

Delegated Decision Report

Application No:	26/0392	Statutory Period Expires:	16th July 2026
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Site:	Unit 3 28 East Retail Park Docks Way Newport South Wales		
Proposal:	NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 24/0066 REFURBISHMENT OF UNITS 3 & 4 (CLASS A1) COMPRISING EXTERNAL ALTERATIONS INCLUDING NEW SHOP FRONT AND LOBBY TO CREATE A SINGLE RETAIL UNIT, CREATION OF SERVICING PLATFORM TO REAR, CAR PARKING RECONFIGURATION, CYCLE STANDS AND TROLLEY BAYS, PLANT ENCLOSURE AND ASSOCIATED WORKS. AMENDMENTS INCLUDE CHANGES TO MAIN ENTRANCE LOBBY DESIGN, NEW RAIN GARDENS AND PERMEABLE PAVING AND NEW ENTRANCE RAMP		
Applicant:			
Type:	Non-Material Amendment	Ward:	Pillgwenlly
Decision:	APPROVED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site forms Units 3 and 4 of the 28 East Retail Park, Docks Way in the Pillgwenlly ward. The site is not allocated as a District Centre in the Newport Local Development Plan 2011-2026 (adopted January 2015).

2.2 28 East Retail Park is located approximately 2km to the southwest of Newport City Centre and contains 11no. retail units. Access to the retail park is gained off Docks Way, which connects to the A48 to the southwest of the park. A freestanding units containing KFC is located adjacent to the site access, with the remainder of the site being served by a large car park, which provides dedicated free of charge parking for customers. Servicing of the retail units within the park is contained to the rear of each unit and is accessed via West Way Road to the east.

2.3 Unit 3 has been vacant since FW Homestores vacated the premises and Unit 4 is currently occupied by Oak Furniture Land as a 'clearance' store following their administration in early 2020. Directly to the east of Oak Furniture Land is Halfords and to the west is The Food Warehouse. Other retail units within the park include The Range, B&M Homestores, Topps Tiles, Wren Kitchens and Sports Direct.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks a Non Material Amendment to the approved planning permission 24/0066 for the refurbishment of units comprising external alterations including new shopfront and lobby to create a single retail unit, creation of servicing platform to rear, car parking reconfiguration, cycle stands and trolley bays, plant enclosure and associated works at Unit 3 and 4 28 East Retail Park, in the Pillgwenlly ward.

3.2 The amendments proposed include;

Main Entrance Lobby

- Relocation of entrance door to provide a central entrance/exit door with a width that complies with Building Regulations requirements;
- For the ramp to tie in with existing levels to the front of the unit, the design is amended slightly so that the start of the ramp is moved east slightly and the top of the ramp ends at the glazed lobby. This allows the ramp to achieve the required 1:40 gradient.

External Area

- Permeable paving to replace existing slabs across the front of ramp and within rear service yard for SAB application requirements;
- Rain garden proposed to rear yard for SAB application requirements.

4. RELEVANT SITE HISTORY

24/0066	REFURBISHMENT OF UNITS 3 & 4 (CLASS A1) COMPRISING EXTERNAL ALTERATIONS INCLUDING NEW SHOP FRONT AND LOBBY TO CREATE A SINGLE RETAIL UNIT, CREATION OF SERVICING PLATFORM TO REAR, CAR PARKING RECONFIGURATION, CYCLE STANDS AND TROLLEY BAYS, PLANT ENCLOSURE AND ASSOCIATED WORKS. AMENDMENTS INCLUDE CHANGES TO MAIN ENTRANCE LOBBY DESIGN, NEW RAIN GARDENS AND PERMEABLE PAVING, REDUCTION OF DRS AND NEW ENTRANCE RAMP	GRANTED WITH CONDITIONS
24/0067	MODIFICATION OF CONDITION 7 (RESTRICTION OF USE) OF PLANNING PERMISSION 00/0760 TO ENABLE THE SALE OF CONVENIENCE AND NON BULKY COMPARISON GOODS (CLASS A1) FROM UNITS 3 AND 4	GRANTED WITH CONDITIONS

5. PLANNING POLICY

5.1 Section 96a of the Town and Country Planning Act 1990

6. CONSULTATION RESPONSES

N/A

7. PUBLIC REPRESENTATIONS

N/A.

8. ASSESSMENT

8.1 There is no statutory definition of what constitutes a non-material amendment as this will be dependent on a number of factors such as the scale of the proposed changes, context of the site and site specific circumstances. In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, the following tests contained within Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission are applied as a starting point:

- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
- Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- Would the interests of any third party or body be disadvantaged in planning terms?
- Would the proposed change conflict with national or development plan policies?

8.2 The alterations to the building entrance relate to the reconfiguration of the fenestration pattern of the entrance lobby in order to facilitate bi-parting doors which fully open and achieve the opening width required for Building Regulations. The change in fenestration pattern is not considered to be of a scale that would result in a different impact to that caused by the originally approved development, and would not result in any detrimental impact either visually or in terms of local amenity. Neither is it considered that any third

party of body would be disadvantaged in planning terms and there is not conflict with national of local development plan policies.

- 8.3 The alterations proposed to the ramp and its wall are consider to be very minor, and the gradient of the ramp remains at 1:40, with it being moved slightly east. This change is not considered to be of a scale that would result in a different impact to that caused buy the originally approved development, and would not result in any detrimental impact either visually or in terms of local amenity. Neither is it considered that any third party of body would be disadvantaged in planning terms and there is not conflict with national of local development plan policies.
- 8.4 The introduction of permeable paving to an area at the front of the site and the rear service yard replacing existing hard standing, along with a rain garden within the rear service yard are not considered to be of a scale that would result in a different impact to that caused buy the originally approved development, and would not result in any detrimental impact either visually or in terms of local amenity. Neither is it considered that any third party of body would be disadvantaged in planning terms and there is not conflict with national of local development plan policies.
- 8.5 Overall, it is considered that the proposed amendments would be a non material amendment to the approved planning permission.

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 proposed changes comply with the aforementioned tests and a non material amendment to planning permission 24/0066.

10.2 The application is approved with conditions.

11. DECISION

APPROVED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; Supporting Statement (18/06/2026); 19170-THPW-XX-XX-DR-A-(90) 04-C06 Proposed Site Plan A1 [Annotated]; 18170-THPW-XX-XX-0DR-A (00) 06 – Proposed Ground Floor Plan; Proposed Elevations (Rev C02).

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies 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.

04 The Non Material Amendment hereby approved relates solely to the changes as described in the Supporting Statement submitted by The Harris Group on (18/06/2026). Any other changes that may be shown on the submitted plans are not approved as part of this application.