

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: AB/11/21/CLP

LOCATION: 1 Tarrant Square
Tarrant Street
Arundel
BN18 9DE

PROPOSAL: Lawful development certificate for the proposed change of use from A1 (retail) to A3 (restaurant & cafes).

DESCRIPTION OF APPLICATION

Lawful development certificate for a flexible change of use to include ground and first floor of the premises for use as a coffee shop (Use Class A3).

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

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) (Amendment) (No. 2) (England) Order 2015 (as amended), Schedule 2, Part 4, Class D.

- Class D pertains to Development consisting of a change of use of a building and any land within its curtilage -

(a) from -

(i) a use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways), Class B1 (business), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) of the Schedule to the Use Classes Order

(b) to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of that Schedule,

for a single continuous period of up to 3 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.

Since the premises is in use as a shop (A1) 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.

CONCLUSION

The proposed flexible change of use is considered to fall under Schedule 2 Part 4 Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015.

D.1 Development is not permitted by Class D if -

- (a) the change of use relates to more than 150 square metres of floor space in the building;
- (b) the site has at any time in the past relied upon the permission granted by Class D;
- (c) the site is, or forms part of, a military explosives storage area;
- (d) the site is, or forms part of, a safety hazard area;
- (e) the building is a listed building or a scheduled monument

D.2 Development is permitted by Class D subject to the following conditions-

- (a) the developer must notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;
- (b) at any given time during the 3 year period referred to in Class D the site is used for a purpose or purposes falling within just one of the use classes comprising the flexible use;
- (c) the site may at any time during the 3 year period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a)
- (d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;

(e) the site reverts to its previous lawful use at the end of the period of flexible use;

Interpretation of Class D

D.3 For the purposes of Class D-

"flexible use" means use of any building or land for a use falling within the list of uses set out in Class D(b) and change of use (in accordance with Class D) between any use in that list.

1 Tarrant Square is a 2 storey property with a floor area of less than 150 sqm compliant with (a) and (b) to (e) do not apply.

The proposed use complies with relevant sections of Class D and is permitted development and as such does not require the submission of an application for full planning permission.

The flexible use will comply with relevant sections and is therefore considered permitted development and as such does not require the submission of an application for planning permission.

Please note that if you wish to use the premises for A3 purposes on a permanent basis you would need to submit an application for prior approval of noise, odour, waste handling, opening hours and highway impacts under Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

RECOMMENDATION

APPROVE

The Arun District Council hereby certify that on 26-02-21 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 have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason

- The proposed development complies with limitations of Schedule 2 Part 4 Class D of the General Permitted Development Order 2015.

FIRST SCHEDULE

Use of the premises for . This is shown on plans:

Location Plan

Proposed Floor Plan

Existing Floor Plan

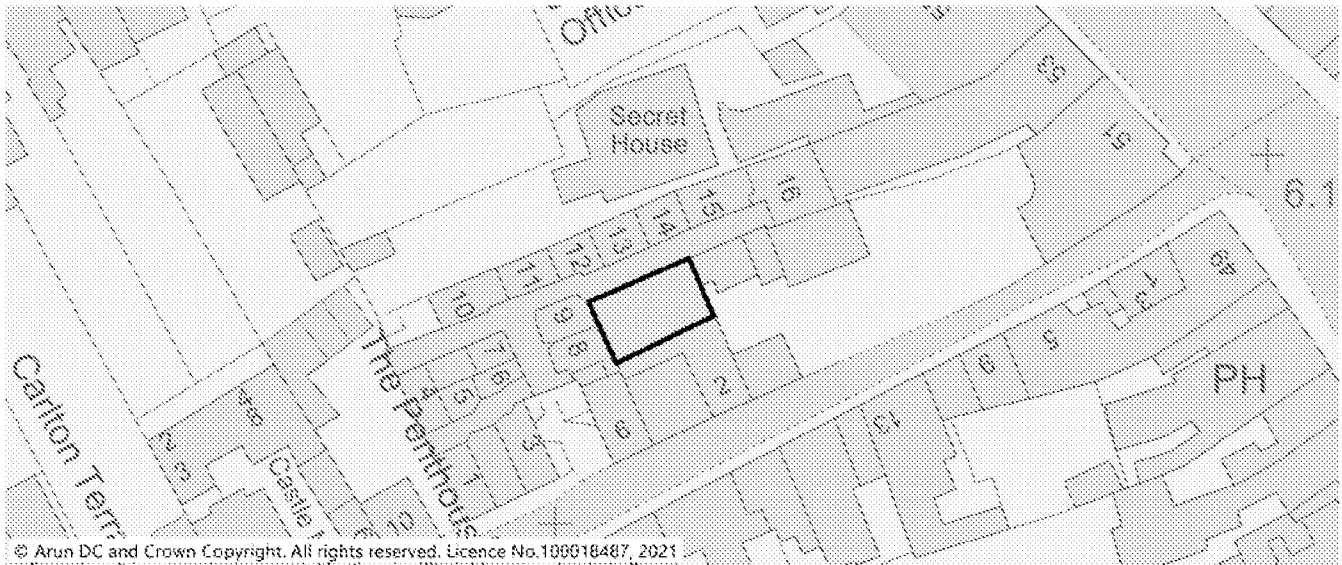
SECOND SCHEDULE

1 Tarrant Square, Tarrant Street, Arundel, BN18 9DE.

EXTENT OF USE

Flexible use of premises to include ground and first floor of the premises for use as a coffee shop (Use Class A3).

AB/11/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015