

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BR/111/13/CLP**LOCATION:** 1 & 2 Sidlaw Terrace
Clarence Road
Bognor Regis**PROPOSAL:** Application for a Lawful Development Certificate for a Proposed use - change of use from offices (A2 Financial & Professional Services) to 2 flats (C3 Dwelling Houses)**DESCRIPTION OF APPLICATION**

The proposal, as amended, is to convert the existing A2 office into a self contained 1 bedroom flat (C3).

DESCRIPTION OF SITE AND SURROUNDINGS

Following amendment, this application now relates solely to no. 1 Sidlaw Terrace, as opposed to nos. 1 and 2 as per the original.

No. 1 Sidlaw Terrace is an existing ground floor office previously occupied by an estate agency (use class A2) and comprising of lobby, hall with stairs up, three office rooms and a rear WC. It is the southernmost ground floor unit. There is currently access from these offices into the adjoining offices of no. 2 Sidlaw Terrace.

The lower ground floor of Sidlaw Terrace comprises of an office space directly underneath no.1 (occupied by an Accountant - use class A2) and 2 small flats (use class C3) in the northern half.

RELEVANT SITE HISTORY

BR/101/87	Conversion of existing office into two flats and conversion of storage into offices	Approve Conditionally 21-04-1987
BR/124/01/	Conversion of first floor from office accommodation to 2-bedroomed flat	Approve Conditionally 20-06-2001
BR/24/57	Accommodation to be used as offices	Approve 11-03-1957
BR/24/57/A	Use of basement as club	Refused 01-06-1959
BR/110/84	Conversion of existing two large flats to five smaller self-contained flats	Approve Conditionally 28-03-1984

BR/233/85	Conversion of first floor flat to two self contained bedsits	Approve Conditionally 17-04-1985
BR/433/85	Conversion of one large flat into two small flats	Approve Conditionally 19-08-1985

Sidlaw Terrace has an extensive planning history of change of use to either offices or flats.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/a.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/a.

LEGISLATIVE BACKGROUND

Section 191 to 195 Town & Country Planning Act 1990 and DOE Circular 10/97 Annex 8 have the effect of requiring these applications to be determined having regard only to the evidence adduced and not planning policy.

- (i) What is judged on a balance of probability;
- (ii) The onus of proof is on the applicant (and not the LPA) to adduce the evidence; and
- (iii) The LPA may have on its files relevant evidence either supporting or contradicting that of the applicant.

CONCLUSIONS

Schedule 2, Part 3, Class F of the General Permitted Development Order 1995 (as amended - notably in 2012) allows for up to two residential flats above an existing A2 office space. Given that there is an A2 office use on the lower ground floor directly under no. 1 Sidlaw Terrace, then planning permission is not required for the proposed C3 residential flat.

This application was amended to remove the proposed C3 flat on the other half of the ground floor area (no. 2 Sidlaw Terrace) on the grounds that the space below that unit was occupied by two existing C3 flats.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 03 May 2013, the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason.

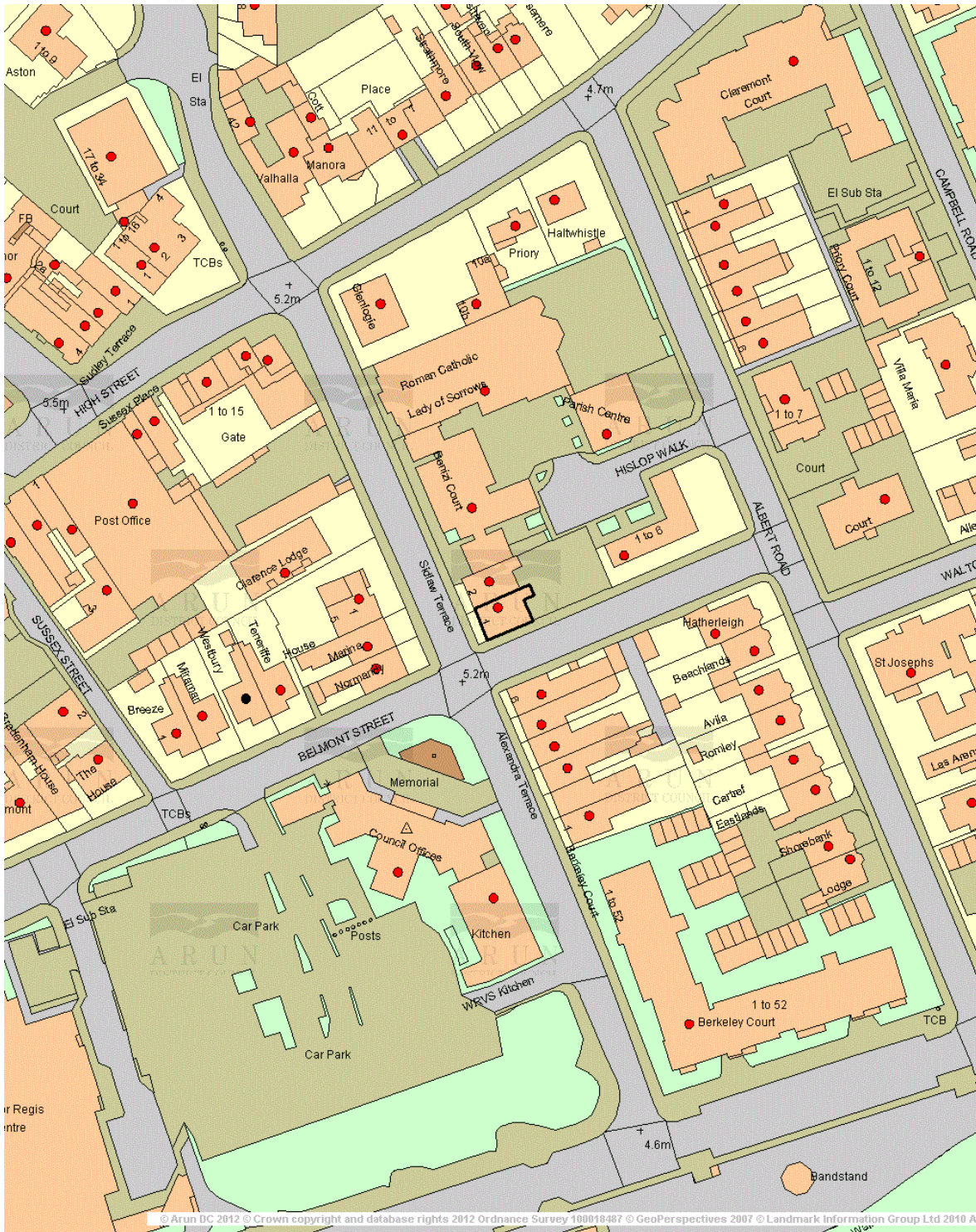
FIRST SCHEDULE

The extent of the use is the confines of No. 1 Sidlaw Terrace as per the submitted "Design Proposals" plan Ref 1232/02 Rev B. This forms the eastern half of the ground floor of Sidlaw Terrace and measures internally 10.75m by 7.1m with a small rear add-on of 2.25m by 2m.

SECOND SCHEDULE

1 Sidlaw Terrace, Clarence Road, Bognor Regis, West Sussex, PO21 1JY.

The proposed use is not development as defined within Schedule 2, Part 3, Class F of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) if the purpose is for a C3 residential flat as defined under S1(2) of the GPDO 1995 (as amended).



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