

## Application for a Lawful Development Certificate for a Proposed Use or Development

### Town and Country Planning Act 1990 (as amended)

#### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)  Northing (y)

Description

## Applicant Details

### Name/Company

Title

First name

Surname

Company Name

### Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

### Contact Details

Primary number

Secondary number

Fax number

Email address

## Agent Details

Name/Company

Title

First name

Surname

Company Name

## Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

## Contact Details

Primary number

Secondary number

Fax number

Email address

## Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- Yes  
 No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- Yes  
 No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

Has the proposal been started?

- Yes  
 No

## Grounds for Application

### Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Select the use class that relates to the existing or last use.

**Please note that following changes to Use Classes on 1 September 2020:** The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other (please specify)

### Information about the proposed use(s)

Select the use class that relates to the proposed use.

Other

**Please note that following changes to Use Classes on 1 September 2020:** The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other (please specify)

Mixed-use building: Comprising Use Class E (Retail) with 2 no. Flats (Use Class C3)

Is the proposed operation or use

- Permanent  
 Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Please refer to the accompanying covering letter.

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes  
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent  
 The applicant  
 Other person

## Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes  
 No

## Authority Employee/Member

**With respect to the Authority, is the applicant and/or agent one of the following:**

- (a) a member of staff**  
**(b) an elected member**  
**(c) related to a member of staff**  
**(d) related to an elected member**

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes  
 No

## Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

\*\*\*\*\* REDACTED \*\*\*\*\*

Have they been informed of the application?

- Yes
- No

## Declaration

I / We hereby apply for Lawful development: Proposed use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Adam Jones

Date

17/10/2022

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KEY



SITE LOCATION

## 28 NORTHGATE STREET, GLOUCESTER - SITE LOCATION PLAN



AJ/P22-1786

17<sup>th</sup> October 2022

Development Management  
Gloucester City Council  
92 Westgate Street  
Gloucester  
GL1 2PE

**Planning Portal reference: PP-11584270**

Dear Sir/Madam,

**Town and Country Planning Act 1990**

**Certificate of Lawfulness (Proposed Use) – Change of Use of 28 Northgate Street from Class E to a Mixed Use of Class E and 2no. Dwellings (Class G of the General Permitted Development Order).**

**28 Northgate Street, Gloucester, GL1 1SE**

Please find enclosed an application for a Certificate of Lawfulness (Proposed Use), submitted on behalf of our client, Martin Slowe Property Services Ltd.

This application is made pursuant to Section 192 of the Town and County Planning Act (1990), to confirm that the proposed use of 28 Northgate Street, Gloucester, benefits from Permitted Development Rights.

In accordance with Gloucester City Council's Validation Requirements for Certificates of Lawfulness (Proposed Use), please find enclosed the following documents:

- Application Forms, duly signed and completed;
- Site Location Plan, reference: P19\_0318\_03;
- Existing Floorplans, reference: P19\_0318\_01.

The appropriate application fee of £231.00 plus service charge has been paid via the Planning Portal.

**Background**

28 Northgate Street is a Class E commercial building. The ground floor and basement comprise a retail unit.

The first floor was most recently a hairdresser but has been vacant for at least four years. The second floor has been vacant for more than six years and was also last occupied as a hairdresser/beauty salon.

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## The Proposed Development

This Certificate of Lawfulness (Proposed Use) seeks to confirm that the change of use of 28 Northgate Street from a Class E building to a mixed-use building, comprising a Class E retail unit and 2no. dwellings (flats) is lawful under the provisions of Part 3, Class G of the Town and Country Planning (General Permitted Development Order) ('GPDO') (2015) (as amended).

Part 3, Class G of the GPDO relates to the change of use of a commercial, business and service or betting office or pay day loan shop to a mixed use. More specifically, Part (a) of Class G states that the following comprises permitted development:

***"G. Development consisting of a change of use of a building—***

***(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats; [my emphasis]***

Accordingly, the retention of the Class E retail unit on the ground and basement floors, and the conversion of the first floor and second floor (and the associated stairwell for access) to 2no. residential flats conforms with the provision of Part (a) of Class G.

Class G sets out a series of conditions listed under G.1. The conditions, and a summary of the proposed uses' compliance with such conditions is set out as follows:

- **G.1 (a) The parts of the building used as Class E are situated on a floor below the lowest part of the building used as a flat.**

The ground floor and basement of 28 Northgate Street will be retained as a retail unit. This Class E retail unit is below the proposed 2no. flats situated on the first and second floors.

- **G.1 (b) Where development consists of a change of use of a building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat.**

The ground floor will be retained as a retail unit. The access and stairwell to the 2no. flats is from the ground floor; but this will be used as access and circulation space and not as part of either flat.

- **G.1 (c) a flat must not be used otherwise than as a dwelling by a single person or by people living together as a family, or by not more than 5 residents living together as a single household.**

The 2no. flats will only be used as a dwelling in accordance with the stipulations in Condition G.1 (c).

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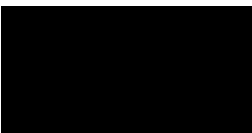
- **G.1 (d) Before beginning development, the developer must apply to the local planning authority for determination as to whether the prior approval of the authority will be required, relating to a number of stipulations.**

Once confirmation is received from the Local Planning Authority that the Proposed Development is lawful, the Applicant will apply for determination as to whether the prior approval of the local authority will be required.

In summary, the proposed change of use of 28 Northgate Street from a Class E building to a mixed-use building with a Class E retail unit and 2no. flats fully accords with Part 3, Class G of the GPDO. As such, it is respectfully requested that a Certificate of Lawfulness (Proposed Use) is issued.

I trust that the above and enclosed provides you with sufficient information to issue a Certificate of Lawfulness. However, should you require any further information, please contact me.

Yours faithfully,



**Adam Jones**  
**Senior Planner**



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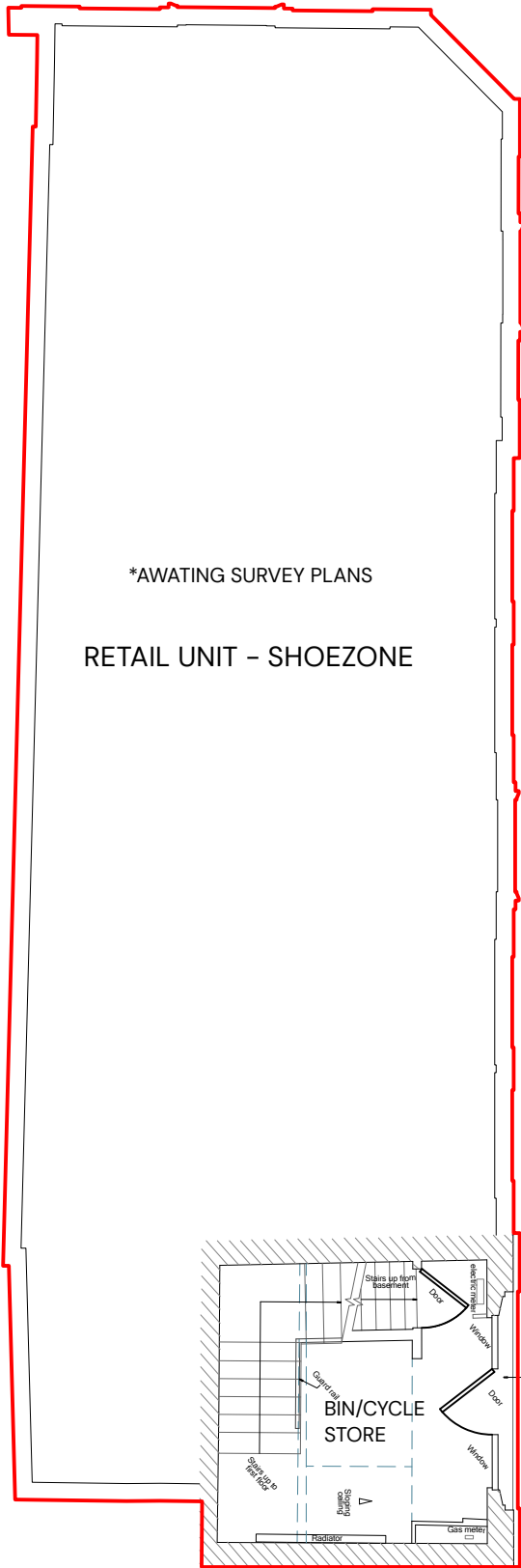
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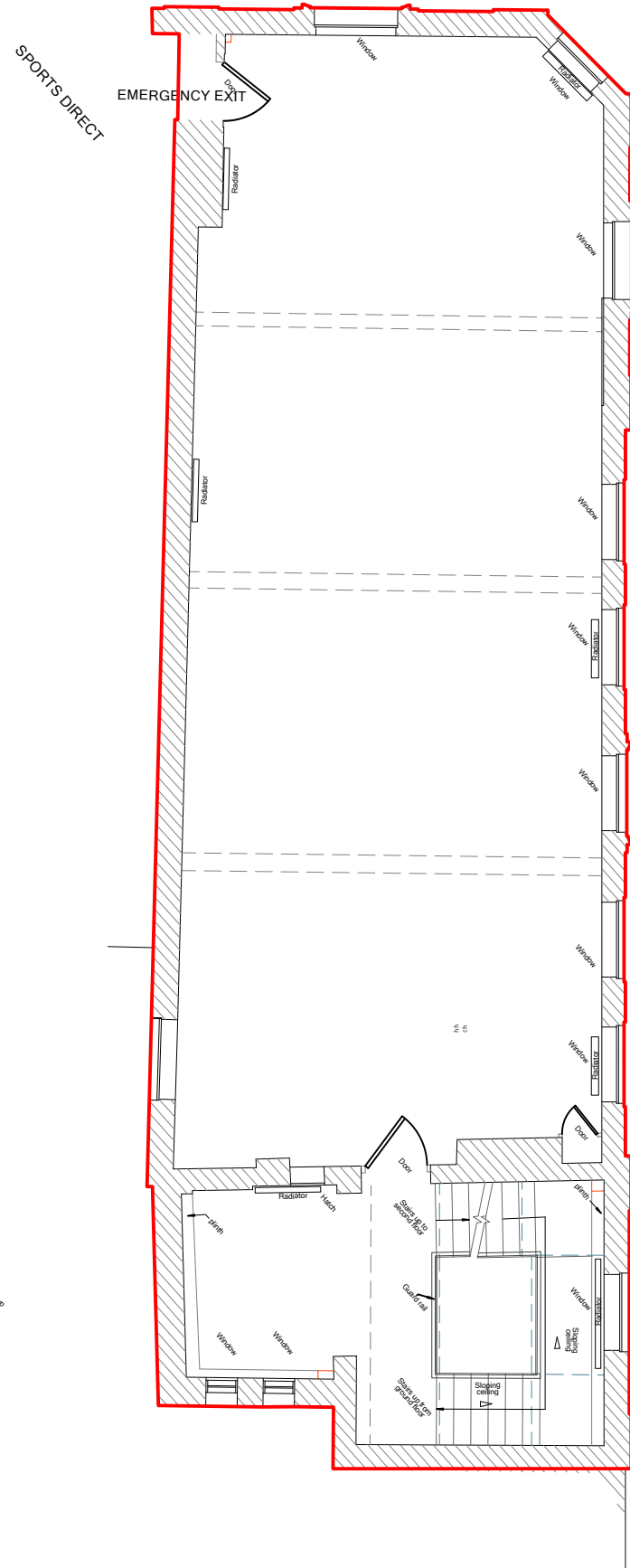
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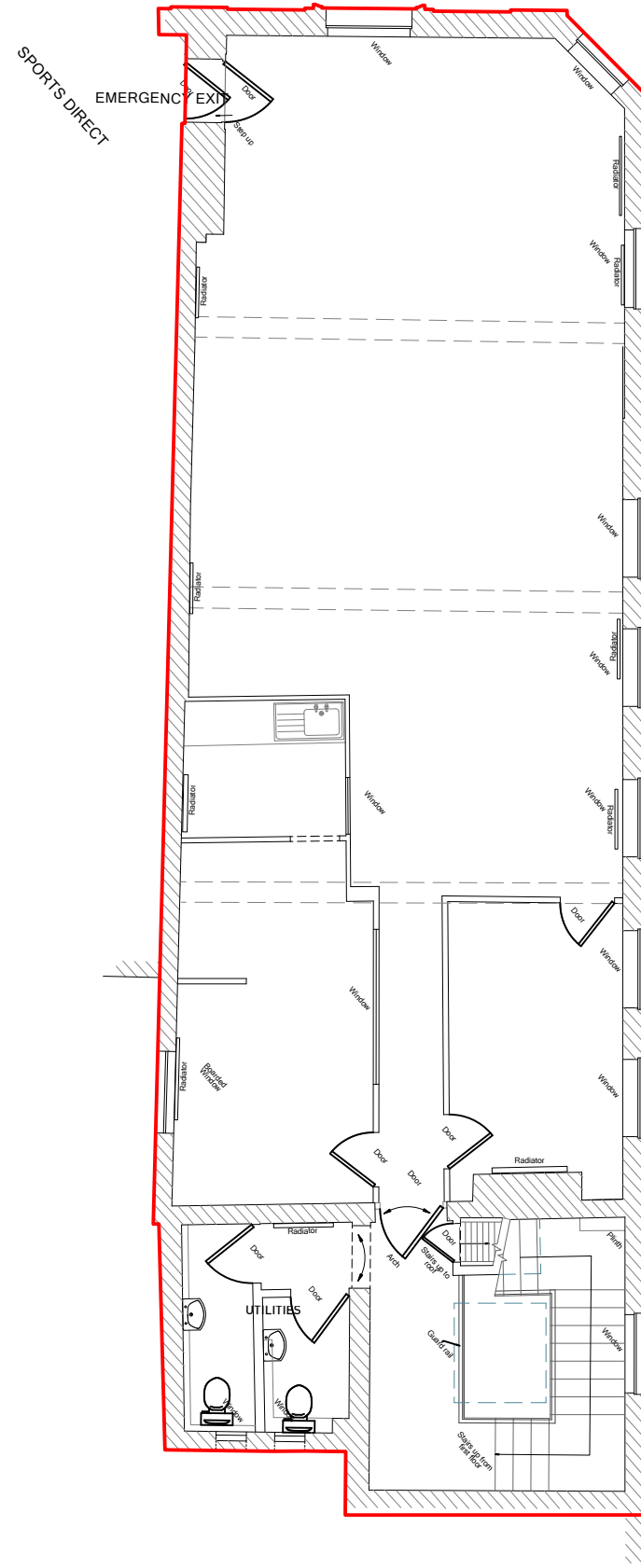
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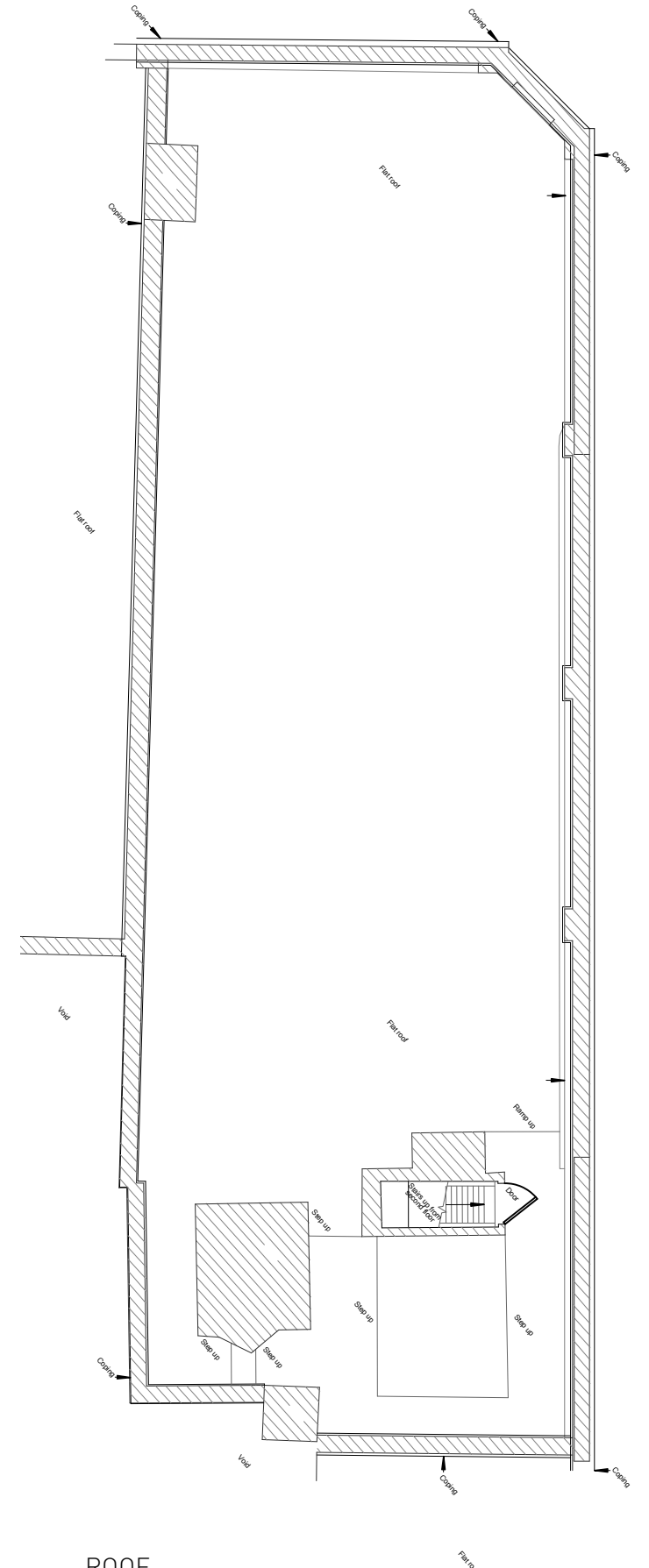
GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



ROOF



KEY



APPLICATION BOUNDARY

### 28 NORTHGATE STREET, GLOUCESTER - EXISTING FLOOR PLANS

