
Site Address:	76 London Road, Widley, Waterloooville, PO7 5AB		
Proposal:	Application for Certificate of Lawfulness relating to change of use of first floor from retail to residential.		
Application No:	APP/18/00439	Expiry Date:	20/06/2018
Applicant:	-		
	The Southern Co-operative Ltd		
Agent:	Mr Holmes	Case Officer:	Tina Pickup
	Chapman Lily Planning Ltd		
Ward:	Purbrook		

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

The application site relates to the retail unit located on the corner of the eastern side of London Road and Bushy Mead. It was until recently a Co-op convenience store (A1) and is now a Co-op Funeral Directors which is also an A1 use. It has a display window in its western elevation fronting London Road. The main building is two storeys in height, and end of terrace. There is extensive single storey extensions to the rear that was formerly storage for the shop. There is also a side access gate onto Bushy Mead to a small service area, from which external stairs lead to the first floor. The first floor is therefore accessed across the flat roof of the shop below and is currently vacant. It has been confirmed that the first floor was last used as an office ancillary to the retail convenience store below, but is no longer required for the funeral directors.

The site falls within the identified Widley Local Centre. To the north the units are generally in retail/commercial use with residential above whilst the wider area is predominantly characterised by residential development. The property immediately to the north (No 76) is currently undergoing some building work - the implementation of APP/17/01145 for Single storey rear extension.

2 Planning History

99/57323/001 - One fascia and two projecting signs to the west elevation. One fascia sign to the south elevation; all internally illuminated, PERM,08/07/1999

99/57323/002 - Retention of one non-illuminated wall advertisement on south west corner elevation, PERM,17/08/1999

99/57323/003 - Internally illuminated advertising unit on south west elevation, WD,21/07/1999

99/57323/004 - Internally illuminated advertising unit on South elevation, REF,09/09/1999

92/57323/000 - Retention of security shutters to shopfront., REF,

04/57323/005 - Installation of automatic teller machine to the front (west) elevation., PERM,23/04/2004

04/57323/006 - Installation of satellite dish (diameter 1 metre) to rear elevation., PERM,16/06/2004

APP/18/00093 - Display of 2No. externally illuminated fascia signs; 1No. internally illuminated hanging sign; 3No. non-illuminated wall mounted signs. PERM,02/03/2018

3 Proposal

Section 192 application for a Lawful Development Certificate to establish whether the proposed change of use of first floor from retail to residential is permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

4 Policy Considerations

None

5 Statutory and Non Statutory Consultations

Natural England

Natural England has reviewed the Appropriate Assessment.

Provided the applicant is fully compliant with the Solent Recreation Mitigation Partnership Definitive Strategy and an appropriate Informative is attached to any planning permission to secure the contributions towards this mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of recreational disturbance on the integrity of the European site(s).

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

7 Planning Considerations

7.1 As a Section 192 application the details of the application must be assessed against the relevant provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 to determine whether the proposal is development or not.

7.2 The proposed development is for the change of use of the first floor of this retail unit to a residential flat. The development therefore falls to be considered against the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3 - Changes of Use, Class G - 'retail or betting office or pay day loan shop to mixed use.'

Part 3, Class G, clause (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 states:

"Permitted development

G. 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;

(b)

The conditions state:

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;

(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 in part as a flat;

(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)."

7.3 In this instance it is considered that the authorised use of the planning unit i.e. the whole site including ground floor and first floor, is A1 retail as the first floor office has until recently been used as ancillary office in connection with the retail unit below. Therefore clause (a) of Class G is the relevant criteria to apply and allows for an A1 shop to become a mixed use with up to 2 flats. The proposal is for a single flat at first floor level only, which would retain the current A1 funeral directors with its window display at ground floor. This would comply with the conditions (a) and (b).

7.4 Therefore provided the flat is occupied as a single family dwelling and by not more than 6 residents living together as a single household, then it is considered that the proposal fully complies with Class G and the change of use of the first floor to a flat would be permitted development.

Other matters _

7.5 There would be no external changes or development associated with the change of use, just internal alterations which do not require planning permission.

7.6 The creation of residential floorspace is CIL liable, but in this instance there is no new floorspace and so there would be a zero liability.

7.7 The creation of a one bedroom residential unit is however subject to the Habitat Regulations for mitigation against the additional recreational pressure on the SPA that is within 5.6km of this site. As a Certificate of Lawfulness seeking confirmation that the change of use is permitted development, this would be subject to the separate Habitats Regulations and the appropriate financial contribution of £373.85 would be required prior to implementation. The agent has been advised of this and sent the appropriate Unilateral Undertaking to complete before implementation. An Informative

can be added to this effect. Natural England has been consulted and raised no objection.

8 Conclusion

The proposed change of use falls within permitted development entitlement as set out in Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Having regard to the above information a Lawful Development Certificate should be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/18/00439

Havant Borough Council, as Local Planning Authority, certifies that on 25 April 2018 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on submitted Location Plan Drawing Number 18-060-101 (scale 1:1250) dated 09/01/2018 and proposed First Floor Plan Drawing Number 18-XXX-200 dated 06-03-2018 would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed development falls within permitted development allowance as set out in Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE:

This certificate relates to the following development:

Change of use from Class A1 (retail) to a mixed use for any purpose within Class A1 and a single first floor residential flat as shown on submitted drawings Location Plan Drawing Number 18-060-101 (scale 1:1250) dated 09/01/2018 proposed First Floor Plan Drawing Number 18-XXX-200 dated 06-03-2018.

SECOND SCHEDULE:

This certificate relates to land at 76 London Road, Widley, Waterlooville, PO7 5AB, as shown edged red on the submitted Location Plan Drawing Number 18-060-101 (scale 1:1250) dated 09/01/2018