

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BE/84/17/CLP**LOCATION:** Unit E
Arun Retail Park
Shripney Road Bersted**PROPOSAL:** Lawful Development Certificate for a proposed use as Class A1 (Shops)**DESCRIPTION OF APPLICATION**

The application seeks a Certificate of Lawfulness for the change of use of the premises from class A3 (restaurant) to class A1 (retail). No external alterations are proposed.

DESCRIPTION OF SITE AND SURROUNDINGS

The building forms part of the existing retail park and is currently vacant. The adjoining unit is occupied by an existing Burger King drive-thru restaurant. The building is part brick, part fascia boards above the brick level and part clay tiles. There is a Clock feature on the roof. The building has existing parking separate to the retail park and some small areas of landscaping. The area surrounding the site on Shripney Road has a primarily commercial character comprising a number of retail parks and A1 superstores, as well as a number of industrial estates. To the north-west and south-west of the site the adjoining uses comprise caravan and park home estates.

RELEVANT SITE HISTORY

BE/150/15/PL	Conversion of existing drive-through canopy of existing unit into internal space, reconfiguration of unit to create 2 No. Class A3 pod units & relocation of existing cycle parking.	ApproveConditionally 01-12-2015
BE/70/16/DOC	Application for approval of matters reserved by condition imposed under BE/150/15/PL relating to condition No. 4 - Construction Management Plan	DOC Approved 19-05-2016
BE/82/16/DOC	Application for approval of matters reserved by condition imposed under BE150/15/PL relating to condition No. 3 (schedule of materials)	DOC Approved 22-06-2016

BE/108/16/DOC	Application for approval of matters reserved by condition imposed under BE/150/15/PL relating to conditons 5 for details of equipment to discharge odour & fumes, 6 for cycle parking & 8 for details of storage of waste/recycling.	DOC Approved 23-08-2016
BE/139/16/A	Installation of new internally illuminated signage to replace existing signs & installation of new roof mounted signs	ApproveConditionally 01-11-2016
BE/141/16/PL	Installation of external AC condensing units	ApproveConditionally 24-11-2016

The unit in question was formerly one half of the Burger King Restaurant but was allowed to subdivide under application BE/150/15/PL. The current use class is A3.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

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 Schedule 2, Part 3, Class A of The Town and Country Planning (General Permitted Development) Order 2015 (as amended); which pertains to the change of use of a building and any land within its curtilage from a use falling within Class A3 (restaurants or cafes) of the Schedule to the Use Classes Order, to use falling within Class A1 (retail) of that Schedule.

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.

CONCLUSIONS

The change of use from a Class A3 restaurant to a Class A1 retail is considered to comply with

the limitations of Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It should be noted that there are no restrictive criteria associated with this Class. Therefore, the proposed change of use from Class A3 to Class A1 is deemed to constitute permitted development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 30th June 2017, 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 change of use from A3 to A1 would benefit from permitted development rights under Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

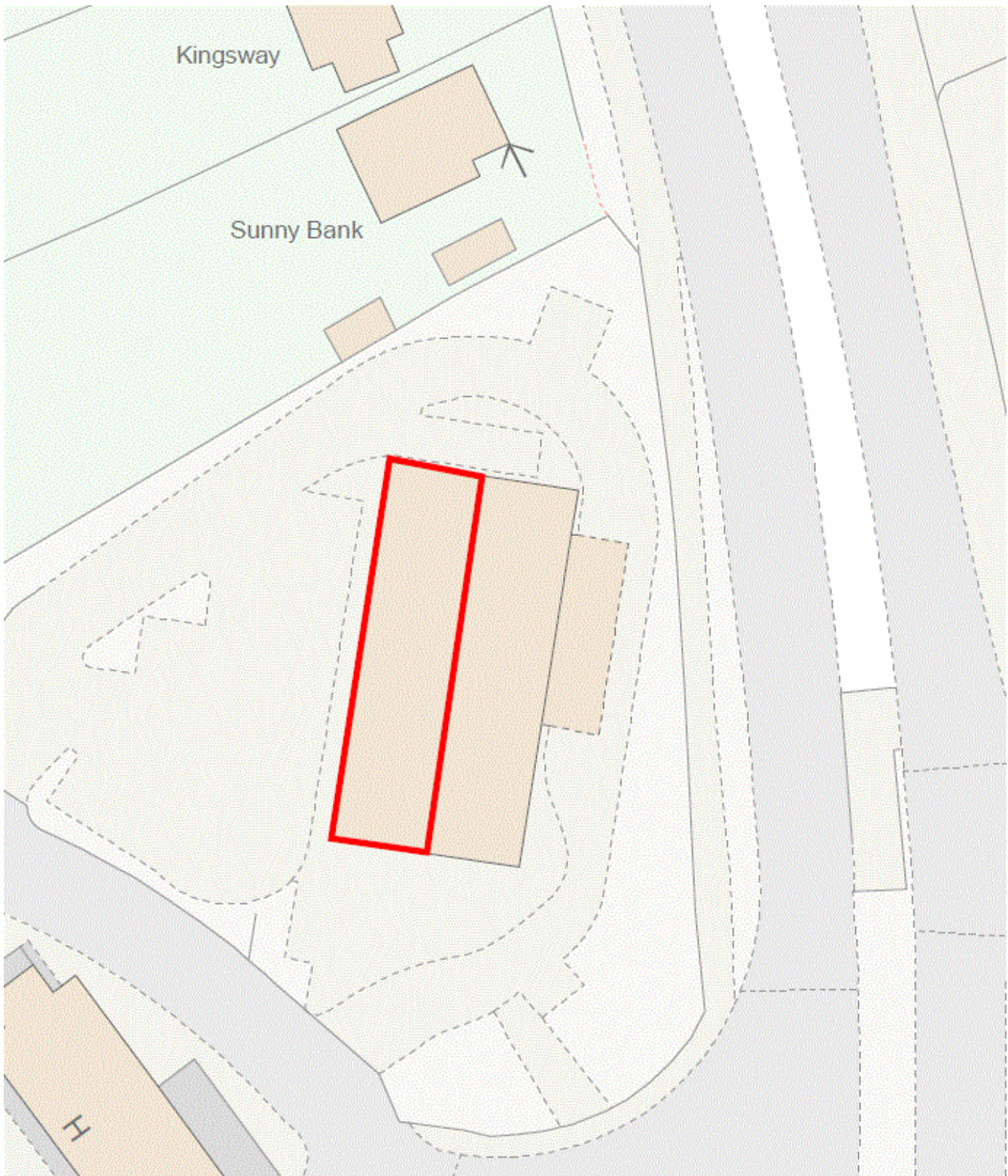
The change of use from Use Class A3 to A1 would benefit from permitted development rights under Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SECOND SCHEDULE

Unit E Arun Retail Park, Shripney Road, Bersted, PO22 9NF

EXTENT OF USE

Change of use from a Class A3 restaurant to a Class A1 shop/retail unit.



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