

Our Ref: 24.229
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Dear Grant,

Town & Country Planning Act 1990 (as amended)

Non-Material Amendment application to vary Condition 1 (Approved Plans) of planning permission 19/1272

Ringland Centre, Ringland Circle, Newport

Planning Reference: 24/0823

Asbri Planning is acting as agent on behalf of Newport City Homes in respect of a non-material amendment application to vary condition 1 (Approved Plans) of planning permission 19/1207 at Ringland Centre, Ringland Circle, Newport.

The following plans/documents are submitted in support of the application:

Plan/Document	Prepared by/Ref
Site Location Plan	19075(05) 000
<i>Architectural</i>	
Retail Block 01 - GF & FF Plans	2603 (20) 100 Rev B
Retail Block 02 - GF & FF	2603 02 (20) 100 Rev B
Retail Block 03 GF, Roof Plan & Elevations	2603 03 (20) 100 Rev.E
Unit 3.1 Retail Leasing Plan	2603 RB03 (20) 91 Rev A
Unit 3.2 Retail Leasing Plan	2603 RB03 (20) 92 Rev A
Unit 3.3 Retail Leasing Plan	2603 RB03 (20) 93 Rev A
Unit 3.4 Retail Leasing Plan	2603 RB03 (20) 94 Rev A

Background

The site benefits from extant consent (Ref: 19/1207) for the following development:

"RESERVED MATTERS APPLICATION RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE (STANDARD CONDITION C) FOR CONSTRUCTION OF 12NO. RETAIL UNITS AND 38NO. RESIDENTIAL UNITS AND ASSOCIATED WORKS PURSUANT TO OUTLINE PLANNING PERMISSION 18/1181 FOR DEMOLITION OF RINGLAND CENTRE, 6NO. BUNGALOWS AND LIBRARY AND CONSTRUCTION OF APPROXIMATELY 170NO. HOMES, 1700 SQUARE METRES OF A1/A2/A3 FLOOR SPACE, LANDSCAPING, INTERNAL ROAD NETWORK, CAR PARKING AND ASSOCIATED INFRASTRUCTURE AND PARTIAL DISCHARGE OF CONDITION 07 (FUME EXTRACTION) AND 10 (WASTE STORAGE)"

The non-material amendment application seeks to reconfigure the ground floors of the retail blocks. The main change will be to designate all of the retail units within Retail Block 3 as A3 (Food and Drink) units. Unit 1.3 in Retail Block 1 was approved as A3 but is proposed that it will be changed to an A1.

No changes are proposed to the units within Retail Block 2 but updated floor plans are included for completeness.

Since the reserved matters application was approved in January 2022, the demand for shop provision has decreased whilst the interest to occupy the units from food and drink operators has increased. Consequently, the non-material amendment is sought to increase the number of A3 units. Furthermore, it is logical for all of the A3 units to be sited in one retail block to make use of extraction provision and as there are no residential apartments proposed above Retail Block 3 which would reduce the risk for impact on residential amenity.

The re-siting of the A3 units and reduction of internal walls has resulted the amount of retail floorspace increasing slightly from 1,482.60sqm to 1,498.73sqm. However, it should be emphasised that this level of retail floorspace remains below that detailed at Outline stage (Ref: 18/1181) which made provision for up to 1,700sqm of A1/A2/A3 floorspace and the number of retail units will remain at 12no. in accordance with the description of development of the above reserved matters.

This non-material amendment follows a previous application to vary condition 1 of the (Ref: 24/0535) which approved changes to the materials of the external facades. The elevations submitted with application 24/0535 included the revised window and door positions. As such, it is considered that this non-material amendment application can relate to the ground floor plans only.

It is acknowledged that within Newport's adopted car parking standards that parking provision for retail units differ when they are above or below 200sqm. As such, an assessment of the required parking provision based on the newly configured retail spaces has been undertaken which demonstrates that the required number of parking spaces complies with 26no. approved by the reserved matters application. The proposed alteration will therefore not result in an increased parking requirement beyond that approved as part of the reserved matters.

Table 1: Assessment of Required Car Parking

Unit	M ²	Required parking spaces
<i>Retail Block 1</i>		
Unit 1.1	143.03	2
Unit 1.2	84.97	1
Unit 1.3	73.07	1
Unit 1.4	93.00	2
Unit 1.5	148.20	2
<i>Retail Block 2</i>		
Unit 2.1	134.82	2
Unit 2.2	332.19	8
Unit 2.3	113.61	2
<i>Retail Block 3</i>		
Unit 3.1 A3	76.64	1
Unit 3.2 A3	70.90	1
Unit 3.3 A3	76.98	1
Unit 3.4 A3	151.32	3
Total		26

Proposed Amendment

Following the approval of non-material amendment application ref: 24/0535, Condition 1 (Approved Plans) reads as follows:

The Development shall proceed fully in accordance with the following plans and documents, other than as amended to provide parking spaces MC18-MC21 shown in Drawing 19075(05)100 H:

- Drawing 19075(05)100 H - Proposed Site Plan
- Drawing 19075(05)101 C - Proposed Site Sections
- Drawing 19075(05)102 D - Refuse & Service Strategy
- Drawing 19075(05) 200 D - Retail Block 1, Plans 1
- Drawing 19075(05) 201 E - Retail Block 1, Plans 2
- Drawing No. (20) 102 - Retail Block 01 - Elevations (Rev C)
- Drawing 19075(05) 203 E - Retail Block 2, Plans 1
- Drawing 19075(05) 204 C - Retail Block 2 - Plans 2
- Drawing No. (20) 102 - Retail Block 02 - Elevations (Rev C);
- Drawing 19075(05) 206 C - Retail Block 3 – Plans
- Drawing No. (20) 102 - Retail Block 03 - Elevations (Rev C)
- Drawing 067081-CUR-XX-XX-DR-C-92001 P03 - Proposed Drainage Layout, Sheet 1.
- Drawing 067081-CUR-XX-XX-DR-C-92002 P03 - Proposed Drainage Layout, Sheet 2
- Drawing 067081-CUR-XX-XX-DR-C-92003 P03 - Proposed Drainage Layout, Sheet 3
- Drawing 067081-CUR-XX-XX-DR-C-95050 P02 - Proposed Plot Levels, Sheet 1
- Drawing 067081 CUR XX XX DR C 95051 P02 - Proposed Plot Levels, Sheet 2
- Drawing 067081-CUR-XX-XX-C-95052 P02 - Proposed Plot Levels, Sheet 3
- Drawing A115176 LA.100 - Retail Area, Landscape Strategy
- Drawing LA.101 - Retail Area; Landscape Planting
- Drawing LA.102 - Retail Area; Hard Landscape

Reason: to comply with Paragraphs 5.30 & 5.31 of Welsh Government Circular 016/2014.

The below details which plans are to be replaced:

Retail Block 01

Existing: Drawing 19075(05) 200 D - Retail Block 1, Plans 1

Proposed: 2603 (20) 100 - Retail Block 01 - GF & FF Plans Rev B

Retail Block 02

Existing: Drawing 19075(05) 203 E - Retail Block 2, Plans 1

Proposed: 2603 02 (20) 100 - Retail Block 02 GF & FF Rev B

Retail Block 03

Existing: Drawing 19075(05) 206 C - Retail Block 3 – Plans

Proposed:

- 2603 03 (20) 100 - Retail Block 03 GF, Roof Plan & Elevations Rev E (Excluding Floor Plans)
- Unit 3.1 Retail Leasing Plan 2603 RB03 (20) 91 Rev A
- Unit 3.2 Retail Leasing Plan 2603 RB03 (20) 92 Rev A
- Unit 3.3 Retail Leasing Plan 2603 RB03 (20) 93 Rev A
- Unit 3.4 Retail Leasing Plan 2603 RB03 (20) 94 Rev A

The new condition will therefore read as (text struckthrough represents text to be deleted and additions are in **bold**):

The development shall be carried out in accordance with the following approved plans:

- Drawing 19075(05)100 H - Proposed Site Plan
- Drawing 19075(05)101 C - Proposed Site Sections
- Drawing 19075(05)102 D - Refuse & Service Strategy
- ~~Drawing 19075(05) 200 D – Retail Block 1, Plans 1~~
- **2603 (20) 100 – Retail Block 01 – GF & FF Plans Rev B**
- Drawing 19075(05) 201 E – Retail Block 1, Plans 2
- Drawing No. (20) 102 – Retail Block 01 – Elevations (Rev C)
- ~~Drawing 19075(05) 203 E – Retail Block 2, Plans 1~~
- **2603 02 (20) 100 - Retail Block 02 GF & FF Rev B**
- Drawing 19075(05) 204 C - Retail Block 2 - Plans 2
- Drawing No. (20) 102 - Retail Block 02 - Elevations (Rev C);
- ~~Drawing 19075(05) 206 C – Retail Block 3 – Plans~~
- **2603 03 (20) 100 - Retail Block 03 GF, Roof Plan & Elevations Rev E (excluding floor plans)**
- **Unit 3.1 Retail Leasing Plan 2603 RB03 (20) 91 Rev A**
- **Unit 3.2 Retail Leasing Plan 2603 RB03 (20) 92 Rev A**
- **Unit 3.3 Retail Leasing Plan 2603 RB03 (20) 93 Rev A**
- **Unit 3.4 Retail Leasing Plan 2603 RB03 (20) 94 Rev A**
- Drawing No. (20) 102 - Retail Block 03 - Elevations (Rev C)
- Drawing 067081-CUR-XX-XX-DR-C-92001 P03 - Proposed Drainage Layout, Sheet 1.
- Drawing 067081-CUR-XX-XX-DR-C-92002 P03 - Proposed Drainage Layout, Sheet 2
- Drawing 067081-CUR-XX-XX-DR-C-92003 P03 - Proposed Drainage Layout, Sheet 3
- Drawing 067081-CUR-XX-XX-DR-C-95050 P02 - Proposed Plot Levels, Sheet 1
- Drawing 067081 CUR XX XX DR C 95051 P02 - Proposed Plot Levels, Sheet 2
- Drawing 067081-CUR-XX-XX-C-95052 P02 - Proposed Plot Levels, Sheet 3
- Drawing A115176 LA.100 - Retail Area, Landscape Strategy
- Drawing LA.101 - Retail Area; Landscape Planting
- Drawing LA.102 - Retail Area; Hard Landscape

Appraisal

Section 96a of the Town & Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. This was brought into effect on the 1st September 2014. The Welsh Government has produced a guidance note entitled 'Approving Non-material Amendments to an Existing Planning Permission' which sets out four tests to be considered in determining whether an application qualifies as a non-material amendment.

It is, therefore, necessary to assess the proposed amendment against the four tests in turn:

(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,

(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

(b) would the interests of any third party or body be disadvantaged in planning terms; or,

(c) would the proposed change conflict with national or development plan policies?

(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme

The scale of the proposed changes is not great enough to cause an impact different to that caused by the originally approved scheme it merely involves increasing the number of A3 units due to market demand and concentrating them all within Retail Block 3. The re-siting of the A3 units and reduction of internal walls has resulted the amount of retail floorspace increasing slightly from 1,482.60sqm to 1,498.73sqm. However, it should be emphasised that this level of retail floorspace remains below that detailed at Outline stage (Ref: 18/1181) which made provision for up to 1,700sqm of A1/A2/A3 floorspace and the number of retail units will remain at 12no. in accordance with the description of development of the above reserved matters. It is therefore considered that the proposed change is not great enough to cause an impact different to that caused by the original approved development scheme in accordance with test (a)(i).

(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

The proposed changes will not result in a detrimental impact either visually or in terms of local amenity given that the amendments are internal and relate to the use of the retail units. It is therefore considered that the proposed change will not result in a detrimental impact either visually or in terms of local amenity.

(b) would the interests of any third party or body be disadvantaged in planning terms; or

Similar to the points discussed under point (a), the proposed amendments will not increase overlooking and only relate to minor amendments to the existing permission. Furthermore, it is anticipated that the proposed amendment would limit the potential for impact on residential amenity given that there are no residential apartments proposed above Retail Block 3 where all of the food and drink provision will be sited. Therefore, it is clear that no third-party bodies, statutory or otherwise, who maintain an interest in this application, would be disadvantaged by the amendments in planning terms.

(c) would the proposed change conflict with national or development plan policies

Given the minor nature of the proposed amendment, there is unquestionably no conflict with planning policy on any scale. As identified above, the parking provision established and approved through the reserved matters consent will be sufficient for the reconfigured units.

In light of the above, it is respectfully requested that Newport City Council grant approval of the non-material amendment to vary Condition 1 (Approved Plans) of Reserved Matters approval 19/1207 at Ringland Centre, Ringland Circle, Newport.

£115.00 will be paid to the Authority to cover the application fee.

I trust this, and the enclosed is satisfactory in order to approve the application. If you require any further information please do not hesitate to contact.

Yours Sincerely,



Geraint Jones

Principal Planner

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