

Delegated Decision Report

Application No:	25/0812	Statutory Period Expires:	13th November 2025
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Site:	<i>Caerleon Comprehensive School Cold Bath Road Caerleon Newport NP18 1NF</i>		
Proposal:	<i>PRIOR NOTIFICATION OF DEMOLITION OF BUILDINGS D1, D2, L, G, H, A (PARTIAL) K AND D3</i>		
Applicant:	<i>Newport City Council</i>		
Type:	Demolition	Ward:	Caerleon
Decision:	PRIOR APPROVAL REQUIRED		

1. BACKGROUND

- 1.1 Caerleon Comprehensive school's built form and learning spaces are dated. As a result, there is an urgent need to deliver a modern, fit for purpose, replacement learning block and sports facilities, including upgrades to existing spaces, in order to provide a modern learning environment for pupils to thrive and enjoy their learning experience whilst also offering a facility that the local community can use and benefit from. This proposal forms part of a wider initiative that seeks to improve the existing facilities at the school with the first phase being the demolition of some on site buildings at end of life.
- 1.2 Planning permission has recently been given for the placement of a temporary sports hall on site to decant sports facilities from existing building(s) to be demolished.

2. SITE LOCATION AND CONTEXT

- 2.1 The school is located at the southern edge of the town of Caerleon, in the Caerleon Ward. The school site is accessible from Cold Bath Road and an unnamed road directly west of Caerleon AFC football pitch. Its west and north-west boundaries are defined by mature vegetation, whilst groups of trees and bushes define the eastern boundary.
- 2.2 The school consists of various buildings ranging from 1 to 3 storeys. The original buildings date back to the 1960's, with alterations and extensions added since.
- 2.3 The application site is bound to the north by the Caerleon Cemetery, the Cold Bath Road allotments and the Caerleon A.F.C football pitch. The extensive Caerleon golf course bounds the site to the west and south. Caerleon Rugby club is located to the east of the site, whilst the Roman Barracks sit to the north-east of the site. This is a very important historical site, which forms part of the Caerleon Roman Civil Settlement. The site is located adjacent to the Caerleon conservation area and several scheduled monuments.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This is a prior notification to confirm whether the prior approval of the Local Planning Authority is required for the method of demolition and any proposed restoration of the site associated with the demolition of Blocks D1, D2, L G, H, A (Partial), K and D3 at the school site in accordance with Part 31 of the Town and Country Planning (General Permitted Development Order) 1995 (as amended).

4. RELEVANT SITE HISTORY

25/0748 Placement of temporary sports hall. Granted with conditions 30/10/25
 18/1123 Erection of weldmesh fence and gates up to 2.4 metres. Granted 01/05/2019
 18/0482 Replacement of 1no. pair of automated vehicular entrance gates and posts, installation of additional CCTV camera to pedestrian gate and installation of car reader intercom post. Granted 10/08/2018
 11/0571 Extension with pitched roof to existing standalone gymnasium and replacement of a window unit with a door in the headteacher's block. Granted 02/02/2012
 09/1158 Erection of external canopies for outdoor play. Granted 13/01/2010
 08/0945 Siting of portacabin. Granted 21/08/2008

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)

- SP1 Sustainability
- SP2 Health
- SP3 Flood Risk
- SP8 Special Landscape Areas
- SP9 Conservation of the Natural, Historic and Built Environment
- SP12 Community Facilities
- SP14 Transport Proposals
- SP18 Urban Regeneration
- GP1 Climate Change
- GP2 General Amenity
- GP4 Highways and Accessibility
- GP5 Natural Environment
- GP6 Quality of Design
- GP7 Environmental Protection and Public Health
- SP4 Water Resources
- SP9 Conservation of the Natural, Historic and Built Environment
- T4 Parking
- W3 Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Archaeology & Archaeologically Sensitive Areas (August 2015)

Parking Standards (August 2015)

Wildlife and Development (August 2015)

Trees, Woodland Hedgerows and Development Sites (January 2017)

Development Management Air Quality (February 2018)

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: no response to date.

6.2 Local Highways Authority: no objection subject to conditions.

There are no objections in principle subject to a condition to provide and adhere to a CEMP. We note that one is submitted but this does not contain sufficient detail and clarity. Further information regarding HGV/trip generation, frequency and duration of works etc. is needed to ensure the measures are proportionate. In addition, we would seek clarification of the parking proposals for existing displaced vehicles and operatives including information relating to numbers. The current CEMP is not clear and appears contradictory on this point.

Commitment to wheel wash/inspection is also needed.

- 6.3 Cadw:
Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments listed in our assessment of the application below.

Scheduled Monuments

MM230 Caerleon Legionary Fortress
MM231 Caerleon Civil Settlement
MM254 Caerleon Civil Settlement: Area under Broadway Playing Fields

This planning application is for the demolition of a number of buildings at Caerleon Comprehensive School, Cold Bath Road, Caerleon.

The application area is immediately adjacent to the above scheduled monuments: However, they are of little architectural value, being of late 20th/early 21st century date and typical of school building of this time. Whilst visible from the scheduled monuments the removal of the buildings will not have any adverse effect on the way they are understood, experienced and appreciated. Consequently, the removal of these buildings will not cause any damage to the settings of scheduled monuments MM239, MM231 and MM254.

Cadw have concerns that the demolition of these buildings are preparatory works for a proposed redevelopment of this part of the school. New buildings in this area could have an adverse impact on the settings of the scheduled monuments and therefore the design of any replacement buildings in this area should carefully consider how they relate to the surrounding historic environment.

- 6.4 NCC Landscape Officer:
No objections in principle however, there are two individual trees as well as a considerable number of trees (and hedgerow?) along the southern boundary. These trees should be identified by species in an official Tree Survey and Report, to be submitted for approval, and will need to be retained as well as protected during the demolition works. These measures should comply with BS5837:2012 to ensure that the Root Protection Areas are clearly indicate and measures undertaken to prevent any damage during the demolition works. Therefore, a Tree Protection Plan should be submitted for approval, and the site may require a site visit from our tree officers which I would also refer this case to. Following demolition, any future proposals should ensure benefit to the visual amenity, landscape character, sustainable drainage, and biodiversity; and submitted for approval.

- 6.5 NCC Principal Heritage Officer:
The site comprises of several unlisted buildings, located outside of, but immediately adjacent to the Caerleon CA, and a number of SM sites. It is within the Archaeologically Sensitive Area of Caerleon.

The buildings proposed for demolition are unlisted and are of little architectural value; being of late 20th/early 21st century and typical of school building of this time. Most are visually uninteresting and do not contribute positively towards the Setting of the CA or the various SMs adjacent. There was no objection to their removal.

My principal concern is for what will be built in their place.

- 6.6 NCC PROW Officer:
The following points should be considered:
1. All PROW's (as shown on the Definitive Map) are legally required to remain completely unobstructed and be clear and available for safe public use at all times (including during construction works – unless a temporary closure/diversion order is applied for and granted beforehand).
2. The PROW users must not be endangered or disadvantaged in any way by the

proposals (during construction and following completion);

3. The fabric of the PROW's must not be adversely affected in any way, however improvements can be discussed.

4. PROW users must be protected from any vehicles/plant associated with the works. All potential conflict should be risk assessed and managed accordingly.

6.7 Heneb/GGAT: no response to date.

6.8 NCC Environmental Health Officer: no response to date.

6.9 NCC Ecologist: I have considered the Bat Emergence Survey Report dated 5th December 2024, and I support the methodology and conclusions of that report. A single Pipistrelle bat was detected emerging from 'Building K', confirming this building to be a bat roost. No bats were detected roosting in any of the other buildings.

In accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, this roost constitutes a 'Low Risk Case', and so the standing advice is that we do not need to consult NRW on this application. This is with the proviso that the recommendations of the Bat Survey Report are implemented.

In this instance, my advice is that the Bat Survey Report, and in particular its Conclusions and Recommendations (Section 6.1 & Appendix II), is suitable for this purpose. Therefore we should require that all of the avoidance, mitigation and compensation measures set out in Section 6.1 & Appendix II are implemented.

Please note that an EPS Licence issued by NRW will still be needed to allow this building to be demolished. That licence will be issued subject to a series of conditions, which will include the implementation of the mitigation measures set out in Section 6.1 & Appendix II of the Bat Survey Report, together with any other that NRW require.

We should use an Advisory Note to remind the Applicant that in Wales all wild birds, their young, nests and eggs are protected under the Wildlife & Countryside Act 1981. It's an offence damage or destroy the nest of any wild bird while it's in use or being built, or destroy or remove any egg of any wild bird.

The Bat Survey Report advises that bats may take up residence in any building with bat roost potential at any time, so we should attach our Bat Advisory Note to any consent granted.

Apart from potential impacts upon roosting bats and nesting birds, no other concerns are raised in the Preliminary Ecological Appraisal Report dated 19th June 2024, assuming the trees and hedgerows which bound the site are unaffected by the proposed works.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 This application comprises of the following documents:

- Construction Environmental Management Plan (Demolition) prepared by Willmott Dixon
- Demolition Method Statement and Risk Assessment prepared by Willmott Dixon
- Arboricultural Method Statement prepared by Ambler Associates
- Caerleon Comprehensive School, Preliminary Ecology Appraisal prepared by Ecology Wales
- Caerleon Comprehensive School, Bat Emergence Survey prepared by Ecology Wales
- CCS-HLM-00-00-DR-L-00008-Existing Site Plan - P06 prepared by HLM Architects
- CCS-HLM-ZZ-00-DR-A-10101-P01-Demolition Plan prepared by HLM Architects
- 24-043 Caerleon Comprehensive TPP-Layout1 prepared by Ambler Associates
- CCS-HLM-00-00-DR-A-00001-P05-Site Block Plan – Existing prepared by HLM

Architects

- Caerleon School Draft Demo Logistics Plan 29-04-25 rev01 prepared by Willmott Dixon

- 8.2 From visual inspection there is clear merit in the demolition of end of life units on site which is required to facilitate the construction of a new building intended to offer enhanced educational facilities on an existing school site. There is no objection in principle to the proposed demolition works but this submission requires consideration of the method of demolition and any proposed restoration of the site and whether the LPA prior approval is required for these elements.
- 8.3 The works and site are impacted by several constraints. These include heritage, landscape, ecology and highways/air quality matters.
- 8.4 No heritage related objections are made to the proposed demolition works. In relation to transport/highway matters, concerns are raised:
- 8.5 The demolition works will utilise the existing main access off Cold Bath Road and the secondary access to the north of the site will be used for the relocation of staff and visitor parking. Whilst the proposals will not increase the number of pupils and staff at the site, the proposed parking arrangement will increase the number of spaces being accessed through the secondary access point. The section of highway which links this access to Cold Bath Road is narrow, unlit and has no dedicated footway. This section of highway forms part of an active travel route, any increase in vehicle movements along this section of road will increase the likelihood of conflict between multi modal users and is therefore considered detrimental to highway safety. It's noted that there is an existing public right of way (389/4/1) and active travel route (NP-CAE P0020) which runs from the main access to the secondary access. This route does not benefit from a hard surface and therefore it would not be suitable in inclement weather. To address the concerns raised it has previously been suggested that a PROW/active travel route is upgraded and hard paved so that the section of road subject to an increase in traffic can be circumnavigated by cyclist and pedestrians. The applicant will need to discuss this matter with the active travel team and public right of way officer.

A detailed construction management plan is essential to the effective management of the site over the demolition period and should include the following: • Construction worker parking • Compound - including provision for delivery vehicles to turn and therefore access and egress the highway in a forward gear. • Delivery/construction vehicle management plan – to ensure that there is no conflict between construction traffic and vehicles associated with the drop and off and collection of children. This should include any other schools in the wider area. • Wheel wash facilities • Dust suppression measures

- 8.6 The phasing of demolition is confirmed as follows:
1. Full application for temporary sports hall (submitted Ref 25/0748).
 2. Prior approval for the demolition of aforementioned blocks (this application).
 3. Full application for temporary car park and site compound.
 4. Full application for the erection of new teaching block and sports hall

As mentioned above, the demolition proposals necessitate the relocation of staff parking and this is confirmed in the logistics plan (point 3 above). Unfortunately, applications of this type cannot be subject to conditions and the information supplied is not sufficient. Demolition will occur on an active school site. Statements included in the CEMP or Method statement include reference such as:

Deliveries / collections will not take place between school drop off and collection times. Extra vigilance to ensure students cannot access the site. We will work closely with Willmott Dixon/School to ensure students safety is the top priority.

Whilst this is noted, demolition works will occur during school times and there is no definition of what is school drop off or collection times. There is no clarity of how school drop off and collections will be managed over the demolition period.

- 8.7 All information supplied must be sufficient to meet the terms of the Order and satisfy the Local Planning Authority on the method of demolition and restoration of the site, otherwise its prior

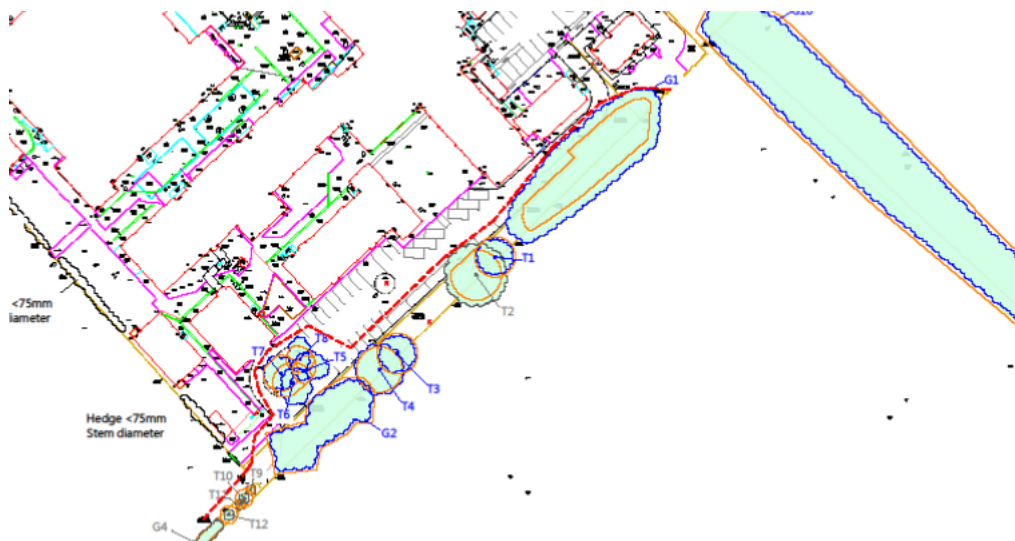
approval is required. The CEMP is vague, including wording such as “if required” and “if necessary” frequently in relation to dust management, wheel wash facilities and other relevant factors. This is not sufficient. Matters of concern relating to the relocation of staff parking and school drop off facilities are not addressed at all but clearly form part of the method by which the demolition will be progressed as the demolition area will require removal of such parking and impacts school drop off arrangements. Whilst the NCC Highways Officer has suggested such information can be secured by condition, this is not the case with this type of application. Consequently, prior approval is required to secure these details.

- 8.8 The Landscape Officer has also requested a condition to secure additional landscape details. Notwithstanding these comments, an Arboricultural Method Statement that includes a Tree Survey plan and tree protection details has been provided with this notification and appears adequate for its purpose. However, the CEMP and Method Statement indicate skip and waste storage within the canopy spread of trees along the southern border for example and this is inconsistent with the tree protection details set out in the Arboricultural report.
- 8.9 Biodiversity matters appear to be fully addressed in the supporting information accompanying this submission and the demolition works are confirmed as impacting a bat roost (building K) that will require appropriate mitigation and a License from NRW. The NCC Ecologist supports the methodology used for the Ecological Appraisal and associated survey work. NRW has been consulted on this submission (but is yet to respond) however the Ecologist confirms such a consultation is not necessary in this case. In accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, the confirmed bat roost constitutes a ‘Low Risk Case’, and so the standing advice is that NRW is not required to be a consultee on the application. This is with the proviso that the recommendations of the Bat Survey Report are implemented.

An EPS Licence issued by NRW will still be needed prior to demolition of the affected building. That licence will be issued subject to a series of conditions, which will include the implementation of the mitigation measures set out in Section 6.1 & Appendix II of the Bat Survey Report, together with any other that NRW require.

The Advisory Note recommended by the Ecologist will be included on any decision the LPA issues and apart from potential impacts upon roosting bats and nesting birds, no other concerns are raised in the Preliminary Ecological Appraisal Report dated 19th June 2024, assuming the trees and hedgerows which bound the site are unaffected by the proposed works.

- 8.10 The Tree Protection Plan confirms as follows, with trees (individual and group) proposed to be retained:



- 8.11 To conclude, in ecology terms, the information provided is satisfactory however, the Local Planning Authority must put its mind to the derogation tests in accordance with section 6.4.36 of PPW12 and having regard to the case of R (on the application of Simon Woolley) v Cheshire East Borough Council. This court judgment makes it clear that, notwithstanding

the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

8.12 These Derogations are considered as follows:

(1) there are no satisfactory alternatives to the proposal.

The buildings are at end of life and in very poor condition. The Council has taken the view that to continue providing acceptable education provision from the site, a new build alternative is necessary. Whilst, short term repairs are, strictly speaking, an alternative, such short term repairs are likely to have already occurred over the lifespan of these buildings and in any case, would in themselves potentially impact EPS matters. In this case, in order to provide acceptable education accommodation on this existing school site, the demolition of these buildings is necessary and no satisfactory alternatives exist.

(2) the proposal is for imperative reasons of overriding public interest.

The school is required to provide an acceptable standard of school accommodation and education service. The buildings proposed for demolition have been recognised as falling short of these expectations and their demolition is necessary to achieve an acceptable replacement building arrangement. The proposed restoration of the site which includes the new school building and associated works, will serve the public interest and both maintain and enhance the standard of school accommodation on this site. There are approximately 1,500 pupils on the school roll. There are some 150 members of staff, including 88 teaching staff, 26 teaching assistants and support staff. This test is considered to be met.

(3) the derogation is not detrimental to maintaining a favourable conservation status for the bat population.

In terms of the favourable conservation status test, this is a low-risk case with a suitable bat survey report and appropriate mitigation proposed. As the notification is accompanied by the information that confirms both survey and appropriate mitigation, this test is met and the applicant is bound by such information in the exercise of any permitted development rights.

8.13 Whilst matters of ecology, landscape and heritage are considered to be met, this notification falls short of providing sufficient information in relation to transport/highway matters and these shortcomings cannot be addressed by condition.

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 prior approval of the Local Planning Authority is required as additional information is required in relation to highways/transport matters.

11. DECISION

PRIOR APPROVAL IS REQUIRED

Reasons:

The submitted CEMP and associated Method Statement and Risk Assessment contains insufficient or imprecise information. Further or amended information regarding the following matters is required to ensure the measures set out to manage and mitigate impact are proportionate and appropriate:

- HGV/trip generation information
- frequency and duration of works
- demolition worker parking
- details of demolition compound including provision for delivery/demolition vehicles to turn and therefore access and egress the highway in a forward gear
- demolition vehicle management plan – to ensure that there is no conflict between demolition traffic and vehicles associated with the drop off and collection of children
- clarification of the parking proposals for existing displaced vehicles and operatives including information relating to numbers of spaces, management of conflict and revised school drop off arrangements
- a commitment to a wheel wash is necessary and reference to any mitigation or recommendations in the CEMP or Method Statement by terms such as “if necessary” or “if required” are imprecise and not acceptable
- the CEMP and demolition compound set up must be compatible with the tree protection measures set out the Arboricultural Method Statement.

NOTE TO APPLICANT

01 This decision relates to

- Construction Environmental Management Plan (Demolition) prepared by Willmott Dixon
- Demolition Method Statement and Risk Assessment prepared by Willmott Dixon

- Arboricultural Method Statement prepared by Ambler Associates
- Caerleon Comprehensive School, Preliminary Ecology Appraisal prepared by Ecology Wales
- Caerleon Comprehensive School, Bat Emergence Survey prepared by Ecology Wales
- CCS-HLM-00-00-DR-L-00008-Existing Site Plan - P06 prepared by HLM Architects
- CCS-HLM-ZZ-00-DR-A-10101-P01-Demolition Plan prepared by HLM Architects
- 24-043 Caerleon Comprehensive TPP-Layout1 prepared by Ambler Associates
- CCS-HLM-00-00-DR-A-00001-P05-Site Block Plan – Existing prepared by HLM Architects
- Caerleon School Draft Demo Logistics Plan 29-04-25 rev01 prepared by Willmott Dixon

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The following policies were relevant to the determination of this application:

- SP1 Sustainability
- SP2 Health
- SP9 Conservation of the Natural, Historic and Built Environment
- SP14 Transport Proposals
- GP1 Climate Change
- GP2 General Amenity
- GP4 Highways and Accessibility
- GP5 Natural Environment
- GP7 Environmental Protection and Public Health
- SP9 Conservation of the Natural, Historic and Built Environment
- T4 Parking
- W3 Provision for Waste Management Facilities in Development

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 In Wales all wild birds, their young, nests and eggs are protected under the Wildlife & Countryside Act 1981. It's an offence damage or destroy the nest of any wild bird while it's in use or being built, or destroy or remove any egg of any wild bird.

05 Bat Advisory Note

Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228