

Delegated Decision Report

Application No:	25/0294	Statutory Period Expires:	24th June 2025
Site:	University Of Wales College Newport College Crescent Caerleon Newport South Wales		
Proposal:	S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) (INSOFAR AS THEY RELATE TO PLOTS 91-111 ONLY) 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 PLOTS 91 to 111 AND THEIR ASSOCIATED LANDSCAPING AND ENGINEERING ONLY		
Applicant:	Z Aubrey		
Type:	Renewals and Variation of Conditions	Ward:	Caerleon
Decision:	GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT DEED OF VARIATION		

1. BACKGROUND

- 1.1 This is a section 73 variation of condition application to alter approved plans associated with the redevelopment of the former University site. The full planning application that granted permission for the site was accompanied by an Environmental Statement and subject to a legal agreement. The changes relate to plots 91-111 and are required primarily to accommodate changes linked to SAB related matters. The OS plan accompanying this application confirms the site area as the whole site including areas of the development that are not subject to changes as part of this section 73 submission compared to the original permission reference 19/1212. However, the section 73 planning layout drawing confirms the area to be considered for change as outlined in a solid black line encompassing the plots numbers referred to above.
- 1.2 Sections 73(2) and (4) of the 1990 Act restrict the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place. However as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed. The LPA can grant permission subject to different conditions. They can refuse the application if they decide that the original conditions should continue. The original planning permission will continue whatever decision is taken on the section 73 application.

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. 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 and is at an advanced stage with many houses occupied. The heritage buildings will be converted by a separate developer and external works have been undertaken, internal works are pending.

- 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. Consequently, this submission will consider the material planning considerations relevant to the changes proposed and whether they are acceptable in planning terms.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The number of units to be delivered across the development remains unchanged at 170 dwellings and there are no amendments to the approved scale of development, building heights, density, elevational treatment or extent of built development area.

The proposed changes are summarised below:

- Air source heat pumps have been added to all plots.
- Driveways changed to block paving
- Plots 91-94 have been moved north by 1m with Plots 92 and 93 handed being with associated minor changes to parking and landscaping.
- Plots 95-98 have been handed with associated minor changes to parking and landscaping.
- To the rear of the plots the swale is replaced with a rain garden. A retaining wall of varying height is required adjacent to the PROW [this detail is updated compared to the original cover letter pursuant to clarification from agent].
- Plot 99 has been moved further north by circa 1m with the garage being repositioned to accommodate adoptable bio-retention features with the associated changes in landscaping.
- Bio-retentions features added along the road to the north of plots 98, 100 and 101.
- Adoptable bio-retention feature added near Plots 100 and 101, whilst an on plot rain garden is added to Plot 103.
- The boundary wall of Plot 104 has been moved to adjacent to the road.
- On plot rain gardens are added to Plots 106, 107, 108, 109 and 110 with the footpaths to Plots 105, 109 and 110 being amended. Adoptable bio-retention verge to rear of plots 106-110 removed.
- Plots 106 and 107 have been repositioned with resultant changes in access paths and car parking. A rain garden is also added.
- Adoptable bio-retention feature added to the front of Plot 111.

The engineering changes are set out as follows:

Plot Numbers	Approved Levels	Proposed Levels	Change	Steps Change	Retaining Wall	Under Build
91	42.50	42.95	0.45	-11	Height 300mm	
92	42.50	42.95	0.45		Removed	
93	42.50	42.95	0.45		Removed	
94	42.50	42.95	0.45			150mm Height Increase
95	44.00	44.45	0.45	1	RW Added at rear of car parking Height 450 - 750mm	
96	44.00	44.45	0.45			
97	44.00	44.45	0.45			
98	44.00	44.45	0.45	-3		
99	44.70	45.15	0.45		Length reduced Height 75mm increase	Removed
100	45.00	45.30	0.30		RW Added between back gardens Height 450 - 600mm	
101	45.60	45.90	0.30	-3	RW Added to back garden Height 1350mm	
102	44.55	45.00	0.45			
103	43.40	44.35	0.95			
104	42.60	43.45	0.85	3	RW Added, Height 600 - 900mm	UB Addedd, Height 300 - 750mm
105	42.05	42.55	0.50	4		UB Addedd, Height 0 - 300mm UB Replaced by Tanking on Garage
106	40.85	41.45	0.60			
107	40.85	41.45	0.60	6		UB Added, Height 0 - 450mm
108	40.65	40.75	0.10		Removed	
109	39.10	39.35	0.25	2		
110	39.10	39.35	0.25			
111	38.80	38.90	0.10			UB Added, Height 300 - 750mm

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
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	Granted with conditions	24/6/21

23/0683	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 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 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	21/11/24

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL

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)

Policies SP1, SP2, SP4, SP9, SP10, SP12, SP13, SP15, SP17, SP18, GP2, GP3, GP4, GP5, GP6, GP7, CE3, CE6, H2, H3, H4, T4, CF1, CF2, CF12, W3

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Parking Standards – August 2015

Planning Obligations – January 2020

Affordable Housing – October 2021

New Dwellings – January 2020

Waste Storage and Collection – January 2020

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

We have reviewed the information as submitted. Provided our concerns as outlined in our previous responses are considered and any condition included within any updated permission, we have no objection to the variation of condition.

6.2 Local Highways Authority: No objection.

6.3 Local Landscape Officer: As I understand the application, revisions are sought for plots 91-111 in order that planning approval aligns with the SAB scheme for the site.

The submission includes revised planting plans by edp (Detailed landscape proposals for Residential Plots sheets 2,4,5) and a revised LEMP. The covering letter clearly lists the changes and is very helpful. I had a number of queries at SAB stage which have been answered in the submission, for example the swale headwall entry points now show planting to dissipate flow which is welcome. My SAB comments included a recommendation for SUDs monitoring to ensure adequate vegetation cover by planting and seeding is established as the SUDs elements are extensive and often in locations where the risk of failure will be highly visible and could become an eye-sore.

The revised LEMP includes Para 6.19 below, but I would advise annual monitoring rather than every two years until good cover is achieved, although overseeding rather than plug planting may initially be required and the 'take rate' will be dependent on weather following SUDs installation.

LEMP extract

6.19 The extent of colonisation of swales in particular will be reviewed every two years following creation by a Chartered Landscape Architect/Contractor. In the event that colonisation by target habitats of such features has been slow to the extent that margins remain as bare mud and/or devoid of desirable plants, then low-density plug planting of native flora will be undertaken where this will not interfere with drainage and attenuation.

It may be worth considering a condition for a concise annual monitoring report to be submitted unless this is already covered by previous approval. I have no comments on the other changes.

- 6.4 Local Ecology Officer: my only comment on this s73 application is that a lot of the changes relate to landscaping and sustainable drainage features such as raingardens, swales and bio-retention features. The Green Infrastructure Statement could have set out how changes to the planting schemes of these features could contribute to the biodiversity mitigation and enhancement of the site as a whole.

I would look to our Landscaping Advisors to ensure that any changes to landscape planting as a result of this application continue to provide biodiversity mitigation and enhancement.

- 6.5 Local Tree Officer: no response.
- 6.6 Glamorgan Gwent Archaeological Trust: no response.
- 6.7 Welsh Water: no objection.
- 6.8 Gwent Police: no response.
- 6.9 Cadw: no response.
- 6.10 Local Waste Officer: no response.
- 6.11 Local Scientific Officer: no response.
- 6.12 Principal Heritage Officer: no response.
- 6.13 Caerleon Civic Society: At its May meeting, the Caerleon Civic Society considered the latest planning application for the above site - 25/0294. Although Society members had followed, with interest, the issue of variations to the approved plans since last Autumn, we do not have any objections to the current proposals.
- 6.14 Local Drainage Officer/SAB: a SAB application has been received and it is currently being assessed.
- 6.15 Local PROW Officer: No comments. Footpath is temporarily closed whilst work is taking place.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 1/5/25 (197 occupiers), Site Notice was put up on 9/5/25 and Press Notice dated 24/5/25.

- 7.1 NEIGHBOURS: 2 responses received:

- As a phase 1 resident of Parc Y Coleg, I have ongoing concerns regarding, elevations, drainage and SAB features proposed by Redrow. I feel this is worthwhile information to be taken into account going forward when considering proposals to adopt similar measures for phase 2. In relation to my plot, I was informed by the developer that there were significant drainage features in place and running along the length of plots 10 down to plot 1 to

mitigate water run off. There is also a Swale at the end of that area. I have not been given any details on the drainage feature or its specifications despite communications with the developer. It is obviously inadequate as we are having excessive water run off which they are aware of (excluding storms of exceedance) accumulating during normal weather conditions which is not being kept within the house boundaries. Plots 9, 10 and 11 have expressed significant water logging in areas where drainage easements should be effective. This potentially has concerning implications for certain properties within their 3 metre boundaries. The plots 10, 9, 8, 7, 6, 5 have significant elevation to those of plots 14 and 15 the drainage systems need to be effective and robust. Plots 1,2,3 are to be built in phase 2 and the garages for these plots plus an additional build of the garages for plots 4,5,6 during phase 2 has further implications which will exacerbate an existing problem. I do not know where the water run off from the houses and garages for plots 10-11 was designed to discharge into? Is it a closed pipe system into a main collection system or percolation into the ground and surrounding swale? The rain gardens in both my property and my neighbours were inadequately planted and died off very quickly. Despite mentioning this on my 9 month developer survey, no one has taken any regard to its lack of effectiveness. I am not aware of any sub soil treatment or percolation testing/ results which was undertaken in this particular area? Certainly there is much evidence of heavy impacted, impenetrable clay and masonry restricting the effectiveness. A boundary of wooden fencing with only sporadic/ intermittent concrete weatherboarding is also not sufficient in dealing with excessive downward run off as it is missing in vital sections for plots, 8,9, 10,11, 14,15. Other areas on site have low level walls to mitigate run off. It seems strange that one was not considered in this particular area of high property elevation. I have previously written to the council's case manager who was very helpful and forwarded my concerns to SAB for advice. They suggested contacting the developer again. Unfortunately, I am still waiting for a response from them despite being promised one quite some considerable time ago. Hopefully, going forward Redrow will address our concerns and remedy the issues of concern with drainage easements and SAB features in the near future. We have been very happy with our home other than this issue and previously found the developer on site to be very professional.

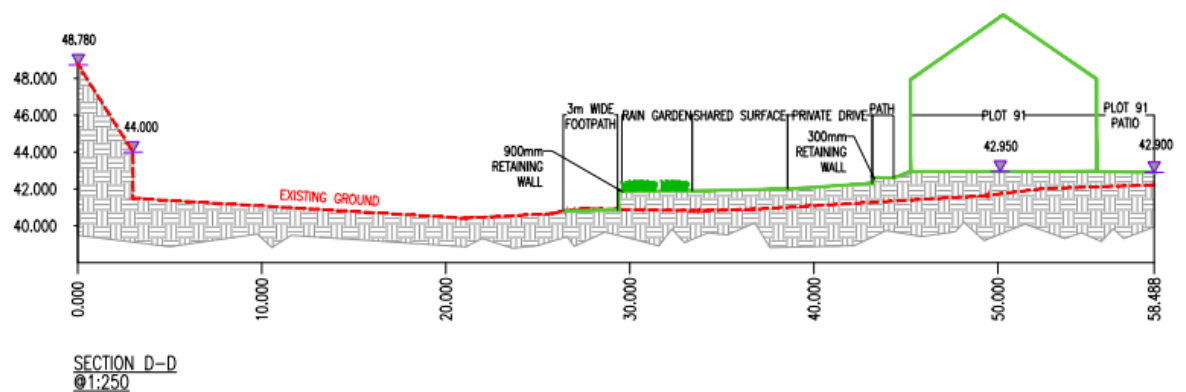
- There have been multiple objections to development on this site stating traffic congestion, pressure put on Drs, schools etc.
They had the planning granted but this is a further increase which will cause more pressure on services.

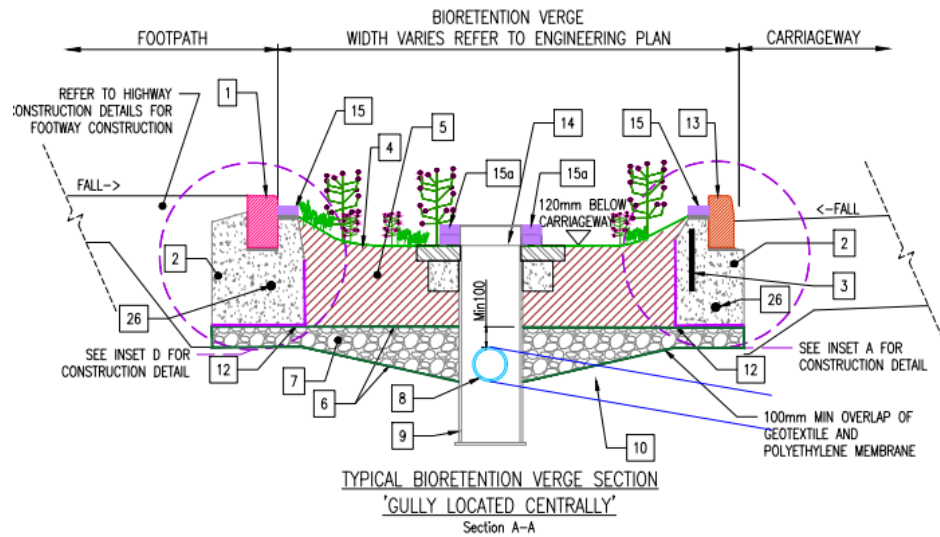
8. ASSESSMENT

- 8.1 The principle of development is acceptable. The primary permission was accompanied by an Environmental Statement. Pursuant to the EIA screening and scoping opinion adopted by the LPA, the ES for the planning application focused on assessing the impact of the development on the following environmental topic areas of transport, air quality, landscape & visual, arboriculture, ecology, cultural heritage and socio economic. As the effect of section 73 is to grant a new permission and where the original permission was EIA development, an ES must also accompany the section 73 submission as it follows that this must also be EIA development. An ES compliance statement document has been provided with this application having regard to the changes to approved plans proposed. This statement effectively considers the changes proposed against all previously approved Environmental Statement (ES) related documents including the original ES and a Supplementary Environmental Statement (SES) that accompanied planning application 19/1212 along with an ES Addendum (ESA) document that accompanied the more recent section 73 application reference 23/0682. The compliance statement confirms that the ES, SES and ESA are considered to remain relevant and can be used to meet the legislative requirements under Regulation 25 for the S73 applications without the need for further or updated environmental information to be provided under the EIA Regulations. This is largely due to the fact that there is no change in unit numbers or retained trees numbers and only minor changes to landscape and general layout. The amendments include a variety of changes linked to new raingardens and bio retention features with some modifications to on plot layouts and levels to facilitate these. For example, a key change

arises from the removal of a swale along the northern boundary of the phase incorporating plots 91 to 111 and revised surface water drainage arrangements comprising a bio retention feature adjacent to plots 91-98 and arising from the SAB approval process. Notwithstanding, these S73 amendments do not affect the outcomes of the ES in respect of landscape and visual effects.

- 8.2 Taking the changes listed in turn, the addition of air source heat pumps to all plots 91-111 are unlikely to be problematic but little detail is provided. These will be positioned at the rear of proposed units and therefore not visually prominent. No technical or elevation details of these units are provided and will need to therefore be subject to condition, notably to assess noise and secure any acoustic mitigation required. Such features are commonplace in domestic settings and will not prejudice visual or residential amenity. Other on plot changes include driveways changed to block paving which represents a minor and acceptable change.
- 8.3 Plots 91-94 have been moved north by 1m with Plots 92 and 93 handed with associated changes to parking and landscaping. Plots 95-98 have also been handed with associated changes to parking and landscaping. Comparison of these changes to approved layout plans confirms that they do not have an adverse effect in practice although some opportunities for tree planting between banked parking areas appears to be lost. The frontage of plots 91-98 presents as a relatively hard forecourt dominated by shared access and banked parking of 16 bays. These are broken by footpaths and the LEMP confirms greening to the front garden areas of these terraced units, separating them from the parking areas. Opportunities for greening also exist to the new bio retention SUDS feature that separates the forecourt from the PROW close to plots 91-98 and this will add further interest and greening in visual terms.
- 8.4 Between the PROW and plots 91-98 a swale will be replaced by a rain garden/bio retention feature which gives rise to a change in levels and the need for a variable height (900mm high max) retaining wall adjacent to the PROW. This is best described by the relevant sectional details:





- 8.5 Details of the retaining wall finish are not provided and will require a condition as this will be public facing. Notwithstanding, this low level wall feature is not prejudicial to the footpath which is being widened and currently has a high palisade fence to this boundary. The removal of the fence has always been regarded as a merit and the variable height retaining wall does not prejudice this approach with permeability between the PROW and site still achieved via dedicated pathways that remain unchanged. The wall will retain the raingarden and will not appear unduly dominant or incongruous in this setting.
- 8.6 Plot 99 has been moved further north by circa 1m with the garage being repositioned to accommodate adoptable bio-retention feature. This change listed to Plot 99 is acceptable and it will have greater space between the dwelling and the frontage pathway to facilitate bio-retention features added along the road to the north of this plot and plots 98, 100 and 101. An adoptable bio-retention feature has been added near Plots 100 and 101, whilst an on plot rain garden is added to Plot 103. The latter is acceptable but the bio retention features adjacent to the carriageway replace the footpath along the highway in this location albeit a footpath is retained on the other side of the carriageway. The NCC Highways Officer has not objected on this basis and the bio retention feature will effectively replace the footpath with green verge, generally designed to be 120mm lower than carriageway and/or footpath level and designed to be a drainage feature. The boundary wall of Plot 104 has been moved to adjacent to the road whereas the original approved document showed a green verge however this verge is now removed as is not required for any drainage purposes. It continues to provide ease of access splays from the neighbouring drive that will egress onto a shared space cul-de- sac where traffic levels can reasonably be expected to be low. It does act a through-route for pedestrians but the Highway Officer does not raise concern in this regard and egressing vehicles from domestic drives are not an uncommon expectation in residential cul-de-sacs such as this. The boundary wall will be brick. The loss of the verge in visual terms is not of concern as directly opposite the site we see protected trees and open space giving a very pleasant amenity to this part of the development site.
- 8.7 On plot rain gardens are added to Plots 106, 107, 108, 109 and 110 with the on plot footpaths to Plots 105, 109 and 110 being amended. These changes are minor and acceptable. An adoptable bio-retention verge/swale to the rear of plots 106-110 is now removed as is no longer required. This space will be retained as verge next to the PROW and landscaped. Plots 106 and 107 have been repositioned with resultant changes in on plot access paths and car parking. A rain garden is also added. These changes are acceptable. An adoptable bio-retention feature is added to the front of Plot 111 and associated landscaping changes. The latter is minor as is located in an area intended to be open and the raingarden is small size.
- 8.8 The engineering works giving rise to changes in levels across the site are in the context of an area that is undulating as existing and where differences in levels are expected. The most notable change is plot 103 with a 0.95m change in level compared to the approved plan. However, the finished level is commensurate with its neighbours and whilst some low

level retaining walls and underbuilds are noted, none of these are harmful or in areas close to retained and protected landscape features for example. Sectional details support this application and show acceptable relationships between new houses with plots continuing to offer an acceptable level of amenity. Some plots will have stepped rear gardens in this area to assist in the transition between higher and lower levels whilst achieving usable gardens. Plot 103 is an example of this where the garden will have 2 tiers in effect as plot 105 to its rear is located approximately 2m lower than plot 103. A 600mm change in level between 2 tiers of more gently sloping rear garden allow for acceptable integration between the plots with the rear boundary of plot 103 shared with the side wall of the garage and associated driveway of plot 105.

8.9 Biodiversity

The primary permission and the original ES are now some 5 years old. Consequently, documents and survey work to support the ES are now dated. That said, the Ecology Officer has raised no objection in this regard. A Landscape and Ecological Management Plan supported the original permission. The LEMP was originally dated October 2020 but now includes updates of December 2024. The LEMP details the management and maintenance measures specific to consented development considered necessary to protect and conserve the ecological and landscape interest features of the Development Site. Detailed measures were also provided to ensure that existing and retained features of ecological interest, namely the woodland and trees bounding the development footprint as well as poor semi-improved grassland, are suitably protected during the construction phase of the development. Ecological mitigation and enhancement were included and the entirety of the development site was assessed and considered.

- 8.10 This application relates to changes on part of the wider development site and a new landscape and ecological management scheme for this area. The original ES noted that through avoidance, mitigation and compensation measures to be delivered through the implementation of construction environmental management plan, landscape and environmental management plan, meadow creation method statement and landscaping scheme any significant effects identified will be ameliorated to a residual level where no significant negative effects will arise. Given the nature of the S73 submission, it is considered that the revised proposals remain consistent with the above, and accordingly there are no new or materially altered 'likely significant environmental effects' which have not already been assessed within the ES, SES, ESA or the ES Compliance Statement. New landscaping is proposed in some areas. For example, areas where we will see new raingardens and SUDS features on or adjacent to plot are showing new landscaping which is welcomed. Additionally, new landscaping is proposed in areas north of plots 91-110 and around to plot 111 where we effectively see the removal of an approved swale (north of plots 106-110) and new bio retention or raingarden features at plot 111 and north of plots 91-98. These areas will be in wider public view being located close to the PROW and the landscape details provided are acceptable.

Other Issues

8.11

Section 106 Planning Obligation matters

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are

directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, the original permission was subject to a section 106 legal agreement to secure planning obligations to mitigate the impact of the development. As a section 73 application will result in the issue of a new planning permission, a Deed of Variation is required in this case to preserve the terms of the original Legal Agreement insofar as it now relates to this revised application. The applicant is agreeable to such a Deed and has provided a draft for consideration.

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 This section 73 application insofar as it relates to changes to plots 91-111 and primarily connected with alignment with separate drainage consenting requirements, is acceptable and is granted subject to conditions and a Deed of Variation.

11. DECISION

GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT DEED OF VARIATION

- 01 The development shall be implemented in accordance with the following plans and documents:

Documents applicable to all site unless otherwise specified:

- Site Location Plan 18137(05)1090
- Proposed Site Plan 18137(05)1101revO except where updated by drawing CAE11-01-25-1001 S73 Planning Layout for the land edged black at plots 91-111, CAE8-01-23-1001 - NMA Planning Layout - Plots 76-90 - 25.07.23 insofar as it relates to NMA approved pursuant to 23/0656 only and CAE3-01-22-1000 - NMA Planning Layout - Plots 1-75, 79-81 insofar as it relates to NMA approved pursuant to 22/0922 only
- External Finishes Layout 18137(05)1103revG except where updated by drawing CAE11-01-25-1002 S73 External Materials Plan for the land edged black at plots 91-111, CAE8-01-23-1002 - NMA External Materials Layout - Plots 76-90 - 11.07.23 insofar as it relates to NMA approved pursuant to 23/0656 only and CAE3-01-22-1001 - NMA Materials Layout - Plots 1-75, 79-81 insofar as it relates to NMA approved pursuant to 22/0922 only
- Enclosures Layout 18137(05)1104revF except where updated by drawing CAE11-01-25-1003 S73 Boundary Enclosure Layout for the land edged black at plots 91-111, CAE8-01-23-1003 - NMA Boundary Enclosures Layout - Plots 76-90 - 11.07.23 insofar as it relates to NMA approved pursuant to 23/0656 only and CAE3-01-22-1002 - NMA Boundary Enclosures Layout - Plots 1-75, 79-81 insofar as it relates to NMA approved pursuant to 22/0922 only
- Proposed Street Elevations 1 18137(05)1106revE
- Proposed Street Elevations 3 18137(05)1108revD
- Enclosure Details (sheet 1 of 2) 18137(05)1109revA
- Enclosure Details (sheet 2 of 2) 18137(05)1115revA
- CAE11-01-25-1005 - S73 Affordable Housing Layout
- Refuse Collection Strategy Layout 18137(05)1113 revF except where updated by drawing CAE11-01-25-1004 - S73 Refuse Collection Layout for the land edged black at plots 91-111
- Storey Heights Plan 18137(05)1114revF
- Demolitions 18137(05)1112revA
- General Arrangement 184326A – A01revA
- Internal Layout – General Arrangement sheet 1 of 3 184326A – A02revE
- Internal Layout – General Arrangement sheet 2 of 3 184326A – A03revE
- Internal Layout – General Arrangement sheet 3 of 3 184326A – A04 revE
- Two Way Working SPA Sheet 1 of 3 184326A – AT_A03revB
- Two Way Working SPA Sheet 2 of 3 184326A – AT_A04revB
- Two Way Working SPA Sheet 3 of 3 184326A – AT_A05revB
- Turning Head SPA Sheet 1 of 3 184326A – AT_A06revD
- Turning Head SPA Sheet 2 of 3 184326A – AT_A07revD
- Turning Head SPA Sheet 3 of 3 184326A – AT_A08revD
- Fire Tender SPA Sheet 1 of 3 184326A – AT_A09revC
- Fire Tender SPA Sheet 2 of 3 184326A – AT_A10revC
- Fire Tender SPA Sheet 3 of 3 184326A – AT_A11revC

- Parking Bay Assessment SPA 184326A –AT_A12revC
- Landscape Strategy Edp5601_d016revd
- Detailed Soft Landscape Plan Edp5601_d025revH except where updated by drawing edp5601_d025ad sheet 5 for the land edged black at plots 91-111 and by edp5601_d025-S-Detailed Soft Landscape Plan pursuant to NMA 23/0656 plots 76-90 and edp5601_d025P insofar as it relates to NMA approved pursuant to 22/0922 plots 1-75 only
- Design and Access Statement 2nd issue
- Planning Statement by Lichfields November 2019 and PLANNING STATEMENT – S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF PLANNING PERMISSION 23/0682 PARC Y COLEG, CAERLEON APRIL 2025 relating to plots 91-111
- Environmental Statement
- Drainage Strategy Report CRE-HYD-XX-XX-R-C- 0001 R3
- Sustainability Statement
- UOSW-HYD-CA-XX-RP-ME-0001 P02
- Acoustic Report
- CAE-HYD-ZZ-XX-RP-Y- 0003 P03
- Structural Appraisal Report
- 04414-HYD-XX-XX-RP-S-0001 P5
- Noise Assessment
- E14704-ACO-EJ- 20190819 1
- Geo Environmental Risk Assessment 0011
- Outline Fire Safety Strategy
- C-04414-C/R/ME001 P05
- Redrow Homes Note on Fallback Baseline Position 26/11/19
- Construction Environmental Management Plan December 2020 Rev G
- Phasing Plan Document Redrow December 2020 Rev 4
- USW Caerleon Supplementary ES October 2020
- USE Caerleon ES Non-Technical Summary October 2020
- CGI Visualisations
- Proposed Site Sections – Sheet 1 18135 (05) 1116 revA
- Proposed Site Sections – Sheet 2 18135 (05) 1117 revB
- Lodge Road Site Sections 18137 (05) 1118 revA
- Movement Plan 18137 (05) 1120
- Hard Surfaces Plan 18137 (05) 1119 except where updated by drawing CAE11-01-25-1002 - S73 External Materials Plan for the land edged black at plots 91-111
- Swale sections – sheet 1 Hydrock CAE-HYD-XX-XX-DR-C-0214 PO2
- Swale sections – sheet 2 Hydrock CAE-HYD-XX-XX-DR-C-0215 PO3
- Swale sections – sheet 3 Hydrock CAE-HYD-XX-XX-DR-C-0216 PO2
- Basin sections 1-2 Hydrock CAE-HYD-XX-XX-DR-C-0217 PO1
- Drainage construction detail (Swale crossing) Hydrock
- CAE-HYD-XX-XX-DR-C-0200- P02 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922
- CAE-HYD-XX-XX-DR-C-0201- P02 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922
- CAE-HYD-XX-XX-DR-C-0202 -P02 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922
- CAE-HYD-XX-XX-DR-C-0203 - P02 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922
- CAE-HYD-XX-XX-DR-C-0402 - P07 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922
- CAE-HYD-XX-XX-DR C-0600 - P08 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922
- CAE-HYD-XX-XX-DR-C-0601 P07 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922
- CAE-HYD-XX-XX-DR-C-0604 P09 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922

- CAE-HYD-XX-XX-DR-C-0603 P06 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922
- Covering statement by Highlight Planning September 2022 insofar as it relates to plots 1-75 and approved pursuant to NMA 22/0922.
- Landscape and Ecology Management Plan by Edp December 2024
- Edp5601_r011revB
- Meadow creation method statementEdp5601_r010reva
- Detailed Soft Landscape Design with plot planting Edp5601_d031revL except where updated in part (sheet 4) by drawing Edp5601_d031 rev z and Edp5601_d031ad sheets 2 and 4 for the land edged black at plots 91-111, by edp5601_d031-O-Detailed Soft Landscape Design with Plot Planting for plots 76-90
- Proposed Footpaths Layout (trim trail area) Quad 19399 C-306Rev 6
- Engineering Layout Overall Plan Quad 19399 C-300-7Rev 3
- Technical Design Note – external Area (Acoustic note) Hydrock 04414-HYD-ZZ-XX-RP-Y-1001 P01
- After dig Knotweed Report Elcot environmental
- Final Gas Monitoring Report Integral Geotechnique
- Site Investigation Report Integral Geotechnique
- Redrow Sustainability Note Redrow December 2020Rev 2
- Bat Loft Void – Elevations (Felthorpe Garage) 3766-FHBH-001 revA
- Bat Loft Void – Sections (Felthorpe Garage) 3766-FHBH-002revA
- HT Amberley Plans 18137(05)1200 revA
- HT Amberley Elevations (Brick) 18137(05)1201 revD
- HT Amberley Elevations (Render) 18137(05)1202 revD
- HT Cambridge – Plans 18137(05)1203 revA
- HT Cambridge – Elevations (Brick) 18137(05)1204 revE
- HT Cambridge – Elevations (Render) 18137(05)1205 revD
- HT Henley + – Plans 18137(05)1206 -
- HT Henley + – Elevations (Brick) 18137(05)1207 revC
- HT Letchworth Plans 18137(05)1209 -
- HT Letchworth Elevations (Brick) 18137(05)1210 revC
- HT Letchworth Elevations (Render) 18137(05)1211 revC
- HT Oxford + – Plans 18137(05)1212 -
- HT Oxford + – Elevations (Brick) 18137(05)1213 revC
- HT Oxford + – Elevations (Render) 18137(05)1214 revC
- HT Oxford Lifestyle Plans 18137(05)1215 -
- HT Oxford Lifestyle Elevations (Brick) 18137(05)1216 revC
- HT Oxford Lifestyle Elevations (Render) 18137(05)1217 revC
- HT Richmond – Plans 18137(05)1218 -
- HT Richmond – Elevations (Brick) 18137(05)1219 revC
- HT Stratford – Plans 18137(05)1220 -
- HT Stratford – Elevations (Brick) 18137(05)1221 revC
- HT Stratford – Elevations (Render) 18137(05)1222 revC
- HT Warwick – Plans 18137(05)1223 -
- HT Warwick – Elevations (Brick) 18137(05)1224 revD
- HT Warwick – Elevations (Render) 18137(05)1225 revD
- HT Welwyn + – Plans 18137(05)1226 -
- HT Welwyn + – Elevations (Brick) 18137(05)1227 revC
- HT Welwyn + – Elevations (Render) 18137(05)1228 revC
- AFF HT 2-1-3 Plans and Elevations 18137(05)1231 revC
- AFF HT 4-2-2 Plans and Elevations 18137(05)1232 revC
- AFF HT 5-3-3 Plans and Elevations 18137(05)1233 revC
- Dart – Plans & Elevations18137(05) 1236 -
- Avon Floor Plan 18137 (05)1234 -
- Avon –Elevations 18137 (05) 1235 -
- Garages – Single 18137(05)1250 -

- Garages Double Twin 18137(05)1251 -
- Garages Double 18137(05)1252 -
- Existing Gate Piers LHC 15024_GP_02.01 P1
- Proposed Gate Piers LHC 15024_GP_02.02 P2
- Teachers Block First Floor Demolition Plan LHC 15024_TB_02.12 P5
- Teachers Block Ground Floor Demolition Plan LHC 15024_TB_02.11 P5
- Teachers Block Roof Demolition Plan LHC 15024_TB_02.15 P5
- Teachers Block Second Floor Demolition Plan LHC 15024_TB_02.13 P5
- Felthorpe House Existing Floor Plan LHC 15024_F_02.10 P1
- Proposed Street Elevations Sheet 2 01.12.2020 18137(05)1107revD
- Visitor Parking / Traffic Calming Plan 11.12.2020 18137(05)1122 -
- Construction Traffic Memo WSP 07.12.2020 07 Dec 2020 -
- Technical Note (HGV routes) and probability analysis 18.12.2020 184772/N02 -
- Email confirming on-road cycle route no longer possible based on highway authority response. Redrow 14.12.2020
- Arboricultural Implications Assessment & Arboricultural Method Statement Parts 1 and 2
Steve Ambler & Sons Ltd January 2021 Rev 3 and Arboricultural Assessment & Arboricultural Method Statement by Ambler & Sons Ltd January 2025 Rev 4 insofar as it relates to s73 plots 91-111 only.
- Technical Note by Steve Ambler and Sons – Potential Conflict on Trees Affected by SUDS features – Revision 1.
- Tree Report Sections 1-4 Powell Dobson 18135(05)1260 -
- Tree Report Sections 5-7 Powell Dobson 18135(05)1261 -
- Tree Report Sections 8-11 Powell Dobson 18135(05)1262 -
- Tree Report Sections 12-13 Powell Dobson 18135(05)1263 -
- Written Scheme of Investigation for archaeological watching brief Worcestershire
Archaeology V2
- Technical Advice Note – Tree Translocation Specification and Plan Steve Ambler & Sons Ltd February 2021 V2
- 10338-205-1-B-Plots 76-90 Engineering Plan insofar as it relates to NMA approved pursuant to 23/0656 only
- 10338-205-2-Plots 76-90 Engineering Plan insofar as it relates to NMA approved pursuant to 23/0656 only
- 10338-205-3-A-Plots 76-90 Engineering Plan insofar as it relates to NMA approved pursuant to 23/0656 only
- 10338-205-4-A-Plots 76-90 Engineering Plan insofar as it relates to NMA approved pursuant to 23/0656 only

Documents applicable to plots 91-111 and pursuant to permission 25/0294 only:

- 10338 - SAB - 02 – 4 Bio retention verge details sheet 4
- 10338 - SAB - 02 - 1 D Bio Retention verge details
- Covering letter from Redrow dated 15th April 2025 as updated by email from Zoe Aubrey dated 9th June 2025
- 10338-401-S73 Refuse & Large Car Tracking Two Way
- 10338-402-S73 Refuse Tracking Turning Heads
- 10338-403-S73 Fire Tender Tracking
- 10338-404 Site sections
- 10338-400-3 Section 73 Engineering Plan sheet 3
- Green Infrastructure Statement
- Environmental Statement Compliance Statement by Lichfields 15 April 2025

Additional documents applicable to Listed Buildings phase:

- 22.47-EDS-PA2-ZZ-DR-A-(27)20 revision 01 Residents Lounge - Proposed Roof Terrace Railings
- 22.47-EDS-ZZ-XX-DR-A-(01)01 revision 02 Teacher's Block - Proposed Basement Plan
- 22.47-EDS-ZZ-XX-DR-A-(01)01 revision 05 Caretaker Lodge - Proposed Floor Plans

- 22.47-EDS-ZZ-XX-DR-A-(01)01 revision 05 Principals Residence - Proposed Floor Plans
- 22.47-EDS-ZZ-XX-DR-A-(02)01 revision 02 Caretaker Lodge - Proposed Elevations
- 22.47-EDS-ZZ-XX-DR-A-(01)02 revision 03 Teacher's Block - Proposed Ground Floor Plan
- 22.47-EDS-ZZ-XX-DR-A-(01)03 revision 02 Teacher's Block - Proposed First Floor Plan
- 22.47-EDS-ZZ-XX-DR-A-(01)04 revision 02 Teacher's Block - Proposed Second and Third Floor Plan
- 22.47-EDS-ZZ-XX-DR-A-(00)02 revision 08 Proposed Site Plan
- 22.47-EDS-ZZ-XX-DR-A-(02)01 revision 02 Principals Residence - Proposed Elevations
- 22.47-EDS-XX-ZZ-DR-A-(02)01 revision 03 Teacher's Block - Proposed Elevations 01, 02 & 03
- 22.47-EDS-XX-ZZ-DR-A-(02)02 revision 03 Teacher's Block - Proposed Elevations 04 & 05
- 22.47-EDS-XX-ZZ-DR-A-(02)03 revision 03 Teacher's Block - Proposed (02)03 Elevations 07, 08 & 09
- 22.47-EDS-XX-ZZ-DR-A-(02)04 revision 03 Teacher's Block - Proposed Elevations 10 11 & 12
- 22.47-EDS-XX-ZZ-DR-A-(02)05 revision 03 Teacher's Block - Proposed Elevation 13A
- 22.47-EDS-ZZ-XX-DR-A-(02)06 revision 03 Teacher's Block - Proposed Elevations 14, 15 & 16
- 22.47-EDS-XX-ZZ-DR-A-(02)07 revision 03 Teacher's Block - Proposed Elevation 17
- 22.47-EDS-ZZ-XX-DR-A-(02)08 revision 03 Teacher's Block - Proposed Elevation 19
- Proposed Residents Lounge Entrance Doors (Detail 1)
- 22.47-EDS-ZZ-XX-DR-PL-(20)23 revision 01 Proposed Residents Lounge Side Double Doors Detail (Detail 2)
- 22.47-EDS-ZZ-XX-DR-PL-(20)23 revision 01 Proposed Residents Lounge Concealed Door Detail (Detail 3)
- 22.47-EDS-ZZ-XX-DR-PL-(20)24 revision 01 Proposed Residents Lounge M&E & Floor make up details
- 22.47-EDS-ZZ-XX-DR-A-(27)01 revision 04 Teacher's Block - Proposed Roof Plan
- Timbek Method Statement – stained glass window relocation
- 2134-URB-XX-XX-DT-LA-301-Urban Tree Pit Detail and General Notes
- 2134-URB-XX-XX-DT-LA-302-Tree Guard Options
- 2134-URB-XX-XX-GA-LA-103-Detailed Planting Plan 3 of 3
- 2143-URB-XX-XX-GA-LA-101-Detailed Planting Plan 1 of 3
- 2143-URB-XX-XX-GA-LA-102-Detailed Planting Plan 2 of 3
- 2143-URB-XX-XX-SH-LA-201-Planting Schedule
- 2143-URB-XX-XX-SK-LA-002-P02
- Landscape Specification & Management Plan (A)
- Heritage Statement by Avalon August 2023
- ES Addendum Final Draft with Appendices by LRM Planning August 2023
- 22.47-EDS-ZZ-XX-DR-A-(00)02 drawing (00)03rev9

Where any plan for the listed building phase considered under permission 23/0682 conflicts with an approved plan of a separate consent for the whole site, the plans applicable to the listed buildings phase will take precedence.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

- 02 The emergency access route to serve as a shared footpath and cycleway adjacent to plots 120 and 123 shall be undertaken and bollards installed in accordance with details approved pursuant to application reference 21/0993 or such other scheme as may first be submitted to and approved in writing by the Local Planning Authority, prior to occupation of plots 120 or 123, The works shall be retained as approved for lifetime of development.
Reason: In the interest of public safety and in accordance with policy GP4 of the adopted Local Development Plan.
- 03 The retaining wall along the north western boundary of the built development in association with the approved raingarden feature adjacent to plots 91-98 shall be undertaken in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The wall shall be retained in accordance with the approved details for

the lifetime of development. The retaining wall along the north eastern boundary of the built development shall be undertaken in accordance with details approved pursuant to application reference 21/0993 and retained in that state for the lifetime of development.
Reason: In the interests of amenity and public safety and in accordance with policy GP6 of the adopted Local Development Plan.

- 04 Prior to the commencement of any development on site or ground preparation/clearance works, the preparatory setting out and requirements associated with the installation of tree protection and replanting measures shall be inspected by a suitably qualified officer of the Council (i.e. the Tree Officer) along with the site Arboricultural Consultant and site manager.

Reason: To protect important landscape features within the site and in accordance with policy GP5 of the adopted Local Development Plan.

- 05 No development, to include demolition, shall commence until the Tree Protection Plan (in accordance with BS 5837:2012) has been implemented in accordance with the approved Arboricultural Implications Assessment & Arboricultural Method Statement. The development shall be carried out in accordance with the approved Tree Protection Plan and the fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site and in accordance with policy GP2 and GP5 of the adopted Local Development Plan.

- 06 All works on site shall be undertaken in accordance with the approved Arboricultural Implications Assessment and Arboricultural Method Statement (revision 3) and Arboricultural Implications Assessment and Arboricultural Method Statement (revision 4 insofar as it relates to plots 91-111 only) and **“Arboricultural Implications Assessment & Arboricultural Method Statement January 2021 (revision 3) - Swales”** by Steve Ambler and Sons and all approved sectional/engineering drawings.

Reason: To protect important landscape features within the site and in accordance with policy GP2 and GP5 of the adopted Local Development Plan.

- 07 No development, to include demolition, shall commence until Steve Ambler & Sons Ltd, or an alternative arboriculturalist first agreed in writing by the Local Planning Authority, is formally instructed to oversee the project (to perform a Watching Brief) for the duration of the development. The appointed arboriculturalist shall be responsible for -

(a) Supervision and monitoring of the approved Tree Protection Plan;

(b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and “sign off” in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing is in the correct location and is fit for purpose.

c) Ensuring that all tree work is carried out in accordance with the approved Arboricultural Implications Assessment & Arboricultural Method Statement (to be Revision 3) required by condition 07 of this permission.

d) Supervision and monitoring of the approved tree felling and pruning works;

e) Supervision of the alteration or temporary removal of any Barrier Fencing;

f) Oversee working within any Root Protection Area;

g) Reporting to the Local Planning Authority;

h) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site and in accordance with policy GP2 and GP5 of the adopted Local

- 08 Demolition methodology, site restoration, demolition timing and associated mitigation measures shall be undertaken in accordance with details approved pursuant to application 21/0456.
Reason: To safeguard interests of acknowledged importance and in accordance with policies SP9, GP5 and GP2 of the adopted Local Development Plan.
- 09 The works to widen, add to and improve the public right of way along the northern boundary hereby approved shall be completed no later than first occupation in phase 4 (as defined by the Phasing Plan Document) of the development. These works shall be in accordance with full details, including timetable for installation, approved pursuant to application 21/0993.a timetable for the installation of such measures and removal of the existing palisade fencing along the route, and a detailed plan of the area between the end of carriageway at St Cadocs Close and the PROW to clearly show works to be undertaken including relocation of existing street furniture if required. The works shall be retained in this state for the lifetime of development.

Reason: In the interests of amenity and active travel and to facilitate permeability and ease of access to and round the site and in accordance with policy GP6 and GP4 of the adopted Local Development Plan.
- 10 Prior to occupation of the last dwelling in phase 4 the trim trail located within the arboretum shall be completed and available for use in accordance with details approved pursuant to application 21/0993.
Reason: To deliver agreed improvements to recreational, open space and permeability related aspects of the development and safeguard valuable tree features on site and in accordance with policy GP4 and GP6 of the adopted Local Development Plan.
- 11 No flat in the main listed building hereby approved shall be occupied until the secure bike spaces within the basement of the building hereby approved are complete and available for use. These spaces shall be retained thereafter.
Reason: to ensure adequate provision is made for sustainable transport options on site and in accordance with policy GP4 of the adopted Local Development Plan.
- 12 No residential unit shall be occupied until the associated off road parking to serve the unit has been completed and is available for use.
Reason: In the interests of residential amenity and highway safety and in accordance with policy GP4 of the adopted Local Development Plan.
- 13 The scheme for the provision of traffic calming measures for each phase of development shall be installed in accordance with details approved pursuant to application 21/0993 and shall be retained for lifetime of development.
Reason: In the interest of residential amenity and public safety and in accordance with policy GP4 of the adopted Local Development Plan.
- 14 Notwithstanding the requirements of condition 15 no residential unit shall be occupied until the associated boundary enclosures for it have been erected in accordance with the enclosure layout plan(s) hereby approved. The enclosures shall be retained thereafter.
Reason: To ensure a suitable means of enclosure is provided for residential amenity and to safeguard future occupiers from unacceptable road noise nuisance (specific to plots 20, 24, 25 and 33) and in accordance with policy GP2 and GP6 of the adopted Local Development Plan.
- 15 Notwithstanding the details provided on the approved site enclosures layout (revision F) the following plots shall not be occupied until boundary enclosures have been completed in accordance with details for such treatments approved pursuant to application 21/0993.
Plots 169/70
Plots 112-113 (inclusive)
Plots 135-139
The approved boundary enclosures shall be retained thereafter.
Reason: The plots are located in prominent positions and details shown on the approved layout are not acceptable. Alternative, high quality boundary enclosures must be provided

in the interests of visual and residential amenity and in accordance with policy GP2 and GP6 of the adopted Local Development Plan.

- 16 Prior to occupation of plots 1, 2, 3, 4, 15-25, 33-41, 51-53, 112, 113, 130-132, 135-144 and 163-170, noise mitigation measures to the building fabric, façade glazing and mechanical ventilation and the plots shall be completed in accordance with the Noise Planning Report approved pursuant to application 21/0993. The approved measures must be retained thereafter.

Reason: To ensure that the amenities of future occupiers are protected and in accordance with policy GP2 of the adopted Local Development Plan.

- 17 Landscaping shall be undertaken for each phase of the new build residential development (excluding the listed buildings) in accordance with hard and soft landscaping and planting details approved pursuant to this application and discharge of condition approval 22/0640 and within the first full planting season following construction of the phase to which it relates. All landscaping shall thereafter be maintained in accordance with the details approved pursuant to this permission and permission reference 22/0640.

Reason: In the interests of visual and residential amenity, ecology, water management and the setting of heritage assets and protected tree features and in accordance with policy GP5 and GP6 of the adopted Local Development Plan.

- 18 No house in the “avenue” of units in phase 1 (as defined by the Phasing Plan Document and are the units located on the road leading to the listed buildings) shall be occupied until their associated front gardens have been landscaped and enclosed in accordance with details hereby approved or to be agreed pursuant to conditions of this permission. Such features shall be retained thereafter for the lifetime of the permission.

Reason: To ensure a high quality development and to safeguard the setting of and important vistas to the listed buildings and in accordance with policy GP6 of the adopted Local Development Plan.

- 19 No apartment shall be occupied until its associated bin storage facilities have been completed in accordance with approved details. These facilities shall be retained for the lifetime of development.

Reason: To ensure adequate bin storage space is provided in an acceptable location and of acceptable design having regard to amenity and to safeguard the setting of the listed building and in accordance with policy W3 of the adopted Local Development Plan.

- 20 The Travel Plan measures and the summary and conclusion of the Transport Assessment (setting out on and off site mitigation) hereby approved shall be completed in accordance with the timetable for implementation approved pursuant to application 22/0441 and prior to occupation of any unit on site. This shall include the delivery of an electric vehicle charge point for at least every new build private dwelling.

Reason: to secure mitigation measures proposed, facilitate modal shift and limit impacts on traffic and air quality and in accordance with policy SP1 and GP2 and GP4 of the adopted Local Development Plan.

- 21 Prior to occupation of any residential unit in the converted listed buildings, full details of the Private Management Company that will be responsible for all communal spaces and areas it will manage along with associated works/structures on site not within the control of the Local Authority or SAB, shall be submitted to and approved in writing by the local planning authority. Such details shall include the title, layout plan, contact details, structure and responsibilities of the Company insofar as these relate to the site and its future maintenance.

The Private Management Company responsible for communal areas in the rest of the site shall be in accordance with details approved pursuant to application 21/0993.

Reason: In the interests of residential and visual amenity and to safeguard the long term interests of the listed buildings and their setting and in accordance with policy GP6 and SP9 of the adopted Local Development Plan.

- 22 Prior to occupation of any unit within the listed buildings hereby approved, means of preventing vehicular access to the formal gardens and associated spaces adjoining the listed buildings shall have been installed in accordance with details first submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained thereafter.
Reason: To prevent the encroachment of vehicles within open space and setting of the listed buildings to the detriment of their amenity and character and in accordance with policy SP9 of the adopted Local Development Plan.
- 23 The electricity sub station shall be constructed in accordance with the details approved pursuant to application 21/0993 and retained in that state for the lifetime of development.
Reason: To safeguard the setting of the listed building and in accordance with policy SP9 of the adopted Local Development Plan.
- 24 Notwithstanding the approved site layout plan a minimum of 4no. Electric Vehicle charging points in communal/visitor parking spaces shall be provided prior to first occupation of any flat hereby approved in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. These shall be retained for the lifetime of development.
Reason: to encourage the use of ULEV in accordance with policy SP1 of the adopted Local Development Plan.
- 25 No more than 44 HGVs per week or 8 HGVs per day – Monday to Saturday only (whichever is the lower figure) shall access or egress the site via the construction vehicle route hereby approved in association with this development. This shall include all such vehicles, including those associated with demolition, site preparation, construction and associated activities required by the development. For the purposes of this condition the largest HGV vehicle permissible along the route will be a 6 axle articulated lorry of no more than 16.5m length (including load) and 2.55m wide (including load) and no more than 5 of this type of vehicle will be allowed along the route in any calendar week – Monday to Saturday only. Such vehicles shall only use the route in accordance with the Construction Environmental Management Plan (revision G) that supports this application and the time and day restrictions contained therein. No abnormal loads shall travel along the construction route in the CEMP.
Reason: To safeguard residential amenity and highway safety and in accordance with policy SP1, GP2 and GP4 of the adopted Local Development Plan.
- 26 The applicant shall keep an up to date and legible log of all HGV, construction/demolition and delivery traffic accessing and egressing site in association with the development and make this log available for inspection by officers appointed by the Council upon request. This log must record the number, type (of vehicle including size), registration number, time and date of each vehicle entering and leaving site. The log shall be kept for the duration of development activity at the site.
Reason: To safeguard residential amenity and highway safety and in accordance with policy GP2 and GP4 of the adopted Local Development Plan.
- 27 If, during development, contamination not previously identified is found to be present at site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.
Reason: To ensure the risk associated with previously unsuspected contamination at the site are dealt with through a remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. In accordance with policy GP2 of the adopted Local Development Plan.
- 28 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order), schedule 2, part 2, class A, other than those approved no wall, fence, gate, hedge or other means of enclosure shall be erected or planted without the prior written permission of the

local planning authority.

Reason: In the interests of the visual amenities of the area, the setting of the heritage assets and protected trees and highway safety in accordance with Policy GP2 and GP6, policy GP5 and policy SP9 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

- 29 The development shall be undertaken in accordance with the Construction and Environmental Management Plan (CEMP) (revision G) that deals with the following matters:
- Construction Traffic Management Plan;
 - General construction site information;
 - Construction programme;
 - Storage & Compound Details;
 - Fencing, Security & Site Hoarding Details;
 - Noise & Vibration Management Plan;
 - Dust, Emissions & Odours Management Plan;
 - Cementitious Materials Controls;
 - Lighting Management Plan;
 - Contaminated Material Plan;
 - Construction Drainage Plan;
 - Green Infrastructure Plan;
 - Site Waste Management Plan; and
 - Contacts & Complaints.
- hereby approved and all recommendations or requirements stated therein unless a revised CEMP is first submitted to and approved in writing by the local planning authority or unless otherwise stated in conditions of this permission.
- Reason: In the interests of residential amenity, the environment and public safety and in accordance with policy GP2 and policy SP1 of the adopted Local Development Plan.
- 30 No structures or planting above a height of 600mm above carriageway level will be permitted within any visibility splays hereby approved on the permitted site layout.
- Reason: In the interest of highway safety and in accordance with policy GP4 of the adopted Local Development Plan.
- 31 The development shall be undertaken in full accordance with the Landscape and Ecology Management Plan (LEMP) (Edp, December 2024) and prescriptions/recommendations/measures contained therein and hereby approved unless a revised LEMP is first submitted and approved in writing by the Local Planning Authority or as otherwise specified or approved in conditions of this permission.
- Reason: To safeguard ecological interests and ensure acceptable habitat management and in accordance with policy GP5 and policy SP9 of the adopted Local Development Plan.
- 32 All works affecting protected trees shall be undertaken under the supervision of the project Arborist. Notwithstanding the details provided, no works or landscaping/seeding of any description shall take place within the root protection areas.
- Reason: To protect valuable tree features on site and in accordance with policy GP5 of the adopted Local Development Plan.
- 33 The sequential phasing of the development including the works to the heritage assets shall be undertaken in accordance with the Phasing Plan Document (Redrow, December 2020) hereby approved unless a revised Phasing Plan Document is first submitted to and approved in writing by the Local Planning Authority
- Reason: To ensure the delivery of the listed building conversions at an acceptable stage of overall development and to safeguard these listed buildings, their setting, quality of development and amenity generally and in accordance with policy GP2 and policy SP9 of the adopted Local Development Plan.
- 34 Except where otherwise agreed in writing by the Local Planning Authority, no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.
- Reason: To protect existing landscape features on the site and in accordance with policy

GP5 of the adopted Local Development Plan.

- 35 No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area.
Reason: To protect important landscape features within the site and in accordance with policy GP5 of the adopted Local Development Plan.
- 36 Notwithstanding the layout plan hereby approved the parking/turning area serving the building known as Ty Hywell and located underneath the annotated canopy spread of the protected Cedar tree, shall be omitted and no hardsurfacing or parking facility provided in this area. The area shall thereafter be kept clear of parking facilities.

Reason: Parking underneath this tree is not good practice and will increase pressure for future lopping or potentially felling associated with resident fears of branch drop and associated property damage. This would be to the detriment of the long term health and maintenance of this visually impressive tree feature and in accordance with policy GP5 of the adopted Local Development Plan.
- 37 No lighting shall be installed on site unless in accordance with the details agreed pursuant to application 21/0993 or such other details that have first been submitted to and approved in writing by the Local Planning Authority. All approved lighting shall be retained in that state for lifetime of development.
Reason: In the interest of residential amenity and the setting of the listed buildings and in accordance with policy GP2, GP6 and SP9 of the adopted Local Development Plan.
- 38 The works hereby approved shall be fully carried out in accordance with the requirements and standards of the "Written Scheme of Archaeological Investigation for a watching brief" prepared by Worcestershire County Council dated 22nd January 2021.
Reason: In accordance with policy CE6 of the adopted Local Development Plan and to identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 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.
- 41 The scheme of landscaping relating to the Listed Building phase hereby approved shall be undertaken in accordance with an implementation timetable and maintenance scheme that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of conversion works on any listed building. The landscaping shall thereafter be completed and thereafter maintained in accordance with the scheme approved.
Reason: To ensure a good quality landscape scheme is delivered in the interests of general amenity and the setting of the listed buildings. GP2, GP6, SP9 of the Local Development Plan.

- 42 Trees with guards planted in the listed building phase shall have tree protection in accordance with approved drawing 2134-URB-XX-XX-DT-LA-302-Tree Guard Options that will be retained for lifetime of development.
Reason: In the interest of visual amenity, protecting new tree planting and setting of the listed buildings. GP2 and SP9 of the Local Development Plan.
- 43 Notwithstanding details shown on approved drawings, prior to the commencement of their construction, full details of surfacing to all banked parking bays within the listed building phase and shown on drawing 22.47-EDS-ZZ-XX-DR-A-(00)02 (00)02rev08 shall be submitted to and approved in writing by the Local Planning Authority. This shall include kerbing details and differentiation of surfacing in tandem parking areas. The parking shall be undertaken in accordance with the approved details prior to the first occupation of the apartments they serve and retained for lifetime of development.
Reason: In the interest of visual amenity, residential amenity and setting of the listed buildings. GP2, GP4, GP6 and SP9 of the Local Development Plan.
- 44 Prior to first occupation of units 91-111, full details of the Air Source Heat Pumps (ASHPs) for each unit, including full acoustic specification and mitigation as required shall be submitted to and approved in writing by the Local Planning Authority. The ASHPs and associated acoustic mitigation shall be installed in accordance with approved details and retained for the lifetime of development.
Reason: To protect the amenity of existing and future occupiers. Policy GP2 of the adopted Local Development Plan.

NOTE TO APPLICANT

The development shall be carried out fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied and amended by this permission.

01 This decision relates to plan Nos stated in condition 01.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP4, SP9, SP10, SP12, SP13, SP15, SP17, SP18, GP2, GP3, GP4, GP5, GP6, GP7, CE3, CE6, H2, H3, H4, T4, CF1, CF2, CF12, W3 were relevant to the determination of this application.

03 The proposal is EIA development.

04 The development is subject to a legal agreement.