

From: Arnall, Guy <Guy.Arnall@newport.gov.uk>
Sent: 28 August 2026 09:54
To: Quinn, Vicky (Senior Planning Officer) <Vicky.Quinn@newport.gov.uk>
Subject: RE: Planning Re-Consultation Request for case ref: 26/0394 (FULL) & 26/0388 (LBC) (12 Clarence Place Newport South Wales NP19 0AE)

Hi Vicky

Re: LISTED BUILDING CONSENT FOR CHANGE OF USE FROM RETAIL TO A3 HOT FOOD TAKEAWAY WITH AND INSTALLATION OF EXTERNAL EXTRACTION FLUE TO REAR, REPLACEMENT SHOPFRONT

1. Legislative and Policy Framework

Section 96 of **The Historic Environment Wales Act 2023** states that:

(1) On determining an application for listed building consent, a planning authority or the Welsh Ministers may grant or refuse consent.

(2) In considering whether to grant listed building consent, a planning authority or the Welsh Ministers must have special regard to the desirability of preserving—

(a) the listed building to which the application relates,

(b) the setting of the building, and

(c) any features of special architectural or historic interest the building possesses.

(3) Listed building consent has effect for the benefit of the listed building and the land on which it is situated, and of all persons for the time being interested in the building and land; but this is subject to the terms of the consent.

Section 4 of **The Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024** states that:

4.—(1) An application for listed building consent must include with it a statement referred to as a heritage impact statement.

(2) A heritage impact statement must—

(a) describe the special architectural or historic interest of the listed building to which the application relates and its significance, with particular reference to the part of the listed building affected by the works,

(b) explain the objective that the works are intended to achieve and why they are desirable or necessary,

(c) include a summary of the options considered for the purpose of achieving the objective in sub-paragraph (b) and the reasons why the proposals to which the application relates are preferred,

(d)describe the works and the design principles which have been applied to them,

(e)include a schedule of works,

(f)describe how the works will affect the character of the listed building as a building of special architectural or historic interest, including an assessment of the impact of the works on the significance of the building, and

(g)describe how issues relating to access to, or in, the listed building have been dealt with, but excluding issues relating to access to, or in, any part of a listed building which is used as a private dwelling.

Schedule 13, paragraph 90 of the Historic Environment Wales Act (2023) inserts a new section (314A) into the **Town and Country Planning Act (1990)** which, in Wales, imposes the duty (derived from section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) that:

“314A Wales: duties relating to listed buildings and features of architectural or historic interest

(1)In considering whether to grant planning permission for development which affects a listed building or its setting, the Welsh Ministers or a local planning authority in Wales must have special regard to the desirability of preserving—

(a)the listed building,

(b)the setting of the building, or

(c)any features of special architectural or historic interest the building possesses.”

The “*special regard*” duty has previously been tested in the Court of Appeal under the Planning (Listed Buildings and Conservation Areas) Act (1990), wherein *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Others* [2014] EWCA Civ 137 confirmed that “*considerable importance and weight*” should be afforded by the decision maker to the desirability of preserving a listed building along with its setting.

The primary objective of **Planning Policy Wales (Edition 12, February 2024)** (PPW) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW12 takes the seven Well-being Goals and the five Ways of Working as overarching themes and embodies a placemaking approach throughout, with the aim of delivering Active and Social Places, Productive and Enterprising Places and Distinctive and Natural Places. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan-making and the decision-making process.

Chapter 6 – Distinctive and Natural Places: Recognising the Special Characteristics

of Places (The Historic Environment) - is relevant to the assessment of this application, in particular the following statements:

The Welsh Government's specific objectives for the historic environment seek to...safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved and...preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous (para 6.1.6)

There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the building, its setting, or any features of special architectural or historic interest which it possesses (para 6.1.10)

For listed buildings, the aim should be to find the best way to protect and enhance their special qualities, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of planning and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future (6.1.11).

The demolition of any listed building should be considered as exceptional and require the strongest justification (para 6.1.12).

Applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed (para 6.1.13)

PPW is supported by a series of more detailed Technical Advice Notes (TANs), including **TAN 24: The Historic Environment (March 2026)**.

Regarding the setting of a listed asset, TAN 24 states that:

1.29 The planning authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use.

Section 5 of TAN 24 addresses listed buildings, with paragraph 5.9 setting out the following in respect of the need for LBC:

"The Historic Environment (Wales) Act 2023 requires any works of demolition, or

alteration and/or extension of a listed building which would affect the character of the building as one of special architectural or historic interest, to be authorised through the process of listed building consent. It is a criminal offence to carry out such works without consent, which should be sought from the planning authority. Planning Policy Wales sets out that the aim for listed buildings should be ‘to find the best way to protect and enhance their special qualities, retaining them in sustainable use.’

Paragraph 5.14 of TAN24 advises that when determining a listed building consent application, the local planning authority should consider the following issues:

“When determining a listed building consent application, the planning authority should consider the following issues:

- The importance and grade of the building and its intrinsic architectural or historic interest.*
- The physical features of the building which justify its listing and contribute to its significance, (for example its form and layout, materials, construction and detail) including any features of importance such as the interior, which may have come to light after the building’s inclusion on the list.*
- The contribution of curtilage and setting to the significance of the building, as well as its contribution to its local scene.*
- The impact of the proposed works on the significance of the building.*
- The extent to which the proposed works would bring substantial community benefits for example, by contributing to the area’s economy or the enhancement of its local environment.*

The listing grade may be a material consideration, but is not in itself a reliable guide to the sensitivity of a building to alteration or extension. For example, many Grade II buildings are humble, once common building types, listed precisely because they are relatively unaltered examples of their kind and their special interest can be damaged by inappropriate alteration or extension.”

It further advises that:

“Many listed buildings can sustain a degree of sensitive alteration and extension to accommodate continuing or new uses. Past changes that reflect the history of use and ownership may themselves be aspects of the special interest of the listed building.⁸⁰ When applicants and the planning authority assess the heritage values and significance of a listed building, which is the subject of a consent application, they must consider the sensitivity of that building to the proposed changes. Sustaining the special interest of a listed building through the process of alteration, extension or re-use is exacting and should always be based on specialist knowledge and skill to realise the benefits that well-designed interventions can bring.” (para 5.15)

Other relevant evidence or policy guidance include:

- Cadw, Conservation Principles (2011)*
- Cadw, Managing Change to Listed Buildings in Wales (2017)*
- Cadw, Heritage Impact Assessment in Wales (2017)*

The **Newport Local Development Plan 2011-2026 (adopted in January 2015)** sets out the relevant planning policies at the local level, insofar as heritage matters are concerned. The adopted plan sets out objective 5 that is *“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”*.

Thereafter, Strategic Policy SP9: Conservation of the Natural, Historic and Built Environment sets out the local authority’s approach in this respect:

“The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.”

2. Observations

2.1 External

The site comprises of the ground floor retail unit of a mid-terrace bay; part of a Grade II listed 3-story, 6-bay range (including an entrance) which fronts onto Clarence Place (Cadw ref: 26245). Upper levels of the whole are formed in red brick with rich bath stone detailing, including pilasters, window surrounds and rooftop balustrades (see full list description below). It is these ornate upper elevations which provide principal contribution towards the special interest of the listed asset. The ground floor features a modern shopfront which was previously been altered without the benefit of listed building consent, to include a bright blue modern aluminium shopfront topped with internally illuminated fascia signage and projecting sign adjacent. Today, the retail unit is vacant, with shopfront signage removed and a bright blue roller shutter deployed. This has resulted in harm to the special interest of the listed asset.

According to the Cadw list entry:

History

Dated 1909, same date as adjacent Institute. Clarence Place formerly Clare's Place.

Exterior

Belongs to a group of 5:

Nos.10-18 Clarence Place (evens)

Group of shops, offices and accommodation on upper floors. A 3-story 6-bay range including an entrance bay. Built of brick and stone with a replaced machine-tile roof; modest sized corniced brick stacks. Asymmetrical composition which should include an end bay right to match number 18 at end left. All bays are defined by pilasters which rise from first through second floor; all shopfronts remodelled; all windows are horned sashes with multipane upper lights and plate glass lower lights. Entrance bay is off-centre right: of rusticated ashlar with segmental arched parapet incorporating cartouche; round-arched second floor window and 2-light first floor window with extended keystone are flanked by enriched Ionic pilasters. Ground floor entrance has matching bracketed hood on giant pilasters. Bays each side and end left have a 3-window range of sashes with eared and shouldered surrounds; second floor has aprons to side windows and carved panels with swags at centre, egg and dart cornice and balustraded parapet. Intervening bays (from right the first and fifth) also have a 3-window range of similar sashes but with a decorative entablature to central second floor window under a swept segmental-arched gable with with small pierced

light, flanked by piers with orbs terminating the balustrade above the dividing pilasters.

Interior

[No Description]

Reason for designation

Included as an integral part of this early C20 commercial development, attached to and for group value with the Technical Institute on one side and Nos 20-34 Clarence Place on the other; group value also with the War Memorial.

Group Description

Nos.10-18 Clarence Place (evens)

Group of shops, offices and accommodation on upper floors. A 3-storey 6-bay range including an entrance bay. Built of brick and stone with a replaced machine-tile roof; modest sized corniced brick stacks. Asymmetrical composition which should include an end bay right to match number 18 at end left. All bays are defined by pilasters which rise from first through second floor; all shopfronts remodelled; all windows are horned sashes with multipane upper lights and plate glass lower lights. Entrance bay is off-centre right: of rusticated ashlar with segmental arched parapet incorporating cartouche; round-arched second floor window and 2-light first floor window with extended keystone are flanked by enriched Ionic pilasters. Ground floor entrance has matching bracketed hood on giant pilasters. Bays each side and end left have a 3- window range of sashes with eared and shouldered surrounds; second floor has aprons to side windows and carved panels with swags at centre, egg and dart cornice and balustraded parapet. Intervening bays (from right the first and fifth) also have a 3-window range of similar sashes but with a decorative entablature to central second floor window under a swept segmental-arched gable with small pierced light, flanked by piers with orbs terminating the balustrade above the dividing pilasters.

To the rear of the ground floor of 12 Clarence Place is a modern, single-storey and flat roof extension (formed to the level of those properties adjacent - nos. 10-18). A further single-storey rear extension to the property features a 'butterfly roof' with part-rendered rear elevation and plain timber door below. This portion of the building is in extremely poor condition and contributes nothing towards the special heritage interest of the asset. Beyond, a narrow (and gated) lane provides access to the rear of the property from St Vincent Road.

Adjacent to the east of the listed group in question is the Grade II listed (former) Newport Technical Institute (Cadw ref: 18274); a large Edwardian Baroque style building which encloses the eastern end of the urban block. The asset has car parking to its western side, separated from the abovementioned rear extensions of 10-18 Clarence Place by a high, red brick wall. This rear parking curtilage area is afforded its own access from St Vincent Road, separated from the adjacent lane access to 10-18 Clarence Place by single storey red brick substation buildings.

As such, the ground floor rear of the site in question is very much enclosed within the urban block, with only brief glimpses available from the public realm of St Vincent Road.

As part of the proposed change of use from retail to a3 hot food takeaway, the existing rearmost extension will be retained and repaired (including its 'butterfly roof' and plain timber door) on what is essentially a 'like-for-like' basis, with a new extraction unit proposed to be installed to roof level. Whilst the rear extension in question is of no heritage interest, this new installation will result in some minor harmful impact upon the overall character and appearance of the asset, by virtue of its size and modern form. By virtue of its location, it is considered that the proposed will result in very minor impact upon the setting of the adjacent GII listed (former) Newport Technical Institute building.

To the front of the asset, a new shopfront is proposed. It is to be formed in timber, with moulded timber stallrisers, fanlight windows and timber fascia (signage yet to be approved). This part of the proposed constitutes an enhancement to the existing unauthorised arrangement (and the fall-back position of that shopfront within the property at the time of listing).

2.2 Internal

Internally, it is clear from the supplied heritage statement that nothing of heritage interest remains at ground floor, due to successive alterations over time; the whole having been stripped of any surviving historic features with a dropped-ceiling inserted. Access to upper stories is gained internally via a staircase to the western side of the principal retail space. Here, it is proposed to insert a new service counter to subdivide the principal retail space, with new kitchen facilities to the flat-roofed rear. A new extraction system passes internally through the building, where it exits via the 'butterfly' roofed rear extension.

No works are proposed to the upper floors of the asset.

2.3 Conclusions

As previously noted, the proposed rooftop extraction unit will result in some minor harmful impact upon the character and appearance of the rear of the asset (and the setting of adjacent assets), by virtue of its size, location, and modern form. However, this is mitigated by its low visual prominence from the public realm, by the works of repair and consolidation proposed to the seriously dilapidated structure, by the proposed enhancements to the prominent principal elevation of the listed asset which fronts onto Clarence Place, and by enabling a viable use for this currently vacant asset.

Internally, there is nothing of interest at ground floor and the proposed installation will result in no heritage harm.

Section 96(2) of the Historic Environment (Wales) Act 2023 sets out that in considering whether to grant listed building consent, a planning authority must have special regard to the desirability of preserving— (a) the listed building to which the application relates, (b) the setting of the building, and (c) any features of special architectural or historic interest the building possesses.

Having regard to the Local Planning Authority's statutory duties, it is considered that, on balance, the special architectural and historic interest of the Grade II listed

building will be preserved. Accordingly, it is recommended that Listed Building Consent be granted, subject to conditions.

Suggested Condition:

The proposed shopfront as shown within Drawing 058/P/08 (Revision B) shall be installed prior to beneficial occupation and operation of the premises.

Reason: To restore an appropriate shopfront in replacement of that previously installed without the benefit of listed building consent and to mitigate against harm proposed elsewhere within the asset.

Notes:

- The LBC application is for works to a Grade II listed asset may be determined under my delegated authority, with no need to notify Cadw. For the avoidance of doubt, please add the following to the conclusion of the LBC report: ***This conclusion is consistent with the advice received from a named Building Conservation Officer with the appropriate Cadw LBC delegation: Guy Arnall.***
- Please also note that Tan 24 has now been updated ([March 2026](#)). Please ensure that any references to this document within your LBC report are updated to reflect the change.

Many thanks,

Guy Arnall

Prif Swyddog Treftadaeth / Principal Heritage Officer
Swyddog Dirprwyedig (Adeiladau Rhestredig) / Delegated Officer (Listed Buildings)

Adfywio a Datblygu Economaidd / Regeneration and Economic Development
Cyngor Dinas Casnewydd / Newport City Council