

# Report

## Planning Committee – Hybrid Meeting

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### Part 1

Date: 5<sup>th</sup> July 2023

**Subject** Planning Application Schedule

**Purpose** To take decisions on items presented on the attached schedule

**Author** Head of Regeneration and Economic Development

**Ward** As indicated on the schedule

**Summary** The Planning Committee has delegated powers to take decisions in relation to planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

**Proposal** **1. To resolve decisions as shown on the attached schedule.**  
**2. To authorise the Development and Regeneration Manager to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached**

**Action by** Planning Committee

**Timetable** Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

The Officer recommendations detailed in this report are made following consultation as set out in the Council's approved policy on planning consultation and in accordance with legal requirements

## **Background**

The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions. There is no third party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, well-being of future generations, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

## **Financial Summary**

The cost of determining planning applications and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

## Risks

Three main risks are identified in relating to the determination of planning applications by Planning Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

A decision can be challenged in the Courts via a judicial review where an interested party is dissatisfied with the way the planning system has worked or how a Council has made a planning decision. A judicial review can be lodged if a decision has been made without taking into account a relevant planning consideration, if a decision is made taking into account an irrelevant consideration, or if the decision is irrational or perverse. If the Council loses the judicial review, it is at risk of having to pay the claimant's full costs in bringing the challenge, in addition to the Council's own costs in defending its decision. In the event of a successful challenge, the planning permission would normally be quashed and remitted back to the Council for reconsideration. If the Council wins, its costs would normally be met by the claimant who brought the unsuccessful challenge. Defending judicial reviews involves considerable officer time, legal advice, and instructing a barrister, and is a very expensive process. In addition to the financial implications, the Council's reputation may be harmed.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry and judicial review can be high.

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Planning and Development Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Planning and Development Manager
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee  Planning and Development Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee  Planning and Development Manager

\* Taking account of proposed mitigation measures

### **Links to Council Policies and Priorities**

The Council's Corporate Plan 2017-2022 identifies four themes, including the aim to be a Thriving City. In order to achieve this, the Council is committed to improving:

- jobs and the economy
- education and skills
- fairness and equality
- community safety and cohesion
- the environment, transport, culture and social well-being

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling

economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

The Corporate Plan contains the Council's Well-being Statement and well-being objectives, which contribute to the achievement of the national well-being goals. The Corporate Plan also links to other strategies and plans, the main ones being:

- Improvement Plan 2016-2018;
- Local Development Plan 2011-2026 (Adopted January 2015);

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Local Development Plan (Adopted January 2015) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

### **Options Available and considered**

- 1) To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To grant or refuse planning permission against Officer recommendation (in which case the Planning Committee's reasons for its decision must be clearly minuted);
- 3) To decide to carry out a site visit, either by the Site Inspection Sub-Committee or by full Planning Committee (in which case the reason for the site visit must be minuted).

### **Preferred Option and Why**

To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate).

### **Comments of Chief Financial Officer**

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

### **Comments of Monitoring Officer**

Planning Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

### **Comments of Head of People, Policy and Transformation**

Within each report the sustainable development principle (long term, prevention, integration collaboration and involvement) of the Well-being of Future Generations (Wales) Act has been fully considered.

From an HR perspective there are no staffing issues to consider.

## **Comments of Cabinet Member**

The Cabinet Member for Strategic Planning, Regulation and Housing has been made aware of the report.

## **Local issues**

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule

## **Scrutiny Committees**

None

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

The Socio-economic Duty, part of the Equality Act 2010, was also enacted in Wales on the 31<sup>st</sup> March 2021. This requires the Planning Committee, when making strategic decisions, to also pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, personal security and participation.

## **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **Wellbeing of Future Generations (Wales) Act 2015**

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

Long term: Decisions made by the Planning Committee balances the need to improve the appearance of areas as well as meeting the needs of residents in order to make places safe to live in and encourage investment and employment opportunities. Planning decisions aim to build sustainable and cohesive communities.

- Prevention: Sound planning decisions remove the opportunity for anti-social behaviour and encourages a greater sense of pride in the local area, thereby giving the City potential to grow and become more sustainable.
- Integration: Through consultation with residents and statutory consultees, there is an opportunity to contribute views and opinions on how communities grow and develop, thereby promoting greater community involvement and integration. Planning decisions aim to build integrated and cohesive communities.
- Collaboration: Consultation with statutory consultees encourages decisions to be made which align with other relevant well-being objectives.
- Involvement: Planning applications are subject to consultation and is regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

Decisions made are in line with the Council's well-being objectives published in March 2017. Specifically, Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

### **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. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

### **Consultation**

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

### **Background Papers**

#### **NATIONAL POLICY**

Planning Policy Wales (PPW) Edition 11 (February 2021)  
Development Management Manual 2017  
Welsh National Marine Plan November 2019  
Future Wales - The National Plan 2040 (February 2021)

#### *PPW Technical Advice Notes (TAN):*

- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Commercial Development (2016)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: Planning and The Welsh Language (2017)

TAN 21: Waste (2014)  
TAN 23: Economic Development (2014)  
TAN 24: The Historic Environment (2017)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)  
Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

## **LOCAL POLICY**

Newport Local Development Plan (LDP) 2011-2026 (Adopted January 2015)

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015) (updated October 2021)  
Archaeology & Archaeologically Sensitive Areas (adopted August 2015)  
Flat Conversions (adopted August 2015) (updated October 2021)  
House Extensions and Domestic Outbuildings (adopted August 2015) (updated January 2020)  
Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)  
New dwellings (adopted August 2015) (updated January 2020)  
Parking Standards (adopted August 2015)  
Planning Obligations (adopted August 2015) (updated January 2020)  
Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)  
Wildlife and Development (adopted August 2015)  
Mineral Safeguarding (adopted January 2017)  
Outdoor Play Space (adopted January 2017)  
Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)  
Air Quality (adopted February 2018)  
Waste Storage and Collection (adopted January 2020)  
Sustainable Travel (adopted July 2020)  
Shopfront Design (adopted October 2021)

## **OTHER**

“Newport City Council Retail Study by Nexus Planning (September 2019) “ is not adopted policy but is a material consideration in making planning decisions.

‘The Economic Growth Strategy (and associated Economic Growth Strategy Recovery Addendum) is a material planning consideration’.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule and are available to view on the Council’s website using the application reference number.

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1.

**APPLICATION DETAILS**

**No:** 23/0327      **Ward:** Lliswerry  
**Type:** Full (Major)  
**Expiry Date:** 14th July 2023  
**Applicant:** Newport City Council  
**Site:** St Andrews Primary School Jenkins Street Newport NP19 0GR  
**Proposal:** **CONSTRUCTION OF A 3-STOREY NEW TEACHING BLOCK  
INCORPORATING JUNIOR TEACHING ACCOMMODATION, ANCILLARY  
FACILITIES, AND INCLUSION ZONE, AND LANDSCAPE  
RECONFIGURATION**

**Recommendation:** **Granted with Conditions**

**1. INTRODUCTION**

- 1.1 This application seeks full planning permission for the construction of a three storey teaching block incorporating junior teaching accommodation, ancillary facilities and inclusion zone, as well as landscape reconfiguration at St Andrew’s Primary School. The site is within the Lliswerry Ward of Newport.
- 1.2 The school’s previous junior accommodation was declared unfit for use and the junior department has been temporarily relocated to another site whilst the previous building has subsequently been demolished. Staff and pupil numbers are proposed to remain the same as part of this development.
- 1.3 Following the demolition of the junior block pupils in years 3, 4, 5 and 6 are currently transferred from the school via coaches to the Connect Centre in Mendalgief Road on the west side of the City and the pupils return to St Andrew’s school at the end of the teaching day. This arrangement has been necessary since the urgent demolition of the school building as it has not been possible for the pupils to be accommodated elsewhere on the existing site but it is a temporary measure only and has both operational and financial implications for the school and the Council. Consequently, it is not considered to be a sustainable option in the longer term and both the school and the Chief Education Officer are keen to ensure the delivery of the new school building as quickly as possible.

**2. RELEVANT SITE HISTORY**

21/0725	TEMPORARY PLANNING PERMISSION FOR THE INSTALLATION OF 1NO. SINGLE STOREY PORTAKABIN LTD BUILDING TO BE USED AS DECANT CLASSROOMS FOR A PERIOD OF 104 WEEKS	GRANTED WITH CONDITIONS
15/1511	REMODELLING OF SCHOOL GROUNDS INCLUDING MUGA PITCH, RELOCATION OF CAR PARK, CREATION OF NEW ACCESS, PLAYING AREA AND ERECTION OF FENCING	GRANTED WITH CONDITIONS
10/1280	EXTERNAL CANOPY FOR OUTDOOR PLAY AND TEACHING AREA	GRANTED

09/1248	EXTERNAL CANOPY FOR OUTDOOR PLAY	GRANTED
09/0530	ERECTION OF FENCING WITHIN SITE ALONG BOUNDARY	GRANTED
04/0141	ERECTION OF SECURITY FENCING	GRANTED WITH CONDITIONS
96/0898	ALTERATION/EXTENSION TO EXISTING INFANT/NURSERY, EXTENSION TO EXISTING CANTEEN BLOCK AND DEMOLITION OF OLD GYM BLOCK	GRANTED WITH CONDITIONS
96/0563	ERECTION OF TEMPORARY DEMOUNTABLE CLASSROOM	GRANTED WITH CONDITIONS

### 3. POLICY CONTEXT

#### 3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015):

*Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.*

*Policy SP3 Flood Risk ensures development is directed away from flood risk areas.*

*Policy GP1 General Development Principles – Climate Change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.*

*Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.*

*Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.*

*Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.*

*Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.*

*Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.*

*Policy T4 Parking states that development will be expected to provide appropriate levels of parking.*

*Policy CF1 Protection of Playing Fields, Land and Buildings used for Leisure, Sport, Recreation and Play notes that such sites will be protected unless it can be demonstrated that they are surplus to requirements or adequate alternative provision will be provided.*

*Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.*

### **Relevant Supplementary Planning Guidance**

Parking Standards SPG  
Waste Storage and Collection SPG  
Wildlife and Development SPG

#### **4. CONSULTATIONS**

4.1 GWENT POLICE (ARCHITECTURAL LIAISON OFFICER): I would welcome further communications with the developers to advise on the finer details of design, layout and physical security of this site with a view to designing out potential future crime and antisocial behaviour.

#### 4.2 DWR CYMRU – WELSH WATER: SEWERAGE

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site however, we advise that the existing drainage on site should be utilised where possible to avoid a new direct connection to the public sewerage system.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Newport City Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

4.3 NATURAL RESOURCES WALES: We have reviewed the submitted application and supporting Pre-Application Consultation Report (PAC) prepared by KEW Planning (referenced 2022/Norse/STANDREWS/ 01, dated March 2023). Our advice and position on the proposed scheme have not changed as (i) no new information has been provided for matters within our remit, and (ii) the scheme has not been modified, and (iii) we are not aware of changes to planning policy or relevant legislation that may affect our advice/position. We therefore have no further comments to make on the proposal and refer you to our statutory pre-application response (referenced CAS-209290-G1H9).

In summary, based on the information provided, we continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- FCA prepared by JBA Consulting, reference IMO-JBAU-XX-XX-RP Z-0001-S3.P01-St\_Andrews\_FCA, Version 1, October 2022.

#### **Protected Sites**

The proposed development is approximately 175m from River Usk Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Based on the information provided, we consider that the proposed development is not likely to damage the features for which River Usk SSSI and SAC are designated.

#### **Advice for developer – Pollution Prevention**

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to Guidance for Pollution Prevention 5: Works and maintenance in or near water, and Pollution Prevention Guidelines 6: Working at construction and demolition sites, which are available on the [NetRegs website](#).

4.4 SOUTH WALES FIRE & RESCUE: Further comment in reference to the proposal at the above address will be made at the formal consultation stage once comments are received from appointed building control body (BCB); however this authority will be happy to attend a pre-building regulation consultation to discuss the package of fire safety measures that are proposed in the fire strategy to satisfy the Building Regulations with the design engineer and BCB prior to that formal consultation if requested.

4.5 WALES AND WEST UTILITIES: Provide detail of equipment and offer no objection.

## 5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): Following 2 rounds of pre-application discussions the principles of the development have been amended and are acceptable to highways subject to the following conditions:  
The Construction Management Plan (CEMP) submitted is "interim". In general it is agreed however further detail will be required within the final document. The interim document suggests that the developer /contractor can change the document at any time. Any changes to the final document must be notified to and agreed with NCC.  
It is noted that school and construction staff will park in an adjacent field. This should be addressed within the CEMP, paying attention to public safety (visibility crossing paths etc) and potential for mud to be transferred to highway.  
It is accepted in principle that the existing access from Milner Street should be used during construction, but it must be made good within the final stages of the construction, and prior to use of the development hereby permitted.  
The CEMP makes reference to access via "Griffin" this requires clarification.  
More definition/clarity is required around delivery schedules to avoid conflicts during school drop off / pick up times.

### *Suggested Conditions*

No development shall take place until a scheme to permanently close off the existing vehicular and/or pedestrian access on to Milner Street has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use unless otherwise agreed in writing by the Council as Local Planning Authority.

Reason: To limit the number of access points to, and to maintain the proper construction of, the highway in the interests of road safety.

The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for cycle parking have been provided in accordance with the details and specifications shown in the approved drawings. The cycle parking shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

Notwithstanding the Interim Construction Management Plan, no works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority. The method statement shall include, but not be limited to:

Construction traffic routes, including provision for access to the site entrance/exit from the site for visitors/contractors/deliveries;

Location of directional signage within the site;

Siting of temporary containers;

Parking for contractors, site operatives and visitors;

Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction;

Temporary roads/areas of hard standing;

Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements;

Storage of materials and large/heavy vehicles/machinery on site;

Measures to control noise and dust;

Details of street sweeping/street cleansing/wheelwash facilities;  
Details for the recycling/disposing of waste resulting from demolition and construction works;  
Hours of working;  
Phasing of works including start/finish dates;  
For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.  
The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.  
Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

Unless otherwise approved by the Council as Local Planning Authority, there shall be no vehicles exceeding 7.5 tonnes maximum gross weight brought on to the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Council as Local Planning Authority. For the avoidance of doubt the areas of concern are Milner Street and Jenkins Street in the vicinity of the access/egress where there is potential for damage by large vehicles that the access / egress points are not designed to accommodate.  
Reason: To preserve the integrity of the condition of the public highway.

The development shall not be occupied until the owners and occupiers of the site have appointed an on-site Travel Plan Co-ordinator. The Travel Plan Co-ordinator shall be responsible for the implementation, delivery, monitoring and promotion of the Travel Plan, including the day-to-day management of the steps identified to secure the sustainable transport initiatives. The details (name, address, telephone number and email address) of the Travel Plan Co-ordinator shall be notified to the Local Planning Authority upon appointment and immediately upon any change.

Reason: To ensure that an approved Travel Plan is implemented, in order to establish sustainable, non-car modes of transport.

The development shall not be brought into use, until a School Travel Plan has been submitted to and agreed in writing by the Councils as Local Planning Authority in consultation with the Council's Road Safety and Travel Awareness Team and School Travel Plan Advisor. For the avoidance of doubt, the School Travel Plan shall include, but not be limited to the following:

- a) Allocation of a Travel Plan coordinator at the school
- b) Involvement of the Head teacher, staff, pupils, parents and governors
- c) Clearly defined targets and objectives for mode share
- d) Data obtained from staff and pupils
- e) Appropriate measures taken to improve and encourage sustainable travel
- f) An action plan including a timetable for the implementation of each element
- g) Annual reinforcement of the School Travel Plan by monitoring and review in co-operation with the Council's Smarter Travel Choices Team

Reason: To maximise opportunities for travel by modes of transport other than private car.

5.2 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (ECOLOGY OFFICER): I have considered the PEA, PGLRA & PRA Report dated May 2023 submitted in support of this application, and I support the methodology and conclusions of that report.

A number of precautionary mitigation measures and biodiversity enhancement features are set out in sections 4 and 5 of that document, and we should secure implementation of these with a planning condition, e.g.

Condition: Pursuant to the submission of reserved matters, a scheme of ecological mitigation and enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Such ecological enhancement shall include measures to promote increased biodiversity on the site and providing for the future management of any such measures as necessary.

The scheme shall be completed prior to first beneficial use of the approved development or such other timetable set out and agreed in the above scheme.

Reason: In accordance with policies CE3 and GP5 of the adopted Local Development Plan.

I support the comments made by Mackley Davies Associates in relation to landscaping at this site, and these should contribute to overall ecological enhancement at this site.

5.3 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (TREE OFFICER): No response.

5.4 HISTORIC BUILDINGS CONSERVATION OFFICER: I have looked over the application and in principle have no major concerns with the proposed development. I believe previous advice from pre-application stages have been taken into account in the final design. The use of red brick creates a connection with the former historic building and adjacent school building remaining at site. Incorporating these materials into a contemporary style building works and creates an effective contrast on the overall site. I think the design and scale of the proposed is acceptable and would support the application.

5.5 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (LANDSCAPE OFFICER): Previously raised soft landscape concerns have been addressed in revised documents by Stride Treglown. The covering letter is particularly welcome as it highlights where changes have been made and identifies constraints (often imposed by the client) where changes have not been made.

Comments below on Corporation Street tree planting are directed to NCC rather than the applicant.

Comment on the Green Roof is yet to be addressed by the applicant but could be conditioned.

Two comments on Corporation Street ornamental planting remain despite the changes made.

#### Landscape GA Plan rev 07

No new street planting is proposed to Corporation Street. In my view there is no room for this but this places a reliance on the existing street trees outside the site to provide all of the visual softening for the new building. The trees are all field maple, early mature, in poor form following heavy pruning, but still have a life expectancy of 20-40 years according to the Tree Survey. Should any require removal, replacement planting with semi-mature stock will be important to maintain the visual softening effect.

#### Green Roof

A green roof is proposed to the lower roof of the inclusion zone but is not included within the soft landscape plans or elsewhere. A condition to include monitoring should be used to ensure successful establishment and management of vegetation cover across the roof eg. a short report with photo evidence by a landscape consultant to Newport City Council submitted by 31st December for year 1 and 3 after landscaping summarising any issues, replacement required, and the timetable for replacement.

#### Soft Landscape Plan inc. Planting Schedules rev 07

1. The SUD's seating area which will be part of the public street has been redesigned to provide more suitable planting. The percentage of *evergreen interest is low* and could be increased to provide interest through winter months especially as there is *no ground cover* planting.

2. Beds fronting the main elevation to Corporation Road have been redesigned and this will provide more height variation up to 1.5-2m. I still feel that the current planting is 'out of scale' with the mass of the building elevation proposed and as the bed appears to be around 2m depth, there is scope for *larger scale planting* to soften the building elevation, for example through the use of fastigate evergreen shrubs against the brick columns.

5.6 HEAD OF CITY SERVICES (WASTE MANAGER): No response.

5.7 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (NOISE) AND (POLLUTION): I confirm I have no objections to the proposals; however the following condition should be attached to any permission granted;

#### **Acoustic performance standards**

Each room or other space in a school building shall be designed and constructed in such a way that it has the acoustic conditions and the insulation against disturbance by noise appropriate to its intended use. Indoor ambient noise level requirements defined in Building

Bulletin 93 (2015) shall be adhered to, and thereafter be maintained in accordance with the approved details.

### **Plant and Equipment Noise**

Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

**Reason:** To ensure that the amenities of occupiers of other premises in the vicinity are protected.

### **Future Fume Extraction**

If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the above equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details.

**Reason:** To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities.

- 5.8 NEWPORT CITY COUNCIL SUSTAINABLE DRAINAGE MANAGER: Having reviewed the information, a SAB application will be required due to the scale of the works. Further information can be found in the following link.  
<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.newport.gov.uk%2Fen%2FPlanning-Housing%2FPlanning%2FSustainable-drainage-systems.aspx&data=05%7C01%7CVicky.Quinn%40newport.gov.uk%7C66935b1bdb1c46211d9608db4a3dc9ec%7C2c4d0079c52c4bb3b3cad8eaf1b6b7d5%7C0%7C0%7C638185401458497652%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBtIl6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=sU06NkPaDwGar gWtyMvXpE7CdijUF%2FxD5miYcyktVOE%3D&reserved=0>

We would encourage the applicant to engage with us at the earliest opportunity to ensure that the planning application and sab application can be reviewed in conjunction to ensure the design satisfies SAB and planning standards.

- 5.9 ACTIVE TRAVEL OFFICER: The report contains repetition, unambitiously low targets and not enough detail. Parking standard minimum is 23 spaces, yet 32 spaces are proposed. Why it is necessary to go 40% over the minimum – what is the special case of this inner-city site? Would this space be better allocated to extra bike/scooter parking, space for play or green space?
- Looking at one bus stop outside school should not mean an accessibility rating of 0.93. Access to the opposite bus stop must also be factored in and a safe route from the other stop included in the plan. Bus users would have to cross Corporation Road and either Amelia Avenue or Jenkins Street, which would mean:
- adding a crossing or guiding pedestrians from the bus stop to the signalised crossing of Corporation Road
  - building safe, pedestrian-friendly crossings such as a continuous footways at the mouth of one or both side roads

Road safety skills for students places the onus on vulnerable road users for a dangerous situation that is largely out of their control. Road safety skills for children is not a replacement for a safe environment, and should not mentioned before traffic calming, traffic reduction, public transport provision and safe space for active travel.

6.3.2/3 and 8.1.3/4: These targets are unambitious and do not reflect the pressing need to increase physical activity, decrease transport carbon output and make the roads safer.

7.2.1: In the section 'Managing Car Use', 'Consider introducing a permit parking system'—needs the full demographic picture, i.e. where are people traveling from, and a workable structure. Workplace parking levies and permit schemes exist and can be referred to. Suggesting that something is 'considered' is not enough.

Further comments following the submission of information from the applicant:

I'm pleased to see that they have added more recent, detailed information to their report now. However, I am concerned that they remain with their initial proposal of 32 car parking spaces despite showing calculations that conclude that 23 are required (4.3.2-5). At the same time, 50 short-stay bike spaces are disregarded (4.3.6-9). The area required by the excess car spaces and the missing bike spaces being about the same.

There is no justification given for the proposal to maintain the current level of car parking provision. This is a urban school with a very local catchment area, where pollution and congestion is a recognised problem. It is within active travel distance of the catchment area and served by several buses. The Active Travel Act guidance 7.3.2 says: *Active travel modes shall be integral to planning and design from the outset, rather than being seen as an 'add-on' once the needs of motor traffic have been considered.*

- Parking is provided in excess of the required amount: Current provision/demand should not hold sway when shaping infrastructure for healthier choices.
- The required amount of long-stay bike parking cannot be used to replace the required short-stay spaces – they are both to be provided and one does not substitute for the other.
- Less cycle parking is provided than required. Current demand, and an unambitiously low increase target, should not hold sway when shaping infrastructure for healthier choices.

## 6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (160 properties), a site notice displayed and a press notice published in South Wales Argus. 2no responses have been received (one response making observations and one objection) from neighbouring residents, summarised below:

-I am concerned regarding the health and safety of the residents and pupils whilst the new building is being built. At present when the school is starting and finishing the roads adjacent to the school are over run with traffic caused by school drop offs. This will get worse when the building work begins, with the extra traffic from the builders. Surely the school should be reducing the amount of people dropping off school children by having the school children going straight to the YMCA instead of creating congestion in Milner Street and Jenkins Street. -I would like ask if we can have a 'no entry' signs at the end of the Milner Street (left turn next to the garages). That part of the road, is private leading to 3 houses at the end of the Milner Street.

For years this road has been treated as parking area by school parents in the school time (drop of and pick up) and is quite often blocked by illegally parked cars and parents use this road as a turning point. There has been a situation in the past that we have to park our cars somewhere else (i.e. at the beginning of the Milner Street) as we could not access our house. We tried to explain this to some parents, but we were totally ignored.

Secondly, this road has been damaged by the cars treating this a parking and turning point. There are loads of pot holes and the surface is absolutely destroyed. It will need to be fix soon and it will need to be paid out of our private money. In general Milner Street does not have capacity for all the cars during the pick-up and drop of times. It is total chaos but this is public road so they can park there.

6.2 COUNCILLOR JAMES PETERSON: I have looked through the plans and I struggle to see the problem with the look of the building. This build will be a modern build and I believe to much attention is being paid to the external look of the building in regards to the in keeping of the area. I accept the building next door is of the early 1900's however this building is the oddity of the area, as if you travel 400m one way from the site on the same road you will find 13 small retail shops and a pub. Then if you travel the opposite direction for the same distance you will find a petrol station, body repair shop, a car sale dealership (with a very modern look), a tyre bay, a pump station, a very large & modern DIY superstore(orange



and grey in colour) and a supermarket (green in colour). I believe the ship has sailed with the in keeping of the traditional building in the area due to previous planning decisions so lets embrace the modern build as it has taken parts of the old building design and modernised them.

Another point I noticed was with the roof terrace needed panels for privacy of Millner St residents. I believe this is over the top as the enclosure of the roof terrace is 1.5m and the majority of the users of this roof will be children under the age of 11 and the average height of a 11 year old is 1.4m. Granted teaching staff will be taller however if we intrust our children to these professionals then I see no issue to intrust the privacy of the residents of Milner Street.

## **7. ASSESSMENT**

7.1 The new building is proposed to be sited towards the front of the site, where it will form part of the secure boundary and maximise external play space within the campus. The building would have an L shaped footprint aligned with Milner Street and Corporation Road. The public entrance to the school will be at the front of the building, accessible directly from Corporation Road. This is to ensure that the school has a community-facing presence that was lacking in the previous scenario, whereby visitors either needed to access at the rear of the junior block, or, more recently through the infant block off Milner Street.

7.2 The site is within an urban setting located on Corporation Road, which is one of the main thoroughfares on the eastern side of the city. It is predominantly surrounded by residential properties but is also neighboured by a church to the north side (Jenkins Street) and the Carnegie Library (now a Flying Start playgroup), which sits on the opposite side of Milner Street. The site is typical of many city centre schools with ageing Victorian buildings and a lack of external play space. In addition to external areas within the site, the school uses public playing fields nearby, at the end of Milner Street.

7.3 In design terms the former junior block represented a fine example of a Victorian School building and its demolition is regrettable although it is understood that the school building was beyond repair. Given the design quality of the former school building and the site's prominence on a major thoroughfare in the City, a high standard of design is sought in the redevelopment of the school in line with the Placemaking principles of Planning Policy Wales.

### **7.4 *Design***

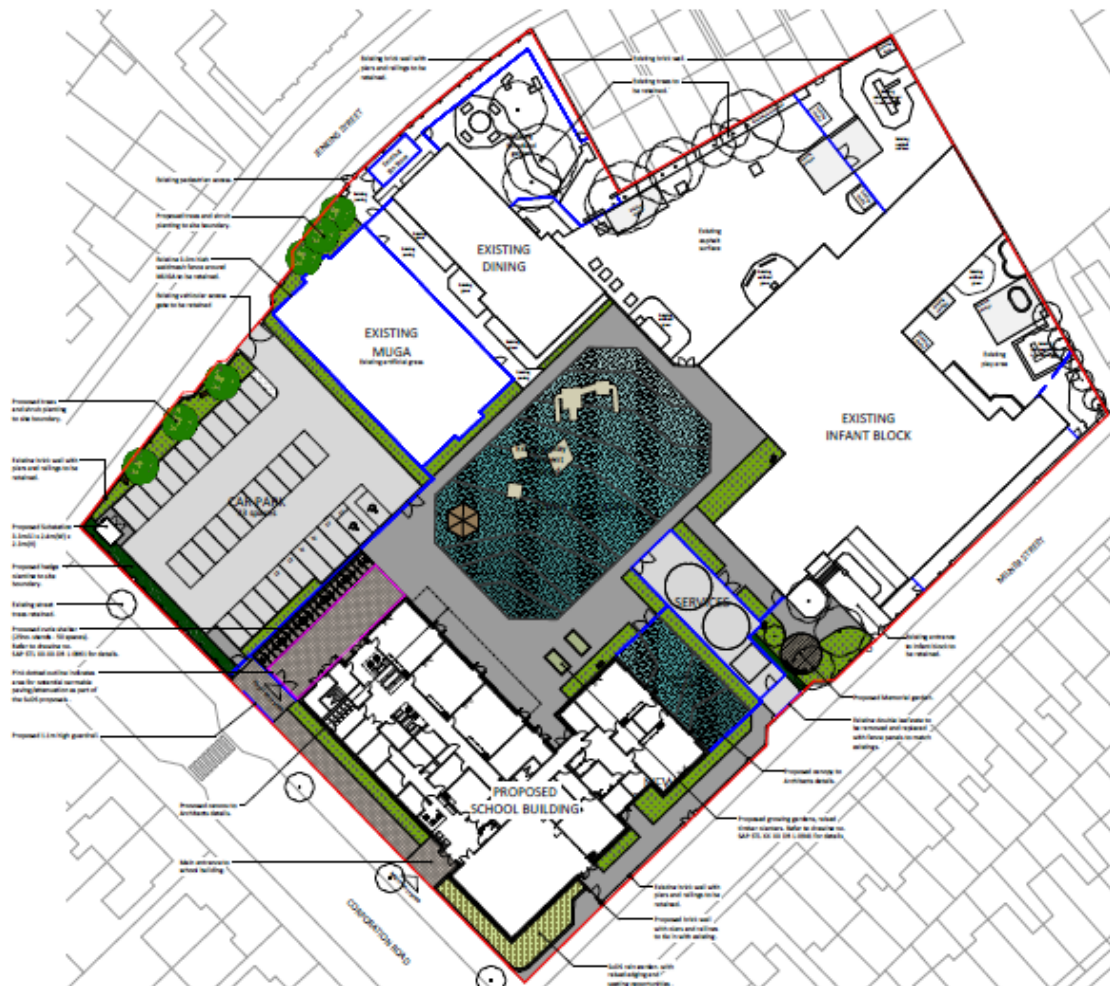
A three storey building is proposed having a maximum height of 16m with a green roof on the upper roof. Although the demolished junior block was a 2 storey building, the overall heights are comparable, given that the old building had generous floor to ceiling dimensions and a steep pitched roof, measuring around 16m to its roof ridge. The images below show an outline of the former school building in a dashed red line in comparison to the proposed building. The outlines of Carnegie Library and the gable end of no. 2 Milner Street can also be seen to right of the school in the top image. The second image shows the old and new building as though viewing from Milner Street side and the outline of properties in Jenkins Street can be seen at the rear:



3d Elevation



- 7.5 The design of the proposed building is contemporary and consists of 3 boxes connected to each other. The smallest, single storey box at the rear of the new block contains the Inclusion Zone, the hall is expressed as a 2-storey box on the Milner Street corner of the building, whilst the main teaching wing is a 3 storey element (with taller stair core) that overlooks Corporation Road. Each block is proposed to have a low pitched roof with parapet providing edge protection for maintenance. Extensive photo voltaic panel coverage is proposed to support the Net Zero Carbon strategy. A sprinkler tank and pump enclosure will sit between the Inclusion Zone yard and the infant block and will be appropriately landscaped to minimise visual impact. A new substation is proposed to sit within the site, at the western corner of the car park adjacent to the junction of Corporation Road and Jenkins Street measuring 3.3m x 2.4m x 2.3m in height. The refuse area is to remain as existing, near to the existing dining block. The image below shows the proposed site layout:



- 7.6 The front of the building will feature a new visitor entrance point, highlighted by a cantilevered entrance canopy with mounted signage. Pupils will enter the site via the gated access points leading directly to the playground. In terms of other boundary treatments around the perimeter of the site, as noted above, the new school building will form the site frontage acting as a security line along the majority of the boundary of Corporation Road and around the corner of Milner Street. Existing boundary wall with railings are to be retained along Jenkins Street and Milner Street. To the rear of the site the existing boundary treatment with neighbouring properties will remain unaltered. A roof terrace was initially included as additional teaching space as part of the proposals but this aspect of the development no longer forms part of the scheme.
- 7.7 The application was subject to pre-application discussions and the LPA expressed reservations with regard to aspects of the design as part of these discussions. In particular the scale and massing of the building, lack of architectural detailing and inadequate response to site and wider context were of concern. The design of the building has been subject to some changes including a slight reduction in the massing of the building, improved solid to void relationship in fenestration detailing and reduction in expanse of solid walling (particularly within the most dominant southernmost corner of Corporation Road and Milner Street), a materials pallet which provides better harmony with the existing school buildings and improved detailing; in particular contrasting horizontal banding. The design does not mimic the traditional building it replaces and it is not expected to but at least provides references to the historic buildings retained on site with its choice of materials and banding in particular. The building is contemporary so will contrast with the adjacent Carnegie library, terraced residences and retained school buildings closeby. It is clearly arranged to ensure school operational expectations are met and likely improved as well as national requirements relating to energy efficiency and of course, viability and cost considerations. Overall the design of the building is considered acceptable and policy GP6 is met.

7.8 Materials have been chosen to reflect those of the existing and demolished buildings so as to help harmonise the new and existing buildings. This includes red facing brickwork with horizontal stone banding in a buff colour to sit above a darker brick plinth at ground level across the majority of the new building's elevations. Terracotta rainscreen cladding arranged vertically in a deeper red colour than the brick is proposed in limited feature areas of the main hall and stair tower. Dark grey window frames and spandrel colours have been selected to compliment the wider palette and the school's emblem will be mounted on the stair tower in their feature pink pantone colour. Proposed elevations are shown below:



South-West Elevation  
1:100



North-West Elevation  
1:100



## 7.9 *Amenity*

In terms of the relationship between the new building and neighbouring residential dwellings there will be a distance of 19m between the nearest part of the building and residential properties opposite in Milner Street and properties on the opposite side of Corporation Road will be further still at around 28m. Properties in Milner street are sited opposite to the proposed Inclusion Zone wing of the new school building which is single storey in height while the two storey hall would be sited opposite Carnegie Library (see image directly above).

7.10 Windows are proposed in the new building in the front and side elevations facing neighbouring properties. Given the distances involved, the densely populated urban nature of the surrounding area and the recent occupation of the site by the former school building it is not considered that the presence of windows would result in a detrimental impact to neighbouring privacy or amenity. Although the building will sit relatively close to the boundary of the site along Corporation Road and Milner Street the visual impact of the building will be softened by landscaping. The applicant has confirmed that no flood lighting is proposed.

7.11 It is not considered that the proposals will result in an adverse impact to either neighbouring privacy or amenity. Policy GP2 is met.

#### 7.12 **Highways matters**

The school is currently served by on-site parking and parking and access arrangements are to remain largely unaltered. The school's staff carpark is accessed from Jenkins Street and accommodates 32 spaces. The car park access was approved under planning permission 15/1511 (remodelling of school grounds including MUGA pitch, relocation of car park, creation of new access, playing area and erection of fencing). That planning permission also approved the creation of a play area on the school's former parking area, which was accessed from Milner Street. The school's bin store area is adjacent to Jenkins Street and refuse collection and all of the school's servicing is from the roadside. This will remain unaltered. The proposed development will not increase the frequency of refuse collection or visits by service vehicles. The constrained nature of the site means that it is impracticable to allow large vehicles to regularly enter the site and also provide sufficient room for these to undertake turning manoeuvres within it.

7.13 A new pupil entrance is to be provided from Corporation Road and will be aligned with the existing pedestrian crossing. The boundary of the school will be set back, providing a 3m wide area at the back of the existing footway for parents and children to congregate safely at the start and end of the school day. Pedestrian guard railing will be provided along the back of the existing footway to prevent children from over-spilling onto the public highway. The school access is aligned with the existing crossing facility to ensure that the crossing is on the desire line for all walked journeys that have to cross the road. Some concerns were initially raised with regard to this relationship by the Council's Highways officer. However, the applicant argues that moving the pedestrian access increases the risk that pedestrians would choose to cross at a point most convenient to their journey rather than at the controlled crossing point. The pavement outside the school at Corporation Road is of generous width and even with an accumulation of parents or visitors at the pupil entranceway, it is unlikely to cause an all movement obstruction on the public pavement prejudicial to safety. There is a 10m distance between the school access and the signalised crossing measured from the edge of the pavement to the pupil site entrance, providing ample separation which ensures that children and parents will not overspill from the school to the extent that the safe operation of the crossing is compromised. No objections have subsequently been raised by the Council's Highways officers with regard to this.

7.14 The existing school car park will be reconfigured to accommodate some landscaping around its boundary and allow for new electric vehicle charging spaces and priority parking spaces for car sharers. A total of 32 spaces are proposed, which equals the existing provision. The car parking provision exceeds the Parking Standard requirement that 23 parking spaces be provided. The layout of the car park will be rationalised to provide the following:

- 10% of the total car parking spaces will have electric charging points) = 4 spaces.
- At least 5% of the total car parking spaces will be provided for car sharing spaces

-2% of the total car park capacity will be accessible parking.

-Cycle parking is to be provided in line with the Council's Parking Standard SPG requirements.

-New cycle and scooter storage will for pupil and staff use will be accessed from the new Corporation Road access.

- 7.15 The school's Milner Street access, will also continue to be used for pedestrians only. This was once the access to the school's parking area. The car park was subsequently relocated and is now accessed from Jenkins Street. Although not providing access for vehicles, the Milner Street access retains the characteristics of a vehicular access point. This will be addressed as part of the development with full height kerbs laid at the edge of the carriageway to provide an uninterrupted level footway across the access.
- 7.16 In response to the proposals the Council's Highways officers raise no objections in principle. Following the initial comments from Highways officers, details of the proposals to make good the footway in Milner Street have been submitted and the Highways officer confirms the details to be acceptable. The Council's Highways officers and Active Travel officer have raised concerns with regard to the Travel Plan submitted with the application. In response the applicant advises that the current Travel Plan has been prepared as a framework for the school to work on, but they will not be able to finalise it and address the concerns raised within the timeframe required for this planning application. The applicant accepts the need for a pre-occupation condition in order to secure these details in line with the Highways Officer's initial response. However, the applicant has provided the details of the Travel Plan Co-Ordinator.
- 7.17 As noted above, concerns have been raised by a neighbouring resident with regard to the construction phase. It is confirmed within the CEMP that school and construction staff will park in a nearby field accessed via Jenkins Street. Whilst inevitably the construction of a new school building within an urban area such as this will result in some disruption in terms of noise and disturbance, traffic and parking, this is temporary in nature and the CEMP includes measures to insure the impact is reduced. In order to address officers concerns with regard to such impact the CEMP has been provided upfront as part of this application. The Council's Highways officer advises that some aspects require further clarification and so it is recommended that a final CEMP is secured by way of condition should planning permission be forthcoming. The Highways officer also requests survey work on local roads pre and post construction to highlight any damage and associated repairs caused by the development along with weight restrictions. This is a matter best agreed between the contractors/applicant and the highway service.
- 7.18 Concerns have also been raised by a neighbouring resident with regard to the use of a private section of Milner Street by parents during pick up and drop off times and the condition of that part of the road and it is requested that no entry signs be put up to prevent this. However, whilst the comments are duly noted, this is an existing situation and the development of the school site as proposed is not considered to exacerbate this. Notwithstanding this, the comments have been forwarded on to the Council's Highways officer to respond to.
- 7.19 **Flood Risk**

The site is located within Flood Zone C1 and is highly vulnerable in type. Whilst it is acknowledged that the building replaces a former school building at the site, whilst the LPA does afford weight to this, it nonetheless constitutes new development TAN15 classifies schools as highly vulnerable development and should only be permitted within Zone C1 if determined by the LPA to be justified in that location. Development will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement1; **or**,
- ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; **and**,

- iii It concurs with the aims of PPW and meets the definition of previously developed land; and,
- iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

7.20 For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

### **Test 1 – Justification**

7.21 **Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement**

Located within the settlement boundary and replacing a building on an existing school site, Officers consider that the development is necessary as part of a local authority strategy required to sustain an existing settlement.

7.22 **It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)**

PPW defines previously developed land as:

*Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.*

The proposal satisfies this test and meets the definition of Previously Developed Land.

7.23 **Tests 2 to 12 – Consequences of Flooding**

Moreover, criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

***Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).***

NRW have not objected to the development on the basis of inadequate flood defences.

***Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.***

No such flood mitigation measures proposed as part of the development.

***Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.***

It is intended to notify the developer of this by way of an informative to the planning consent and as an operational school site the applicant is aware of the flood risks.

***Test 5 - Effective flood warnings are provided at the site***

NRW identify that whilst they seek to provide timely and robust warning they cannot guarantee their provision. No objection is offered by NRW on this basis.

***Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions***

In the 0.1% AEP 2097 event, access and egress to the site can become hazardous with many surrounding roads becoming impassable and unsafe. In this event flooding across Newport is widespread, meaning that almost any travel across the city would be advised against during the peak of the tidal surge.

Tidal storm surges are slow moving metrological events. The 'Coastal flood boundary conditions for the UK' storm surge profile for Newport takes 35hrs to reach its peak. This means that the tidal surge spans multiple tidal cycles before reaching its peak. In practice this means that flooding is very likely to take place in more low-lying areas in the high tide that precedes the maximum coincidence of storm surge and high tide. This makes tidal flooding relatively predictable as storm surges are slow moving and must coincide with entirely predictable astronomical high tides. This provide 24-48 hours of flood warning, which will allow time to close the school site.

The lead-time for a tidal flood event means that it should not be necessary to evacuate the site during the school day, rather it would only be necessary to advise parents of the precautionary closure of the school site. As such access and egress arrangements have limited significance as the site should be unoccupied during a flood event. If for whatever reason people are caught onsite during a flood event, then it is recommended that they shelter in the building until flooding recedes to a safe level. Given the proposed flood mitigation measures, the site will provide safe refuge as it is predicted to remain flood free in all design events.

The FCA shows that at the peak of flooding at 16hrs most areas locally are experiencing low flood velocities (<0.3m/s). However, there are pockets were water flows more rapidly. By 17hrs all floodwater in the area has all but stopped moving with all velocities in the area under 0.3m/s and most areas well below 0.1m/s. These time sequence model results demonstrate that tidal overtopping is short in duration, taking place for only approximately an hour at the peak of the tidal cycle. During this time travel in the area is strongly advised against, due to local and further afield hazards. However, once overtopping has stopped flood depths and velocities rapidly reduce allowing for careful access and egress to resume.

***Test 7 - Flood emergency plans and procedures produced by the developer must be in place***

A Flood Emergency Management Arrangement document has not been submitted.

The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. Planning Officers are therefore not in a position to comment upon the effectiveness of the flood emergency management arrangements document. These procedures would be the responsibility of the developer.

***Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters and Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.***

The FCA recognises the highly vulnerable nature of the development and uses a 75 years lifetime of development to allow for a climate change allowance. In the current baseline scenario and the post development scenario, the development site is shown to remain flood free during the 0.5% (1 in 200 year) plus climate change allowance (CCA) annual probability tidal flood event, which satisfies the requirements of A1.14 of TAN15.

In the current baseline scenario, the majority of the development site is predicted to remain flood free, including the area for the proposed building replacement, and the building is also shown to be flood free in the post development scenario during the 0.1% (1 in 1000 year) plus CCA annual probability tidal flood event. This meets the requirements of A1.15 of TAN15.



### ***Test 10 - No flooding elsewhere.***

The FCA concludes that as a result of the slight increase in the building footprint and increase in floor levels, any increase in flood depths would be located within the boundary of the school and will therefore have no effect on third parties.

***Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.***

The proposals accord with this.

***Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 1000mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.45m/second in properties and the maximum rate of rise of floodwater would not exceed 0.3m/hour (refer to table at paragraph 7.7.41).***

The FCA shows that at the peak of flooding at 16hrs most areas locally are experiencing low flood velocities (<0.3m/s). However, there are pockets where water flows more rapidly. By 17hrs all floodwater in the area has all but stopped moving with all velocities in the area under 0.3m/s and most areas well below 0.1m/s. These time sequence model results demonstrate that tidal overtopping is short in duration, taking place for only approximately an hour at the peak of the tidal cycle. During this time travel in the area is strongly advised against, due to local and further afield hazards. However, once overtopping has stopped flood depths and velocities rapidly reduce allowing for careful access and egress to resume.

- 7.24 In summary, the FCA has demonstrated that the building would be flood free and it includes an assessment of the 0.1% (1 in 1000 year) event including climate change allowance (CCA) over the life time of development. Access and egress routes generally have low velocities but many roads will become unpassable and unsafe.

It should also be noted that as the nature of the flood risk is tidal and as such there is likely to be advanced flood warning time of 24-48 hours. This means that it should not be necessary to evacuate the school as due to the warning it will likely be closed beforehand as a precautionary measure. Notwithstanding this the flood depths and velocities are shown to be low. The proposed school will offer improved flood resilience compared to the building it replaces and this is a material factor. Also, the new school building does not increase school capacity or intensify the highly vulnerable use in this flood risk area compared to the previous arrangements. It is considered that the proposals are acceptable in flood risk terms.

### 7.25 ***Landscaping***

Given the urban location of the building and the prominence of the site it is considered that a suitable soft landscaping scheme is of particular importance. The application is supported by a Landscape Strategy. The Council's Landscape officer has been consulted and confirms the strategy to be generally acceptable. However, in relation to Corporation Road the Landscape officer considers that whilst there is no room for new planting (above that already shown), this places a reliance on the existing street trees outside the site to provide all of the visual softening for the new building. Should any require removal, replacement planting with semi-mature stock will be important to maintain the visual softening effect. The opening up of the Corporation Road frontage offers greater opportunities for a more active engagement with the street when compared to the present arrangement. Whilst some walling and railing will be retained, the majority of the front elevation of the new building and the side elevation wrapping round Milner Street will be unenclosed.

7.26 The comments of the Landscape officer are duly noted. As can be seen from the extract below taken from the Landscape plan, some new planting is proposed along the Corporation Road frontage and around the corner of the site along Corporation Road /Milner Street which will help to soften the impact of the building somewhat. On balance, given the constraints of the site and limited scope for any additional planting, the proposals are considered to be acceptable in terms of landscaping.



7.27 The images below are an artist's impression and shows the site corner of Corporation Road and Milner Street. The landscaping beds around the frontage of the site and the existing street trees are shown:





## 7.28 **Ecology**

The application is supported by ecological surveys and the Council's Ecology officer has been consulted and subsequently confirms that he is supportive of the methodology and conclusions of the report subject to a condition to secure ecological enhancements as the report recommends. It is not considered that the proposals will result in an adverse ecological impact and suitable enhancement can be secured by condition in accordance with Policy GP5 of the NLDP.

## 7.29 **Drainage**

This development will be subject to a SAB approval process and is therefore designed in accordance with the Welsh Government Statutory Standards for Sustainable Drainage Systems. The applicant advises that a full application for SAB approval will be submitted 12 weeks prior to the start of site date. This is to ensure that full construction issue drawings are included within the application allowing the SAB full confidence in the design.

7.30 A new foul drainage network will be constructed along with the new building to eliminate the risk of ongoing remedial works in the existing sewers. Dwr Cymru – Welsh Water confirm no objections are offered to the proposals.

## 7.31 **Noise**

Given the proximity to road noise sources the application is accompanied by an acoustic report and the Council's Environmental Health officers have been consulted and confirm no objection to the proposals on this basis subject to conditions to ensure that the school building is built to recognised standards and to control any future plant equipment.

## 8. **OTHER CONSIDERATIONS**

### 8.1 **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.

### 8.2 **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.

- 8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

- 8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.6 ***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.

8.7 ***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.

**9. CONCLUSION**

- 9.1 The partial redevelopment of the school which is a brownfield site in an urban location is acceptable in principle and will facilitate the on-going use of the school site and much needed junior accommodation. Following some changes to the design of the school in response to comments from the Planning Service it is considered that the scheme has been improved and is acceptable overall. It offers significant benefits in the delivery of modern school space on the existing school site with minimal changes to the operation of the wider school. It will address current issues relating to the displacement of junior school children and the associated challenges and concerns that arise from them having to be transported off site for their education. Such benefits are given considerable weight.

- 9.2 The proposals are considered to be acceptable in terms of flood risk, parking, access arrangements, landscaping and suitable ecological enhancements can be secured by condition.

- 9.3 It is recommended that the application is granted subject to the following conditions.

**10. RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Flood Consequence Assessment Version 02 May 2023, PEA, PGLRA & PRA

Report May 2023, Landscape Management Plan Revision PL07 17/5/2023, Landscape GA Plan SAP-STL-XX-XX-DR-L-0901 Revision PL\_PL07, Proposed site strategy plan SAP-STL-XX-XX-DR-A-1704 PL\_PL07, Cycle Parking detail SAP-STL-XX-XX-DR-L-0961 PL\_PL07, Soft Landscape Plan inc. Planting Schedules PL\_PL07, SAP-STL-XX-XX-SP-L-9901- External Works Outline Soft Landscape Specification Revision PL07, MILNER STREET FOOTPATH REINSTATEMENT, SAP XX XX DR C 1101 Revision P01, Proposed Works In Milner Street P01, Fencing Details SAP-STL-XX-XX-DR-L-0981 PL\_PL07, Fencing and Site security Plan SAP-STL-XX-XX-DR-L-0980, PL\_PL07, Hard Landscape and Street Furniture Plan SAP-STL-XX-XX-DR-L-0960 PL\_PL07, Soft Landscape Details SAP-STL-XX-XX-DR-L-0941 PL\_PL07, Substation details ekv0015, Baseline Noise survey 4/7/2022, Tree Survey, Categorisation & Constraints Report, Landscape Management Plan PL04 20/4/23, Drainage Strategy Report Revision P03, Transport Statement P3, email dated 24/5/23 from Federica Ambrosini confirming details of the Travel Plan Co-ordinator. Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

### ***Pre- commencement conditions***

02 Prior to commencement of construction above finished ground floor level, a scheme of ecological mitigation and enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Such ecological enhancement shall include measures to promote increased biodiversity on the site and providing for the future management of any such measures as necessary. The scheme shall be completed prior to first beneficial use of the approved development or such other timetable set out and agreed in the above scheme. Reason: In accordance with policies CE3 and GP5 of the NLDP.

03 Notwithstanding the Interim Construction Management Plan, no works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority. The method statement shall include, but not be limited to:

Construction traffic routes, including provision for access to the site entrance/exit from the site for visitors/contractors/deliveries;

Location of directional signage within the site;

Siting of temporary containers;

Parking for contractors, site operatives and visitors;

Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction;

Temporary roads/areas of hard standing;

Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements;

Storage of materials and large/heavy vehicles/machinery on site;

Measures to control noise and dust;

Details of street sweeping/street cleansing/wheelwash facilities;

Details for the recycling/disposing of waste resulting from demolition and construction works;

Hours of working;

Phasing of works including start/finish dates;

For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers in accordance with policies GP2, GP4 and GP7 of the NLDP.

04 No work shall be commenced on the construction of the buildings or associated walls hereby approved until a sample board of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority.

The details shall include samples of landscaping bed walls. The development shall then be carried out using the approved materials and thereafter retained in perpetuity.

Reason: To ensure that the development is completed in a manner compatible with its surroundings in accordance with Policy GP6 of the NLDP.

### ***Pre –occupation conditions***

05 There shall be no use of the new school building hereby approved until a School Travel Plan has been submitted to and agreed in writing by the Councils as Local Planning Authority in consultation with the Council's Road Safety and Travel Awareness Team and School Travel Plan Advisor. For the avoidance of doubt, the School Travel Plan shall include, but not be limited to the following:

- a) Allocation of a Travel Plan coordinator at the school
- b) Involvement of the Head teacher, staff, pupils, parents and governors
- c) Clearly defined targets and objectives for mode share
- d) Data obtained from staff and pupils
- e) Appropriate measures taken to improve and encourage sustainable travel
- f) An action plan including a timetable for the implementation of each element
- g) Annual reinforcement of the School Travel Plan by monitoring and review in co-operation with the Council's Smarter Travel Choices Team

Reason: To maximise opportunities for travel by modes of transport other than private car.

06 Prior to the first beneficial use of the junior school building as hereby approved, the works to Milner Street shall be completed as shown on drawing no. SAP CAM XX XX DR 1101 Revision P01 and shall be permanently retained in perpetuity.

Reason: To limit the number of access points to, and to maintain the proper construction of, the highway in the interests of road safety in accordance with Policy GP4 of the NLDP.

07 There shall be no use of the new school building hereby approved until the areas indicated on the approved plans to be set aside for cycle parking have been provided in accordance with the details and specifications shown in the approved drawings. The cycle parking shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport in accordance with Policy GP4 of the NLDP.

08 Prior to the first beneficial use of the junior school building as hereby approved, electrical vehicle charging points shall be installed on site in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with policies SP1 and GP4 of the NLDP.

### ***General conditions***

09 Within three months of completion of the Green Roof a monitoring report shall be submitted in writing to Newport City Council. The report shall provide timescales for future monitoring reports as well as details of any issues, replacements required and if applicable a timetable for replacement. Written approval from the Local Planning Authority must be received following the submission of the monitoring report.

Reason: To ensure the green roof is established and managed successfully in the interests of biodiversity and visual amenity in accordance with Policies SP5 and GP2 of the NLDP. – this condition is imprecise and not robust.

10 The building hereby approved shall be constructed in accordance with the recommendations of the Stage 3 Acoustics Design report accompanying the application and shall thereafter be maintained in accordance with the report.

Reason: To ensure the development hereby approved is suitable insulated for noise purposes in accordance with Policy GP2 of the NLDP.

11 Noise emitted from any plant and/or equipment located at the site shall be controlled such that it accords with the recommendations of the Stage 3 Acoustics Design report

accompanying the application and shall thereafter be maintained in accordance with the report.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the NLDP.

12 If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and de-odourising filters. Details of the above equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policies GP2 and GP7 of the NLDP.

13 No flood or other external lighting shall be installed within the application site unless a scheme is first submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed in accordance with the approved scheme.

Reason: In the interests of neighbouring amenity in accordance with Policies GP2 and GP7 of the NLDP.

14 The development hereby approved shall be carried out fully in accordance with the requirements and recommendations of the FCA prepared by JBA Consulting, reference IMO-JBAU-XX-XX-RP Z-0001-S3.P01-St\_Andrews\_FCA, Version 2, May 2023.

Reason: In the interests of flood risk and in accordance with Policy SP3 of the NLDP.

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos:

Design and Access Statement April 2023,  
Flood Consequence Assessment Version 02 May 2023, PEA,  
PGLRA & PRA Report May 2023,  
Landscape Management Plan Revision PL07 17/5/2023,  
Landscape GA Plan SAP-STL-XX-XX-DR-L-0901 Revision PL\_PL07,  
Proposed site strategy plan SAP-STL-XX-XX-DR-A-1704 PL\_PL07,  
Cycle Parking detail SAP-STL-XX-XX-DR-L-0961 PL\_PL07,  
Soft Landscape Plan inc. Planting Schedules,  
PL\_PL07, SAP-STL-XX-XX-SP-L-9901- External Works Outline Soft Landscape  
Specification Revision PL07,  
Milner street footpath reinstatement,  
SAP XX XX DR C 1101 Revision P01,  
Proposed Works In Milner Street P01,  
Fencing Details SAP-STL-XX-XX-DR-L-0981 PL\_PL07,  
Fencing and Site security Plan SAP-STL-XX-XX-DR-L-0980, PL\_PL07,  
Hard Landscape and Street Furniture Plan SAP-STL-XX-XX-DR-L-0960 PL\_PL07, Soft  
Landscape Details SAP-STL-XX-XX-DR-L-0941 PL\_PL07, Substation details ekv0015,  
Baseline Noise survey 4/7/2022,  
Tree Survey, Categorisation & Constraints Report,  
Landscape Management Plan PL04 20/4/23,  
Drainage Strategy Report Revision P03,  
Transport Statement P3,  
email dated 24/5/23 from Federica Ambrosini confirming details of the Travel Plan Co-  
ordinator,  
Fire Safety Strategy Revision P03,  
Travel Plan P1,  
Planning Statement April 2023,

External Lighting ZG-DWG-0002267240-OpA-R00-170323, Electrical Engineering Services  
External Lighting.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, GP1, GP2, GP4, GP5, GP6, GP7, T4, CF1, and W3 were relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

04 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

05 It is an offence to carry out any works within the public highway without permission of the Highway Authority. This consent requires the applicant to secure a Section 50 Licence. Therefore prior to commencing any works you must contact the Council's Highway Team for further details.

Prior to commencement of development a joint inspection between the applicant and the Highway Authority of the condition the existing footways/carrageways within the vicinity of the site should be carried out. The applicant is advised to contact Council's Highway Team for further details.

The grant of planning permission shall not be construed as authority to erect scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority. Contact the Council's Highway Team for further details. It should be noted that there is a fee associated with this process.

The applicant is reminded that it is an offence to allow material to be carried from the site and deposited on or cause damage to the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and will prosecute persistent offenders under Sections 131, 148 & 149 of the Highways Act 1980.

It is an offence to carry out any works within the public highway without permission of the Highway Authority.

06 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

## **SEWAGE TREATMENT**



No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

## **WATER SUPPLY**

We anticipate this development will require the installation of a new single water connection to serve the new premise. Capacity is available in the water supply system to accommodate the development. The applicant will need to apply to Dwr Cymru Welsh Water for a connection to the potable water supply system under Section 45 of the Water industry Act 1991. The applicant attention is drawn to our new water connection application guidance notes available on our website.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

07 On behalf of NRW the developer is advised that they must ensure that future occupiers of the development are aware of the flooding risks and consequences. NRW recommend that the school signs up for flood warnings and an emergency plan is implemented to encourage evacuation of the site prior to a flood event.

08 The applicant is advised to contact Wales and West Utilities and Western Power prior to commencement of development regarding the location of their equipment.

09 The applicant is advised to prepare a Flood Emergency Plan.

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2.

## **ENFORCEMENT DETAILS**

**Ref No:** E21/0258                      **Ward:** Stow Hill

**Site address:** *Drill Hall, 58 Lower Dock Street, Newport, South Wales.*

**Description of Breach:** Fire damaged and derelict listed building.  
**Recommendation:** To undertake the necessary action to draft and serve an urgent works notice under the Planning (Listed Buildings and Conservation Areas) Act 1990. Additionally, if necessary, to undertake the required works in default and recover the associated debt generated.

### **1. BREACH OF PLANNING CONTROL**

1.1 Fire damaged and derelict listed building.

### **2. RELEVANT SITE HISTORY**

**22/1042** LISTED BUILDING CONSENT FOR PROPOSED REFURBISHMENT AND PART RE-BUILD/EXTENSION AND CONVERSION OF FINISHED BUILDING FROM FORMER ARMY DRILL HALL INTO 12 NO. FLATS- Refused.

**22/1041** PROPOSED REFURBISHMENT AND PART RE-BUILD / EXTENSION AND CONVERSION OF FINISHED BUILDING FROM FORMER ARMY DRILL HALL INTO 12 NO. FLATS- Refused.

**16/1174** LISTED BUILDING CONSENT FOR WORKS FIRE DAMAGED ROOF STRUCTURE, ROOF COVERINGS AND INTERNAL FINISHES- Granted with conditions.

### **3. POLICY CONTEXT**

**Local Development Plan, Objective 5** – Conservation of the Built Environment To ensure that all development or use of land does not adversely affect, and seeks to preserve or enhance, the quality of the historic and built environment.

**CE7** Conservation Areas

**SP9** Conservation of the Natural, Historic and Built Environment

### **4. CONSULTATIONS**

4.1 Cadw, with regards the condition of the building and the possibility of obtaining a grant. They are supportive of action being taken.

### **5. INTERNAL COUNCIL ADVICE**

5.1 **HEAD OF REGENERATION AND REGULATORY SERVICES (BUILDING CONTROL)** are aware of the poor condition of the building and the Enforcement Team are working closely with them.

**HEAD OF CITY SERVICES (HIGHWAYS)** have had to close part of the highway off due to the risk of falling masonry.

**HEAD OF REGENERATION AND REGULATORY SERVICES (CONSERVATION OFFICER)** is supportive of action being taken.

### **6. ASSESSMENT**

This report sets out the need to serve an Urgent Works Notice under s.54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is required as the scheme of Delegation does not include such a notice. A notice is required to safeguard the future of the Drill Hall, 58 Lower Dock Street, a grade II listed former drill hall, constructed in the mid-19<sup>th</sup> Century. The Drill Hall is a castellated structure, faced in coursed Pennant sandstone with Bathstone dressings. It occupies a prominent position at the northern gateway to the Lower Dock St Conservation Area and its façade forms a prominent feature on Lower Dock St. Either side is Cross Lane and Caroline St, which frame this building. The Lower Dock Street

Conservation Area Appraisal, in acknowledgement to the building's significance, entitles the area 'The Drill Hall Quarter'.

- 6.1 The building has been in a poor state for a number of year and owners have engaged with the Planning team regarding future refurbishment and conversion to residential use. Planning permission has been refused for these proposals: due to a loss of privacy; flood risk has not been proven to be manageable; potential impact on a protected species (bats), inappropriate siting of rooflights; and that it would constitute unsustainable development. Furthermore, the owners have not progressed any new proposals. Below is a photograph of the rear face of the façade taken from the interior, which clearly shows the substantive absence of supporting structural elements, such as floors and roof. It should be noted that the other side of this facade is Lower Dock Street and should the building collapse, damage may be caused to the buildings on



the opposite side of the street. Further photographs highlighting the poor state of the structure can be seen at Appendix A.

- 6.2 An Urgent Works Notice should generally be restricted to urgent repairs to keep a building wind and weather-proof and safe from collapse, or action to prevent vandalism or theft. The steps taken should be consistent with achieving this objective and not as a route to restoring the building. Should any of the required works be deemed unnecessary the Authority would be unable to recover this element of the debt and it could also be subject to judicial review.

- 6.3 The premise has been targeted by the Empty Property Enforcement Action Group, due to the building's significance in this locale and poor state. Due to officers' concerns, a structural report was commissioned, from the Authority's structural engineer. This report highlights a number of significant structural issues, see Appendix A. In addition to this, the Authority will require a further report to ascertain what will be required in terms of structurally supportive scaffolding to make the building safe and ensure that the public are also safe. There may well be additional works required to prevent water ingress into the wall plate, amongst other elements. The owner is now engaging with the Authority, but given the risk involved and the fact that Building Control have served a s.78 notice under the Building Act 1984; it is considered appropriate to continue to pursue authorisation of the Urgent Works Notice, to utilise as and when required. A delay in waiting for the next Committee date could result in the loss of this important historic asset.
- 6.4 One of the reasons for refusal on the latest application, *"The likely impacts on a European Protected Species (bats) has not been demonstrated through appropriate survey work and in absence of this information it cannot be determined that the proposals will not result in a harmful impact to the maintenance of their favourable conservation. This is contrary to Technical Advice Note 5 "Nature Conservation and Planning" and policies SP9 and GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015)."*, will mean that such a survey will be required before undertaking any remedial work.
- 6.5 **Financial Implications:**  
If the owner does not undertake the works, and the Council implements them, then Section 55 of the 1990 Act enables the Council to reclaim the expenses of the works. The owner has 28 days in which to challenge the reclamation of the expenses on the grounds that some or all of the works were unnecessary, temporary works have continued for too long, the amounts were unreasonable or recovery would cause hardship.
- 6.6 The Council has taken on advice from Andrew Lavender, employed by the Senedd, and a report produced by one of its structural surveyors. Andrew Lavender has been employed by the Senedd to advise local authorities on best practise with regards getting such premises back in to use. In their view, works are urgently required for the proper preservation of the building. A number of quotes from companies will be sought to ensure that the works achieve best value.
- 6.7 The costs of the works will need to be met from existing budgets though. The Authority has been in talks with Cadw with the view of an application being made to a grants scheme that Cadw have made available:

The grant can assist with:

- costs associated with preparing and serving Urgent Works Notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, this includes the cost of fees for external advisers only.
- works carried out in default by the Local Authority.
- whilst this grant is primarily focussed on the service of Urgent Works Notices, funding may also be available to assist local authorities to meet the costs of serving other statutory notices, aimed at securing the condition of listed buildings at risk, including Section 215 notices.

It should be noted that this money would only be available after the relevant element has been completed. However, officers will endeavour to work with Cadw to ensure that this goes smoothly though.

## 6.8 Legal Implications

Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables local authorities to serve Urgent Works Notices for the preservation of listed buildings. This power is restricted to emergency repairs only - for example works to keep a building weatherproof and safe from collapse.

There is no right of appeal against an Urgent Works Notice. However, a right of appeal exists where a local authority is seeking to recover expenses incurred in carrying out works specified in an Urgent Works Notice.

## **7. Options Considered/Available**

The Council has powers under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to issue an Urgent Works Notice requiring various steps to be taken to ensure the preservation of the building. Non-compliance will require the Authority to undertake the required works in default.

Alternatively, the Authority could choose to do nothing, but ultimately the building will collapse and its loss will have a significant adverse impact on the Lower Dock Street Conservation Area. Additionally, this building was listed by Cadw on the following grounds, *Striking castellated building in conservation area*. Furthermore, without the necessary work the risk to the public is largely unknown..

## **8. OTHER CONSIDERATIONS**

### **8.1 *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.

### **8.2 *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.

### **8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

### **8.4 The above duty has been given due consideration in the determination of this application. It is considered that enforcement action in this case will not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person**

### **9. *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.

### **10. *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.

To ensure that the public are not at risk from either the collapse of the building or falling masonry, it is imperative that action be taken quickly.

## **11. CONCLUSION**

- 11.1 Should no action be taken this historic building is in danger of collapse and its loss to the conservation area and the historic fabric of the area will be significant. Additionally, there is a risk to members of the public and private property here. Action is therefore required to halt the rapid decline to the structural fabric of the building and to prevent the loss of this grade II listed historic asset.

The Authority's structural engineer has also raised the fact that Cross Lane may also need to be closed off to the public.

## **12. RECOMMENDATION**

Committee is requested to:

- a) Authorise the Head of Law and Standards to take all necessary steps for the preparation, issue and service of an Urgent Works Notice under s.54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or when dealing with the serious health and safety concerns regarding it.
- b) Authorise the Head of Regeneration & Economic Development to take all necessary steps for execution of the works by the Council in the event of non-compliance with the Urgent Works Notice.
- c) Authorise the Head of Regeneration & Economic Development, to take all necessary steps, to issue and serve a notice / demand to recover the Council's costs/expenses incurred in carrying out the works, including an enforced sale.

### **Reason:**

To safeguard this listed building and prevent it from further deterioration and potential collapse. Additionally, to ensure that the public are not at risk from either the collapse of the building or falling masonry.

### **EIA Screened – ES Not Needed**

The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

## Appendix A

### A Structural Observation Report:

**By: J. Kimberley**

**Newport City Council**

**Structural Engineer**

### **Introduction**

The Lower Dock Street Drill Hall is a former military installation in Newport, Wales. Built 1867. It is today a grade 2 listed structure.

A fire severely damaged the building in 2018 creating severe damage internally. A recent application to turn the building into flats was turned down due to it being "an unsustainable form of development".

The following report was observation from ground level regarding the structural integrity of the listed façade of the building.

Further, "Up Close" inspections will be needed if no work is done to prevent the continued erosion and loss of stonework.

### **Observations**

The façade is predominantly built of stone utilises a turreted design. Small amounts of brickwork have been used to support some areas of stonework, probably historic repairs. Internally the main

structure is supported by brickwork interior walls although now severely damaged. Floors have been replaced by a scaffold which gives little or no support to the façade.

Each turret stands on the 2 front/side corners of the facade with two narrower turrets giving support to the large doors and corbelled dormer above the front entrance. The dormers mullions and transoms appear to be formed with carved or moulded stone, all showing severe erosion. The dormer will not remain intact for long if significant repairs are not undertaken soon. Various lumps of stone and dust can be seen on the floor which appear to have come from this area. This indicates that the erosion is continual.

Beneath the dormer is stone walling which in turn is supported by an arch. This arch appears to be carved stone sections although because it is painted, this signifies that it may possibly have been formed from cast concrete or moulded stone. Gaps between each section have damp ingress and will continue to erode if they are not sealed with a suitable agent.

The remaining stone carved window frames appear at first glance to be good but on closer inspection cracking can be seen at mid-point in some supporting top rails / transoms and are missing lumps of outer stone. Various upright stone frames / transoms are showing deterioration with some lumps of stone missing. General erosion is apparent across all stone window frames.

The turrets and other stonework not already mentioned are generally in good condition and the overall structure is very good. This is due to the design using turrets for vertical support severely reducing the possibility of sway or bowing.

Looking inside the building it is apparent that the roof supports, which must have been severely damaged in the fire, are leaning. Further movement of these frames will put extreme pressure on the remaining walls and possibly the listed façade. If so then they need further support to prevent further movement.

## **Recommendations**

Immediate support is required to safeguard the dormer and window frames immediately above the main entrance.

Catalogue of repairs needed to other window frames and a schedule of maintenance with timescales.

Supporting of roof. King posts, ridge boards and rafters need securing to prevent further weakening of the stonework and possibly damage to upper parts of façade.

Prevention of stone/ brickwork falling into the road. Widen fenced off area to protect public from falling objects.

Seal joints of main entrance archway and ensure keystone is secure.

Temporary repair of decayed stone in dormer window frames, mullions and transoms.

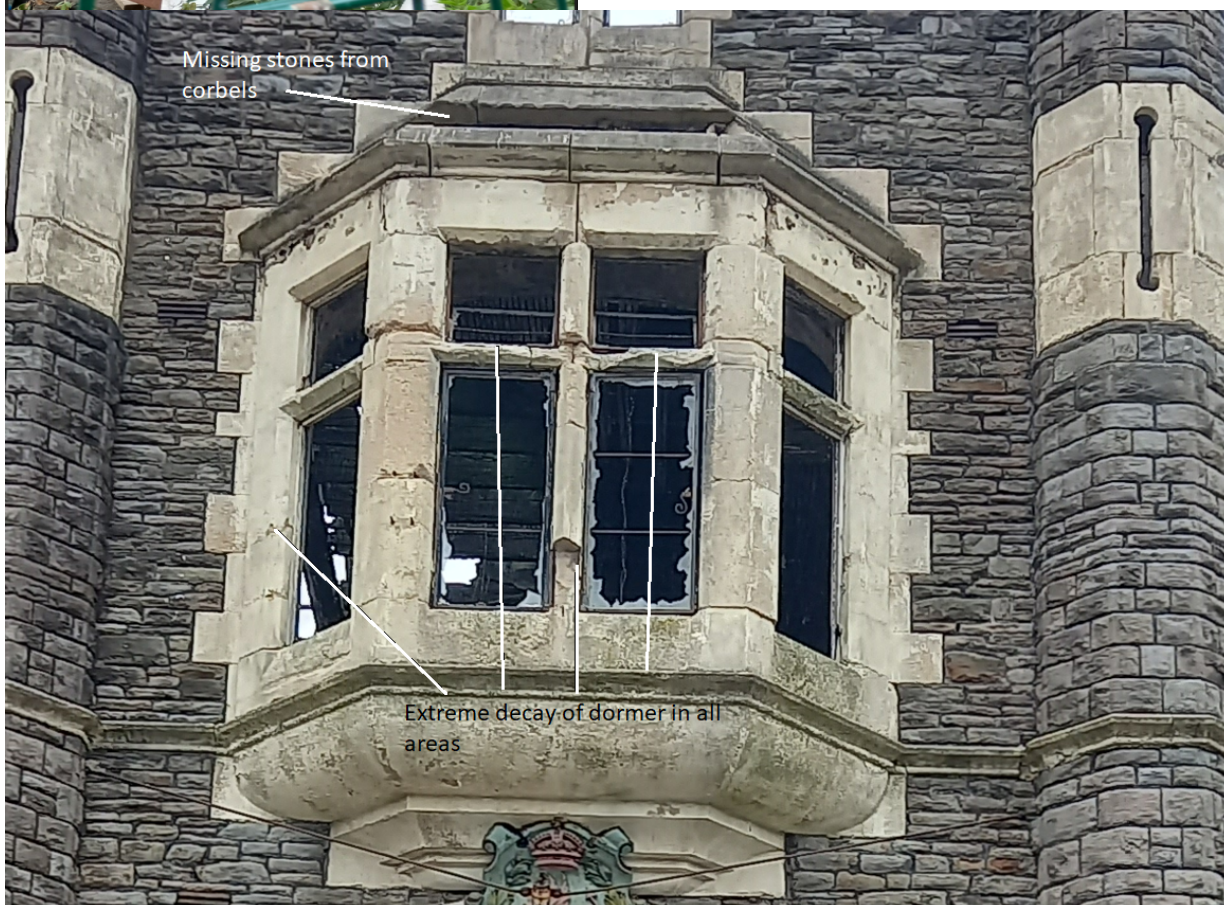


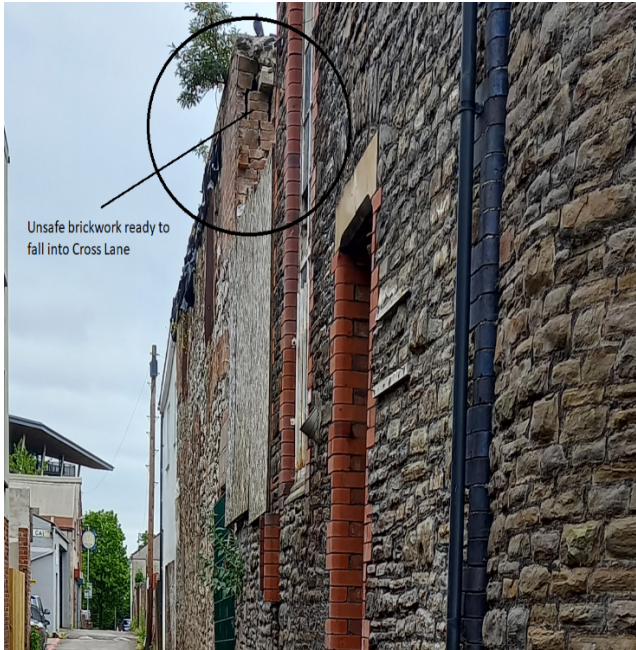
Corbelled stonework on top of dormer stonework repairs urgently needed.

If the above recommendations are not carried out as a matter of urgency, we will soon see a significant collapse and loss of historic masonry.

### Appendix

#### Photos







END