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Dear Sir or Madam,

Town & Country Planning Act 1990 (as amended)

Section 73 application to vary Condition 1 (Approved Plans) of reserved matters consent 19/1272

Ringland Centre, Ringland Circle, Newport

Planning Portal Reference: PP-14107382

Asbri Planning is acting as agent on behalf of Hedyn in respect of a Section 73 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 C
Retail Block 02 - GF & FF	2603 02 (20) 100 Rev B
Retail Block 03 GF, Roof Plan & Elevations	2603 03 (20) 100 Rev.H

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)'

This Section 73 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.

This application follows a previously refused non-material amendment application (Ref: 24/0823). The Officer's report notes that the reason for refusal was as follows:

"Condition 07 (Fume Extraction) 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.

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.

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."

The Reserved Matters application sought to discharge Condition 7 of the Outline permission but this element was refused as no details relating to fume extraction were submitted as detailed on the Decision Notice for application ref: 19/1272. As such, no fume extraction details were ever approved and are yet to be provided.

Notwithstanding the above, a Section 73 application is being progressed in order to regularise the change following the refusal of the non-material amendment application.

This application follows a previously approved non-material amendment application (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.

Proposal

Since reserved matters application ref: 19/1272 was approved in January 2022, the demand for A1 shop provision has decreased whilst the interest to occupy the units from food and drink operators has increased. Consequently, the variation 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.

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 A1	143.03	2
Unit 1.2 A1	84.97	1
Unit 1.3 A1	73.07	1
Unit 1.4 A1	93.00	2

Unit 1.5 A1	148.20	2
<i>Retail Block 2</i>		
Unit 2.1 A1	134.82	2
Unit 2.2 A1	332.19	8
Unit 2.3 A1	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 C

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 H

The new condition will therefore read as (text ~~struck through~~ 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 C**
- 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 H**
- 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

Planning Policy Framework

Future Wales: The National Plan 2040

Future Wales: The National Plan 2040 adopted in February 2021 establishes a national framework setting the direction for development in Wales to 2040. It forms a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation

National Policy

National planning policy is contained within the 12th edition of Planning Policy Wales (PPW), published by the Welsh Government in February 2024. It constitutes guidance for Local Planning Authorities (LPAs) and decision-makers and sets out the Government's planning policies for Wales and how these are expected to be applied.

The planning system is central to achieving sustainable development in Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest which is consistent with key sustainability principles.

Technical Advice Notes

The following Technical Advice Notes (TANs) adopted by Welsh Government are also considered to be of relevance to the proposed development:

- Technical Advice Note 4: Retail and Commercial Development

Newport Local Development Plan

The development plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 is the Newport Local Development Plan which was adopted in January 2015.

A review of the LDP's Proposals Map reveals that the site is located within the settlement boundary and Ringland Centre is denoted as a Local Centre. As such, the following policies contained within the LDP are considered to be of relevance to this Section 73 application:

Policy Reference	In relation to
<i>Strategic Policies</i>	
SP1	Sustainability
SP18	Urban Regeneration
<i>General Policies</i>	
GP2	General Amenity
<i>Retailing and the City Centre</i>	
R10	New Out of Centre Retail Sites

Supplementary Planning Guidance

The following Supplementary Planning Guidance documents adopted by Newport Council are considered to be of relevance to the application:

- Sustainable Travel
- Parking Standards

Appraisal

This section aims to identify the main issues relevant to the consideration of the planning application and assesses the scheme against the relevant planning policy framework. These matters are considered to be as follows:

- The **principle of development** in terms of land use planning policy and sustainable development;
- The impact of the development in relation to **residential amenity**; and
- The impact of the development in relation to **car parking**.

Principle of Development

The principle of development was firmly established by virtue of outline planning permission ref: 18/1181. The primary change proposed by this application relates to increasing the number of A3 units due to market demand and concentrating them all within Retail Block 3. 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 reserved matters consent ref: 19/1272. Consequently, the proposal will still accord with the parameters established by both the outline and reserved matters consents in respect of use classes, retails

floorspace and number of retail units. The principle of altering the make up of the retail units in respect of use classes is therefore considered to be firmly established.

Residential Amenity

The proposed development will limit the potential for any 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. The proposed change is therefore considered to be in accordance with Policy GP2 (General Development Principles – General Amenity) of the adopted LDP.

Car parking

As aforementioned, the proposed change will not result in an increased parking requirement beyond that approved as part of the reserved matters consent. The assessment of the required parking provision based on the newly configured retail spaces has been undertaken and 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	M²	Required parking spaces
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Unit 1.4 A1	93.00	2
Unit 1.5 A1	148.20	2
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Unit 3.2 A3	70.90	1
Unit 3.3 A3	76.98	1
Unit 3.4 A3	151.32	3
Total		26

The impact of the alteration in relation to car parking is therefore considered to be acceptable in accordance with Policy GP4 (General Development Principles – Highways and Accessibility).

Conclusion

I trust that the submitted documents allow the application to be validated and look forward to receiving details of the application reference number and target determination date. If you have any queries in the meantime, please do not hesitate to get in touch.

Yours Sincerely,



Geraint Jones

Principal Planner

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