

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** AB/33/21/CLP**LOCATION:** 28 High Street
Arundel
BN18 9AB**PROPOSAL:** Lawful Development Certificate for the Proposed Change of Use from A2 (Estate Agent) to new class E (old class A1) (Retail) from 1st May 2021.**DESCRIPTION OF APPLICATION**

Proposed change of use of Ground Floor and Basement of Shop Unit 2, no.28 High Street, Arundel from Estate Agent (former A2 use) to Retail Shop (former A1 use). No internal or external changes are proposed. A separate application (for advert consent) to change the signage is indicated.

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 proposal for change of use from an estate agent (former A2 use) to shop (former A1 use) will be assessed against the Town and Country Planning (Use Classes) Regulations 2020, in particular:

- Schedule 2, Part A, Class E. Commercial, Business and Service uses

Provided that no restrictive conditions to development have been imposed on the site, the proposal would not constitute material development (as no internal or external alterations are proposed), as defined under Section 55 of the Town and Country Planning Act (1990), nor a material change of use (as both uses fall within new Class E), as defined under the Town and Country Planning (Use Classes) regulations 2020, and would not require planning permission.

CONCLUSION

SITE SPATIAL DESIGNATIONS AND PLANNING RESTRICTIONS:

The site is located in Arundel designated Town Centre Retail Boundary and within the Built-Up Area Boundary of Arun settlement. The premises is a Listed Building, in Arundel Conservation Area, and within an Archaeological Notification Area. There are no restrictive planning conditions or Article 4 Directions regarding changes of use imposed on the site.

RELEVANT LEGISLATION:

Schedule 2, Part A, Class E of the the Town and Country Planning (Use Classes) Regulations 2020 states:

Class E. Commercial, Business and Service Use, or part use, for all or any of the following purposes

- (a)for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
 - (b)for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
 - (c)for the provision of the following kinds of services principally to visiting members of the public
 - (i)financial services,
 - (ii)professional services (other than health or medical services), or
 - (iii)any other services which it is appropriate to provide in a commercial, business or service locality,
 - (d)for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
 - (e)for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
 - (f)for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
 - (g)for
 - (i)an office to carry out any operational or administrative functions,
 - (ii)the research and development of products or processes, or
 - (iii)any industrial process,
- being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

ASSESSMENT OF PROPOSAL:

The proposed change from Estate Agent (former A2 use) to Retail Shop (former A1 use) would not constitute a change of use, since both operations fall within the new E Class Use (a and c, ii above), as

defined under Schedule 2, Part A, Class E of the Town and Country Planning (Use Classes) Regulations 2020. Given no internal or external alterations are proposed, there would be no material development, as defined under Section 55 of the Town and Country Planning Act (1990). In conclusion, the proposal is lawful in planning terms and would not require planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 15th March 2021 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 proposal would not constitute a material change of use, by reason of both the current and proposed use as falling with Class E, as defined under Schedule 2, Part A, Class E of the Town and Country Planning (Use Classes) Regulations 2020.

FIRST SCHEDULE:

Use of the premises for a Retail Shop, E Class Use - as shown on plans:

- Location Plan, dated 13th March 2021**
- Block Plan, dated 13th March 2021**
- Existing & Proposed Basement Floor Layout (no change), dated 19th March 2021**
- Existing & Proposed Ground Floor Layout (no change), dated 19th March 2021**
- Front Elevation (no change), dated 22nd March 2021**

SECOND SCHEDULE:

Ground and Basement Floors of Shop Unit 2 (as denoted on Ground Floor Layout, dated 19th March 2021) no. 28 High Street, Arundel.

EXTENT OF USE:

Proposed change of use of Ground floor and Basement floor of Shop Unit 2, no.28 High Street, Arundel from Estate Agent (former A2 use) to Retail Shop (former A1 use) - E Class Use.

