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Lewis&Co Planning

Worthing Borough Council
Planning Services
Portland House
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Worthing
BN11 1LF

20 August 2010

Dear Sirs

FORMER WOOLWORTHS BUILDING, 19 BROADWATER STREET WEST, WORTHING, BN14 9BT

Please find enclosed a cheque for £167.50 in respect of the application for a Certificate of Lawfulness for a Proposed Use – for the use of the first floor of the above premises as a self contained flat.

The application has been submitted on-line and includes the following documentation:

- Application forms
- This letter and appendices 1 and 2
- Drawing EXG.01 – existing plans and site and location plans
- Drawing EXG.02 – existing elevations and sections
- Drawings EXG.03 – existing elevations
- Drawing PL.01 – proposed plans

There are no proposed elevational drawings as there are to be no external works. This is clearly stated on drawing PL.01.

THE PROPOSED WORKS

The application relates to proposals to convert the first floor of 19 Broadwater Street West into a self contained flat. The first floor is currently used as ancillary space for the ground floor Class A1 (retail) shop unit – a fact confirmed in the rating assessment for the site (see Appendix 1 of this letter) and advice given by council officers (see Appendix 2 of this letter).

The proposed works will result in the creation of a 4 bedroom flat with direct access from an existing communal access route at the rear of the site. Whilst the development will require the installation of internal partitions, there will be no works to the exterior of the building. The internal single flight staircase between ground and first floor will be sealed off, and so access to the first floor will be from the communal double flight stair case at the rear.

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JUSTIFICATION FOR THE CERTIFICATE OF LAWFULNESS

Legal Background

The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3, Class F states that the following form of development is "permitted development" under the terms of the Order:

> *"Development consisting of a change of the use of a building –*
>
> *a) to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A1 of that Schedule."*

The Order then provides certain limitations for where such changes of use are proposed:

> *"Development permitted by Class F is subject to the following conditions:*
>
> *(a) some or all of the parts of the building used for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order shall be situated on a floor below the part of the building used as a single flat;*
>
> *(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall not be used in whole or in part as the single flat;*
>
> *(c) the single flat shall not be used otherwise than as a dwelling (whether or not as a sole or main residence) —*
>
> *(i) by a single person or by people living together as a family, or*
>
> *(ii) by not more than six residents living together as a single household (including a household where care is provided for residents).*

Analysis

The proposed change of uses meets exactly with the description of permitted development provided by Class F. The existing use of the premises is that of a shop (given that the upper parts are ancillary to the shop), and the proposed use of the premises is that of a shop and single flat. Consequently it can be

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seen that the development is "permitted development" provided that the limitations outlined above are met.

With regard to the limitations set out in Class F:

a) The shop will be located underneath the flat.

b) None of the ground floor is to be used as a flat. Whilst the access stairs to the flat obviously extend to ground level, the internal entrance door to the flat will be at first floor level. The stairs themselves will not form part of the flat as they are required by the freeholder to provide access onto the premises' roof.

c) The flat will have four bedrooms, and so will be used as family accommodation.

CONCLUSIONS

The proposed change of use is "permitted development" under the Town and Country Planning (General Permitted Devlopments) Order 1995.

Consequently the Local Planning Authority is respectfully requested to issue the Certificate of Lawfulness.

Yours sincerely

STB

Simon Bareham
BSc(hons) DipTP MRTPI