

Important Notes for Developers (Change to residential)

These notes have been designed to help ensure that you provide the LPA with the information which is required by the legislation.

It's important to note that where the LPA considers prior approval is required, the LPA will require the developer to submit such information regarding the transport and highways impacts and/or contamination risks and/or flooding risks as may be reasonably required in order for the LPA to determine the application. The information may include assessments of impacts or risks and statements setting out how the impacts or risks are to be mitigated. If the LPA considers that the information you've submitted is insufficient for them to be able to assess this impact they may refuse prior approval on the basis that the information you've submitted fails to demonstrate that the impact would be acceptable. To reduce the likelihood of this situation, you are strongly encouraged to submit additional supporting information at this initial stage.

This Council has taken legal advice regarding these types of prior approval applications and requires applicants / developers to submit a statement confirming that they will submit a completed unilateral undertaking (drafted in a form agreed with the LPA) that secures (subject to the acceptability of the proposal against the Order, 2013) all new residential units as car-free. This means that no future occupier will be able to obtain and / or hold an on-street parking permit (with some exceptions). A pro-forma of this statement is available for completion on the council's website.

From the date when the LPA receives your notification (with the information required by the legislation), the LPA has a period of 56 days to notify you of one of the following outcomes:

- Prior approval is not required.
- Prior approval is given.
- Prior approval is refused.

If prior approval is not required, or if prior approval is given, or if the LPA fails to notify you of one of the above outcomes within 56 days, then this will indicate that the proposed development would comply with condition J.2 of Class J Part 3 of the GPDO 1995 (as amended). It's important to note that this won't indicate whether or not the proposed development would comply with any of the other limitations or conditions of Class J Part 3. After you receive the decision (or if the LPA fails to notify you within 56 days), if you want confirmation that the proposed development would be lawful (e.g. on the basis that it would comply with all of the limitations and conditions of Class J Part 3), then you should submit an (optional) application to the LPA for a Lawful Development Certificate (LDC).

If prior approval is refused, then this will indicate that the proposed development would not comply with condition J.2 of Class J Part 3 of the GPDO 1995 (as amended). It's important to note that this won't indicate whether or not the proposed development would comply with any of the other limitations or conditions of Class J Part 3. After you receive the decision, you will have the right to submit an appeal to the Planning Inspectorate.

After you submit your notification to the LPA, if you do not receive any correspondence within 2 weeks, then you should contact the LPA to check whether or not they've received your notification, in case it has been lost in the post. Similarly, if you do not receive a written notice from the LPA (i.e. notifying you of the outcome) within 56 days following the date that they receive your notification, then you should contact the LPA to check whether or not they've issued a written notice, in case it has been lost in the post.

For further advice on the above process the council offers a pre-application advice service.