

Delegated Decision Report

Application No:	24/0823	Statutory Period Expires:	13th March 2025
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Site:	<i>Ringland Centre Ringland Circle Newport South Wales</i>		
Proposal:	<i>NON MATERIAL AMENDMENT TO 19/1207 "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). PROPOSED AMENDMENT RELATES TO RECONFIGURATION OF GROUND FLOOR OF RETAIL BLOCKS AND USE TYPES</i>		
Applicant:	<i>R Connor</i>		
Type:	Non-Material Amendment	Ward:	Ringland
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is the Ringland Centre Regeneration site, Ringland Way. Outline planning permission was granted under application 18/1181 for demolition of Ringland Centre and for the residential and commercial redevelopment of the site.
- 2.2 Reserved Matters application 19/1207 was submitted in 2019 relating to the access, appearance, landscaping, layout and scale for 12no. retail units and 38no. residential units along with associated works. Construction works have commenced and the development is underway.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 A Non Material Amendment is being sought in relation to alterations to the layout and configuration of the retail units approved under the 19/1207 Reserved Matters application, linked to the 18/1181 Outline planning permission.
- 3.2 The Outline planning permission granted up to 1700sqm of retail (A1, A2, A3) floor space for the development scheme and the Reserved Matters approval contained a mix of 11no. A1 – Retail units and 1no. A3 – Food & Drink unit, reaching a floorspace of 1,482.60sqm.
- 3.3 The application advises that 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 from one to four and to locate the A3 units within one retail block (Retail Block 3), to make use of extraction provision and as there are no residential apartments proposed above Retail Block 3 to reduce the risk for impact on residential amenity.
- 3.4 The Reserved Matters approved 1,482.60sqm of floor space, and this amended proposal would also result in minor internal changes to an increase this to 1,495.30sqm – an enlargement of 12.70sqm.
- 3.3 For ease of reference, the below table outlines the approved size and use of each unit as per the Reserved Matters approval reference 19/1207.

Retail Unit	Approved Size (sqm)	Approved Use	Proposed Size (sqm)	Proposed Use
1.1	139.30	A1	142.03	A1
1.2	82.80	A1	84.97	A1
1.3	69.80	A3	73.07	A1
1.4	91.70	A1	93.00	A1
1.5	146.90	A1	148.20	A1
2.1	131.90	A1	134.82	A1
2.2	330.40	A1	322.19	A1
2.3	113.00	A1	113.61	A1
3.1	76.60	A1	76.25	A3
3.2	68.40	A1	70.14	A3
3.3	74.10	A1	76.12	A3
3.4	148.30	A1	150.90	A3
Total	1,473.20		1,485.30	

Table 1 – Comparison of Units

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision
18/1181	DEMOLITION OF RINGLAND CENTRE, 6NO. BUNGALOWS AND LIBRARY AND CONSTRUCTION OF APPROXIMATELY 170NO. HOMES AND 1700 SQUARE METRES OF A1/A2/A3 FLOORSPEACE, LANDSCAPING, INTERNAL ROAD NETWORK, CAR PARKING AND ASSOCIATED INFRASTRUCTURE (OUTLINE)	GRANTED WITH CONDITIONS (S.106)
19/1207	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	APPROVED AND CONDITIONS
23/0917	NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) IN RESPECT OF 19/1207 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). AMENDMENTS INCLUDE CHANGES TO MATERIALS AND DESIGN AND A NEW SUBSTATION ENCLOSURE	APPROVED AND CONDITIONS
24/0535	NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 19/1207 RESERVED MATTERS APPLICATION	APPROVED AND

	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). AMENDMENTS TO APPROVED MATERIALS	CONDITIONS
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5. PLANNING POLICY

N/A

6. CONSULTATION RESPONSES

6.1 Highways: No objection.

6.2 Environmental Health: No response.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 As previously described, the proposed amendments to the Reserved Matters permission relate to two aspects;

1) Overall increase in internal floorspace of 12.70sqm;

2) The replacement of 3no. A1 Retail units for 3no. A3 Food and Drink units, all to be relocated to Retail Block 3.

8.1.1 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 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 Increase in Floorspace

8.2.1 This change is as a result of a reduction in the number of internal walls within the units and the overall floorspace provided is still within the maximum parameter approved under the Outline permission. The increase in floor space is nominal and is not of a scale that would cause an impact different to that caused by the original approved development scheme, would result in no detrimental impact either visually or in terms of local amenity, would not disadvantage any third party or body and would not result in any policy conflict.

8.2.2 In isolation, the nominal increase in floor space could be considered a Non Material Amendment to the approved permission.

8.3 Alteration and Relocation of Retail/Food and Drinks Units

8.3.1 The Outline planning permission allowed for a mix of A1/A2/A3 units to occupy the ground floor retail units, with the Reserved Matters submission agreeing the configuration, arrangement of uses and layout.

8.3.2 In terms of the proposed A3 units, grouping these within one building that does not have any residential units above is logical.

8.3.3 However, one outstanding matter would relate to details of fume extraction. Condition 07 – Fume Extraction of Outline permission 18/1181 states;

Reserved Matters submissions shall clearly identify any A3 unit and shall contain details of fume extraction to serve that unit. The Reserved Matters shall demonstrate that cooking fumes can be acceptably filtered and extracted and shall demonstrate that no unacceptably adverse impacts in terms of odour, noise or visual amenity from external plant shall accrue. The submission shall contain details of the appearance of any plant for fume extraction, levels of filtration and the noise characteristics of the plant. Following the Council's approval of those reserved matters the fume extraction equipment shall be installed as approved prior to the preparation of any hot food in the A3 unit and shall be retained thereafter. Reason: to prevent unacceptable odour nuisance, noise nuisance or adverse impacts on visual amenity. Policy GP2.

8.3.4 Condition 07 is very specific in referencing that the Reserved Matters shall demonstrate that cooking fumes can be acceptably filtered and extracted based upon the arrangement of A3 uses shown on reserved matters plans and shall provide full details that will be controlled thereafter. Since the Reserved Matters has been approved based upon 1no. A3 unit's needs, changing the use to 4no. A3 uses could feasibly give rise to a need for other fume extraction. In this case, the NMA does not include any fume extraction details or seek any updates to approved details in this regard.

8.3.5 Details of extraction equipment even if submitted with an NMA would engage a policy assessment of technical requirement, acceptability of location, design and appearance. This would be a material amendment to the permission.

8.3.6 Whilst the proposed change to use the units as an A3 Use might be acceptable in principle, it would require additional fume extraction details and such additional plant and equipment is a change that is material and would not comply with the aforementioned tests.

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 proposal is a material amendment to Reserved Matters approval 19/1207 pursuant to outline planning approval 18/1181..

10.2 The application is refused.

11. **DECISION**

REFUSED

01 The proposal to change the approved A1 (Retail) units in Retail Block 3 to A3 (Food and Drink) units would result in an amendment to the primary permission that is material.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Asbri Covering Letter 12.02.2025; 2603-RB03(20)91A - Unit 3.1 Retail Leasing Plan; 2603-RB03(20)92A - Unit 3.2 Retail Leasing Plan ; 2603-RB03(20)93A - Unit 3.3 Retail Leasing Plan; 2603-RB03(20)94A - Unit 3.4 Retail Leasing Plan; 2603 (20) 100 Rev.E - Retail Block 03 Elevations (Excludes Floor Plans); 2603 (20) 100 Rev.B - Retail Block 01 - Ground Floor and First Floor Plans.

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.