

Delegated Decision Report

Application No:	26/0389	Statutory Period Expires:	15th July 2026
Site:	<i>University Of Wales College Newport College Crescent Caerleon Newport South Wales</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 39 (GLAZING SCHEME) AND 40 (GLAZING SCHEME) 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</i>		
Applicant:	<i>G Sullivan</i>		
Type:	Discharge Conditions	Ward:	Caerleon
Decision:	APPROVED		

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. It follows the refusal of 26/0142 for the following reasons:

- 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.

2. SITE LOCATION AND CONTEXT

- 2.1 The site was formerly the Caerleon Teacher Training College listed for its special architectural interest as a well preserved example of early C20 educational architecture, a teacher training college of fine quality and character. Its form and appearance reflects the functions of the College and the requirements of teacher training during this period. The other buildings are also stated to have similar architectural interest, and all are considered to have group value. In more recent years the site was occupied by the University of South Wales with various extensions added to the buildings to accommodate educational and student living space. Further to the University's decision to close the site, planning permission was granted for its redevelopment for residential and a single housebuilder is currently developing out the new build elements of the approved scheme. The heritage buildings will be converted by a separate developer.
- 2.2 The site is expansive and is accessed off both College Crescent and Lodge Road. It occupies an elevated position and the main listed building and the secondary listed buildings are an integral part of the wider site with key vistas to them from the new residential development and surrounding residential areas. They are imposing and of high quality. Permission for the residential conversion of the listed buildings has been given and is extant. This submission will consider the details provided in relation to cited conditions.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The conditions are as follows:

- 39 *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.

- 40 *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 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	21/11/18
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	Granted with conditions and legal agreement	21/4/21
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,	Granted with conditions	24/6/21

	REMOVAL OF EXISTING GATES ON LISTED PIERS AND CONSTRUCTION OF LEVEL PEDESTRIAN ACCESS BETWEEN RETAINED GATE PIERS		
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	Granted with conditions and legal agreement	21/11/24
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
26/0142	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	Refused	16/4/26

	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		
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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

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 PRINCIPAL HERITAGE OFFICER:

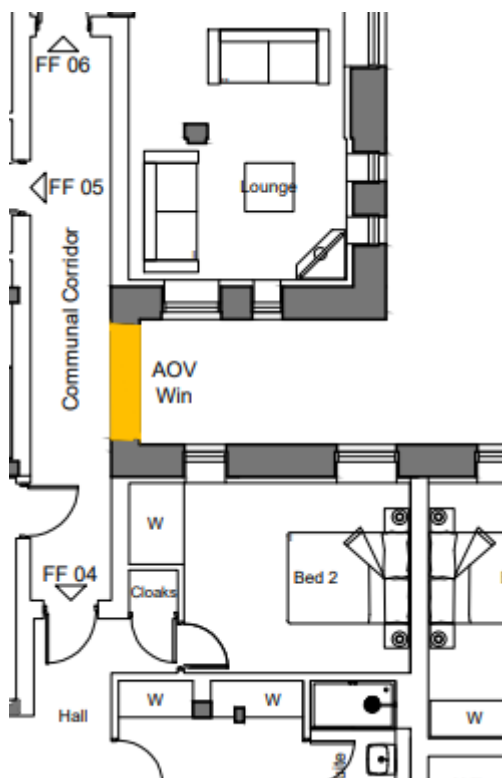
I am satisfied with the means and extent of window obscuration – it will be visually unobtrusive in these locations, and the use of self-adhesive film allows for future reversibility, if required.

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 main listed building in this location:

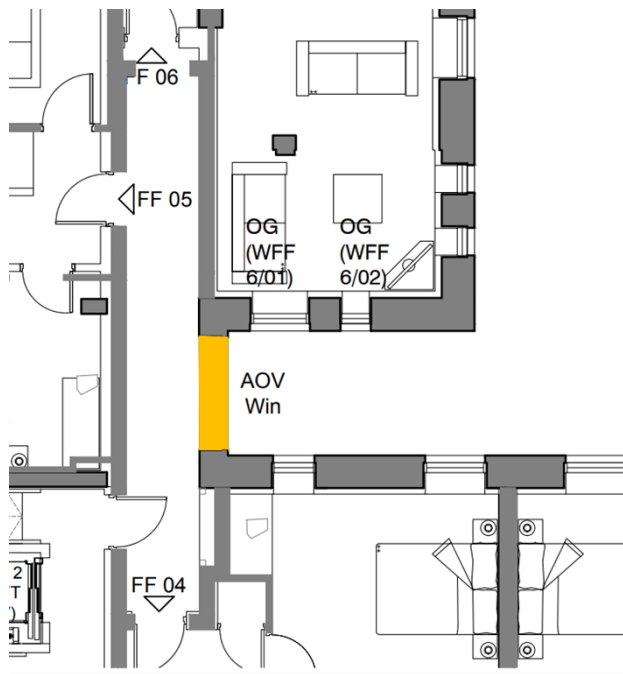


The condition requires details of obscure glazing to the lounge windows in GF6 and FF6 facing the bedroom windows in the opposite flat. This was seen as preferable to obscuring the bedroom windows as the lounge benefits from other windows that do not need to be obscured. Whereas the refused application showed the partial obscuration of the bedroom 2 windows on the affected floors, contrary to the requirements of condition 39, this submission correctly shows the obscuration of the windows specifically referred to in the condition wording. Additional details are as follows:

Notes:-

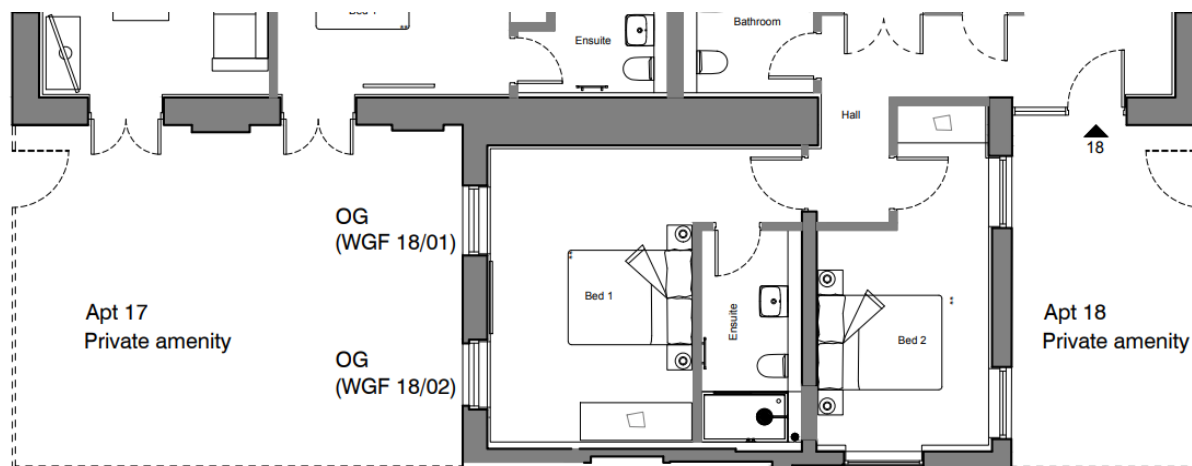
- 1) Windows – Bottom sashes to remain fixed, with top sashes operable/openable.
- 2) OG – Indicates the location of etched glass window film. A self-adhesive frosted privacy film is to be applied to the panes, allowing diffused natural daylight through the upper sections.

The film obscurity rating shall be Level 3-4, providing a moderate to high level of privacy with substantial visual distortion.



- 8.2 The details supplied above achieve the required mitigation for mutual overlooking and safeguard amenity. The Principal Heritage Officer is also satisfied. 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 as per above and notably confirm the lower section of the sash is fixed.





- 8.3 The use of film is acceptable as has limited impact upon the listed building. Whereas previously, concerns were expressed for the robustness of such film where the lower sash was operable, it is now confirmed that this will be fixed shut. The bedroom windows affected adjoin and face the main amenity area for the attached unit. The film will achieve minimum Level 3 or 4 obscurity against the Pilkington scale which is acceptable.

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 supplied are acceptable and the conditions can be partially discharged.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: (100)01rev03, (100)04rev02 and (100)05rev02.

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.