
Prior Approval - Shop (A1/A2/A5) to residential (C3) - Class M: Part 3, Schedule 2

The Town and Country Planning General Permitted Development Order 2015 (As amended) allows, subject to specific land designations and prior notification to the local planning authority, the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) from Class A1 (shops),

Prior approval process

The change of use from A1, A2 or A5 to C3 (residential) is subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to: A2 (financial and professional services) or A5 (hot food takeaways) use.

- a) Transport and highways impact of the development needs to always be included
 - b) Contamination risks in relation to the building
 - c) Flooding risks in relation to the building
 - d) Whether it is undesirable for the building to change to a use falling within Residential (Class C3) of the Schedule to the Use Classes Order because of the impact of the change of use
 - On adequate provision of services of the sort that may be provided by a building falling within Shops (Class A1) or, as the case may be, Financial and Professional Services (Class A2) or a hot food takeaway (Class A5) of that schedule, or a building used as a laundrette but only where there is a reasonable prospect of the building being used to provide such services or
 - Where the building is located in a key shopping area, on the sustainability of that shopping area.
 - e) External Alterations
 - f) Provision of adequate natural light in all habitable rooms.
- Ensure the lettering of each point e.g. a), b), c) remains the same and is not altered automatically by Word.

To determine any prior approval application, the developer/applicant is required to submit details of the proposal, site and any other information deemed necessary for the local planning authority.

On receipt of all necessary information, the local planning authority will notify adjoining occupiers / owners or display a site notice; and consult the relevant highway authority (to assess transport and highway impacts); the Council's Contamination Land Officer (to consider the contaminations risks); and the Environment Agency (for any sites within Flood Zones 2 and 3, and critical drainage areas within Flood Zone 1). This consultation process will not be less than 21 days.

When accessing an application, the local planning authority will take account of any representation made and have regard to the National Planning Policy Framework. In relation to contamination risks, if it is determined that the site will be contaminated land, prior approval will be refused.

The applicants are advised the development shall not be begun before they have received:

- Written notice from the local planning authority that prior approval is not required,
- Written notice from the local planning authority giving their prior approval, or
- The expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

The development must be carried out in accordance with the details approved (where prior approval is required), or in accordance with the detail provided with the notification submission (unless the local planning authority and the developer agreed otherwise).

The Local Planning Authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with or insufficient information has been submitted to enable the authority to establish whether the scheme complies with Class M conditions and limitations.

What information do I need to provide?

Before beginning the development, the applicant/developer shall provide the following information to the local planning authority.

1. Developer's Contact Details

- Name
- Contact address (house number, street name, town, county, post code)
- Contact phone number
- Email address (if the developer is content to receive communications electronically)

2. Written description of the proposed development

3. Detail /plan of site and development

- A plan which identifies the site and shows the proposed development.

- Existing and proposed floor plans to include dimensions of rooms, locations of windows and walls and total floor space in square metres of each dwellinghouse.
- Existing and proposed elevations to include location/size of windows (e.g at a scale of 1:100 or 1:50)

4. Assessment of impacts

Given the local planning authority has only **56 days** to determine such applications, it is imperative to ensure all necessary information is submitted with the original submission to enable the local planning authority assess the potential highway, contamination and flooding risks; and impact of noise from commercial premises. Any application should be supported with an assessment of the impacts or risks; and include a statement setting out how impacts or risks are to be mitigated.

Highways risks

Please contact the Development Control Team to determine the level of information required. Depending on the scale of the development and its location, this may include:

- Travel Plan
- Transport statement
- Unilateral undertaking to remove car parking permits in controlled parking zones which are already over-subscribed
- Parking surveys
- Unilateral undertaking to secure contribution towards transport infrastructure - refer to the [Borough CIL and planning obligations](#).

Flooding risks

Applicants/developers are encouraged to use the following website links and flood risk standing advice to identify information requirements. If you are still in doubt as to the status of your site and what information is necessary for the prior notification submission, please contact the Development Control Team.

If your site falls within Flood Zone 2 or 3, or is sited within a Critical Drainage Area, the application must be accompanied with a site specific flood risk assessment.

Is your property within flood zone 2 or 3?

Flood zone maps are produced by the Environment Agency with a nationally consistent delineation of “high” (flood zone 3) and “medium” (flood zone 2) flood risk. In addition, the Borough’s Strategic Flood Risk Assessment sub-delineates zone 3 into “high probability” (zone 3a) and the “functional floodplain” (zone 3b). Applicants need to use both flood maps to identify the flood risk to their site.

- [Environment Agency flood maps](#)
- [Key to understanding the colour zones on the flood risk map](#)

What is needed to be included in a Flood Risk Assessment?

- Read the Environment Agency's [Flood Risk Assessment and guidance](#).
- Read the Environment Agency's [Flood Risk Standing Advice for planning applicants and their agents](#).
- The Construction industry research and information association (CIRIA) offers useful [Development and flood risk guidance for the construction industry](#).
- Find your [Flood risk vulnerability classification \(Table 2\)](#)

Flood Emergency Plan

- In addition to a Flood Risk Assessment, a flood emergency plan may be required to ensure the proposed use is safe and to reduce the risk to life, mitigate damage and enable a safe and well organised evacuation of occupants of premises during a flood event. This is particularly necessary where the change of use would lead to a higher flood risk vulnerability.

Local planning authorities are required to have regard to the [National Planning Policy Framework \(NPPF\)](#) when determining an application. Therefore applicants are advised to refer to chapter 10 'Meeting the challenge of climate change, flooding and coastal change' within the NPPF, as well as to the [Technical Guidance to the NPPF](#), and address within their submission an assessment of impacts or risks, and how the impacts or risks are to be mitigated.

Contamination risks

Changes in land use, for example from office to residential or industrial to office, introduce more sensitive end users to the site. This is particularly important if the development site has had a potentially contaminative past land use as there may be increased risks to those living or working on the site from land contamination. In line with the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing safe development and ensuring that the site is suitable for use rests with the developer and/or landowner.

Definition of Contaminated Land: Section 78A(2) of the Environmental Protection Act 1990: "contaminated land" is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that – (a) significant harm is being caused or there is a significant possibility of such harm being caused; or (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.

5. A statement specifying the net increase in dwellinghouses proposed by the development.

6. A fee of £96.00 if there are no associated building operations
A fee of £206.00 if there are associated building operations.

Development is not permitted where the building is within a conservation area, in a site of special scientific interest, in a safety hazard area, in a military explosive area, a listed building or a schedules monument.