

Delegated Decision Report

Application No:	26/0320	Statutory Expires:	Period	2nd July 2026
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Site:	1-2 Commercial Street Newport NP20 1HE			
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED CHANGE OF USE OF THE GROUND FLOOR FROM USE CLASS A1 (SHOP) TO USE CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES), TO BE USED AS A SOLICITOR'S OFFICE			
Applicant:	S Paulose			
Type:	Lawful Proposed	Development	Ward:	Stow Hill
Decision:	REFUSED			

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site relates to the ground floor of 1-2 Commercial Street. The Proposals Map contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2025) identifies the site as being within the Town Centre Conservation Area and the Town Centre Archaeologically Sensitive Area. In addition, the site includes both Primary and Secondary Shopping Frontage. Parts of the site appear to be positioned within Flood Zone 2 and 3 Rivers and Sea of the Natural Resources Wales Flood Map for Planning (FMfP).

3. DESCRIPTION OF DEVELOPMENT

3.1 This application is submitted under Section 192 of the Town and Country Planning Act 1990 (as amended) for a Certificate of Lawfulness to confirm whether or not the proposed change of use from a Shop (Use Class A1) to a Solicitor's Office (Use Class A2) is lawful and does not require planning permission.

4. RELEVANT SITE HISTORY

Application Number:	Proposal:	Decision:	Decision Date:
20/0008	CHANGE OF USE FROM A1 (RETAIL) TO A2 (RECRUITMENT AGENCY)	Withdrawn	11.11.2021

5. PLANNING POLICY/LEGISLATION

5.1 Section 192 of the Town and Country Planning Act 1990 (As amended).
 5.2 The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3.
 5.3 The Town and Country Planning (Use Classes) Order 1987 (As amended).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 The planning history for the site shows that an application to change its use from A1 (Retail) to A2 (Recruitment Agency) was submitted in February 2020 and later withdrawn prior to its determination. It is not known if the use was implemented unlawfully and in any case this is not what the current application seeks to establish. Council Tax records list the property as a shop and premises, however it is currently marked as empty. The submitted Application Form outlines that the Applicant understands that the premises benefits from a Class A1 (shop) use.

8.2 The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3, sets out the provisions for permitted changes of use between different use classes. Use classes are defined by The Town and Country Planning (Use Classes) Order 1987 (as amended). The existing use of the building as a Shop would fall within Use Class A1. The proposed use as a Solicitors Office (Financial and Professional Services) falls within Use Class A2. The legislation does not contain provisions for permitted changes from Use Class A1 to Use Class A2, therefore planning permission would be required for this change.

8.4 Based on the above, it is recommended that the Lawful Development Certificate be refused.

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 change of use from a Shop (Use Class A1) to Financial and Professional Services, specifically a Solicitors Office (Use Class A2) would require planning permission. The Lawful Development Certificate should therefore not be issued and the application should be refused.

11. DECISION

REFUSED

01 The proposed change of use from Use Class A1 to Use Class A2 is not lawful. This change of use does not benefit from permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3. Therefore, The Certificate of Lawfulness under Section 192 of The Town and Country Planning Act 1990 (as amended) is not issued and planning permission is required.

NOTE TO APPLICANT

01 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.

02 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.