

Delegated Decision Report

Application No:	26/0142	Statutory Period Expires:	20th April 2026
------------------------	----------------	----------------------------------	------------------------

Site:	University Of Wales College Newport College Crescent Caerleon Newport South Wales		
Proposal:	PARTIAL DISCHARGE OF CONDITIONS 39 (OBSCURE GLAZING) AND 40 (OBSCURE GLAZING) OF 23/0682 S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 19/1212 PARTIAL DEMOLITION, REFURBISHMENT AND CONVERSION OF MAIN BUILDING TO 44 FLATS, CONVERSION OF TJ WEBLY BUILDING TO 2NO. DWELLINGS, CONVERSION OF TY HYWEL BUILDING TO 2NO. RESIDENTIAL UNITS (1 FLAT AND 1 HOUSE), CONVERSION OF FELTHORPE TO 1NO. DWELLING, DEMOLITION OF OTHER EXISTING BUILDINGS AND CONSTRUCTION OF 170 NO. DWELLINGS, OPEN SPACE, LANDSCAPING, ENGINEERING AND INFRASTRUCTURE WORKS TO INCLUDE RETENTION OF LISTED GATE PIERS. AMENDMENTS INCLUDE CHANGES TO THE GENERAL LAYOUT AND ELEVATIONS		
Applicant:	G Sullivan		
Type:	Discharge Conditions	Ward:	Caerleon
Decision:	REFUSED		

1. BACKGROUND

- 1.1 This relates to details reserved by conditions 39 and 40 of permission 23/0682 specifically related to the preservation of privacy arising from windows to flats being closely juxtaposed with windows in neighbouring flats within the main building currently being converted.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is an active development site with these conditions specifically connected with works associated with the conversion of the main grade II listed building.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application relates to 2no. conditions as follows:

Condition 39 reads;

Prior to first occupation of flats SF6 and FF6, lounge windows facing bedroom 2 in flats SF4 and FF4 respectively, shall be undertaken in accordance with an obscure glazing scheme first submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall thereafter be retained for lifetime of development.

Reason: To protect the privacy and amenity of future occupiers. GP2 of the adopted Local Development Plan.

Condition 40 reads:

Prior to first occupation of flat GF18 in the converted teaching building, windows in the bedroom 1 and associated ensuite will be obscure glazed in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be retained for lifetime of development.

Reason: To protect the privacy and amenity of future occupiers. Policy GP2 of the adopted Local Development Plan.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
17/0782	LISTED BUILDING CONSENT FOR THE PARTIAL DEMOLITION, REFURBISHMENT AND CONVERSION OF MAIN BUILDING TO	Granted with conditions	21/11/18

21/0294	42NO. FLATS, B) TJ WEBLY BUILDING TO 2NO. DWELLINGS AND C) TY HYWEL BUILDING TO 2NO. DWELLINGS (1NO. FLAT AND 1NO. HOUSE); DEMOLITION OF BUILDINGS ATTACHED TO THE MAIN BUILDING, REMOVAL OF EXISTING GATES ON LISTED PIERS AND CONSTRUCTION OF LEVEL PEDESTRIAN ACCESS BETWEEN RETAINED GATE PIERS VARIATION OF CONDITIONS 1 (APPROVED PLANS), 4 (DETAILED SCHEDULE OF WORKS), 8 (WALLS AND SPACES TO BE MADE GOOD) AND 9 (DETAILED STRUCTURAL ENGINEERING REPORT) OF LISTED BUILDING CONSENT 17/0782 FOR THE PARTIAL DEMOLITION, REFURBISHMENT AND CONVERSION OF A) MAIN BUILDING TO 42NO. FLATS, B) TJ WEBLY BUILDING TO 2NO. DWELLINGS AND C) TY HYWEL BUILDING TO 2NO. DWELLINGS (1NO. FLAT AND 1NO. HOUSE); DEMOLITION OF BUILDINGS ATTACHED TO THE MAIN BUILDING, REMOVAL OF EXISTING GATES ON LISTED PIERS AND CONSTRUCTION OF LEVEL PEDESTRIAN ACCESS BETWEEN RETAINED GATE PIERS	Granted with conditions	24/6/21
23/0683	S19 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) IN RESPECT OF 21/0294 VARIATION OF CONDITIONS 1 (APPROVED PLANS), 4 (DETAILED SCHEDULE OF WORKS), 8 (WALLS AND SPACES TO BE MADE GOOD) AND 9 (DETAILED STRUCTURAL ENGINEERING REPORT) OF LISTED BUILDING CONSENT 17/0782 FOR THE PARTIAL DEMOLITION, REFURBISHMENT AND CONVERSION OF A) MAIN BUILDING TO 42NO. FLATS, B) TJ WEBLY BUILDING TO 2NO. DWELLINGS AND C) TY HYWEL BUILDING TO 2NO. DWELLINGS (1NO. FLAT AND 1NO. HOUSE); DEMOLITION OF BUILDINGS ATTACHED TO THE MAIN BUILDING, REMOVAL OF EXISTING GATES ON LISTED PIERS AND CONSTRUCTION OF LEVEL PEDESTRIAN ACCESS BETWEEN RETAINED GATE PIERS. AMENDMENTS INCLUDE CHANGES TO GENERAL LAYOUT AND ELEVATIONS	Granted with conditions	12/6/24
23/0666	CONVERSION OF FORMER GYMNASIUM BUILDING INTO 2 NO. TWO BEDROOM APARTMENTS AND ASSOCIATED WORKS	Granted with conditions	18/12/23
23/0682	S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 19/1212 PARTIAL DEMOLITION, REFURBISHMENT AND CONVERSION OF MAIN BUILDING TO 44	Granted with conditions	21/11/24

	FLATS, CONVERSION OF TJ WEBLY BUILDING TO 2NO. DWELLINGS, CONVERSION OF TY HYWEL BUILDING TO 2NO. RESIDENTIAL UNITS (1 FLAT AND 1 HOUSE), CONVERSION OF FELTHORPE TO 1NO. DWELLING, DEMOLITION OF OTHER EXISTING BUILDINGS AND CONSTRUCTION OF 170 NO. DWELLINGS, OPEN SPACE, LANDSCAPING, ENGINEERING AND INFRASTRUCTURE WORKS TO INCLUDE RETENTION OF LISTED GATE PIERS. AMENDMENTS INCLUDE CHANGES TO THE GENERAL LAYOUT AND ELEVATIONS		
--	--	--	--

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

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

GP2 – General Amenity

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Not applicable.

6. CONSULTATION RESPONSES

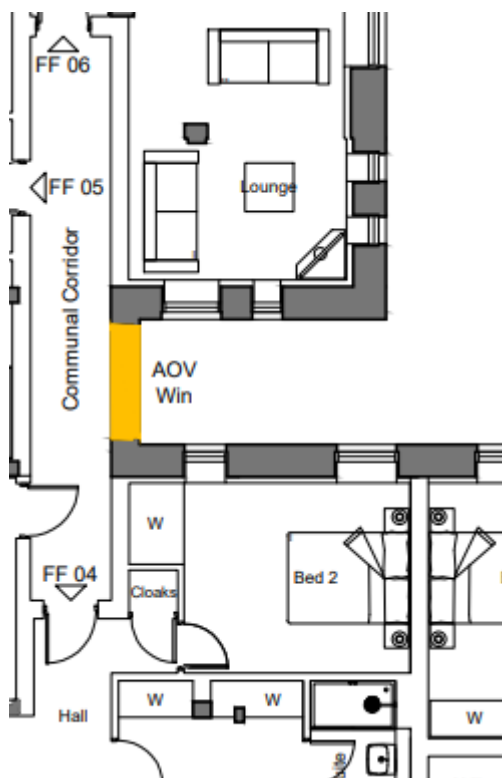
6.1 None.

7. PUBLIC REPRESENTATIONS

None.

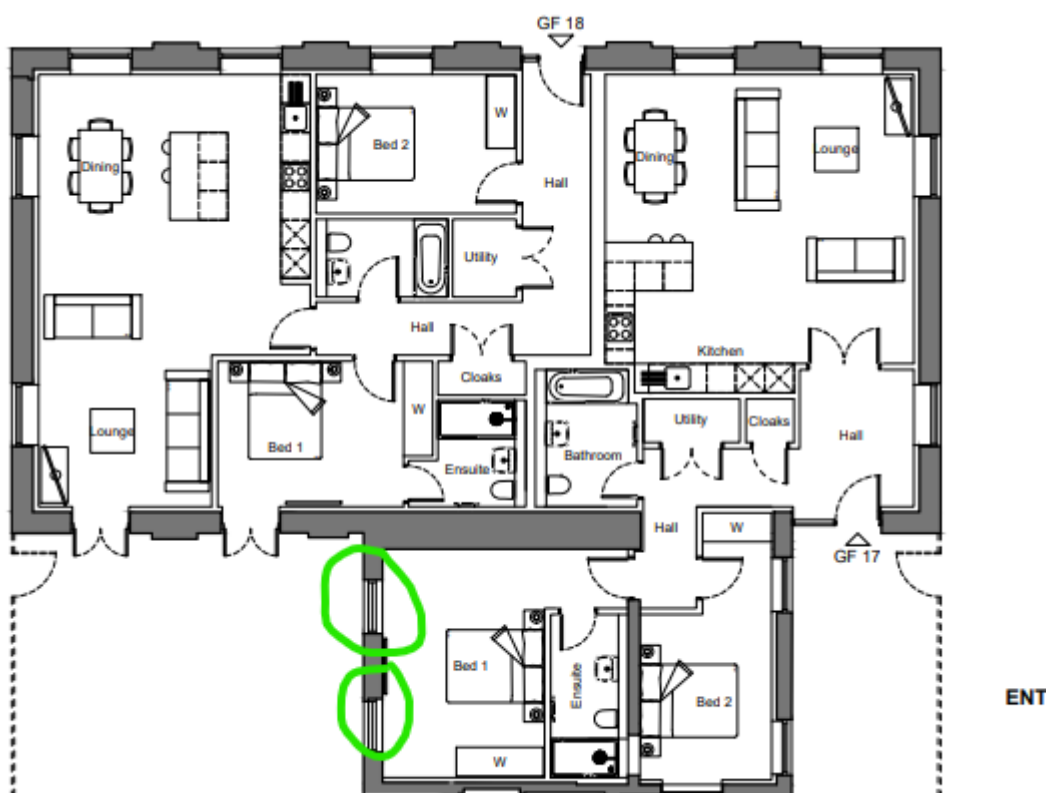
8. ASSESSMENT

8.1 Condition 39 is clear in its requirements. It relates to flats on the first and second floor of the building in this location:



The condition requires details of obscure glazing to the lounge windows facing the bedroom windows in the opposite flat. This was seen as preferable to obscuring the bedroom windows as the lounge benefits from other windows that do not need to be obscured. Notwithstanding, the details supplied propose partial obscuration of the bedroom 2 windows on the affected floors and this is clearly contrary to the requirements of condition 39.

- 8.2 Insofar as condition 40 is concerned, it is noted that the obscure glazing details relate to the bedroom in flat GF17. The condition wording prevents occupation of the opposing flat GF18 until obscure glazing is agreed. The details supplied are limited to *“Etched Glass Window Film. Self adhesive frosted window privacy film. Applied to lower panes, allowing natural daylight above.”*





- 8.3 Whilst the use of such film is not objected to in principle as has limited impact upon the listed building, there is no evidence to confirm effectiveness and robustness in this scenario. The bedroom windows affected adjoin and face the main amenity area for the attached unit. Window film is of limited effectiveness if, for example, the windows can be opened at lower level. No details of the specific windows are provided, only an example of a typical sash where the bottom section can be lifted to negate the impact of any film on overlooking when the window is opened. In short, insufficient detail is provided in this case to confirm the effectiveness and longer term robustness of the obscure treatment in this scenario. Furthermore, no precise details of the film, obscurity level, etc have been provided.

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 details are insufficient and incompatible with the cited conditions.

11. DECISION

REFUSED

- 01 The details are not compliant with the requirements of condition 39 as do not relate to the windows cited in the condition and are insufficient in any case.
- 02 The details are insufficient to discharge condition 40.

NOTE TO APPLICANT

01 This decision relates to plan Nos: (100)03rev01, (100)02rev01, (100)01rev01.

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