

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** FP/101/18/CLP**LOCATION:** 107 Felpham Way
Felpham**PROPOSAL:** Lawful development certificate for a proposed change of use of first floor to self contained flat.**DESCRIPTION OF APPLICATION**

As above.

DESCRIPTION OF SITE AND SURROUNDINGS

The site comprises a part single, part 2 storey commercial building formerly occupied by the Co-op as a local food store.

The site forms part of an existing row of commercial properties which front onto Felpham Way. This includes an Esso Petrol Station with Spar shop, a solicitors office, a Co-op Funeralcare and a Fish & Chip shop. Notwithstanding these retail uses, there are residential dwellings both above some of the existing commercial properties, to the rear of them and on the opposite side of Felpham Way.

RELEVANT SITE HISTORY

FP/54/87/A	External illumination of existing fascia sign	Apprvd/Cond ADV 28-04-1987
FP/206/03/	Installation of ATM Machine and satellite dish	ApproveConditionally 07-11-2003
FP/159/07/	New shop front with ramped access & single storey rear extensions with lean-to	Refused 10-08-2007
FP/200/07/	New shop front with ramped access & single storey rear extension with lean-to & refrigeration plant. (Resubmission following FP/159/07)	ApproveConditionally 17-10-2007
FP/172/16/PL	Change of use from grocery store (A1 Shops) to tyre fitting centre & enlargement of rear double doors.	Refused 16-09-2016
BR/166/49	Conversion of dwelling to business premises	ApproveConditionally

28-06-1949

BR/166/49/A

Grocery shop

ApproveConditionally

13-11-1962

Planning history noted.

REPRESENTATIONS

Representations received:

None. This is a CLP and as such, no consultation is required to be carried out.

Comments on Representations received:

None. This is a CLP and as such, no consultation is required to be carried out.

CONSULTATIONS

Consultations responses received:

None. This is a CLP and as such, no consultation is required to be carried out.

Comments on Consultation responses:

None. This is a CLP and as such, no consultation is required to be carried out.

LEGISLATIVE BACKGROUND

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 the 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.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- Schedule 1, Part , Class G, which pertains to development consisting of a change of use to a building
(retail or betting office or pay day loan shop to mixed use)

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSIONS

The proposed change of use is considered to fall under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Permitted development:

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 flats. The

first floor was previously used for purposes relating to the A1 (shop) e.g. storage.

- This application proposes the a change of use of first floor to 1 self contained flat. The buildings last use was as a Co-op Food shop which falls within the a1 (Shops) Use Class.

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;

- The Co-op Food no longer operates from the property known as 107 Felpham Way, Felpham, PO22 8QB. However the A1 (shop) use remains. From an assessment of the plans the proposed flat would be sited above the ground floor and as such any future A1 retail use would be in whole or part situated on a floor below the lowest part of the building proposed 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 part as a flat.

- From an assessment of the submitted plans and submitted statement it is considered that no part of the flat would be on the ground floor, the floor with the display window.

(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)

- Officers Note that the proposed flat would be feature only one bedroom, bathroom along with a small kitchen/living room. As such it is considered that the proposal would comply with the Conditions in (c) above.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 19th April 2018 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 in black on the plan attached to this certificate, would be lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason:

The proposed structure would comply with the limitations of Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015

(as amended).

FIRST SCHEDULE

The proposal is for the use of the first floor of 107 Felpham Way, Felpham an A1 (shop) as a self contained flat, as shown on the submitted drawings:

17-XXX-101

17-XXX-200

SECOND SCHEDULE

107 Felpham Way, Felpham, West Sussex, PO22 8QB (former Co-op Food shop)

Change of use of first floor of 107 Felpham Way, Felpham to a self contained flat.

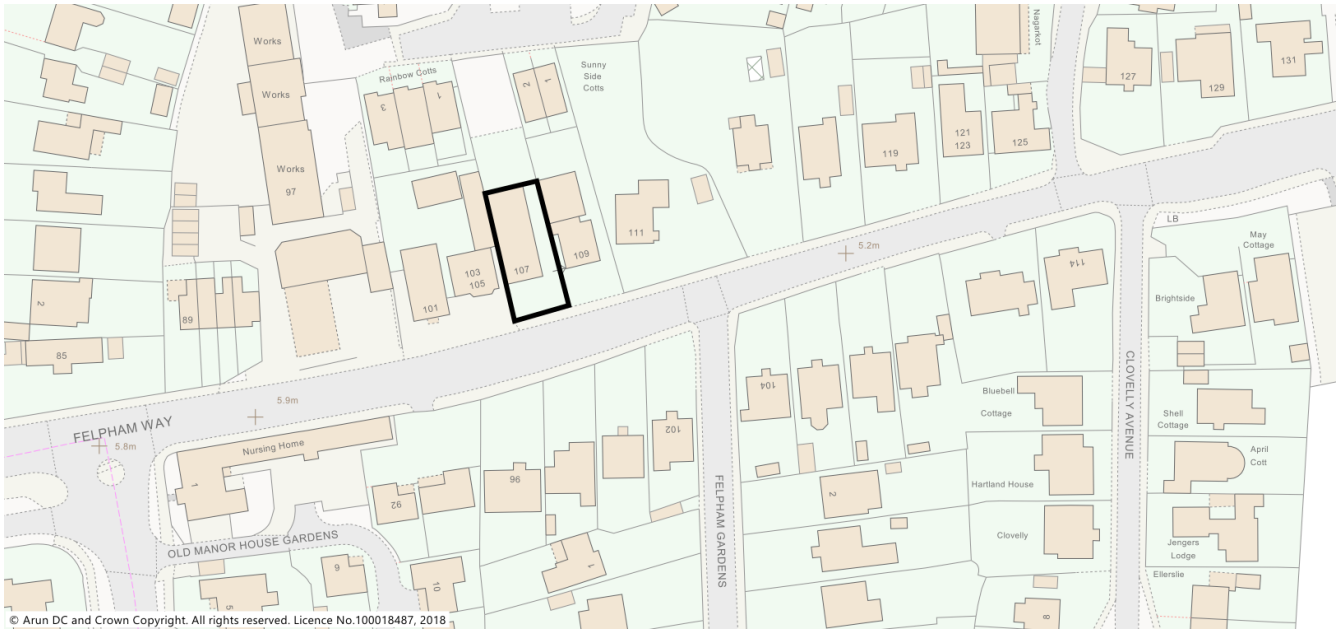
Officers note the following condition that needs to be complied with as part of Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

(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)

- Officers Note that the proposed flat would be feature only one bedroom, bathroom along with a small kitchen/living room. As such it is considered that the proposal would comply with the Conditions in (c) above.



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