**Expiry Date – 29/11**

# Development Control – Delegated Officer Report

**Application Number: AWDM/1523/18** **Recommendation – Issue Certificate**

**Site:** **21-23 North Road, Lancing**

**Proposal:** **Application for a Lawful Development Certificate for proposed use of building from Class A1 to a mixed use building, comprising A1 shop to ground floor and 1 x 2 bedroom maisonette (Class C3) to first and second floor.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 8/11

## Site and Surroundings

This application relates to a three storey end of terrace building on the west side of North Road, north of Lancing railway station. The building is unoccupied and appears to have been for some time. Planning records indicate it was last in use as a building society though it is possible a retail use came after. No obvious signs of an A2 building society use were visible through the window.

The property has a shopfront at ground floor with recessed front door in the side wall. It is extended at the rear for shop storage purposes and in the middle of the side elevation behind a gate is a secondary door. The applicant's supporting statement indicates the upper floors were last in use for purposes incidental to the ground floor commercial use.

Access to the first floor from ground floor is via a ladder and loft hatch. There is a staircase between the first and second floors.

The site is not in a conservation area and is not listed.

## Proposal

A Certificate of Lawfulness is sought to allow use of the building as a ground floor retail shop with one separate and self contained residential unit (maisonette) on the two upper floors.

The shop is to be cut in two. A new self contained entrance and staircase are to be created for the proposed flat in the middle of the ground floor. A new, relocated internal staircase built is proposed from ground to second floor.

## Relevant Planning History

L/186/89 – Automatic teller machine on front elevation. Granted 16.11.89

## Consultations

Health – Asbestos informative advised.

## Representations

None undertaken.

## Relevant Planning Policies and Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015

## Planning Assessment

### *Principle*

The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 3 Class G allows for

**– retail or betting office or pay day loan shop to mixed use**

**Permitted development**

**G. Development consisting of a change of use of a building—**
**(a) from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A1 (shops) of that Schedule and as up to 2**
**(b) from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as up to 2 flats;**
**(c) from a use—**
**(i) for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or**
**(ii) as a betting office or a pay day loan shop, to a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as up to 2 flats;**
**(d) where that building has a display window at ground floor level, from a use—**
**(i) for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or**
**(ii) as a betting office or a pay day loan shop, to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as up to 2 flats;**
**(e) from a use as a betting office or a pay day loan shop to a mixed use as a betting office or a pay day loan shop and as up to 2 flats.**

**Conditions**
**G.1** Development permitted by Class G is subject to the following conditions—

(a) some or all of the parts of the building used as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order is situated on a floor below the lowest part of the building used as a 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 must not be used in whole or in part as a flat;
(c) a flat must 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 6 residents living together as a single household (including a household where care is provided for residents).

**Interpretation of Class G**
**G.2** For the purposes of Class G, "care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

The building was last used for either A1 or A2 purposes at ground floor with ancillary storage on the upper floors and rear ground floor. Class G permits the change of use of a retail shop (A1) or Financial and Professional Service (A2) to a mixed use including ground floor retail floorspace and up to 2 units on upper floors subject to certain conditions.

**1.** (a) some or all of the parts of the building used as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

Retail floorspace is proposed on the ground floor. The maisonette to be created is on the first and second floors combined, other than the side entrance.

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

The premises has a ground floor display window. The maisonette to be created is on the upper two floors other than the side entrance.

(c) a flat must 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 6 residents living together as a single household (including a household where care is provided for residents).

The applicant's supporting statement states: *The new maisonette will only be used as a residential dwelling by a single person or single household and not for any other purpose.*

Conclusion

The proposed use complies with the conditions of Class G as the retained retail space will be situated on floors below the maisonette, none of the ground floor of the building

will be part of the maisonette, other than the entrance, and the maisonette will be used solely as a residential dwelling by a single person or single household and not for any other purpose.

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**Recommendation Issue Certificate** for the following reason:

The proposed use of this building for a mixed ground floor (A1) retail use with 1 no. two bedroom maisonette (C3) on the first and second floors as shown in drawings 18-B05-30, 18-B05-10 C and 18-B05-00 received 4.10.18 and described in the accompanying Planning Statement also received 4.10.18 is lawful by virtue of Class G, Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

***Informative***

1. The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property. As this is being renovated to residential, the Council need to be satisfied that if any asbestos is present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register - and any remedial strategy where appropriate - should be provided prior to works commencing.

Is recommendation contrary to any representations? No.

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| Case Officer signed: | MOK | Date: 13/11/18 |
| Authorised and signed by: | Peter Barnett | Date: 13 November 2018 |