

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

Sent: 11 September 2026 12:33

To: Hawkins, Grant (Principal Planning Officer) <Grant.Hawkins@newport.gov.uk>

Subject: RE: Planning Consultation Request for case ref: 26/0662 (Land Adjoining Newport Centre Kingsway Newport South Wales) (Reserved Matters - Major)

Hi Grant

Re: Proposal: RESERVED MATTERS APPROVAL IN RESPECT OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO 24/0965 FOR THE DEMOLITION AND REDEVELOPMENT OF THE SITE FOR CIRCA 54,000 SQUARE METRES OF FLEXIBLE FLOOR SPACE FOR EDUCATIONAL USE, OR ANY OTHER USE WITHIN USE CLASSES A1 (SHOPS), A2 (FINANCIAL AND PROFESSIONAL SERVICES), A3 (FOOD AND DRINK), B1 (BUSINESS), C1 (HOTELS), D1 (NON-RESIDENTIAL INSTITUTIONS) AND D2 (ASSEMBLY AND LEISURE) AND THE PARTIAL DISCHARGE OF CONDITIONS 2 (RESERVED MATTERS), 4 (FCA), 5 (LANDSCAPING SCHEME), 6 (RELATIONSHIP WITH USK WAY), 7 (PUBLIC REALM), 8 (SHADOW ANALYSIS AND DAYLIGHT TESTS), 9 (CYCLE PARKING AND TRAVEL PLAN), 10 (ECOLOGICAL ENHANCEMENT), 11 (HERITAGE STATEMENT), 12 (AIR QUALITY ASSESSMENT), 17 (WRITTEN SCHEME OF HISTORIC ENVIRONMENT INVESTIGATION), 18 (MATERIALS) AND 22 (NOISE ASSESSMENT)

1. Legislation, Policy, and Guidance

In respect of **Conservation Areas**, Section 160 of the Historic Environment Wales Act 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"*.

Planning Policy Wales (Edition 12, 2024) states that:

"6.1.6 The Welsh Government's specific objectives for the historic environment seek to:

- *preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous;*

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings...

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area."

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.”*

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.

Planning Policy Wales (Edition 12, 2024) states that:

“6.1.10 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.”

Newport City Council's Local Development Plan 2011 – 2026, adopted in January 2015, sets out objectives and policies relating to the conservation of the built environment.

Regarding **historic assets and their Setting**, Newport LDP (2011 -26) states that:

“4.18 There will be a presumption in favour of the retention, safeguarding, conservation and enhancement of sites recognised as being of archaeological or historic interest including Listed Buildings, scheduled ancient monuments, Conservation Areas, locally Listed Buildings, historic parks & gardens, historic landscapes and the setting of such sites, buildings and areas.

4.19 Listed Buildings play a significant role in the townscape and architectural heritage of the area and the Council attaches the upmost importance to their preservation. The Council, in the determination of applications for Listed Building consent, is expected to have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” The Council will consider using all available powers to protect the historic environment, including, in appropriate cases, serving repairs notices, enforced sales and Compulsory Purchase Orders or in the case of vacant buildings, carrying out emergency repairs and seeking reparation from the owner subsequently. Supplementary Planning Guidance on Repairs and Alterations to Listed Buildings will be prepared. The Council will continue to monitor its Register of Buildings at Risk Through Neglect and Decay in order to secure the safeguarding of important buildings.”

Objective 5 – Conservation of the Built Environment 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.”*

The Plan acknowledges that *“the quality of the built environment is a contributor to the quality of life”* and that *“Newport has a variety of interesting buildings and structures, including within the City Centre where many fine Victorian buildings remain”*.

Paragraph 4.19 acknowledges that *“Listed Buildings play a significant role in the townscape and architectural heritage of the area, and the Council attaches the upmost importance to their preservation.”*

Policy SP9 of the Newport LDP (2011-26) states that:

"2.34 Newport has a wide range of historically important buildings and sites. There are over 400 Listed Buildings, 15 Conservation Areas, 11 Historic Parks and Gardens, 67 Scheduled Ancient Monuments, 4 Archaeologically Sensitive Areas and over 50 square kilometres of landscape registered as being of Outstanding Historic Interest. These nationally and internationally recognised sites are complemented by a variety of locally important historic buildings and sites which this Plan seeks to protect. The protection, retention, safeguarding, conservation and enhancement of heritage assets will be sought, and where new development is proposed that affects the building or site or its setting, this should be of the highest quality."

‘Planning Policy Wales Technical Advice Note 24: The Historic Environment’ states that:

‘1.25 The setting of a historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right, but has value derived from how different elements may contribute to the significance of a historic asset.

1.26 It is for the applicant to provide the planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings. The principles for assessment, however, are equally applicable to all historic assets, irrespective of their designation. For any development within the setting of a historic asset, some of the factors to consider and weigh in the assessment include:

- *The significance of the asset and the contribution the setting makes to that significance*

- *the prominence of the historic asset*
- *the expected lifespan of the proposed development*
- *the extent of tree cover and its likely longevity*
- *non-visual factors affecting the setting of the historic asset such as noise.*

2. Observations

The supplied Heritage Impact Assessment document comprehensively sets out legislative and policy background, and the historical development and significance of the Lower Dock Street Conservation Area - and its associated heritage assets.

In particular, the report identifies that the application site has historically functioned as part of Newport's industrial, transport and civic infrastructure rather than extension of the nineteenth century dockland quarter. Historic evidence demonstrates that the site has consistently accommodated larger-scale development, including railway infrastructure, engineering works, commercial premises and, most recently, the Newport Centre. As such, it is argued that the proposed educational building should be considered as continuation of this long-established pattern of development rather than the introduction of an alien form into the setting of the conservation area.

The assessment also identifies the most sensitive relationship as that along Emlyn Street, where the site directly adjoins the conservation area. It concludes that the redevelopment would improve this interface by replacing the current vacant and poorly defined edge with a coherent building frontage and a designed service enclosure. The principal building incorporates a stepped form, setbacks, articulation, bay division, and vertical emphasis, all intended to both reflect the terraced form of the conservation area and reduce perceived scale of the development when viewed from the designated heritage asset.

The report also identifies that (previously agreed) views from deeper within the conservation area are generally limited by the existing urban grain, terraces, and landmark buildings including the GII Listed former Drill Hall. Consequently, the impact of the proposed development upon key conservation area views is considered limited and largely confined to the conservation area's northern edge and gateway locations. Here, the wider skyline is already experienced within the context of twentieth-century redevelopment associated with Kingsway, Usk Way and the wider civic centre.

The assessment also notes positive townscape effects resulting from improved public realm, enhanced pedestrian connectivity, stronger enclosure along Emlyn Street and the redevelopment of a vacant brownfield site.

Overall, it concludes that the proposals preserve the significance of the conservation area, preserve the setting of nearby listed buildings, and comply with both legislation, national policy, and Policy CE7 of the Newport Local Development Plan.

I broadly agree with these conclusions: the site has historically accommodated development of a larger scale and differing character to the residential dockland quarter immediately to the south and, today, is characterised by large-scale twentieth-century redevelopment on Kingsway and Usk Way, including the former Newport Centre. It is with the context of these large-scale contemporary developments that the proposed will be read within key conservation area views. The new has also sought to take account of the conservation area interface by virtue of its form and massing, and by providing new enclosure to the northern side of Emlyn Street.

Notwithstanding this conclusion, some concern remains regarding the detailed design of the brick boundary treatment and associated screening to the southern service enclosures facing Emlyn Street. Whilst the assessment describes them as an architecturally treated feature incorporating articulated brickwork and metal screening which mirrors the materiality of the main building, these details are not yet provided in full (*“Brick articulation/ patterns to be developed... Potential signage locations...”* etc). In my view, the success of this element will be heavily dependent upon the quality of detailing and execution. Given its height and prominence along the highway - and within key views from the northern edge of the conservation area - there is a risk that, if insufficiently detailed, articulated, and permeable to upper levels, the enclosure could appear overly dominant and imposing within the streetscape. Further, careful consideration should therefore be given to the final design, articulation, and screening treatment, to ensure that the enclosure reads as a cohesive and high-quality architectural element that positively contributes to the setting of the conservation area rather than as an imposing, large-scale, and utilitarian boundary feature.

I would recommend that further boundary details are secured up-front (particularly the high-level screening), to ensure that these the proposals do not unduly impact upon the way in which Lower Dock Street Conservation Area will be understood, experienced and appreciated.

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