

RE: 25/0447 (Building At Rear Of The Avenue Clytha Square Newport Sout...



Arnall, Guy

To Ostler, Marnie (Planning Officer)

Retention Policy 7 Year Delete (7 years)

Expires 02/08/2032



12:45

Hi Marnie

Re: CHANGE OF USE TO SHOP (A1 USE) INCLUDING NEW SHOPFRONT AND ROLLER SHUTTER

1. Legislation, Policy and Guidance

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 Historic Environment Wales Act 2023 (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) (TCPA 1990), 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).

The primary objective of Planning Policy Wales (Edition 12, February 2024) 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 particular relevance to the assessment of this application, in particular the following statement:

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.

Newport City Council's SHOPFRONT DESIGN SUPPLEMENTARY PLANNING GUIDANCE, October 2021 states that:

4.1. The established principles of successful shopfront design have their foundations in Victorian and Edwardian architecture, which make up the majority of the City Centre, but can be applied successfully to any type of building. A well-designed shopfront should be in keeping with the style and character of the building which frames it, as well as the historic character of the area in which it is located.

4.3. The following design principles apply to changes to all existing and new shopfronts, and forms the structure to this guidance document.

a. Respond to the context Create unity and cohesion in the street scene by creating shopfronts that sit within the building - maintaining the scale, proportion, and rhythm of the building above.

b. Conserving and enhancing character Enhancement of original architectural features, rather than hide or detract from them. Developments in the Conservation Area should pay particular attention to preserving and enhancing the character and appearance of the area.

c. Signage and fascias should not be overbearing or over-sized Careful attention to the scale of the fascia, lettering, lighting, additional advertising having a negative impact on the street scene. Signage should be professionally installed.

d. Incorporate security features, canopies, lighting and other additional building elements into overall design Additional elements should be incorporated into the building design and not have a negative impact on the street scene.

e. Access for all Doorways and entrances should be obvious and accessible to people with disabilities.

With regard to development within Conservation Areas, it further states that:

8.3. Shopfront design should respect the architectural language, proportion and style of the appropriate historical period...

8.7. Poor quality imitations of historical shopfronts should be avoided. Poorly designed shopfront alterations that detract from the character of the parent building or local area will be refused. Advice related to the design of individual architectural elements can be found in the following sections.

It provides the following design guidance:

9. Design Elements

9.1 Fascia Design and Lettering

9.1.1 The fascia is a horizontal band, situated vertically under the edge of a roof displaying the shop title or name. The scale and position of the fascia sign is crucial to the advertisement of the company as well as its contribution to the aesthetics of the building and overall streetscape.

9.1.2 The fascia should not dominate the facade. Special consideration should be given to the scale, materials, colour, lettering and illumination of the fascia sign to ensure it fits with the building and the street.

9.1.3 Where possible, fascias should be aligned to neighbouring properties, by keeping to a standard width, normally that of the capital (the topmost member of a pilaster). This promotes a more attractive street scene and also ensures that each shopfront retains its original, balanced proportions.

9.1.5 Fascias should be no deeper than 20% of the shopfront's overall height. Fascias should not obscure, damage or project in front of visually significant architectural details, including first floor window cills.

9.1.7 In Conservation Areas, all fascias should be finished by a well-defined cornice. Corbels can be plain or highly decorative and are encouraged to add a design feature to the shop front.

9.2 Signage and Advertising

9.2.1 The main sign associated with a shop is usually located on the fascia board. However, signage may also be accommodated upon the glazing and through hanging signs. The size, location, colour and design of signs can greatly enhance or detract from the appearance of a shop.

9.2.2 Signs should not be excessively large and should relate to the pedestrian users of the street. Box fascias should be avoided. Lettering and graphics should be moderately sized and in proportion to the fascia. Clear, well spaced letters are just as easy to read as larger oversized letters.

9.2.3 The sign should be limited to the name of the shop with a simple graphic logo and the street number. Too much information which creates visual clutter will not be acceptable

9.2.9 Signwriting on traditional shop fronts was traditionally hand painted. This is strongly encouraged. Individually 'cut out' lettering can also appear attractive, however the degree of scale and projection should be carefully considered.

9.2.10 Hanging signs are acceptable if they are hung using metal brackets that suit the style of the building, with no more than one per unit. The height of these signs should be proportionate to the fascia, and should be hung at least 2.4m from pavement level and should not project more than 800mm from the building.

9.2.11 Projecting box signs are generally not acceptable.

9.2.12 Free-standing illuminated signs hung within the window-display should also be avoided.

9.7.2 It is a feature of the shopfront that serves a functional and visual purpose. In Conservation Areas and on Listed buildings a stallriser will be required. For contemporary shopfronts, designs should incorporate a stallriser in most instances.

9.7.4 Materials used should always respect and enhance the materials of the whole building and shop front. The stall riser should be finished in a quality hard wearing material which is easy to clean. Historic tiling, where present should be retained and enhanced.

9.7.5 Stall risers should not exceed 25% of the total shop front. Those that do exceed this height appear to dominate the shopfront, this is unlikely to be accepted. The stall riser should typically be in proportion with the plinth supporting the pilaster. A cill detail should be included between the glazing and the stall riser.

9.8.1 Lighting should be considered as part of the overall design rather than a later addition. Subtle lighting can add vitality to the night-time street scene but poorly designed illuminated signs are unattractive.

9.8.8 Listed buildings and all buildings within conservation areas should only install lighting that is sensitive to the character of the building/area. Illumination of signs or advertisements will only be permitted where it is demonstrated that there is a positive contribution to the preservation and enhancement of the area/building.

9.10.1 In historic areas the use of traditional materials is encouraged, with high quality modern design elsewhere. Materials should harmonise with the character of the building, this can be implemented by ensuring that existing materials are maintained and restored, using materials and colour sensitively, and selecting materials that are durable and attractive. Shiny, reflective material and harsh colours are discouraged.

9.11.3 In the Conservation Area, colours for the shopfronts and rendered buildings should reflect the historic character of the architecture. Sensitive use of colours and

materials which respect the age and setting of the building can improve the impact of the shopfront on the street scene.

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 Newport City Council's 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.developmentcontent&contentid=CONT414603>*

1.10 Guidance Note SM1 (adverse visual impact): Shutters, their housing and guiderails should be designed to have the minimum possible adverse impact on the appearance of the premises, the whole building and the street in general.

4.4 Guidance Note SM3 (conservation areas): Highly prominent shutter types such as solid, pinhole and punched (letter box) type shutters will not be acceptable within or near to conservation areas.

6.5 Think about the appearance of the building as a whole and the appearance of the street. A shutter scheme that takes into account the appearance of the whole building and the character of the area is more likely to be acceptable than one which has been done with little thought.

6.8 Guidance Note SM5 (housing and guiderails): Housing and guiderails should not project forward of the existing shopfront unless it can be demonstrated this was the only practical solution.

8.3 Guidance Note SM6 (solid shutters and industrial areas): Solid shutters are only acceptable in industrial areas and nowhere else.

2. Conservation Area Context

The proposed development is located within Clytha Conservation Area (CA). According to the Conservation Area Appraisal, February 2020 (CAA):

The Square and Crescent form an area of coherent mid C19 residential character. The square is composed of predominantly three-storey, terraced housing with stuccoed Italianate elevations, four-paned sashes and slated hipped roofs with bracketed eaves and brick stacks. The Square is approximately trapezoid in shape, with a wedge-shaped open area at its heart. This open space contains important mature deciduous trees (predominantly Lime) which are protected by a Preservation Order. The urban morphology of the square and Crescent compose a fine public space which is unique in the Town. The use of stucco typifies mid-C19 development in Newport (Bridge Street, Park Square, Kensington Place, Victoria Place) but Clytha represents the most impressive example of planned mid-C19 development.

‘3.4.1 Key views within the Clytha Conservation Area are predominantly channelled by the streetscapes:

- Up/down either side of Clytha Square (these views enhanced by the gentle slope); and*
- Along Clytha Crescent from either end and the junction with Mountjoy Place’*

‘3.7.5 The historically open spaces in the Conservation Area – the segmental area in front of Clytha Crescent and the wedge of open space in the centre of Clytha Square – have been truncated by later development. The whole of the area in front of Clytha Crescent has been given over to Transport House and its associated car park; and

the eastern quarter of the Clytha Square central garden was developed with a pair of semi-detached buildings (The Avenue and The Grove) in around the 1890s, creating Grove Lane, onto which rear yards and garages backed.'

The Avenue and The Grove are identified as positive contributors towards the Character and Appearance of the conservation area, both providing the focal point for identified '*Important Views*' from the north and south respectively (see Plan 2, p.15).

3. Recent Planning History

After 1948 (see Monmouthshire Sheet XXXIII.NE Revised: 1948 to 1949, Published: 1954), yards to the rear of both *The Avenue and The Grove* were infilled, to create road-fronting garage buildings upon the same footprint as seen today.

More recently, [18/0647](#) was approved with conditions wherein an enlarged garage building would consist of a '*new natural slate roof*', '*yellow brickwork walls to match existing*' and a '*Timber Lintel Detail*' over the garage door and '*Timber side-roller design door*' (see Drawing PL01).

However, retrospective DOC for the above application ([18/0673](#)) was refused, upon the basis that '*The materials used are not considered to be acceptable as they fail to preserve or enhance the character and appearance of the Clytha Conservation Area, this is contrary to Policies SP9 and CE7 of the Newport Local Development Plan 2011-2026. The condition is not discharged and the application is refused.*'

Planning history for the site is copied below.

14/0224 (REFUSED) CONSERVATION AREA CONSENT FOR DEMOLITION OF EXISTING GARAGE AND STORAGE UNIT

14/0225 (REFUSED) DEMOLITION OF EXISTING GARAGE AND STORAGE UNIT AND ERECTION OF 1NO. DWELLING

16/0453 (GRANTED WITH CONDITIONS) CHANGE OF USE OF EXISTING GARAGE AND STORAGE UNIT TO 1 BED APARTMENT WITH DOUBLE GARAGE INCLUDING FIRST FLOOR EXTENSION

16/1216 (REFUSED) RAISE RIDGE HEIGHT OF EXISTING GARAGE AND INSTALL NEW GARAGE DOOR

17/0331 (GRANTED WITH CONDITIONS) RAISE RIDGE HEIGHT OF EXISTING GARAGE AND INSTALL NEW GARAGE DOOR (RESUBMISSION FOLLOWING REFUSAL 16/1216)

E18/0266 BREACH OF CONDITIONS ASSOCIATED WITH 17/0331

18/0647 (GRANTED WITH CONDITIONS) NON MATERIAL AMENDMENT OF PLANNING PERMISSION 17/0331 FOR RAISING OF RIDGE HEIGHT OF EXISTING GARAGE AND INSTALLATION OF NEW GARAGE DOOR. AMENDMENT INCLUDING FURTHER RAISING OF RIDGE HEIGHT

18/0673 (REFUSED) PARTIAL DISCHARGE OF CONDITION 02 (DETAILS/SAMPLE MATERIALS) OF PLANNING PERMISSION 17/0331 TO RAISE RIDGE HEIGHT OF EXISTING GARAGE AND INSTALL NEW GARAGE DOOR

Upon the basis of the above (and considering that I cannot see any enforcement action has been served), it appears that the current condition of the building is, unfortunately, now consented by the passage of time.

4. Analysis

The extant building is prominent within the conservation area. As identified within the CAA, it stands immediately adjacent to *The Avenue* within that '*Important View*' of its principal elevation and, due to its location at back of pavement, within those key views '*Up/down either side of Clytha Square*', where it intrudes directly into views of *The Avenue* from the south.

The existing is a prominent and visually intrusive structure, being modern white-rendered, with brown (and permanently closed) roller-shuttered entrance, uPVC barge boards and a synthetic slate roof.

It is proposed to enlarge the extant garage door opening within the north-facing elevation and introduce a modern aluminium shopfront (without stall-riser), with externally mounted roller shutter located behind prominent fascia signage. The type of signage and any associated illumination is unclear.

As it stands, the proposed would be considered to fail to preserve or enhance the character or appearance of Clytha Conservation Area, contrary to HEWA 2023, TCPA 1990, Planning Policy Wales (Edition 12), Policy CE7 of Newport Local Development Plan 2011 – 2026 and our relevant SPGs.

However, should the applicant take more care over the proposed shopfront design, it might be that this negative impact can be overcome. In particular, the asymmetric shopfront (without stall-riser), the prominent and externally mounted box-shutter arrangement, and the lack of detail regarding the proposed signage are all of concern, details which could be much better integrated into the overall design with reference to the relevant SPGs.

Many thanks,

Guy Arnall

Prif Swyddog Treftadaeth / Principal Heritage Officer