

Delegated Decision Report

Application No:	26/0559	Statutory Period Expires:	18th August 2026
Site:	<i>University Of Wales College Newport College Crescent Caerleon Newport South Wales</i>		
Proposal:	<i>NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) 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. AMENDMENTS INCLUDE CHANGES TO CAR PARKING SURFACES</i>		
Applicant:	<i>G Sullivan</i>		
Type:	Non-Material Amendment	Ward:	Caerleon
Decision:	Refused		

1. BACKGROUND

- 1.1 This site is currently being redeveloped for residential. This NMA relates exclusively to the land associated with heritage assets rather than the wider development site and seeks to make changes as non-material amendments to the section 73 permission. Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission via a simple application procedure to the local planning authority with a quick determination period.

2. SITE LOCATION AND CONTEXT

- 2.1 The site as a whole is currently in the construction phase of the consented scheme described above. This NMA relates only to changes proposed to land within the curtilage of the listed assets that are in the process of being converted to apartments. This includes the Former Teaching College; the Principal's Residence; and the Caretakers/Gardener's Lodge as well as surrounding gardens. The site is sensitive in heritage and visual amenity terms. 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.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The applicant proposes changes to the surfacing materials on the general arrangement landscape drawings. This includes changes to the colour of certain parking bays to break up the extent and appearance of the hard surfacing and to follow the SAB requirements in terms of permeable paving. Buff resin bonded aggregate is to be used for the main footpath area around the landscaped area to the front of the main building, with slate grey bonded contrast banding to match the existing roof.

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 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
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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)

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 considered relevant to the primary permission.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Flat Conversions – October 2021

Parking Standards – August 2015

6. CONSULTATION RESPONSES

6.1 Local Highways Authority: no objection.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. When assessing and determining whether or not a proposed change would qualify as a non material amendment, local planning authorities may wish to consider the following tests:

(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,

(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

(b) would the interests of any third party or body be disadvantaged in planning terms; or,

(c) would the proposed change conflict with national or development plan policies?

The tests are considered a 'starting point' for local planning authorities in their consideration

of non-material amendments. There may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case.

- 8.2 As part of the approved scheme under section 73, the applicants proposed to reconfigure/redesign some areas around the listed buildings. This largely arose from increased resident parking provision which the applicant considers essential to the marketability of the units and future occupier expectations. On the original approved scheme (19/1212), one space per unit was proposed. This was increased as part of the s73 permission, giving rise to a total off road parking bay provision rising from 44 for residents and 11 visitor spaces to 74 spaces. No objections were received to this in principle. However, the layout implications of this gave rise to considerable banked parking within the setting of the main listed building. The provision of such parking with no visual relief was not welcomed or supported. Changes to the location and arrangement of driveways serving the units proposed in the secondary buildings also raised some concerns in terms of the likely impact of resident parking on key vistas of the listed group.
- 8.3 Pursuant to negotiation as part of the s73 submission updated layout plans were received that included significant new work on hard and soft landscaping to support the proposals. This was welcomed and the Landscape Officer raised no objection to the revised drawings. This NMA is not seeking to alter soft landscape proposals.
- 8.4 Five banks of parking were subsequently approved at the rear of the main building, four of these as tandem banks and one will be single spaces to include EV charging provision. The banks are a maximum of 6 bays wide with landscaped verges between. They will be viewed against the backdrop of the rear elevation of the main listed building with green space in between that will include tree planting and a pedestrian footway that will serve rear access points into the building. Three separate banks (2 x 6 bays and 1 x 5 bays wide) are proposed to the side of the main building but at a lower level. These will be single depth bays and seen against a wildflower seeded embankment behind that rises up to the plateau of the main listed building front lawn. The opportunities for biodiversity and green infrastructure enhancement, particularly at the rear of the main building on areas previously given over to tarmacked parking and building extensions when the site was in use as a University, are considerable and the revisions also had a key benefit in removing detached waste storage structures as they became incorporated into the reconfigured main building basement plan. The applicant at that time suggested that where tandem bays are proposed, changes in surfacing for the rear bays will further soften effect. A condition relating to surfacing was considered necessary along with a condition to ensure the implementation of the landscape details provided.
- 8.5 Condition 43 of planning permission 23/0682 is relevant and states:

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 the lifetime of the development.
Reason: In the interest of visual amenity, residential amenity and the setting of the listed buildings. GP2, GP4, GP6 and SP9 of the Local Development Plan.

To date, this condition has not been discharged. The relevant approved drawing under the section 73 confirms that numerous surfacing details are unchanged in the current NMA plans. The proposals to use resin for the main footpath area around the landscaped area to the front of the main building is not new for example. However, it is now proposed to introduce decorative slate grey contrast bands on a key vista to the main listed building leading to its main entrance and affecting setting. This has not previously been seen or considered. The use of paving to some paths at the rear of the main building has previously been agreed however it is now proposed to use such paving to pathways forward of the main building and associated with the secondary listed buildings. This appears to include its use for patio areas not previously consented or considered to the secondary listed buildings and in areas previously shown as grassed. Notable changes are

also proposed to the surfacing of the tandem bays to incorporate charcoal paving to front bays and permeable paving of alternative colour to rear bays. These bays are prominent and subject to condition 43 above which is yet to be dealt with. Bays to the side of the main building are shown as tarmacked. These bays are unchanged. Changes are also shown to prominent driveway surfacing from buff macadam to permeable paving.

- 8.6 In all, the changes shown on the plans provided go beyond the non-material amendments set out in the application form and in part seek an amendment to details that have not yet been consented by reason of condition 43 and/or amount to changes that will impact the heritage asset setting. The changes will cause impacts different to the approved scheme and in an area sensitive to change and very prominent. Whilst changes to surfacing materials may in principle be acceptable, they are material.

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 changes proposed are material amendments.

11. DECISION

REFUSED

The works are material and in part seek to change details that have not yet been consented by reason of condition 43 and/or amount to changes that will impact the heritage asset setting. The works will cause impacts different to the approved scheme and in an area sensitive to change and very prominent. They are material amendments.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 2134-URB-XX-XX-GA-LA-007, 2134-URB-XX-XX-GA-LA-006, 2134-URB-XX-XX-GA-LA-005.

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 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.