Development Control – Delegated Officer Report

Application Number: AWDM/1496/23 Recommendation: Issue Certificate

Site: 222 Findon Road, Worthing

Proposal: Application for Certificate of Lawfulness for Proposed Use of the premises as a dental surgery with two consultation rooms, accessible WC, Xray room, store/sterilisation room, staff room, reception and waiting area. Appointments between 7am and 9pm on weekdays and weekends.

Date of site visit: 08.01.2024

Neighbours checked: N/A

Site, Surroundings and Proposal

The site relates to a two storey mid terraced property located on the east side of Findon Road, within a shopping parade known as 'Kings Parade'. The application relates to the ground floor which comprises of a vacant shop fronting onto Kings Parade, with associated staff kitchen and wc located within a single storey addition at the rear. There is also a lean-to structure at the side (south) which encloses a rear access door. There is a separate flat at first floor level (No. 222a) which is accessed separately from an external staircase at the rear of the building. There is a small parking/amenity space located at the rear of the building. An un-adopted rear access lane provides vehicular access from Cissbury Avenue to the north. The site is within the Medium Scale Local Centre as designated in the Worthing Local Plan.

The application is for a Lawful Development Certificate that seeks to establish the lawfulness of the proposed use as a dental surgery by reason that the existing use and proposed use would be within Use Class E and therefore would not constitute a material change of use.

The application details indicate internal alterations to provide a reception/waiting area, two consulting rooms, wc, staff facilities, storage and decontamination/sterilisation room. Air conditioning units have been indicated on the floor plans but are not included in this application that relates to the use of the premises.

Relevant Planning History:
No recent history.

ADVT/1329 Internally illuminated double sided box sign to read 'Chemist'. Approved 23.09.1966

WB/434/69/FULL Alterations to provide new shopfront, erection of single storey extension at rear to provide lobby and 2 wc's with external iron staircase revised. Approved 17.06.1969

Consultations:
None

Representations:
None received

Planning Assessment

The relevant consideration is a matter of fact and degree whether the evidence submitted in support of the application demonstrates on the balance of probability that the proposed use as a dental surgery would not constitute a material change of use.

Schedule 2, Part A of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 provides the following within Class E:

> *PART A*
> *Commercial, Business and Service*
>
> ***Class E. Commercial, Business and Service***
> *Use, or part use, for all or any of the following purposes—*
>
> *(a)for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
>
> *(b)for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
>
> *(c)for the provision of the following kinds of services principally to visiting members of the public—*
>
> *(i)financial services,*
> *(ii)professional services (other than health or medical services), or*
> *(iii)any other services which it is appropriate to provide in a commercial, business or service locality,*
>
> *(d)for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
>
> *(e)for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*
>
> *(f)for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
>
> *(g)for—*
>
> *(i)an office to carry out any operational or administrative functions,*
> *(ii)the research and development of products or processes, or*
> *(iii)any industrial process,*

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The premises are currently vacant and the application forms state that previous use was a retail shop which ceased in 2023. There is no planning history that indicates that any material change of use has occurred from a shop, and Google Image data from 2009 to 2022 inclusive indicates that is was occupied by 'PC Help Sussex Ltd' providing IT sales and support. On the basis of the information available this would have previously been considered a Class A1 use prior to the more recent changes to the GPDO in 2020. Article 7 in the amendment states that:

7. For the purposes of the Use Classes Order, if a building or other land is situated in England, and is being used for the purpose of one of the following classes which were specified in Part A or B of the Schedule to that Order on 31st August 2020, as—

(a)Class A1 (Shops),
(b)Class A2 (Financial and professional services),
(c)Class A3 (Restaurants and cafes), or
(d)Class B1 (Business),
that building or other land is to be treated, on or after 1st September 2020, as if it is being used for a purpose specified within Class E (Commercial, business and service) in Schedule 2 to that Order.

There is no evidence to suggest that the A1 use has changed to another use and therefore would be reclassified under Class E (a).

It is considered that the proposed use as a dental surgery with reception, waiting and consultation rooms, would provide medical or health services for visiting member of the public and therefore fall under Use Class E(e).

Under Section 55 of the Town and Country Planning Act 1990 the proposal would not amount to development being uses in the same class.

Recommendation

On the basis of the available evidence the Local Planning Authority is satisfied that on the balance of probability the proposed use as a dental surgery (Class E (e)) as detailed in the application plans and particulars would not amount to development under the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 Schedule 2, Part A, Class E.

Informative
The applicant is advised that the installation of external plant/equipment is not included in this Certificate and would be subject to a separate application for planning permission.

Case Officer: Rebekah Hincke Date: 18.01.2024

Authorised by: Louise Prew Date: 18/01/2024