monday to Saturday until 2a.m. and until 11:30am on Sundays. The applicant does not specify the time from which they wish to open, and it is assumed that this is from 8am as already permitted.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
22/1190	RETENTION OF HOT FOOD TAKEAWAY (A3 USE) AND EXTRACTION EQUIPMENT	GRANTED WITH CONDITIONS	24/08/2023

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 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.

Policy SP3 Flood Risk ensures development is directed away from flood risk areas.

Policy SP19 Assessment of Retail Need sets out the retail hierarchy for where retail development should be located. 1. Newport City Centre; 2. A Defined District Centre; 3. Local Centres; 4. Out of Centre.

Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy T4 Parking states that development will be expected to provide appropriate levels of parking.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

PARKING STANDARDS

6. CONSULTATION RESPONSES

6.1 Environmental Health: No response.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 27/10/2025, Site Notice was put up on 31/10/2025.

7.1 NEIGHBOURS: 1NO OBJECTION RECEIVED AS FOLLOWS:

We strongly object. The late-night opening hours are totally unacceptable in a residential area and an area with several residential properties that are directly opposite. Such opening hours will attract unsociable behaviour and directly opposite our properties - that have several very elderly residents on our block and young children in them. Drunken behaviour that will scare our elderly neighbours, one of which has dementia. Not very nice in the summer to be

sat in bed and listening to drunks arguing over what burger or kebab to have. We already have enough late-night fast-food establishments in Clarence Place and further up Caerleon Road and our quiet little block don't want any more. Luckily the drunks have nothing to stop for along our section at the moment so any noise they make goes away quickly but this will mean they will have something to stop for and encourage the gathering of groups. Also, there is no parking and we already have an issue with parking across our driveways from local businesses. I also have a serious medical condition that can be triggered by strong smells of food cooking and late at night this would make my life miserable and potentially lead to being admitted to hospital.

- 7.2 COUNCILLOR PAUL BRIGHT: I am writing to object to planning application. This shop is situated within a residential area, and the proposed extension of operating hours is incompatible with the character of the neighbourhood.

Extending retail operations into the early hours of the morning would likely result in increased noise, traffic, and potential anti-social behaviour, all of which would negatively affect residential amenity.

The intrusion of commercial activity into late-night hours undermines the peaceful environment that residents expect and deserve.

The Licensing Act 2003, late-night refreshment services must not undermine public nuisance objectives. Operating until 02:00 hours in a residential setting risks breaching these principles.

If officers are minded to grant planning permission, I request that the application be brought before the Planning Committee.

8. **ASSESSMENT**

8.1 **Principle of Development:**

The principle of the development has already been established. However, as noted above the area has a mixed character with residential properties in close proximity. Therefore, the main considerations of this application to extend opening hours are any potential impact to neighbouring residential amenity arising from the extended hours over and above the existing situation. These matters are discussed further below.

8.2 **Visual Amenity;**

There are no alterations proposed to the building and subsequently there would not be an adverse impact in terms of visual amenity.

8.3 **Residential Amenity:**

The property is located at the end of a terrace street and there are residential uses in close proximity including immediately adjacent. The surrounding residential development is densely populated with properties generally having small gardens resulting in limited space between the application property and neighbouring residential uses. It was previously noted under the parent application that given the scale of the unit and subject to a restriction of opening hours the impact of the use could be made acceptable in terms of residential amenity. Whilst there are commercial uses in the vicinity and some of which have late night opening hours such as Tesco Express which is open until 11pm, such A1 retail uses are different in their nature and are not considered to result in the same level of noise and disturbance as A3 takeaways. For example, generally customers using a shop have less cause to congregate outside of the premises, whereas A3 uses will often require patrons to wait for their food to be prepared with resultant noise and disturbance to nearby residents. The premises is particularly small and there is a likelihood that customers would wait outside with subsequent noise and disturbance late in the evening/early hours of the morning when residents can reasonably expect more ambient noise levels. Extraction equipment noise would also be more apparent late at night/early in the morning.

- 8.3 Whilst the proposed opening hours are unacceptable, it is considered that extended opening hours in the region of 9pm are likely to be acceptable. However, as this is not what is being sought and is significantly different to the proposed opening hours, a further application would need to be made.

8.4 **Movement:**

The proposals are not considered to result in an altered impact in terms of parking and movement.

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 By reason of the close proximity of the premises to residential dwellings, the proposed opening hours are considered to result in an adverse impact to neighbouring amenity and

are unacceptable. The application is refused.

11. DECISION

REFUSED

01 The proposal will result in increased noise and disturbance into the early hours. This is to the detriment of residential amenity and contrary to Policy GP2 of the Newport Local Development, 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Application forms received 14/10/25, 00DRA01000, ZZDRA02000.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP19, GP2, GP4, GP6, GP7 and T4 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.