

Brinkworth, Emma (Planning Officer)

From: Arnall, Guy
Sent: 31 July 2025 14:32
To: Brinkworth, Emma (Planning Officer)
Cc: Gunther, Neil (Senior Enforcement Officer - Strategic)
Subject: RE: Planning Consultation Request for case ref: 25/0552 (164 Commercial Street Newport NP20 1JN) (Planning Application)

Hi Emma

Re: PLANNING APPLICATION FOR INSTALLATION OF REPLACEMENT SHOP FRONT (PART RETROSPECTIVE)

1. Legislative and Policy Framework

The **Historic Environment (Wales) Act 2023 (HEWA 2023)** came into force 4th November 2024 and repeals the previous legislative framework for the protection of the Historic Environment in Wales, including the Planning (Listed Buildings and Conservation Areas) Act 1990.

In respect of Conservation Areas, Section 160 of the HEWA 2023 imposes the general duty (derived from Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990)) that “In exercising a planning function in relation to a building or other land in a conservation area, a person must have **special regard** to the desirability of preserving or enhancing the character or appearance of that area” (emphasis added).

The HEWA 2023 also inserts a new section 314A into the Town and Country Planning Act 1990 in Wales (Wales: duties relating to listed buildings and features of architectural or historic interest), which imposes the duty (derived from section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) that “*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*” (emphasis added).

Planning Policy Wales (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, Future Wales - the National Plan 2040 and to deliver the vision for Wales that is set out therein.

The primary objective of 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.

PPW11 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 of particular relevance in the assessment of this application, with the following statements of particular relevance:

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)

Policy CE7 of Newport Local Development Plan 2011 – 2026, January 2015 states that:

DEVELOPMENT WITHIN OR ADJACENT TO CONSERVATION AREAS WILL BE REQUIRED TO:

- i) BE DESIGNED TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA, HAVING REGARD TO THE CONSERVATION AREA APPRAISAL WHERE APPROPRIATE.
- ii) AVOID THE REMOVAL OF EXISTING HISTORIC FEATURES, INCLUDING TRADITIONAL SHOPFRONTS AND JOINERY.
- iii) USE MATERIALS WHICH ARE TRADITIONAL, OR APPROPRIATE TO THEIR CONTEXT.
- iv) COMPLEMENT OR REFLECT THE ARCHITECTURAL QUALITIES OF NEARBY BUILDINGS WHICH MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OF THE AREA.
- v) PAY SPECIAL ATTENTION TO THE SETTINGS OF BUILDINGS, AND AVOID THE LOSS OF ANY EXISTING DOMESTIC GARDENS AND OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OF THE AREA.
- vi) AVOID ADVERSE IMPACT ON ANY SIGNIFICANT VIEWS, WITHIN, TOWARDS AND OUTWARDS FROM THE CONSERVATION AREA.

2. Analysis

For the analysis below, the term 'existing' refers to the previous condition of the building and the term 'proposed' refers to the work which has been carried out without listed building consent.

164 Commercial Street is a Grade II Listed asset located within the Town Centre Conservation Area.

Above ground, much of the character and appearance of the conservation area derives from the architecture of the impressive three and four storey commercial buildings. Above the shop fronts there is a wealth of architectural detail that in many cases remains substantially unaltered. These make a positive contribution to the character and appearance of the area.

Though modern, the existing ground floor shop front to 164 Commercial Street is well designed and well proportioned; featuring tangible stall-riser, bolection-moulded window frames, decorative pilasters (with ornate capitals) supporting a unified entablature (fascia with cornice mouldings). The fascia signage is modestly scaled and designed. In this way, and though not original, the existing shopfront compliments the classically arranged façade to the upper storeys of the building and makes a positive contribution towards the special interest of the listed asset and, by extension, the character and appearance of the Town Centre Conservation Area.

According to our SHOPFRONT DESIGN SUPPLEMENTARY PLANNING GUIDANCE, October 2021:

1.6 There are areas within Newport where stricter controls are applied to ensure the special character is protected; i.e. Conservation Areas, Locally Listed Buildings and Listed Buildings. In such settings sympathetic shopfront design and the use of appropriate and traditional materials will be expected to maintain and protect the character of the area or building. Where a traditional or historic shopfront or façade exists, the Council will encourage its retention. The enhancement of the design can be achieved through repair rather than replacement. Where a shopfront has been lost it can be re-established. This will involve careful research and design of a well-proportioned, resolved high quality modern design.

2.1. Awning

According to our SHOPFRONT DESIGN SUPPLEMENTARY PLANNING GUIDANCE, October 2021:

9.9.5 A blind or canopy should sit within the structure and not detract from architectural features. Blind boxes should not project forward of the building line or sit uncomfortably above the cornice. It may be possible to fit the blind box on the underside of the structural soffit.

9.9.6 A fully retractable, canvas material would usually be the only suitable type of blind for a building of special character. A 'blind lath' which forms part of the cornice, would be the suitable mechanism for retracting the blind, as it could be made barely visible when not in use.

In Conservation Areas and listed buildings original cornices and corbels should be maintained, restored or reinstated.

Proposals within the Conservation Area or within Listed buildings should retain and reinstate existing features. Where restoration is required, new design proposals should be informed by buildings of similar historical character or based on archival evidence and materials replaced on a like-for-like basis.

It is unclear how the proposed awning has been affixed to the building and whether it has damaged the ornate capitals of the existing pilasters. Drawing 164CS-1807-PE/E/P (Pre-existing, Existing As-built & Proposed Right Side Elevation) does not accurately depict the existing shopfront. Therefore, insufficient detail or analysis has been provided in order to demonstrate that the character and appearance of the Town Centre Conservation area will be preserved.

Judging by the supplied photographs, the awning has certainly obscured the decorative existing shopfront within principal views of the asset. As it stands, the proposed is considered to be harmful to character and appearance.

2.2 Shutters

According to our SHOPFRONT DESIGN SUPPLEMENTARY PLANNING GUIDANCE, October 2021:

10.1. The Council will seek to adopt a balanced approach to shopfront security. Shopfronts should be designed using materials that make burglary and petty vandalism very difficult, and be implemented in a way that makes the City feel safe and attractive to people outside of trading hours.

10.2. Security measures should not dominate the shopfront or facade since this will compromise the quality of the environment and ultimately make the place less attractive for shoppers.

10.3. Solid and pinhole shutters are unacceptable in the City Centre or the District Centres identified in the Development Plan. The punched (letter box) type is also unacceptable in and near Conservation Areas. Shutters are not acceptable on Listed Buildings. Where physical measures are required, they should be sympathetically integrated into the design of the shopfront.

10.4. Planning permission is required for all externally mounted security grills/shutters. Listed building consent is usually required if proposals for both externally and internally mounted grilles/shutters. If security shutters are proposed the applicant should refer to the Council's Supplementary Planning Guidance on Shopfront Security Shutters.

According to the Security Measures for Shop Fronts and Commercial Premises Supplementary Planning Guidance, August 2015:

1.3 Shutters are not always acceptable in planning terms and if you are intending to install them you should contact the Council's Planning Section for advice beforehand. You should always consider security measures other than shutters in the first instance. For example toughened glass or internal shuttering (which in many instances will not need planning permission, see Section 06, Internal Shutters and Grilles). Gwent Police can

offer advice on 'Designing Out Crime' and should be consulted on the best way to secure your business especially if you have been the victim of a crime.

1.7 If you make a planning application to provide or retain a shutter it is essential that you provide:

- High quality drawings at appropriate (1:50) scale showing the shutter, its housing and any guide rails. You will need a drawing showing the shutter open and a drawing showing the shutter closed. The drawings should show how the shutter relates to the whole building and not just the ground floor. You will also need a drawing showing a section through the shutter and its housing so it is clear how far the housing will stick out from the shop front.*
- Your Design & Access Statement (DAS) which will form part of your application should explain why the shutter and its housing and guide rails are an appropriate security solution for your premises and preferable to other security solutions available such as those mentioned in Paragraphs 1.3 & 1.4.*
- Information on how the shutter and its housing and guide rails will relate to the building and the wider area should be included in your DAS. General guidance on writing a DAS can be found on the Council's website at: <http://www.newport.gov.uk/dc/index.cfm?fuseaction=planning.developmentcontrol&contentid=CONT414603>*

The proposed shutters are of the open lattice type, fixed internally.

However, insufficient detail or analysis has been provided in order to demonstrate that the character and appearance of the Town Centre Conservation area will be preserved.

As it stands, the proposed is considered to be harmful to character and appearance.

2.3 Doors

According to our SHOPFRONT DESIGN SUPPLEMENTARY PLANNING GUIDANCE, October 2021:

9.5.1 Doors should adhere with the character of the building and should allow access for all in line with the Equality Act and Part N of the Building Regulations as explained in more detail in section 12.

9.5.2 The style and character of the shopfront and building should be reflected by the design of the doorway.

9.5.3 Doorways must be easily recognised. In Newport, doorways are often recessed and splayed. It is important that original recessed doorways are retained and enhanced as they contribute to the richness of the street scene and complements its character.

The existing recessed doors are a traditional and complementary feature which contributes positively towards the richness of the shopfront – and the character and appearance of the Town Centre Conservation Area. Their loss is considered to be harmful to character and appearance.

2.4 Other Alterations

Though little detail has been provided, it appears that the existing windows have been enlarged, thus reducing the height of the stall riser and impacting negatively upon the proportions of the traditionally arranged shopfront. It is unclear whether the bolection-moulded window surrounds have been lost.

Insufficient detail or analysis has been provided in order to demonstrate that the character and appearance of the Town Centre Conservation area will be preserved.

As it stands, the proposed is considered to be harmful to character and appearance.

Conclusion

These proposals are harmful to the character and appearance of the Town Centre Conservation area, Planning Policy Wales (Edition 11), Policy CE7 of Newport Local Development Plan 2011 – 2026 (January 2015) and Newport Council's Supplementary Planning Guidance.

As it stands, this application should be refused.

Considering this is a retrospective application, I have copied in Neil, as we may need to enforce against the work.

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

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-----Original Message-----

From: planning@newport.gov.uk <planning@newport.gov.uk>

Sent: 23 July 2025 14:19

To: Arnall, Guy <Guy.Arnall@newport.gov.uk>

Subject: Planning Consultation Request for case ref: 25/0552

Dear Principal Heritage Officer

Please find attached correspondence from Newport Council with regards to the above planning application submitted on 14 July 2025.

Your sincerely
Development Management