Development Management – Delegated Officer Report

Application Number: AWDM/0355/22 Recommendation – APPROVE

Site: 14 Queens Parade, North Road, Lancing, BN15 9BA

Proposal: Application for Certificate of Lawfulness for a proposed change of use from retail shop (E(a)) to restaurant (E(b)) use class

Site visit: N/A

Site and Surroundings:

The application site is located on the west side of North Road, Lancing, within a row of shops named Queens Parade. The building is a two storey, middle of terrace, with retail on the ground floor and what appears to be residential on the first floor. Queens Parade and North Road is located within the central shopping area of Lancing, and retail is the main user of the commercial area, and there are some vacant shops.

Residential use is opposite the site, and also in close proximity to the retail centre.

The site is not within a Conservation Area and is not a Listed Building.

Proposal

A Certificate of Lawfulness is sought for a proposed change of use from Retail to Restaurant

Planning History:

L/168/59 Outline shops with living accommodation over and garages Approved 29.12.1959

L/295/60 13 Shops with 10 flats over and 9 garages Approved 17.01.1961

Planning Assessment

Principle

The proposal will be viewed in relation to the Town and Country (Use Classes Order) 1987 (as amended).

The most recent amendment, pertinent to this application, was that of 01.09.2020 when the Use Class Order introduced/amended the following:-

Class E – Commercial, Business and Service

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e).

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of
    - E(c) (i) Financial services
    - E(c) (ii) Professional services (other than health or medical services), or
    - E(c) (iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity
    - E(g) (i) Offices to carry out any operational or administrative functions
    - E(g) (ii) Research and development of products or processes
    - E(g) (iii) Industrial processes

Consideration

The current use of the property is retail, which now sits within the new Use Class E(a) and the proposed Use as a restaurant now sits within Use Class E(b). As they are both within the Use Class E, the proposal is thereby permitted as permission is not required to change between uses in the same Class.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

Reasons for Recommendation

The proposed use of the ground-floor of 14 Queens Parade, North Road, Lancing, BN15 9BA as a Restaurant falls within Use Class E(b) of the Town and Country Planning (Use Classes Order) 1987 (as amended) does not involve a material change of use constituting 'development' as defined by Section 55(1) of the Town and Country Planning Act 1990 and is lawful for planning purposes.

Case Officer: Eve Hearsey Date: 19.05.2022

Authorised by: Peter Barnett Date: 19 May 2022