

Delegated Decision Report

Application No:	25/0840	Statutory Period Expires:	22nd December 2025
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Site:	87C Commercial Street Newport NP20 1LS		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED USE OF THE BUILDING AS A TAXI OFFICE		
Applicant:	E Mengisteab		
Type:	Lawful Development Proposed	Ward:	Stow Hill
Decision:	Refused		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is defined within the council's urban boundary and situated on Commercial Road. The site sits just outside of Commercial Road District Centre. Commercial Road comprises of a mix of commercial and residential properties. The application form states that a travel business is currently operating from the premises.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks to confirm by way of lawful development certificate that planning permission is not required to operate a Taxi Office from the property. The application is submitted seeking a proposed use as confirmed by the application forms submitted.

4. RELEVANT SITE HISTORY

None.

App Number	Proposal	Decision	Decision Date
14/0971	RENOVATION/REFURBISHMENT OF FRONT FACADE, INCLUDING THE REPLACEMENT OF UPPER WINDOWS, INSTALLATION OF REPLACEMENT SHOPFRONT AND ALTERATIONS TO ENTRANCE TO UPPER FLOOR FLATS.	Granted with Conditions	10.11.2014

5. PLANNING POLICY

5.1 None.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

5.1 This application seeks to confirm, by means of a Lawful Development Certificate that planning permission is not required for the use of the property as a taxi office.

5.2 Limited information has been provided in support of the application, and it remains unclear whether the proposed use of the taxi rank is intended to operate alongside the existing travel agents, ancillary to the travel agents or whether a change of use of the building in its entirety will be changed to operate the taxi rank. Further information and clarification on the operation of the taxi rank has been requested, however this has not been forthcoming.

- 5.3 In the absence of these details, the application will be assessed on the basis that the applicant is seeking the change the use of the property to a taxi office operating independently of any other or existing use(s). The current use of the property is stated to be a travel agents, which the Town and Country Planning Use Classes Order 1987 (As Amended) confirms falls under A1 use, where as a taxi rank falls under Sui Generis. This represents a material change of use which is not permitted by the General Permitted Development Order and therefore requires planning permission.

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 The information provided is insufficient to determine whether the proposed taxi rank would operate as an ancillary function to the building's current use as a travel agent. Regardless of this, operating the premises as a taxi rank would constitute a change of use from Class A1 to a sui generis use, and therefore a formal change of use application would be required.

11. DECISION

REFUSED

Reason

The proposed change of use is not lawful. The Town and Country Planning Use Classes Order 1987 (As Amended) does not permit a change of use from A1 to Sui Generis and the proposed use is not considered lawful.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing Floor Plan, Proposed Floor Plan, Location Plan, Application Form

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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.

04 The Town and Country Planning Use Classes Order 1987 was relevant to the determination of this application.