

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BR/315/12/CLP**LOCATION:** 17 High Street
Bognor Regis**PROPOSAL:** Application for a Certificate of Lawfulness for a proposed use or development -
Proposed single flat (C3 dwelling) from office (A2 Financial and Professional)**DESCRIPTION OF APPLICATION**

The application seeks a certificate of lawfulness for a proposed use of the premises as a single flat (C3 dwelling) from office (A2 financial and professional). The flat would be located at first floor level and the A2 use at ground floor level.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is a vacant unit located in the Primary Retail Frontage in Bognor Regis Town Centre. The building has a permitted A2 use (BR/182/12) having previously been a retail unit (A1 use) with ancillary office space at first floor level. The building has a glazed elevation at ground floor level with grey fascia, stall riser and pillars, and is rendered at first floor level with three sash windows.

RELEVANT SITE HISTORY

BR/130/94	Brick up rear doorway & side light & form new rear security door	Approve Conditionally 28-06-1994
BR/15/95	New shopfront	Approve Conditionally 27-02-1995
BR/116/99/	Replacement of existing ATMs from NCR 5084 for Siemens CSC456 Mk 3.	Approve Conditionally 05-07-1999
BR/214/00/A	Internally illuminated fascia sign and one internally illuminated projecting sign	Apprvd/Cond ADV 20-10-2000
BR/362/07/A	Application for consent to display advertisements - reposition 2 No internally illuminated ATM side panels.	Approve Conditionally 02-01-2008
BR/361/07/	Installation of replacement atm cashpoint machines x 2	Approve Conditionally 02-01-2008

BR/118/12/A	Removal of 1no existing fascia signs and 1no projecting sign. Install 1no internally illuminated fascia sign, 1no internally illuminated projecting sign, new surround for existing ATM.	Approve Conditionally 03-07-2012
BR/119/12/	Install 6 no. new Alucobond Panels in black blue (RAL 5004) above ATMs & around ATMs. Installation of new housing to existing ATM & installation of new external CCTV camera with dome	Approve Conditionally 03-07-2012

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

LEGISLATIVE BACKGROUND

Principle

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the Local Planning Authority are provided with information satisfying them that the use or operations described in this application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

CONCLUSIONS

The application seeks permission for a certificate of lawfulness for a proposed use of the upper floor of the premises for a flat (C3 use) with A2 use at ground floor level.

The proposed development is considered to fall under Part 3 (Changes of Use) Class F of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2012.

Under the provisions of Schedule 2, Part 3, Class F:-

Development consisting of a change of the use of a building-

a) to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Class Order and as up to two flats, from a use for any purpose within Class A1 of that Schedule;

b) to a mixed use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as up to two flats, from any use within Class A2 of that Schedule;

c) where the building has a display window at ground floor level, to a mixed use for any purpose

within Class A1 (shops) of the Schedule to the Use Classes Order and as up to two flats, from a use for any purpose within Class A2 (financial and professional services) of that Schedule.

The premises was previously a retail unit (Class A1) at ground floor level, with ancillary office space at first floor level. The unit was occupied by the Body Shop.

Planning permission was subsequently granted in 2012 (BR/182/12) for a change of use from A1 (retail) to A2 (professional and financial services) to an Estate Agent.

Development permitted under Class F is subject to the following conditions:-

a) some or all of the parts of the building used for any purpose within Class A1 or Class A2, as the case may be, of the Schedule to the Use Class Order shall be situated on a floor below part of the building used as up to two flats;

b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall not be used in whole or in part as up to two flats;

c) the single flat shall not be used otherwise than as a dwelling (whether or not as a sole or main residence);

i) by a single person or people living together as a family, or

ii) by not more than six residents living together as a single household (including a household where care is provided for residents).

The A2 use will be located at ground floor level. The building has a display window at ground floor level. The single residential flat will be located wholly at first floor and the ground floor will not be used in whole or in part as up to two flats. The submitted floorplans indicate that the flat will comprise a 2 bed unit with lounge/kitchen/diner. The flat is to be used as a single unit, not to be occupied by more than six residents.

The proposed development consisting of a change of use to a mixed use with a single residential flat at first floor flat and A2 use at ground floor level falls within Class F b). The proposal is therefore deemed to be permitted development and does not require planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 21st December 2012 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged black on the plan attached to this certificate, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

The proposed development consisting of a change of use for a proposed single flat (C3 dwelling) from office (A2 Financial and Professional Services) is considered to fall under Schedule 2, Part 3, Class F of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2012 in that it relates to "a mixed use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Class Order and as a up to two flats, from a use for any purpose within Class A2 of

that Schedule".

Class F.1 states that development permitted by Class F is subject to the following conditions:-

- a) some or all of the parts of the building used for any purpose within Class A1 or Class A2, as the case may be, of the Schedule to the Use Class Order shall be situated on a floor below part of the building used as up to two flats;
- b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall not be used in whole or in part as up to two flats;
- c) the single flat shall not be used otherwise than as a dwelling (whether or not as a sole or main residence);
 - i) by a single person or people living together as a family, or
 - ii) by not more than six residents living together as a single household (including a household where care is provided for residents).

The A2 use will be located at ground floor level. The single residential flat will be located wholly at first floor and the ground floor will not be used in whole or in part as up to two flats. The flat will comprise a 2 bed unit with lounge/kitchen/diner. The flat is to be used as a single dwelling, not to be occupied by more than six residents.

FIRST SCHEDULE

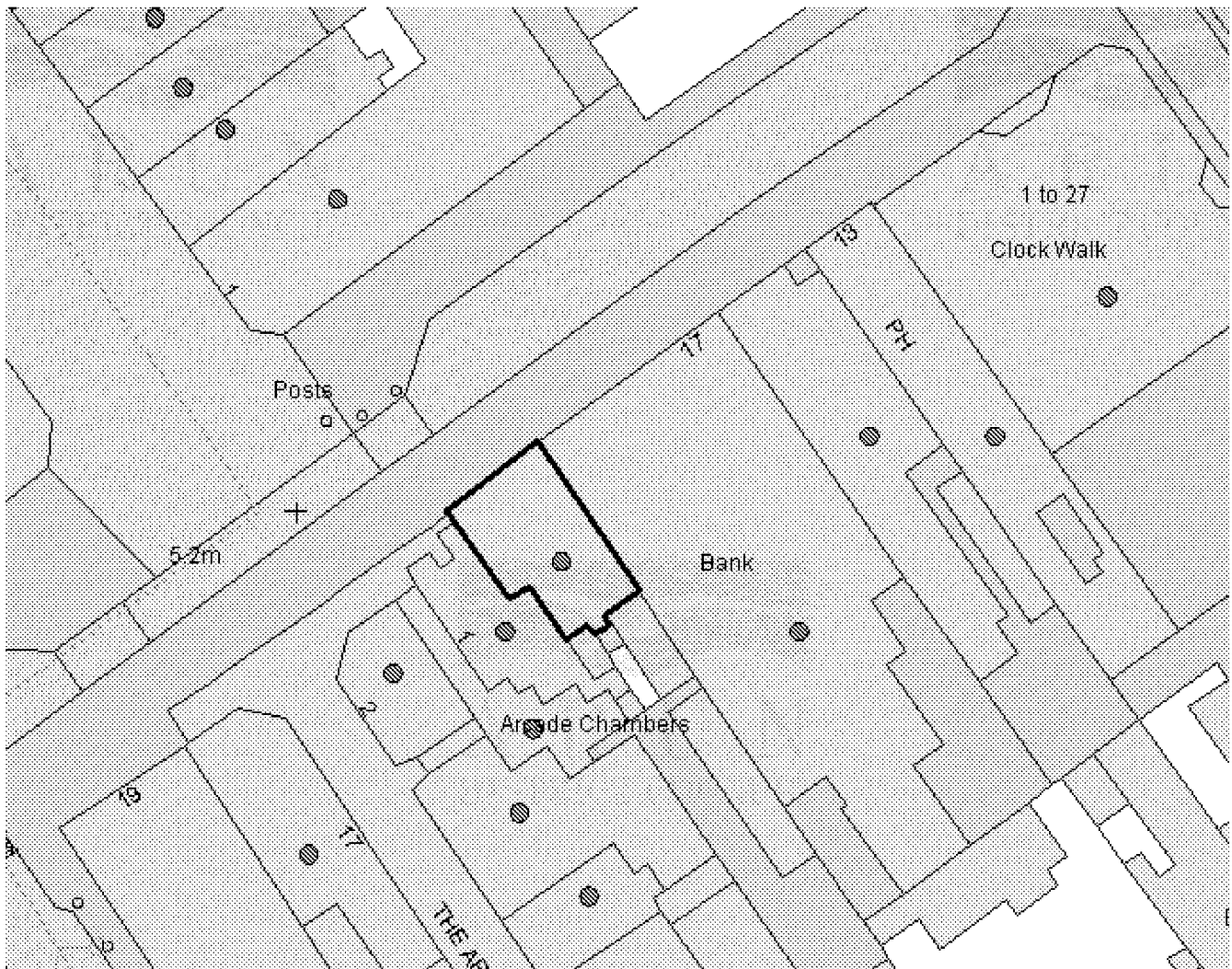
The proposed development is for a change of use from A2 (Financial and Professional) to a mixed use for any purpose within Class A2 (Financial and Professional) and as a single residential flat (Class C3).

SECOND SCHEDULE

17 High Street, Bognor Regis, PO21 1RJ

EXTENT OF USE

The proposed development is for a change of use from A2 (Financial and Professional) to a mixed use for any purpose within Class A2 (Financial and Professional) and as a single residential flat (Class C3).



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