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

REF NO: **FP/128/17/CLP**

LOCATION: Felpham Chambers
60 Felpham Road
Felpham

PROPOSAL: Lawful Certificate for a proposed Change of use of ground floor from A1 (retail) to A2 (financial & professional) to be used as a solicitors office.

DESCRIPTION OF APPLICATION

The application seeks to make permanent an existing temporary use of the premises as a solicitors office under Class A2. No external alterations are proposed.

DESCRIPTION OF SITE AND SURROUNDINGS

Existing ground floor retail unit within a terrace of 12 properties. Glazed Shop front. Two storeys of residential accommodation above. A1 retail unit on one side and an A3 restaurant on the other.

RELEVANT SITE HISTORY

BR/157/48/C	Shop front	Approve 22-12-1952

The application follows a temporary change of use as permitted by Schedule 2, Part 4, Class D of The Town and Country Planning (General Permitted Development) Order 2015 (as amended). This allows for a temporary change of use for a total of 2 years. The property began operating as a solicitors office on the 22nd June 2015 and the temporary period has therefore expired.

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 D 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 A1 (shops) of the Schedule to the Use Classes Order, to use falling within Class A2 (financial and professional services) 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 permanent change of use to a solicitors office with visiting members of the public is considered to comply with the limitations of Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It should be noted that there are no criteria associated with this Class. Therefore, the proposed change of use from Class A1 to Class A2 is deemed to constitute permitted development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 18th May 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 A1 to A2 would benefit from permitted development rights under Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE
The change of use from Use Class A1 to A2 would benefit from permitted development rights under Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SECOND SCHEDULE
Felpham Chambers, 60 Felpham Road, Felpham, PO22 7NZ

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EXTENT OF USE
Change of use from a shop (Class A1 - Retail) to a solicitors office with visiting members of the public (Class A2 - Financial & Professional).



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