

Delegated Decision Report

Application No:	25/0695	Statutory Period Expires:	6th November 2025
Site:	<i>Kingsway Centre John Frost Square Newport South Wales</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 2 (WASTE STORAGE AND RECYCLING), 3 (OPENING HOURS) AND 5 (EXTRACTION OF FUMES) OF 24/0644 CHANGE OF USE FROM USE CLASS A1 (RETAIL) TO USE CLASSES A1, A2, A3, B1, D1 AND D2, FACILITATING RETAIL, ASSEMBLY AND LEISURE, HOSPITALITY, FOOD AND DRINK, FINANCIAL AND PROFESSIONAL SERVICES</i>		
Applicant:	<i>F Richley</i>		
Type:	Discharge Conditions	Ward:	Stow Hill
Decision:	APPROVED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within the city centre and forms part of the wider Kingway Centre.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal seeks to discharge conditions 02, 03 and 05 of 24/0644 which state:

2. Prior to any conversion, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policies GP2 and W3 of the Newport City Council Local Development Plan.

3. Prior to the conversion of any part of the site to a use falling within Use Class A3 or D2, as defined by the Town and Country Planning (Use Classes Order 1987 (as amended) (or any Order revoking or re-enacting that Order), details of opening hours shall be submitted to and approved in writing by the Local Planning Authority. These uses shall operate in accordance with the approved hours.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport City Council Local Development Plan.

5. If at any time any part of the premises is to involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and deodorising filters. Details of the above equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be retained in accordance with the approved details.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0644	CHANGE OF USE FROM USE CLASS A1 (RETAIL) TO USE CLASSES A1, A2, A3, B1, D1 AND D2, FACILITATING RETAIL,	Granted with conditions	31.10.2024

	ASSEMBLY AND LEISURE, HOSPITALITY, FOOD AND DRINK, FINANCIAL AND PROFESSIONAL SERVICES		
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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

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- GP2 – General Amenity
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Waste storage and collection

6. CONSULTATION RESPONSES

6.1 Environmental Health Officer: No response.

6.2 Waste Manager: No response.

7. PUBLIC REPRESENTATIONS

7.1 The application was not advertised.

8. ASSESSMENT

8.1 The application seeks to partially discharge conditions 02, 03 and 05 of 24/0644 which relate to waste storage and recycling, opening hours and fume extraction details. Each condition shall be assessed in turn below:

8.2 **Condition 02 Waste Storage and Recycling**

8.2.1 The condition states:

Prior to any conversion, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policies GP2 and W3 of the Newport City Council Local Development Plan.

8.2.2 The submission includes the siting of 2no. waste bins in the kitchen area to serve the daily needs of the unit. A serve yard lies to the rear of the unit which would provide a suitable area for the storage of waste and recycling. The site forms part of the Kingsway shopping centre which has a private waste management scheme, this use would be expected to adhere to the requirements of the centre therefore no additional information is deemed to be required in order to discharge this condition.

8.3 **Condition 03 Details of Opening Hours**

8.3.1 The condition states:

Prior to the conversion of any part of the site to a use falling within Use Class A3 or D2, as defined by the Town and Country Planning (Use Classes Order 1987 (as amended) (or any Order revoking or re-enacting that Order), details of opening hours shall be submitted to and approved in writing by the Local Planning Authority. These uses shall operate in accordance with the approved hours.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport City Council Local Development Plan.

- 8.3.2 The opening hours have been confirmed as 0600 – 2000 hours Monday to Saturday. The hours of operation are considered acceptable and would not harm residential amenity in accordance with Policy GP2.

8.4 **Condition 05 Scheme of Fume Extraction**

- 8.4.1 The condition states:

If at any time any part of the premises is to involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and deodorising filters. Details of the above equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be retained in accordance with the approved details.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities.

- 8.4.2 A scheme of extraction has been submitted showing routes and equipment within the unit along with a maintenance management plan. No details have been provided of odour attenuation however information has been provided to justify the absence of odour attenuation. As the proposed use would be vented to a service yard area, it is considered that any impact from cooking odours would be limited and very unlikely to impact any residential amenity or the odours experienced within the wider public realm. Additionally, given the proposed use as a cooking school any impact is considered to be different/less than that of an A3 use. The Council's Environmental Health Department have been consulted on this application however no representations have been received, it is therefore assumed that they raise no objection to the discharge of condition. Therefore, in this instance, it is considered acceptable to omit odour attenuation.

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 application is supported by sufficient information to partially discharge conditions 02, 03 and 05.

**11. DECISION
APPROVED**

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Ground Floor Kitchen Layout (Drawing ref: EGN-JEL-GA-00-DR-Y-001 Rev P02)
- Ground Floor Ventilation Layout (Drawing ref: EGN-JEL-GA-00-DR-Y-002 Rev P02)
- Elevations (Drawing ref: EGN-JEL-EL-00-DR-Y-003 Rev P02)
- Builders Work (Drawing ref: EGN-JEL-BW-00-DR-Y-006 Rev P02)
- Fabrication Drawing - Main Canopy (Drawing ref: EGN-JEFD-00-DR-Y-007 P02)
- Extraction and Opening Hours details (Received: 27/10/2025)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP7 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.