Development Control – Delegated Officer Report

Application Number: ADC/0222/07 **Recommendation – Grant Certificate**

Site: **Former Furnitureland Retail Warehouse, Eastern Avenue Shoreham-by-Sea**

Proposal: **Reconfiguration of existing mezzanine (application for certificate of lawfulness for proposed development)**

The Application

The application is, in effect, for a determination as to whether an application for planning permission is required.

Condition 4 of the original outline permission SU/227/84 for the retail warehouse restricts the total floorspace to 2,200sqm. In 1992, plans were passed under the Building Regulations for a mezzanine floor (SU/80/92/BR) and it was constructed, with a completion certificate issued on 23 September 1993.

The proposal is to reconfigure the mezzanine floor so that it is over the eastern half of the groundfloor, rather than the west half, but retaining a narrow section along the north side to the loading bay. The total mezzanine floor area would be reduced from 1,122sqm to 1,057sqm.

Planning Assessment

It is clear that the existing mezzanine floor, although erected in breach of planning control (ie. exceeding the floorspace limitation in condition 4 of SU/227/84), has become outside the scope of enforcement action (ie. lawful) through passage of time, having been erected considerably longer ago than the requisite 10 year period (as provided for in section 171B of the Act).

The carrying out of internal alterations does not constitute 'development' under section 55 of the Act. The Act was amended as from 10 May 2006 so that mezzanine floors over 200sqm were brought within the definition of 'development' in section 55.

As the proposed alterations do not increase the floor area of the mezzanine, they do not constitute 'development' as defined by the revised section 55.

Recommendation

That a Certificate of Lawfulness be granted for the reason that:-

1. Although the existing mezzanine floor was erected in breach of condition 4 of SU/227/84/TP because it was completed more than 10 years ago it is now outside the scope of enforcement action owing to section 171B of the Act. The proposed reconfigured mezzanine floor does not consititute 'development' as defined by section 55 of the Act because it is an internal alteration and would not increase the floor area of the mezzanine.

Case Officer..... Date...3/4/07.....

Head of Planning & Community ..... Date....3...5...07