

# DELEGATED REPORT

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|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Reference:</b> | PL/2026/03807                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Application Type:</b>      | Prior Approval Part 3, Class MA: Commercial, business and service uses to dwellinghouses                                                                                                                                                                                                                                                                                                                           |
| <b>Site Address:</b>          | <b>16 Guilder Lane, Salisbury, SP1 1HW</b>                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Proposal:</b>              | Schedule 2 Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order (as amended) 2015<br>Prior Approval for change of use from commercial (Class E) to residential (Class C3) to 8no. flats.<br>(3no. flats at ground floor level, 3no. flats at first floor level and 2no. flats at second floor level, providing a mix of 5no. one bedroom and 3no. two-bedroom units). |
| <b>Recommendation:</b>        | <b>Prior Approval is Refused</b>                                                                                                                                                                                                                                                                                                                                                                                   |

## SITE DESCRIPTION/CONTEXT

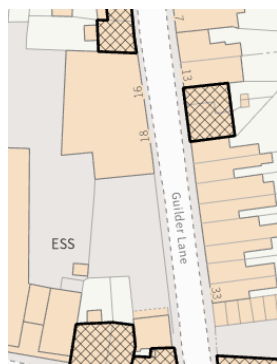
16 Guilder Lane is a substantial three-storey terraced commercial building within Salisbury city centre, located on the eastern side of Guilder Lane. The building is understood to have historically operated as a corn store building and retains a utilitarian warehouse character consistent with its former commercial function. Externally, the building is predominantly constructed in red brick, painted white at ground floor level, beneath a pitched tiled roof, with traditional arched detailing to the timber doors and windows. A single-storey element with a metal sheeted roof extends from the southern end of the building but does not form part of the current application.

Whilst the site falls within the Salisbury Conservation Area, the building itself is not listed and is not identified as a designated heritage asset. The surrounding area is varied in character, comprising a mix of commercial premises, converted buildings and residential properties typical of the wider Salisbury city centre context.

The building has historically accommodated a range of commercial uses including carpet warehousing, offices and storage, reflecting the longstanding commercial use of the site within Salisbury city centre. Most recently, the building was occupied by 'Salisbury Printing' in connection with commercial printing operations, together with ancillary office and storage areas. The lawful use of the building therefore falls within Use Class E and has operated continuously in such use for a period in excess of two years prior to the submission of this application. The building became vacant on 29th May 2026, however it is noted that the former vacancy requirement under Class MA was removed by legislative amendment in March 2024 and is therefore no longer a requirement of the prior approval process.



*Location plan*



*Listed buildings*



*Planning Statement version*

The building is unlisted and lies within the Conservation Area. Several listed building are in the vicinity (see above). The site is within the New Forest Protected Sites 13.8km Recreation zone of influence and the River Avon Hampshire SAC catchment. With reference to the 2024 SFRA, the site lies within Flood Zone 1 and no other sources of flood risk are shown. There is no Article 4 Direction removing permitted development under Part MA in this area.

## **PROPOSAL:**

This is a prior notification application proposing the change of use of the building to 8 residential flats.

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.

The proposal seeks the change of use of the existing building under Schedule 2, Part 3, Class MA of the GPDO to provide 8 self-contained flats in No 16 only. The submitted floor plans show a scheme comprising three flats at ground floor level, three flats at first floor level and two flats at second floor level, providing a mix of 5 one-bedroom and 3 two-bedroom units. The proposal has been designed to work with the existing layout and openings of the building and **does not require any external alterations** in order to facilitate the proposed residential use. The overall form, scale and architectural appearance of the building would therefore remain unchanged.

The submitted floor plans demonstrate that the proposed flats would provide an acceptable standard of accommodation for future occupiers. The accompanying Space Standards Checklist also confirms that all eight units meet the relevant internal space and storage requirements.

## **RELEVANT PLANNING HISTORY for Nos 16-18:**

|             |                                                                                           |
|-------------|-------------------------------------------------------------------------------------------|
| S/1998/2004 | FROM FURNITURE CARPET WAREHOUSE TO OFFICES STORAGE AND PRINTING AC                        |
| S/1991/1456 | CHANGE OF USE FROM INDUSTRIAL/WAREHOUSING TO D2 INDOOR USE (HEALTH AND FITNESS CENTRE) AC |

## **POLICIES:**

National Planning Policy Framework (NPPF) August 2026

National Planning Practice Guidance (PPG)

Town & Country Planning (Permitted Development) (England) Order 2015 (as Amended) (GPDO)

## **PRIOR NOTIFICATION PROCESS:**

Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations. In some cases the permitted development right will require the Local Planning Authority to approve certain matters (a process generally referred to as 'prior approval').

Class MA of Part 3 of Schedule 2 to the GPDO permits the change of use of a building and any land within its curtilage from a use falling within Use Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a use falling within Use Class C3 (dwellinghouses) of Schedule 1 of the Order. As is stated above, this application thus seeks the change of use of the former printing works falling within Use Class E(g)(ii) into 8 self contained flats (Use Class C3) and the application for prior approval has been submitted on that basis to be considered against the provisions of Class MA of the GPDO.

In accordance with Class MA condition MA.2, before beginning the development the applicant is required 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.

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.

## **REPRESENTATIONS:**

**Conservation – no objection subject to building recording condition.**

**Highways – objection, parking plan required**

**Public protection – objection, noise report required**

## **Salisbury City Council – comments:**

*Salisbury City Council has no comment to make until Point A) – lack of parking, echoing concerns of the Highway Department and Point G) sufficient provision of residential waste have been addressed.*

## **Third Parties - 11 households - letters of objection on the following general grounds:**

- Difficulty accessing website and commenting
- No demand for this type of flat, lack of commercial floorspace and amenity areas.
- Transport and highway safety: significant parking pressures will be made worse. Change delivery bay to parking bay. Use the car park to serve the units. Pollution and climate impact. Obstruction to pavements from bins etc. Road and pavements too narrow. Issue of parking permits  
Electric vehicle charging provision: No provision  
Refuse and cycle storage: No dedicated bin storage or cycle storage for the development.  
Nationally Described Space Standard: Flat 4 passes by a margin of under 1 square metre (37.9 sqm against a 37 sqm minimum)
- Curtilage and red line – car park relates to No 18, not 16
- Listed buildings – several within the vicinity of the site
- Amenity – noise and disruption and inconvenience during construction and conversion works, loss of privacy from uncovered windows, damage to property from drilling. Loss of light

- Drainage – drains are inadequate in Guilder Lane

## ISSUES:

The main considerations which are material to the determination of this application are listed below:

- Whether the proposal constitutes permitted development
- Whether the prior approval of the Local Planning Authority is required

If the proposals are considered to satisfy the provisions of Class MA, this effectively confirms that the proposed conversion of the redundant printworks into residential flats is permitted development and does not need planning permission. The “principle” for the proposed change of use is therefore established by government legislation granting permitted development rights for certain changes of use. The Local Planning Authority can only consider the acceptability of the detailed scheme against the very limited criteria set out in Class MA.

## PLANNING ASSESSMENT:

As is identified above, Class MA of the GPDO confirms that *‘Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order’*, is permitted development.

The existing building’s most recent use was in connection with commercial printing operations, together with ancillary office and storage areas. The lawful use of the building therefore falls within Use Class E and has operated continuously in such use for a period in excess of two years prior to the submission of this application. The building became vacant on 29th May 2026, however it is noted that the former vacancy requirement under Class MA was removed by legislative amendment in March 2024 and is therefore no longer a requirement of the prior approval process.

### Red line and No 16 Guilder Lane

The pd right permits change of use of a building and any land within its curtilage.

The submitted red line encloses three buildings and a car park. The car park is not clearly related to No 16, and is more closely physically related to No 18. The curtilage for No 16 may not exist. The third building is a store at the opposite end of the car park and may be for storage. No floorplans have been provided for the storage building and No 18. Therefore, the LPA may reasonably conclude that the red line plan for the application as submitted is shown on the location plan is incorrect, and the red line plan shown in the planning statement is correct. In approving the location plan, the whole site would become residential curtilage under Class MA, including No 18 and the car park. However, the applicant has not clarified this important point.



Location plan



Planning Statement version

On the basis of the submitted plans, the application is considered beyond the scope of determination under the provisions of Class MA. However, the LPA has continued to determine the application as

submitted to assess whether prior approval would be required under paragraphs MA.1, MA.2 and MA.3 of this Class. These will also therefore be assessed in more detail below.

**Paragraph MA.1 Permitted Development Criteria:**

Paragraph MA.1 of this Class confirms that Development is not permitted by Class MA unless the following criteria are met.

**(a) Criterion Deleted 2024**

- (b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;**

Subparagraph (2) confirms the classes mentioned in sub-paragraph (1)(b) are -

- (a) the following classes of the Schedule as it had effect before 1st September 2020—**
- (i) Class A1 (shops);**
  - (ii) Class A2 (financial and professional services);**
  - (iii) Class A3 (food and drink);**
  - (iv) Class B1 (business);**
  - (v) Class D1(a) (non-residential institutions – medical or health services);**
  - (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);**
  - (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink);**
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2)**

The application building has been in lawful Use Class E use for a continuous period of at least two years prior to the date of the application. The proposals therefore satisfy the requirements of this criterion.

**(c) Criterion Deleted 2024**

- (d) if land covered by, or within the curtilage of, the building—**
- (i) is or forms part of a site of special scientific interest;**
  - (ii) is or forms part of a listed building or land within its curtilage;**
  - (iii) is or forms part of a scheduled monument or land within its curtilage;**
  - (iv) is or forms part of a safety hazard area; or**
  - (v) is or forms part of a military explosives storage area;**

The site does not form part of a Site of Special Scientific Interest (SSSI). The building is not listed and does not sit within the curtilage of a listed building. The site is not a scheduled ancient monument (SAM) or with the curtilage of a SAM. The site is not within a safety hazard area and does not form part of a military explosive storage area. The proposals therefore comply with the restrictions set out in this criterion.

**(e) if the building is within—**

- (i) an area of outstanding natural beauty;**
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;**
- (iii) the Broads;**
- (iv) a National Park; or**
- (v) a World Heritage Site;**

The site and building that is the subject of this application are not in an Area of Outstanding Natural Beauty (AONB)/National Landscape; are not in an area specified by the Secretary of State as part of the Wildlife & Countryside Act 1981; and are not in the Broads; a national park; or World Heritage Site (WHS). The proposals therefore also comply with the restrictions set out in this

criterion.

- (f) ***if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or***

There is no indication that the site is occupied under an agricultural tenancy and therefore the proposals satisfy this criterion.

- (g) ***before 1 August 2022, if—***

- (i) ***the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and***
- (ii) ***the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.***

No applications under Class O of the GPDO have ever been submitted for this site/building and no Article 4 directive has been issued that concerns this site or building. This criterion only relates to applications submitted before 1 August 2021. This criterion is also therefore satisfied.

The proposals therefore satisfy the permitted development criteria and could benefit from this permitted development right provision under Class MA.

#### **Paragraph MA.2 Prior Approval criteria:**

Paragraph MA.2 of the Class confirms that before any such development occurs the developer must apply to the Local Planning Authority for a determination as to the potential impacts of the development on transport; contamination; flooding; noise; and conservation areas. It also confirms that such development must be assessed with regard the amount of natural light that is afforded to the new unit/s; any potential conflict between uses if the new residential development is to be introduced into a wider industrial site; if the proposals involve the loss of important services; and whether it meets fire safety requirements. This paragraph also confirms that such a prior notification application must not be submitted prior to 1<sup>st</sup> August 2021 and states that Class W of the GPDO is relevant to the Local Planning Authority's prior approval considerations.

Paragraph MA.2 confirms that any such successful prior notification development must be completed within a period of 3 years starting with the prior approval date; and that any building permitted to be used as a dwellinghouse under this Class must remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Paragraph MA.3 provides interpretations of fire safety for the MA.2 assessment.

In considering whether prior approval is required, the Local Planning Authority must have regard as to whether the development would result in an adverse impact on the following matters:

- (a) ***transport impacts of the development, particularly to ensure safe site access:***

The site is situated within the settlement boundary for Salisbury in a sustainable location. The red line includes No 18 and a car park serving the gym which is adjacent to No 16. The site is within walking distance to the Salisbury Train Station and is a very short walk to the City Centre. It is also situated within the defined settlement boundary for the Principal Settlement of Salisbury. It is therefore considered to be in a sustainable location.

The applicant stated:

*The site is within close proximity to a number of public car parks serving Salisbury city centre, including Culver Street Car Park which is located approximately 0.1 miles from the application site. In practical terms, the proposed residential use is not dependent upon dedicated on-site parking*

***provision in order to function effectively.*** Secure cycle parking could be secured by condition should the Local Planning Authority consider it necessary.

However, as the red line also encloses the existing car park and No 18 Guilder Lane. On this basis, the Highways team objected as follows:

*The proposal will provide the following residential properties requiring the associated parking provision to meet Wiltshire's current parking standards, as specified below.*

*Ground Floor 3 x 1 bed 3 Parking spaces required*

*First Floor 2 x 1 bed 2 Parking spaces required*

*1 x 2 bed 2 Parking spaces required*

*Second Floor 2 x 2 bed 4 Parking spaces required*

*Total 11 Parking spaces required*

***Therefore, please can I be provided with a plan demonstrating marked and allocated parking bays in the car park for each flat. Parking should also be allocated for 18 Guilder Lane as it is within the red line of the application.***

***Cycle parking must be provided in accordance with the LTP Wiltshire Cycling Strategy for each flat and annotated on the plans and bin storage must also be demonstrated on a plan.***

Therefore, the prior approval of the LPA is required in this respect and without this information, is refused.

***(b) contamination risks in relation to the building:***

The Council's Public Protection Team has not identified any known contamination risks associated with the building and no objections have therefore been raised in this regard. It is not therefore considered that the potential contamination risks are a concern.

***(c) flooding risks in relation to the building:***

The site is not shown to be at any risk from flooding from any source on the Council's mapping for the 2024 Strategic Flood Risk Assessment. This criterion is satisfied.

***(d) impacts of noise from commercial premises on the intended occupiers of the development;***

As is identified above, the site is located within the settlement boundary for Salisbury. The applicant stated:

*The proposed change of use to residential is considered compatible with the surrounding city centre area which is characterised by a mix of commercial and residential uses and does not contain uses typically associated with significant noise generation.*

However, the site is adjacent to No 18, which has approval for use as a gym. The gym is also included within the submitted red line, along with the car park.

Council's Public Protection Team has therefore considered the potential impacts of noise on future occupiers and concluded:

*I have reviewed the information submitted and note that the proposed development adjoins a commercial unit at ground floor level. Whilst I understand that the previous occupier, a weightlifting gym, has now ceased trading, the lawful commercial use of the adjoining premises remains extant and the premises could therefore be reoccupied by a similar or alternative Class E use in the future.*

*The potential impact of noise from the adjoining commercial premises on the future occupiers of the*

*proposed residential units is a material consideration under the prior approval process. In particular, a gym use has the potential to generate significant airborne and structure-borne noise and vibration associated with weight drops, fitness activities, amplified music, mechanical plant, and customer movements, including during early morning and evening periods.*

*Given the close relationship between the proposed flats and the adjoining commercial premises, it is not considered appropriate to assume that there will be no adverse noise impact simply because the unit is currently vacant.*

*The applicant **should therefore provide a suitably robust acoustic assessment** which considers the potential impact of noise associated with the lawful use of the neighbouring commercial premises and demonstrates that acceptable internal living conditions can be achieved for future occupants.*

*The assessment should also consider the transmission of noise and vibration through any shared walls, floors or structural elements, together with details of any mitigation measures required to achieve acceptable residential amenity. In addition, careful consideration should be given to the internal layout of the proposed units, particularly the location of bedrooms adjacent to the party wall with the commercial premises, in order to minimise the potential for future noise disturbance.*

*At this stage, I do not consider that sufficient information has been submitted to fully assess the potential impact of noise from the adjoining commercial premises on the intended occupiers of the development. This department would therefore welcome the opportunity to review any additional acoustic information submitted by the applicant and will provide further comments at that time.*

The proposals are therefore unacceptable in terms of the potential for impacts of noise from adjacent commercial activities for the amenities of the future occupants of the proposed dwellings under criterion (d). Therefore, the prior approval of the LPA is required in this respect and in the absence of the justification, is refused and thus fails this criterion.

**(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;**

The site is within the conservation area and there are several listed buildings in the vicinity of the site. The conservation officer commented:

*The building's historic interest and contribution to the character of the Salisbury City CA is acknowledged by the heritage statement and the proposal for conversion is welcomed for giving the building a use and giving its owners good reason to keep it maintained. The loss of the building's commercial use is not surprising and the conversion can be achieved without external alterations. Bathrooms and kitchens are located away from the front elevation, reducing the pressure for vents. I have reviewed a comprehensive internal photographic survey and this needs to be archived, the agent needs to provide this in an appropriate format (to discuss as required). I am satisfied that the conversion would preserve the building's positive contribution to the CA and would have no impact on the setting of its various listed near neighbours. I see no need to consult Historic England with regard to the setting of the II\* listed 15-17 opposite the site.*

Therefore, the prior approval of the LPA is required in this respect and could be granted, subject to a building recording condition.

**(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;**

The application is accompanied by an Internal Daylight and Sunlight Study prepared by Model Environments Ltd which assesses the provision of natural light within all habitable rooms of the

proposed flats. The assessment has been undertaken in accordance with BRE BR209 (2022) and BS EN 17037. The study confirms that all 18 habitable rooms within the proposed development meet or exceed the relevant daylight standards and that all living rooms also achieve the recommended levels of sunlight. The report concludes that all habitable rooms would be provided with adequate natural light.

It is therefore considered that the proposal satisfies the requirements of this criterion

- (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; and***

The application unit forms a Class E use building within a city centre location. The site is not occupied by or in close proximity to any general or heavy industry, waste management or storage and distribution and as such the proposed change of use would not be adversely affected by such uses. The proposals are therefore considered to be acceptable in this regard and will not impact upon important general or heavy industry. The proposals therefore satisfy the requirements of this criterion.

- (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 200657 , the impact on the local provision of the type of services lost; and***

As is identified above, this site was last used as a print works and is vacant. The proposals will not result in the loss of nursery or health care services.

- (i) *where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.***

The proposed development would create more than two dwellings; however, the building is below 18 metres in height and contains fewer than seven storeys. The development therefore does not meet the fire risk condition and fire safety is not a prior approval matter under Class MA. Furthermore, fire safety is a building regulation requirement. The proposed change of use is not likely to result in an additional fire safety impact for the future occupants of the building.

#### **Other Matters:**

The procedural notes for permitted development, in clause 3 of the GPDO raises a few other matters that are also relevant to this prior notification application:

**Subject to the provisions of this Order and regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.**

As is identified above, this site falls within the catchment of the River Avon SAC and thus has potential to cause adverse effects, alone or in combination with other developments, through discharge of phosphorus in wastewater. The site is also within the recreational buffer of the New Forest SAC, SPA and RAMSAR sites and thus the creation of a new household in this area has potential to increase pressure on these designations. The provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regulations) are therefore relevant to the development, regardless of the outcome of this application.

However as is identified above, the matters of ecology and protected species are not issues that are identified in the Class MA criteria for consideration as part of the prior notification process. It is also not appropriate to insist that the applicant instead applies for planning permission on this matter.

However this part of 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) and that Regulations 75-78 still apply. The Habitats Regs address the requirements for protecting sites that are internationally important for threatened habitats and species (for example, as is relevant in this instance, SACs and SPAs (often referred to as European Sites). This includes a requirement for assessment of 'plans and projects' by 'the competent authority' (e.g., the local planning authority) which are likely to have a significant effect on the sites.

Regulation 75 of the Habitats Regs states that it is a condition of any planning permission granted by the GPDO made on or after 30 November 2017 for development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and which is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77. Essentially the purpose of Regulation 75 is to, therefore, ensure that, when necessary, permitted development is subject to Appropriate Assessment in the same way as development requiring a planning application.

Regulation 77 sets out the process for applying for the written approval of the local planning authority as to whether the development is likely to have an adverse effect upon the integrity of a European Site. It states that an application to the local planning authority for approval, must be made with a relevant fee paid. This process is outside of the Class MA considerations and is undertaken separately to the Class MA Prior Notification Procedure.

This part of 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.

***(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—***

- (a) where the gross internal floor area is less than 37 square metres in size; or***
- (b) that does not comply with the nationally described space standard issued by the 35 S.I. 2010/490. Commented [S19]: Replaced by 2017 No. 1012 (Page 12 of 266) Department for Communities and Local Government on 27th March 201536 .***

***(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.***

In this instance, the existing building is to be converted into 8 units. The applicant's Space Standard's checklist provides a breakdown of the floorspace and considers that the standard is met. On the basis of the table, all 8 of the flats proposed are therefore compliant with NDSS standards. Third party objections are noted, but the onus is on the developer to ensure full compliance with the standard when exercising their permitted development rights.

## **CONCLUSION:**

The application site for the change of use, as shown on the submitted location plan, includes three buildings (No 16, No 18 and an outbuilding) and a car park within the red line. It is unclear where or if No 16 Guilder Lane has a curtilage. The application description and plans are for the change of use of No 16 only. Therefore, the submission is inconsistent and is not considered to comply with the description of Class MA set out in the GPDO which allows for the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses). The proposal as submitted would not benefit from the permitted development right. The proposal as submitted would not benefit from the permitted

development right.

Furthermore, as submitted in its current form, the prior approval of the LPA is required for the application in respect of **MA.2. (2)**

**(a)transport impacts of the development, particularly to ensure safe site access; and**

**(d)impacts of noise from commercial premises on the intended occupiers of the development;**

In the absence of the necessary details to inform and support the application on these matters, prior approval would be refused.

## **RECOMMENDATION:**

**Prior Approval is REFUSED for the following reasons:**

The application site for the change of use, as shown on the submitted location plan, includes three buildings (No 16, No 18 and an outbuilding) and a car park within the red line. It is unclear where or if No 16 Guilder Lane has a curtilage. The application description and plans are for the change of use of No 16 only. Therefore, the submission is inconsistent and is not considered to comply with the description of Class MA set out in the GPDO which allows for the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses). The proposal as submitted would not benefit from the permitted development right.

Furthermore, as submitted in its current form, the prior approval of the LPA is required for the application in respect of **MA.2. (2)**

**(a)transport impacts of the development, particularly to ensure safe site access; and**

**(d)impacts of noise from commercial premises on the intended occupiers of the development;**

In the absence of the necessary details to inform and support the application on these matters, prior approval would be refused for the application in its current form.

## **INFORMATIVES**

### **Operational Development**

Class MA does not permit or authorise operational development. The applicant will need to secure any separate planning permission/s for any operational development required in association with the change of use including external plant, flood resilience measures and covered cycle parking/storage.

### **Habitat Regulations Reg 77**

The Applicant is reminded that the site is situated within the catchment of the River Avon Special Area for Conservation and New Forest Protected Sites and has potential to have an adverse effect upon the integrity of 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.