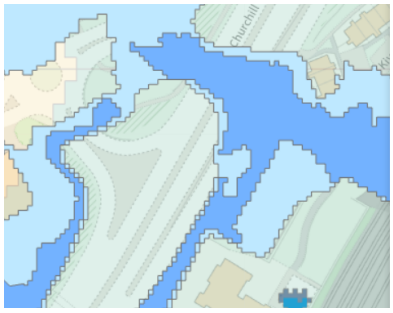
DELEGATED REPORT

Application Reference:	PL/2026/01936
Application Type:	Prior Approval Part 3, Class MA: Commercial, business and service uses to dwellinghouses
Site Address:	DUNNS HOUSE, ST PAULS ROAD, SALISBURY, SP2 7BE
Proposal:	Schedule 2 Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order (as amended) 2015 for change of use of Class E space to form 4no. apartments
Recommendation:	**Prior Approval is Granted subject to Conditions**

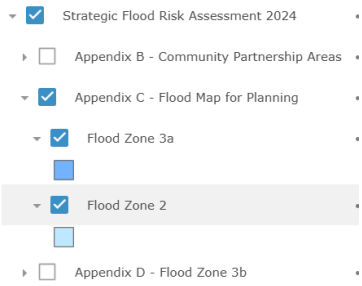
SITE DESCRIPTION/CONTEXT

The site comprises the upper floors of an existing 5-storey office building situated within the defined settlement boundary of Salisbury, which is designated as a Principal Settlement in Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP20 (Salisbury Community Area). The site is located adjacent to the A36 dual carriageway at one of the entrances to the Central Car Park. The main city centre retail area is within about 10 minutes' walk along the Millstream that borders to the Central Car Park. Waitrose is on the opposite side of the A36 and is about 5 minutes' walk. The property comprises a former grain store which was converted to offices in the early 2000s and refurbished in 2017. The accommodation is arranged over ground and four upper floors with a central service core containing two lifts, stairs and toilet facilities. As part of the 2017 refurbishment, the ground floor was extended to take in what was formerly undercroft parking. Externally there is a parking area to the front of the building for circa 12 vehicles.

Context plan



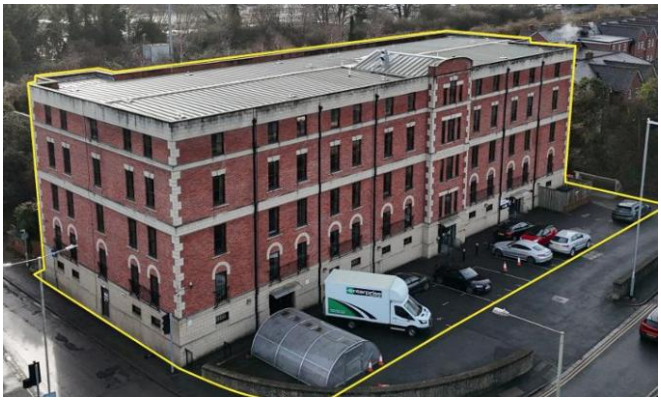
FZ 2 and 3a



The building is unlisted and lies outside the Conservation Area. Residential properties at Kivel Court and Valentine Court lie to the north and south respectively and the railway line lies to the east. 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 2 and 3 and this means that the site has a high probability of fluvial flooding (greater than a 1 in 100yr annual probability of fluvial flooding). There is no Article 4 Direction removing permitted development under Part MA in this area.

Site Location Plan



Front Elevation photo

As can be seen in the above elevation photo, this site consists of a five storey building that was formerly in office use (Use Class E(g)(i)) but is currently vacant. It is positioned immediately alongside the slip road for the A36 and an adjacent railway line. It is accessed via a shared tarmac apron to the front of the building used for car parking and facilities/bin/cycle storage.

PROPOSAL:

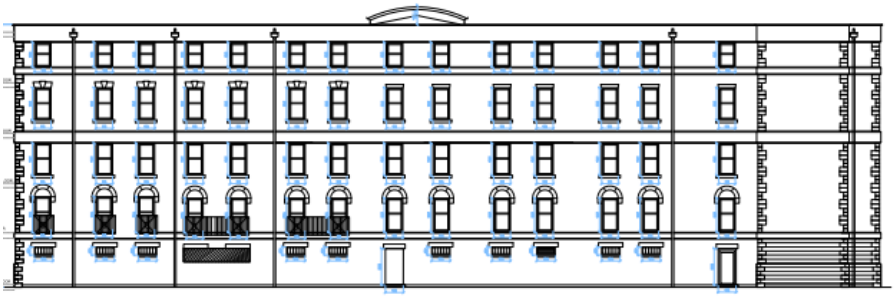
Prior approval has already been granted for conversion of the upper floors to provide 44 apartments. This is a prior notification application proposing the change of use of part of the upper four floors from Class E (g)(i) office space to form a further 4no. residential apartments.

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.

Proposed Site Plan

Access to the site is to continue via the existing north access onto the slip road. The development would benefit from 12 onsite parking spaces with 4 further cycle spaces and bin storage (subject to planning permission). No amenity space is provided but an existing play area lies to the east.

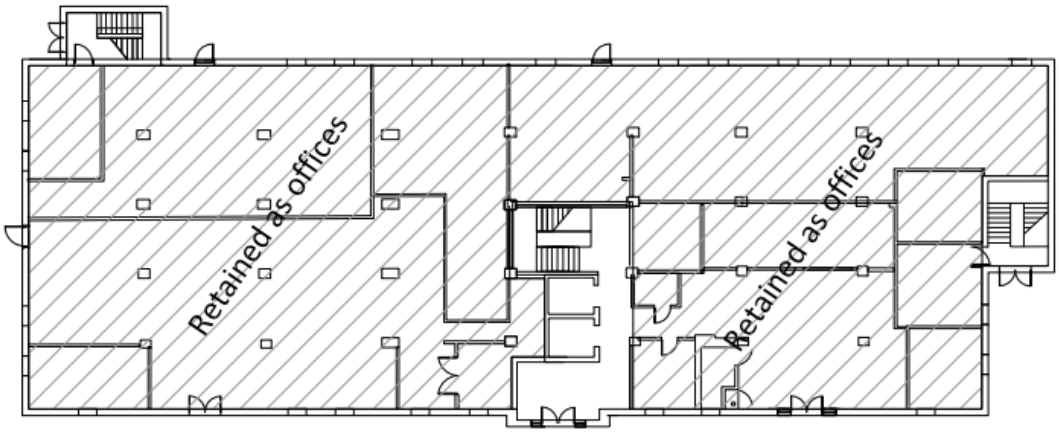
Front Elevation



Rear Elevation

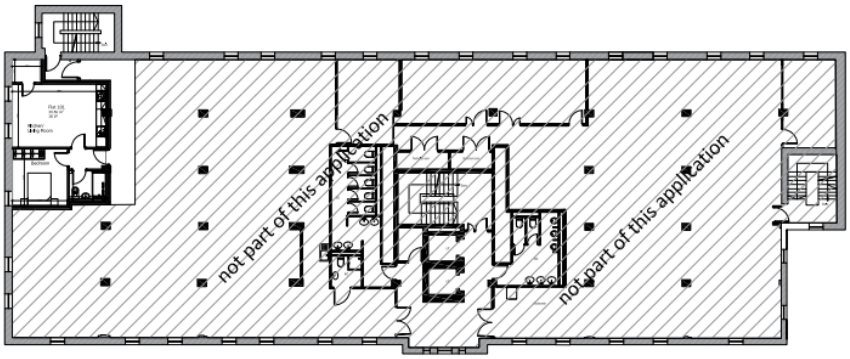
Left - Side Elevation

Right - Side Elevation



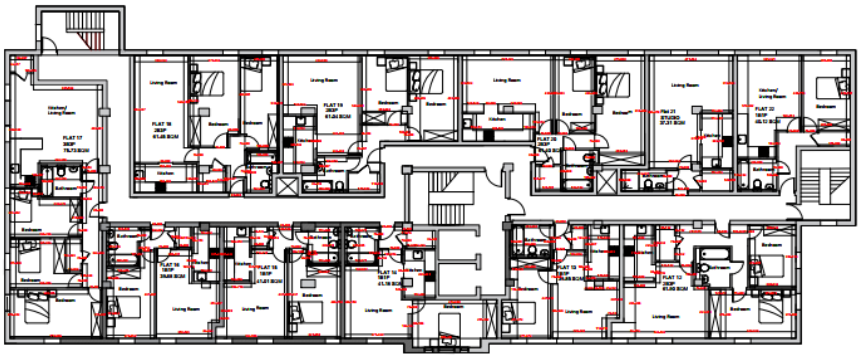
Proposed Ground Floor Plan

Approved First floor

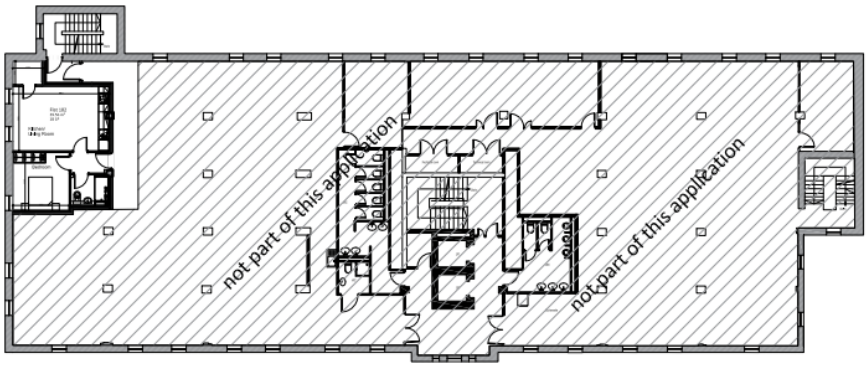


Proposed First Floor Plan

Proposed First Floor

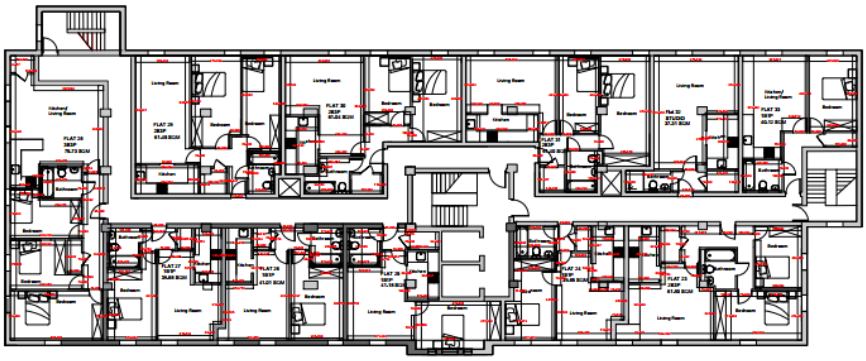


Approved Second floor

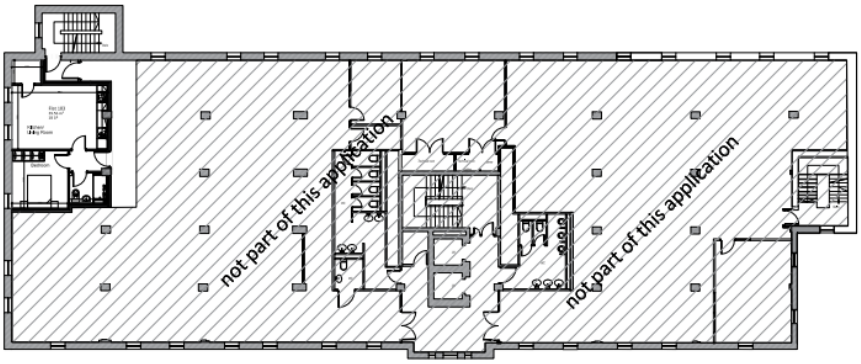


Proposed Second Floor Plan

Proposed Second floor

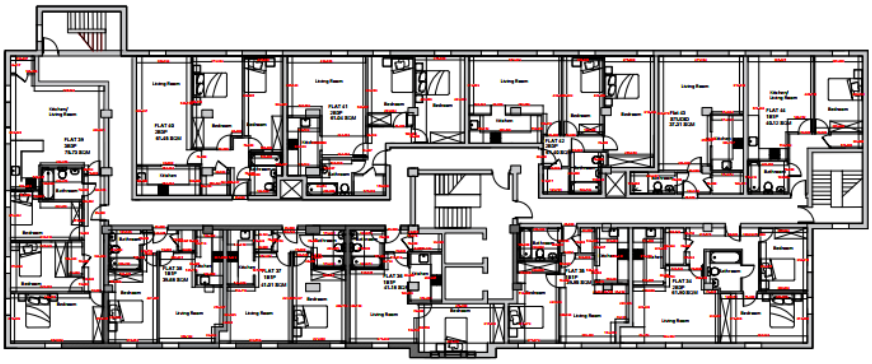


Approved Third floor

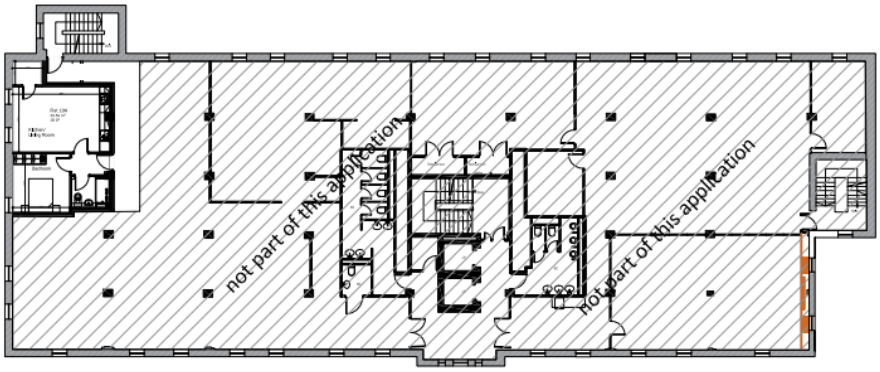


Proposed Third Floor Plan

Proposed Third Floor



Approved Fourth floor



Proposed Fourth Floor Plan

Proposed Fourth Floor

RELEVANT PLANNING HISTORY:

S/79/0400	Deemed application - Change of use from ware housing class X to light industrial class II Approved
S/1998/1194	FROM OFFICE/LIGHT INDUSTRY TO 50 BED APARTHOTEL AND FOOTPATH CYCLE WAY LINKING WITH TOWN CENTRE Approved with conditions
S/1999/1667	ALTERATIONS TO BUILDING AND CHANGE OF USE FROM OFFICE/LIGHT INDUSTRY TO 32 RESIDENTIAL FLATS (24NO 3 BED UNITS, 8NO 2 BED UNITS) TOGETHER WITH PARKING FOOTPATH AND CYCLE WAY LINKING WITH CITY CENTRE Refused
S/2001/1025	ELEVATIONAL ALTERATIONS INCLUDING FENESTRATION OF EXISTING BUILDING AND ALTERATIONS TO EXISTING ACCESS FOR EXISTING OFFICE (B1) Approved with conditions
S/2000/0777	ALTERATIONS TO BUILDING AND CHANGE OF USE FROM OFFICE/LIGHT INDUSTRY TO 34 RESIDENTIAL FLATS INCORPORATING LEISURE FACILITIES TOGETHER WITH PARKING FOOTPATH AND CYCLE WAY LINKING WITH CITY CENTRE Refuse
PL/2025/08099	**Prior Approval Part 3, Class MA: Commercial, business and service uses to dwellinghouses Approved**
PL/2025/09994	**External alterations for the provision of an external access route from the first floor (via new door and ramp) to external ground level to the rear of the building**

POLICIES:
National Planning Policy Framework (NPPF)
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 offices (Use Class E(g)(i)) into 44 apartments (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:

National Highways – no objection
Highways – **No Objection subject to condition**
Public Protection – **No Objection subject to condition**
Drainage - **No Objection subject to condition**
Environment Agency - no objection

Salisbury City Council – **none received**

Third Parties – none received

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 offices into residential units 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.

Whilst currently vacant, 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.

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. 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 <u>not</u> 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 site history confirms that the building was used as office space prior to 2020 (which previously constituted a use falling within Use Class B1, but B1 use class now constitutes Use Class E (g)(i)). 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 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 1st 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 for the following matters:

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

As is identified above, the site is situated within the settlement boundary, adjacent to the A36 and a slip road serving the Maltings car park and commercial areas. The site is within walking distance to the Salisbury Train Station and is a 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.

National Highways previously considered the impact of 44 units on the A36 trunk road as follows:

> *The application site is served by an existing access onto the highway network via St Paul's Road to the west of the building, and the westbound onslip to the A36 Churchill Way West which in this location is dual carriageway and elevated as it passes the front of Dunns House. There appears to be no access to the highway network to the east of site with all trips having to route to the west. A review of available collision data for the most recent 5 year period does not suggest there is collision history associated with the existing access arrangement.*
>
> *The existing car park to the front of the building is to be retained to serve the ground floor commercial uses only, with the residential units to be "car free". A Parking Technical Note has been submitted to justify the absence of parking provision for apartment occupants. It is acknowledged that the site appears to be in a sustainable location which has benefitted from investment to improve non-car provision, and in respect of the SRN, parking restrictions are in force which should prevent inappropriate parking from taking place on the A36 approach. It is also considered that the proposed development is likely to generate a lower number of potential peak hour car trips than the site could if retained in its entirety for commercial uses.*
>
> *We therefore consider that the proposed development is unlikely to result in an unacceptable or severe impact in safety or capacity terms on the SRN.*
>
> *However, the submitted documents do not appear to include a noise impact assessment. As noted above, the A36 in this location is dual carriageway and in an elevated position in relation to the development site. The planning authority must therefore be satisfied that the dwellings will be sustainable in noise terms and that sufficient acoustic measures will be provided by the developer to ensure that noise levels conform with desirable thresholds specified in BS 8233:2014 and WHO noise guidance. National Highways will not take responsibility for dealing with complaints from future occupants should the development fail to deliver measures that adequately mitigate for the impacts of traffic noise.*

Officers note the comment above regarding noise, but Class MA provisions do not enable this noise source to be considered as criterion (d) states:

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

The highways officer has considered the site's access and the available parking spaces for the development. He stated:

> *I note the proposals seek to change the use of the existing commercial floor space to form four residential apartments. The proposals are related to the recent application for the change of use of the upper four floors to 44 residential apartments and these latest proposals essentially provide an additional unit of each of the upper four floors, bringing the overall total number of apartments to 48.*
>
> *Whilst off-street car parking would be desirable, it is acknowledged that this is a city centre location which meets the requirements of Policy PS6 in the Wiltshire Parking Strategy to support a relaxation in the allocated parking provision. There is a wide range of facilities within walking*

distance of the site and a choice of public transport options. Parking overspill can be controlled by the on-street parking restrictions and there is a public car park close-by. Therefore, in this instance, a car free development is accepted. It should also be noted that the extant use of the site would be likely to generate a much greater level of traffic and thus car parking demand, than the proposed use.

Therefore, I recommend that no Highway objection is raised, subject to the below condition being attached to any consent granted;

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

No objections have been raised under criterion (a) in this regard accordingly.

(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 Environment Agency were consulted and they concluded:

Provided that the proposed development is connected to the mains foul sewer network. We have ***no objection*** *to the prior approval but have the following comments to make.*
According to the following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to ***safe access egress****. Where necessary, the* ***advice of relevant experts should be sought*** *in that regard. Please note that according to the Strategic Flood Risk Assessment 2024 the road to the north is highlighted as Flood Zone 3b and the road to the west as Flood Zone 3.*

The Council's drainage team as Lead Local Flooding Authority considered the submitted Flood Risk Assessment and concluded:

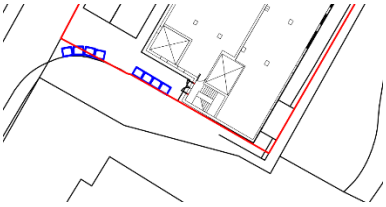
The local planning authority must be satisfied that the proposed development will not increase flood risk, either on-site or elsewhere, and that surface water will be managed in a sustainable and coordinated manner.

The site is situated in Flood Zone 2 and FZ 3 surrounds the building. The proposals are for the change of use of the building and therefore, the sequential test set out in the NPPF cannot be applied to changes of use. However, a site specific flood risk assessment is required. Drainage considered:

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). It should be noted that our comments below are reliant on the accuracy and completeness of the FRA and we do not take any responsibility for incorrect data or interpretation made by the authors.
• It is noted the development is situated in Flood Zone 3.

• A new emergency walkway is proposed at first floor level to provide safe access and egress during a flood event.
• A flood evacuation plan will be developed & maintained over the lifetime of the development.
• At a later stage in the application, the applicant will be required to provide a detailed flood evacuation plan to demonstrate safe access and egress for residents and emergency services remains during a flood event.

Figure 7: Provision of new Access and Egress route. A new elevated walkway is proposed for emergency use during a flood event.



RECOMMENDATION: no objection subject to condition:
No Objection for the following reasons: at this stage of the application, the LLFA believe there is no fundamental reason why this development cannot be proposed as there is no increased flood risk as a result of the development. At a more detailed stage of the application, the applicant will be required to provide further details related to the flood evacuation plan. Detailed dimensions and levels of the elevated walkway will be required to demonstrate that safe access & egress will be maintained during a flood event.

A "new elevated walkway" is proposed in the FRA, partly outside the red line. As there are no elevations provided, the Drainage team have noted this proposal and asked for a condition requiring further details of the walkway. The converse of this is that without the walkway and other mitigation, it is unlikely that the LPA could positively conclude that occupiers of the building would have safe access out of and into the building during times of flood risk in FZ3.

As Class MA only permits a change of use, the LPA can't consider elevation changes or operational development. The Planning Statement confirms on page 10: *It is not proposed to extend, alter or erect buildings on the site…*

The proposed elevated walkway requires elevation plans and an amendment to the red line. Class MA makes no provision for operational development and separate planning permission is required for the flood risk mitigation. Such mitigation requires public consultation and may raise design, amenity and flood risk matters to be considered separately and beyond the scope of Class MA.

The LPA can impose a condition requiring compliance with the FRA before the residential use commences. This would ensure that any necessary planning consents are in place before any change of use of the upper floors to C3 residential use takes place and to ensure that the development would be safe for residential occupiers during times of flooding.

Under PL/2025/09994, planning permission has been granted for the external alterations and provision of the escape ramp from the first floor. This criterion is satisfied subject to a condition requiring compliance with the FRA mitigation, to the satisfaction of the LPA and LLFA.

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

As is identified above, the site is located within close proximity of Salisbury Railway Station and the A36. The Council's Public Protection Team has therefore considered the potential impacts of noise on future occupiers. Public Protection concluded:

> *I wish to reiterate our previous comments submitted under reference PL/2025/08099 for this site:*
>
> *The development site is located in very close proximity to two significant transport noise sources: the busy A36 Churchill Way West to the front (west) of the building, and the main Salisbury-to-London railway line to the rear (east). Both the A36 and the railway line are in an elevated position relative to the site, and therefore noise from these sources is likely to adversely affect the upper floors of the proposed development.*
>
> *Although an application under this legislation does not permit us to formally assess the impact of transport noise on future occupants, given the site's location and its proximity to these noise sources, we strongly urge the applicant to undertake a comprehensive noise assessment. This should demonstrate that acceptable internal amenity levels, in accordance with BS8233 and WHO guidelines, can be achieved in all habitable rooms.*
>
> *It is foreseeable that compliance with internal ambient noise standards may only be possible with windows closed, which would necessitate the provision of an alternative means of ventilation. Furthermore, as the site lies within an Air Quality Management Area (AQMA), the applicant should give careful consideration to the installation of Mechanical Ventilation with Heat Recovery (MVHR) systems in all units.*
>
> *The agent has previously confirmed that all plant currently associated with the ground floor Class E use is in the process of being decommissioned and removed from site, and retention of the ground floor as commercial use will not require the installation of any new plant. You may therefore wish to apply the following condition to any approval:*
>
> *• No mechanical plant including building services plant to be installed externally in relation to the ground floor Class E use without prior consent from the Local Planning Authority.*

The proposals are therefore considered to be acceptable in terms of the potential for significant impacts of noise from adjacent commercial activities for the amenities of the future occupants of the proposed dwelling under criterion (d) and thus complies with 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;***

Whilst the site is near to the Conservation Area, it is not itself covered by this designation (as is identified in PLAN A above). This criterion is not therefore applicable to the consideration of this application.

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

As is identified in the floorplans above, all habitable rooms are to be served by windows that already exist in the building. It is considered that the main habitable rooms will benefit from adequate natural light and this criterion is therefore met.

(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

As is identified above, the site is situated adjacent to an established railway station with associated activities. Whilst in planning terms the railway and associated uses are not a designated employment site; such a service/facilities are important for the City and enable crucial sustainable forms of connectivity to other settlements. Anything that would significantly impact the functionality of the railway line or its ability to operate would therefore be resisted.

As has been identified above under criterion d), there is some concern about the level of noise that is generated by this established use and its potential compatibility with such additional residential uses that may be introduced on this adjacent site. However the application site does not currently form part of the railway site or its associated activities. The current office is not/was not in use by Network Rail or any other railway companies and its office use is not essential for the continued operations of the adjacent railway use. Its change of use to residential purposes would not therefore undermine the existing operations of the railway in this respect. The proposals are therefore considered to be acceptable in this regard and will not impact an 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 offices. The current site is vacant. The proposals will not thus 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 overall height at approx. 11.5m is well below the threshold for the requirement of a Fire Statement (which is 18 metres). 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:

(1) **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 44 units plus an addition 4 under this application. The floorplans provide a breakdown of the floorspaces for each unit against the national standard. On the basis of the plans, all 4 of the flats proposed are over 39 sq m and therefore compliant with NDSS standards.

CONCLUSION:

The proposed development is considered to comply with the criteria set out in paragraph MA.1 of Class MA of the GPDO thereby making it development that could benefit from permitted development rights.

Furthermore, it is considered that subject to conditions, the proposals will also satisfy the requirements of Class MA, paragraphs MA.2 and MA.3; and Clause 3 – Permitted Development of the GPDO thereby confirming that prior approval from the LPA should be granted.

RECOMMENDATION:

That Prior Approval is required in respect of the flooding risks in relation to the building, the transport impacts of the development, particularly to ensure safe site access and impacts of noise from commercial premises (the retained ground floor office use) on the intended occupiers of the development.

Prior Approval is granted subject to conditions:

1. The scheme hereby assessed must be completed in full within a period of 3 years starting with the date of this prior approval.

   REASON: To comply with the provisions of Condition 5 of MA.2 of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

   Location Plan ref DHS.LP dated 6th Oct 2025
   Block Plan ref DHS.01.BP.SP dated Oct 2025
   Proposed Ground floor plan (Retained as Offices) ref DHS.01.PR.01 dated Sept 2025
   Proposed First floor plan ref DHS.01.PR.202 dated Feb 2026
   Proposed Second floor plan ref DHS.01.PR.203 dated Feb 2026
   Proposed Third floor plan ref DHS.01.PR.204 dated Feb 2026
   Proposed Fourth floor plan ref DHS.01.PR.205 dated Feb 2026
   Proposed Elevations (no changes) Left and Right Side ref DHS.01.PR.06 dated Sept 2025
   Proposed Elevations (no changes) Front ref DHS.01.PR.07 dated Sept 2025
   Proposed Elevations (no changes) Rear ref DHS.01.PR.08 dated Sept 2025
   Proposed Site Plan ref DHS.01.PR.SP 204 dated Mar 2026
   Schedule of Accommodation for Dunns House received 10/10/25
   Planning Statement by Allen Planning Ltd dated 19th March 2026
   Flood Risk Assessment by Innervision Design Ltd dated March 2026

   REASON: For the avoidance of doubt and in the interests of proper planning.

3. The residential development on the upper floors hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use, upon submission of any necessary separate planning application/s in that

behalf. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

4. There shall be no installation of any external mechanical plant (including building services plant) in relation to the ground floor Class E (g)(i) office use (or any subsequent use falling within Class E) without prior consent from the Local Planning Authority upon submission of any separate planning application/s in that behalf.

   Reason: To secure appropriate levels of amenity for the residential occupiers of the upper floors of the building.

5. The change of use of the upper floors to C3 residential use hereby approved shall not commence until the recommendations contained in the Management of Flood Risk Section 6 of the Flood Risk Assessment by Innervision Design Ltd dated March 2026 have been implemented in full on the site, following submission of any necessary planning application/s in that behalf. Evidence of the implementation of the measures shall be submitted to and agreed in writing by the Local Planning Authority before the C3 use commences. The agreed measures shall remain in situ for the lifetime of the residential development.

   Reason: To ensure safe access and egress to the building for residential occupiers during times of flooding, as the site lies within Flood Zone 3.

INFORMATIVES

Operational Development

With reference to Conditions 3, 4 and 5, 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.