

Bundle 1.8: Conclusions

Class MA application for flats (17/12/25) Portway House

1.8 Conclusions

- 1.8.1 This is a prior notification application proposing the change of Portway House from Class E (g)(i) office space to form 20no. C3 residential apartments.
- 1.8.2 The application is put forward in line with the provisions of Class MA of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), which allows the change of use of commercial, business and service uses to dwellinghouses.
- 1.8.3 Access to the site is to continue via the existing vehicular access from Lydsander Road (although the applicant has a wholly separate planning application to close-off this access and create a new access from 'Portway').
- 1.8.4 The development would benefit from 60 existing onsite parking spaces. However, based on current car parking standards for this location and the proposal for just 20 flats, the Authority would only 'require' about 27 spaces, including visitor car parking. In other words, there is ample existing on-site car parking.
- 1.8.5 25 indoor and secure cycle space are to be in the area shown on the plans for 'shared facilities'.
- 1.8.6 Bin storage will be in an existing weatherproof 1930s compound with immediate access, for collection, from Lysander Road – as existing. The bin-space is adequate to serve 20 or more flats and there is sufficient space for all the anticipated recycling storage / bins etc based on known collection regimes.

- 1.8.7 The building already has pleasant amenity space, laid to lawn with trees. This would become shared garden space for residents. Given the proximity of Old Sarum / Long Hedge – two almost contiguous large new urban quarters - there are many opportunities to access existing play areas and the countryside. There are recently approved plans to deliver a large new housing and mixed-use development at Old Sarum Airfield, too.
- 1.8.8 Class MA - condition MA.2, requires the applicant to apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to:
- (a) Transport impacts of the development, particularly to ensure safe site access;
 - (b) contamination risks in relation to the building;
 - (c) flooding risks in relation to the building;
 - (d) impacts of noise from commercial premises on the intended occupiers of the development;
 - (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
 - (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
 - (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and
 - (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.
- 1.8.9 The provisions of Paragraph W of Part 3 of the GPDO are also relevant to this process as it sets out the requirements for the submission and the procedure for applying for prior approval. It states that the Local Planning Authority must have regard to the National Planning Policy Framework in so far as it is relevant to the subject matter of the prior approval, although there is no requirement to have regard to the development plan in the consideration of such an application.
- 1.8.10 Whilst almost now vacant (see sales brochure at Bundle 1.1), the existing building's last use was as offices (Class E(g)(i)) and this part of the GPDO is therefore applicable to its proposed change of use to a Class C3 residential use.
- 1.8.11 There are also a number of caveats to this general acceptability set out in paragraphs MA.1, MA.2 and MA.3 of this Class.

- 1.8.12 At Bundle 1.3 Benchmark has systematically demonstrated that the proposal accords with all of Class MA.
- 1.8.13 It is however worth just noting significant qualifying criteria, that we have spent, as a Team, considerable time and effort carefully considering:

Bundle 1.4	Sunlight and Daylight – conclusion: all the 20 flats pass the Average Daylight Factor (ADF) as set out in the BRE 209: Site Layout Planning for Daylight and Sunlight. The submitted plans, photographs and reports confirm that there will be “provision of adequate natural light in all habitable rooms of the dwellinghouses”
Bundle 1.5	Heritage – conclusion: this forensically detail 70-page archaeology and heritage report provides adequate insight into the significance of the non-designated heritage asset (not listed) within the context of the Old Sarum Conservation Area. As the building is located in a conservation area, and the development involves a change of use of the whole of the ground floor, we have particularly assessed the impacts that the change of use will have on the character or sustainability of the conservation area. Wessex Archaeology conclude that there are no matters to be mitigated and that there is no harm to the character or sustainability of the CA.
Bundle 1.6	Transport and highways - conclusion: We have provided sufficient details of any transport and highways impacts and how these will be mitigated, particularly to ensure safe site access. The site is readily accessed by bus and car. On site there is plenty of car parking and access is adequate and safe. (There is a separate planning application proposing an alternative new vehicular access directly from The Portway.)
Bundle 1.7	Miscellaneous qualifying criteria (of interest): Flood Risk – the evidence indicates there is no risk of flood.

	Contamination – no known risk from contamination.
	Noise and residential amenity – the evidence indicates there is of course background noise and activity – but the modern windows and doors – would adequately protect and continue to provide an acceptable night and day environment for residents.
Addendum	Ecology and Habitat Regs and similar: At the time of writing and, so it seems the foreseeable future, the following is the position (see Class MA at Dunns House PL/2025/11498 approved 10/12/25):

- ecology and protected species are not issues that are identified in the Class MA criteria for consideration as part of the prior notification process.
- the overall GPDO makes it clear that permitted development rights do not override the requirements of the Conservation of Habitats and Species Regulations (the Habitats Regs); Regulations 75-78 still apply.
- the GPDO however confirms that the approved permitted development cannot be lawfully commenced until the application under Regulation 77 of the Habitats Regs has been made and approved by the local planning authority. Therefore, and although a Prior Notification application can be approved without the Appropriate Assessment taking place, the commencement of the development cannot lawfully happen until the separate application under Regulation 77 is approved. If this application were therefore heading for permission, an informative would need to be attached to the decision to draw this requirement to the applicant's attention.

Proposed Informative:

The Applicant is reminded that the site is situated within the catchment of the River Avon Special Area for Conservation and has potential to have an adverse effect upon the integrity of this (these) European sites. This means that the development hereby assessed as being permitted development cannot be lawfully commenced until the local planning authority, along with the appropriate nature conservation body, has made an Appropriate Assessment of the implications for the European site(s) under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations) and has confirmed that the proposals will not adversely affect the integrity of the site(s). It is therefore advised that the Applicant should consult with Natural England about the scheme and following their agreement, submit an

application under Regulation 77 of the Habitat Regulations to the local planning authority for consideration and approval.

1.8.14 In the light of all the information submitted, we recommend this Class MA proposal.

Richard Greenwood
Benchmark Planning