

Delegated Decision Report

Application No:	25/0876	Statutory Period Expires:	9th December 2025
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Site:	<i>Shire Hall Pentonville Newport NP20 5HB</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITION 2 (EXTERNAL MATERIALS AND FINISHES) OF 19/0686 LISTED BUILDING CONSENT FOR WORKS TO CHIMNEYS, INTERNAL AND EXTERNAL JOINERY, AND WATER GOODS, REPLACEMENT OF FLAT ROOF, STONE CLEANING AND INSTALLATION OF VENTILATION SYSTEM</i>		
Applicant:	<i>J Abedi</i>		
Type:	Discharge Conditions	Ward:	Allt-yr-Yn
Decision:	Approved		

1. BACKGROUND

- 1.1 Application 19/0686 sought listed building consent for a range of works to the Grade II Listed Shire Hall, include capping of disused chimney stacks, roof repairs, flat roof replacement, rainwater goods repairs, installation of ventilation systems, cleaning, repairing and treating of ornate stonework, and internal lime plaster and timberwork repairs. The application was approved with conditions on 04/11/2019.

2. SITE LOCATION AND CONTEXT

- 2.1 Prominently situated on the north side of Pentonville opposite the Magistrates' Court, Shire Hall is a three storey plus basement/attic of nine bays, in the Dutch/Baroque style. The building is listed at grade II as an impressively designed Edwardian Civic Building, which has retained its original character, including fine interior detail. The extent of listing protection includes the adjacent Queen's Chambers, though this part of the building was outside the scope of the parent application.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks to discharge Condition 2 associated with listed building consent application 19/0686 (see Paragraph 8.1). It should be noted that works have already commenced, with monthly reports submitted to the Heritage Officer as works progressed. This is, therefore, a retrospective application to regularise works already undertaken.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
19/0686	LISTED BUILDING CONSENT FOR WORKS TO CHIMNEYS, INTERNAL AND EXTERNAL JOINERY AND WATER GOODS, REPLACEMENT OF FLAT ROOF, STONE CLEANING AND INSTALLATION OF VENTILATION SYSTEM	Granted with Conditions	04/11/2019
25/0402	PARTIAL DISCHARGE OF CONDITION 3 (CHIMNEY STACK METHOD STATEMENT) OF 19/0686 LISTED BUILDING CONSENT FOR WORKS TO CHIMNEYS, INTERNAL AND EXTERNAL JOINERY, AND WATER GOODS, REPLACEMENT OF FLAT ROOF, STONE CLEANING AND INSTALLATION OF VENTILATION SYSTEM	Approved	15/07/2025

5. LEGISLATIVE AND POLICY FRAMEWORK

5.1 HISTORIC ENVIRONMENT (WALES) ACT 2023

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.

5.2 The Development Plan comprises FUTURE WALES – THE NATIONAL PLAN 2040 and the NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026), although by virtue of Section 70(2) of the Town and Country Planning Act 1990, there is no statutory requirement to have regard to the Development Plan in determining applications for Listed Building Consent.

5.3 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.4 PLANNING POLICY WALES (EDITION 12) 2024

Planning Policy Wales (Edition 12) was revised and restructured in February 2024. Its primary objective 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 of relevance to the assessment of this application, particularly:

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

- *Protect the Outstanding Universal Value of World Heritage Sites;*
- *Conserve archaeological remain, both for their own sake and for their role in education, leisure and the economy;*
- *safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;*
- *preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous;*
- *preserve the special interest of sites on the register of historic parks and gardens;*
- *protect areas on the register of historic landscapes in Wales. (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 (para 6.1.11)

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

- 5.5 PPW12 is supported by a series of more detailed Technical Advice Notes (TANs), including TAN 24: The Historic Environment (May 2017).

Paragraph 5.13 of TAN 24 advises that when determining a listed building consent application, the local 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.*

It further advises that:

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. (para 5.13)

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. When applicants and the local 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 and significance 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 in order to realise the benefits that well-designed interventions can bring. (para 5.14)

- 5.6 Other relevant evidence or policy guidance includes:

- CADW, Conservation Principles (2011) and

- CADW, Managing Change to Listed Buildings in Wales (2017).

5.7 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

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, whereby:

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

6. CONSULTATION RESPONSES

- 6.1 This application has been considered by the Principal Heritage Officer.

7. PUBLIC REPRESENTATIONS

- 7.1 None.

8. ASSESSMENT

- 8.1 The relevant Condition is as follows:
02 Prior to their use within the approved works, full details and/or samples of all external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. Reason: In the interest of safeguarding the special character of the Listed Building.
- 8.2 A considerable level of detail has been submitted via documents containing photographic record and written specification, to show materials utilised for repair and restoration of significant built fabric. Information includes a considerable quantity of 'like-for-like' repair which falls outside of the need for LBC consent (and therefore the discharge of the above-mentioned condition). However, this information has been retained, to enhance the record of works undertaken. Material samples have been well detailed and specified throughout.

9. OTHER CONSIDERATIONS

- 9.1 ***Crime and Disorder Act 1998***
 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
 This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 9.2 ***Equality Act 2010***
 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.
- 9.3 Having due regard to advancing equality involves:
- removing or minimizing disadvantages suffered by people due to their protected

- characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impact on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 The level of information provided is very detailed and the materials utilised throughout the works are considered to preserve the special interest of the Grade II listed asset, pursuant to Sections 96 and 97 of the Historic Environment (Wales) Act 2023. The condition may be partially discharged.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to Document Nos:

Site Location Plan dated 14-Oct-2025

LBC/19/00686 – TSD/DC/02/25 Material Samples Schedule

LBC/19/00686 – TSD01

LBC/19/00686 – TSD02

LBC/19/00686 – TSD03

LBC/19/00686 – TSD04

LBC/19/00686 – TSD04

LBC/19/00686 – TSD06

LBC/19/00686 – TSD07

LBC/19/00686 – TSD08

LBC/19/00686 – TSD09

LBC/19/00686 – TSD10

LBC/19/00686 – TSD11

LBC/19/00686 – TSD12

LBC/19/00686 – TSD13

LBC/19/00686 – TSD14

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LBC/19/00686 – TSD19
LBC/19/00686 – TSD20
LBC/19/00686 – TSD21
LBC/19/00686 – TSD22
LBC/19/00686 – TSD23
LBC/19/00686 – TSD24

Drawing No. SHPL02FS1 (Rev C) - Plan Showing Areas of Water Ingress: Ground & Basement Plans

Drawing No. SHPL02FS2 (Rev C) - Plan Showing Areas of Water Ingress: Ground & Basement Plans

02 Sections 96 and 97 of the Historic Environment (Wales) Act 2023 were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.