

Delegated Decision Report

Application No:	24/0674	Statutory Period Expires:	30th December 2024
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Site:	24 Bridge Street Newport NP20 4SF		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED CHANGE OF USE OF PART OF THE GROUND FLOOR FROM A MEDICAL CLINIC (D1) TO A BARBER SHOP (A1) AND MEDICAL CLINIC (D1) TO A BARBER SHOP (A1), CHANGE OF USE OF THE BASEMENT TO AN OFFICE (A2) AND FITNESS SUITE (D2), AND SUBDIVISION AND CHANGE OF USE OF THE SECOND FLOOR FROM AN OFFICE (A2) TO A MIXED USE		
Applicant:	P Monger		
Type:	Lawful Development Proposed	Ward:	Stow Hill
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises a 3 storey (plus basement) end of terrace property located on the corner of Bridge Street and Caxton Place. The property is within the defined city centre as shown on the proposals maps that accompany the Newport City Council Local Development Plan (LDP) and is arranged as various commercial uses and is within a primarily commercial area.

2.2 The building is split into separate uses and appears to be arranged with a barbers and medical clinic occupying the ground floor. The applicant suggests office accommodation is situated at first floor, and the second floor is currently unoccupied however, the applicant has stated that this floor was last used as a Chartered Accountants, but no information is held by the LPA on this. The applicant suggests the basement is unoccupied with no information held by the Local Planning Authority (LPA) on any previous use.

2.3 The building is Grade II listed (listing ref; 3001) and has an Italianate block stucco design.

3. DESCRIPTION OF DEVELOPMENT

The application seeks a lawful development certificate for the proposed change of use of part of the ground floor from a medical clinic (D1) to a barbershop (A1), and also a change of use of part of the ground floor from a barbershop (A1) to a medical clinic (D1). The applicant has suggested that the barbershop occupies the right-hand side of the ground floor and is looking to move this to the left-hand side of the building on the ground floor. The medical clinic which is currently situated on the left-hand side of the building on the ground floor will be moved to the right hand side of the ground floor. The basement is suggested to be unoccupied as specified by the applicant. The proposed use of the basement is to create a self-contained business space for office use (A2). In the remaining space, a small fitness suite (D2) is proposed for use by people working within the building to encourage staff from each business to make time for their wellness as well as their employed duties. On the first floor, this is occupied by an accountants and there are no changes proposed to this floor. The second floor

is currently unoccupied, but the applicant suggests this was previously used as an office space by a chartered accountant. This proposes the change of use to a mixed-use. The applicant suggests, this space is to be used for people in creative industries such as graphic design, advertising and marketing, tattoo or photography studio. No floor plans or information on the physical subdivision has been provided for the second floor.

Other internal alterations to the ground floor and external changes were approved under listed building consent 24/0606.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0606	LISTED BUILDING CONSENT FOR MINOR INTERNAL ALTERATIONS INCLUDING NEW DOOR WAY OPENINGS AND REINSTATEMENT OF PERIOD FEATURES, PAINTING OF FRONT AND SIDE FACADE, REINSTATEMENT OF SASH WINDOWS TO THE FRONT ELEVATION, REINSTATEMENT OF EXISTING OPENING AND INTRODUCTION OF NEW WINDOWS TO THE INTERIOR COURTYARD	GC	14/11/2024
18/0403	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR THE CHANGE OF USE FROM CLASS A2 TO CLASS A1	G	28/06/2018
08/1396	LISTED BUILDING CONSENT FOR RETENTION OF TWO NON-ILLUMINATED FLAT SIGNS ABOVE FRONT WINDOWS	R	04/12/2008
08/0696	RETENTION OF EXTERNALLY ILLUMINATED WALL SIGN	R	03/07/2008

5. PLANNING POLICY

5.1 This application is for a certificate of lawfulness for proposed development and therefore falls to be determined in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (General Permitted Development) Order 1995 (Wales).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 Proposed changes of use:

Ground floor:

- Barbershop (A1) to Medical clinic (D1)
- Medical clinic (D1) to barbershop (A1)

Basement:

- Unoccupied space with unknown use to office space (A2) and fitness suite (D2).

First floor

- No changes proposed

Second floor

- Unoccupied space (previously accountants A2) to a mixed-use creative space comprising of graphic design, advertising and marketing, tattoo and photography studio etc.,

- 8.2 During the assessment of this application, it has not been possible to establish the planning units, and if the building will be split into different distinct and separate uses, or is and will the building stay split into different distinct uses or become a single planning unit with a mixed use? This current application defines the entire building within the site edged red which suggests that the building has a single mixed sui generis use. Application 18/0403 was approved for a change of use to part of the ground floor only which suggests that the building may be split into different uses. Confirmation on how the building operates has been sought from the applicant, however, no information has been forthcoming. There are no floor plans submitted for the first and second floor of the property, the changes proposed and how they relate to the wider building, so this cannot be fully assessed. Moreover, the application form suggests there is a fitness suite within the basement. Due to the nature of the fitness suite to serve the building only, it is likely this would be ancillary, however, no plans on this have been provided. Furthermore, clarification is needed on the operations of the basement office space and whether these operations would fall under A2 or B1. In light of this, there is a lack of information to carry out a full assessment, however, an assessment is carried out below on the information received in line with the application.
- 8.3 The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. In this case the relevant classes have been identified within an earlier section of this report.
- 8.4 When assessing the permitted change of use between the uses, The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3 sets out permitted changes between the use classes. On the ground floor, the existing barbershop on the ground floor falls within use class A1. The proposed change of use is to D1 as a medical clinic. There are no permitted changes from use class A1 to D1 as set out within The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3. Therefore, the proposed changes are not permitted development.
- 8.5 When assessing the permitted change of use from the medical clinic (D1) and the barbershop (A1) on the ground floor, there are no permitted changes from use class D1 to A1 as set out within The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3. Therefore, the proposed changes are not permitted development.
- 8.6 Next, there is a proposed change of use of the unoccupied basement to office space (A2 or B1) and a fitness suite (D2 if open to the public or ancillary if for the use of employees of the building only). No information on the use of the basement has been provided and no information is held by the LPA therefore the lawful use is considered

to be nil. As the proposal includes a change of use to office space this is considered as a material change not benefiting from permitted development.

- 8.7 When assessing the second floor, the office space is currently unoccupied, but it has been suggested by the applicant that this has been previously occupied by HAASCO Chartered Accountants (A2). The LPA have no reason to dispute this information. The second floor is proposed to be subdivided and a change of use to a mixed use is proposed with the applicant stating that the space is to be used for people in creative industries such as graphic design, advertising and marketing, tattoo or photographic studio. These proposed uses as described likely fall outside of the A2 use classification (graphic design is likely B1, tattoo studio is likely sui generis and photography either B1 or sui generis depending on operations) and therefore require consent. No floor plans have been submitted for this floor so it is unclear how this space would be subdivided and used exactly. The change of use from A2 to a 'mixed' use would be sui generis and so would not be permitted development as set out within The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3.
- 8.8 When evaluating the physical works, the building is grade II listed, it is unclear what internal arrangements are proposed as full floor plans have not been provided. The external changes include painting the ground floor and adding a French door with side windows in white to the rear. Also, the re-painting of different areas on the façade and front entrance door and replacement timber sash windows on the front elevation.
- 8.9 Whilst external changes have been approved under listed building consent 24/0606, this application seeks a determination as to whether these changes also need planning permission. It is noted that to the rear courtyard, there is an old blocked up opening as shown below. French doors are now proposed in this area and are not visible from the streetscene. Therefore, this development would not result in a material change in the appearance to the building. Additionally, the change in the windows on the front façade on the ground floor appear to match the windows on the upper floors, therefore, would not create a material change in appearance to the front elevation. In terms of painting, it is noted that this does constitute development, however, this constitutes permitted development under The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 2, Class C.

Existing façade:



Proposed façade:



Existing:

Proposed:



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 minimising 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 impacts 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 Whilst insufficient information has been submitted to fully understand the proposals and the extent of the planning unit (existing and proposed), the proposed changes of use are considered to constitute development by reason of being a material change of use as defined by Section 55 of the Town and Country Planning Act 1995 (as amended) and are not permitted development as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3.

11. DECISION

REFUSED

01 Whilst insufficient information has been submitted to fully understand the proposals and the extent of the planning unit (existing and proposed), the proposed changes of use are considered to constitute development by reason of being a material change of use as defined by Section 55 of the Town and Country Planning Act 1995 (as amended) and are not permitted development as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3.

NOTE TO APPLICANT

01 This decision relates to plan Nos: jw1174-102 Existing Elevations; 1174-110 Proposed Elevations OPTION B; jw1174-100 Existing Basement and Ground Floor Plans; jw1174-105 Proposed Basement and Ground Floor Plans - Rev B; hounds the barbers (1) (1) (1).; MapSearch-20230309-132249; supporting information on second floor operations

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.