

SCHEDULE 2

Permitted development rights

PART 3

Changes of use

Class C – retail, betting office or pay day loan shop or casino to restaurant or cafe

Permitted development

C. Development consisting of—

- (a) *a change of use of a building from a use—*
 - (i) *falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order,*
 - (ii) *as a betting office or pay day loan shop, or*
 - (iii) *as a casino,**to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order, and*
- (b) *building or other operations for the provision of facilities for—*
 - (i) *ventilation and extraction (including the provision of an external flue), and*
 - (ii) *the storage of rubbish,**reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule.*

Development not permitted

C.1 Development is not permitted by Class C if—

- (a) the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres;
- (b) the development (together with any previous development under Class C) would result in more than 150 square metres of floor space in the building having changed use under Class C;
- (c) the land or the site on which the building is located is or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area; or
 - (iii) a military explosives storage area;
- (d) the site is, or contains, a scheduled monument; or
- (e) the land or building is a listed building or is within the curtilage of a listed building.

Conditions

C.2.—(1) Where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before

beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) noise impacts of the development,
- (b) odour impacts of the development,
- (c) impacts of storage and handling of waste in relation to the development,
- (d) impacts of the hours of opening of the development,
- (e) transport and highways impacts of the development,
- (f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use—
 - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
 - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and
- (g) the siting, design or external appearance of the facilities to be provided under Class C(b),

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class C(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (f) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class C is permitted subject to the condition that development under Class C(a), and under Class C(b), if any, must begin within a period of 3 years starting with the prior approval date.