
Site Address: 10 North Street, Havant, PO9 1PR
Proposal: Application for Lawful Development Certificate relating to proposed use of first and second floor for 2No. 1 bed flats and continued use of ground floor for retail use.
Application No: APP/14/01219 Expiry Date: 04/02/2015
Applicant: Mrs Buckingham-Goodsell Team: Team 1
 The Footings
Agent: Mr Knight Case Officer: Heather Lealan
 Knight Architectural Design
Ward: St Faiths

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

1 Site Description

- 1.1 The site is located on the corner of North Street and The Pallant and is a three storey building with commercial at ground floor and empty store rooms above. The site has an enclosed courtyard but no allocated parking.

2 Planning History

98/54342/003

Single storey rear extension to shop and conversion of first floor to 1 no 1 bedroom flat Permit

3 Proposal

- 3.1 Lawful Development Certificate for the proposed use of first and second floor for 2No.1 bed flats and continued use of ground floor for retail use within Class G, part 3 of Schedule 2 of the T & C GPDO 1995 (as amended)

4 Policy Considerations

This is a legal determination considered in the light of permitted development rights contained in the Town and Country Planning (General Permitted Development) Order 1995 (As Amended).

Listed Building Grade: No
Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

None

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: 15

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: None

7 Planning Considerations

7.1 The main issues arising from this application are:

(i) Whether the development would require planning permission.

7.2 The proposal has been assessed against the 'permitted development' allowances in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

7.3 The development has been assessed against Class F(a) of Part 3 of Schedule 2.

7.4 Under Class F the change of use as described in the plans meets the following tests

(a) 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 with Class a1 of that schedule;

The agent to the application has advised by email, contrary to the information submitted within the initial application, that the first and second floors are currently empty and are ancillary storage space for the A1 use at ground floor.

7.5 The proposal would result in two new dwellings and in accordance with the adopted Havant Borough Council Local Plan (Core Strategy) Policies CS11 and CS21 together with Havant Borough Local Plan (Allocations) July 2014 policy DM24 provision should be made for the mitigation of the development impact on the Special Protection Area (SPA). The agent to the application has been informed of this requirement and that it must be paid prior to implementing the permitted change of use. Informative to be included to this regard.

8 Conclusion

8.1 In conclusion the proposed development is considered to represent 'permitted development'.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT A CERTIFICATE OF LAWFUL DEVELOPMENT** for application APP/14/01219 for the

following reasons:

Havant Borough Council, as Local Planning Authority, certifies that on 10 December 2014 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Site Location Plan OS No. 100047482 would have been lawful within the meaning of section 192 of the of the Town

and Country Planning Act 1990 (as amended) for the following reason:

The proposed use of the first and second floor for 2No.1 bed flats and continued use of ground floor for retail use is permitted development by virtue of Schedule 2, Part 3, Class F (a) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

For inclusion in the decision notice:

FIRST SCHEDULE:

This certificate relates to the following development:

The proposed use of first and second floor for 2No.1 bed flats and continued use of ground floor for retail use as described in the written particulars, plans and other documents submitted with your application; those drawings being 1:1250 Site Location Plan OS No. 100047482 received 20 November 2014; Proposed Plans and Elevations drawing ref. KAD/02/A/PP received 20 November 2014 and Email confirming current use with attached photographs received on 4 February 2015.

SECOND SCHEDULE:

This certificate relates to land at 10 North Street Havant, PO9 1PR, as outlined by a red line on the 1:1250 site location plan on OS Map licence No. 100047482