

## **DELEGATED OFFICER REPORT**



**WOKINGHAM**  
**BOROUGH COUNCIL**

|                                                                                                                                          |                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <b>Application Number:</b>                                                                                                               | 242785                                                        |
| <b>Site Address:</b>                                                                                                                     | Mulberry Business Park, Ff1 Indigo House, Wokingham, RG41 2GY |
| <b>Expiry Date:</b>                                                                                                                      | 07.02.2025                                                    |
| <b>Site Visit Date:</b>                                                                                                                  | 26.11.2024                                                    |
| <b>Proposal:</b> Prior approval submission for change of use of the ground and 1st floors to 32no. residential dwellings (Use Class C3). |                                                               |

### **PLANNING CONSTRAINTS/STATUS**

Water Utility Consultation Zones  
Contaminated Land Consultation Zone  
Heathrow Aerodrome Consultation Zone  
Affordable Housing Thresholds  
Bat Roost Habitat Suitability  
Core Employment Areas  
Scale and Location of Development Proposals  
Farnborough Aerodrome Consultation Zone  
Landfill Gas Consultation Zone  
Landscape Character Assessment Area  
SSSI Impact Risk Zones  
Thames Basin Heaths SPA Mitigation Zones – 7kms

### **PLANNING POLICY/LEGISLATION**

#### **Town and Country Planning Act 1990 (as amended)**

|              |                                                                                                                                                                            |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 55   | Provides that 'development' includes the carrying out of building operations on land, and 'building operations' includes structural alterations or additions to buildings. |
| Section 57   | Planning permission is needed for all development of land.                                                                                                                 |
| Section 187a | Enforcement for breach of conditions                                                                                                                                       |

#### **The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**

|           |                                                                                             |
|-----------|---------------------------------------------------------------------------------------------|
| Section 7 | Prior approval applications: time periods for decision                                      |
| Article 3 |                                                                                             |
| Article 4 | Provides that the planning authority may give direction to restrict the effect of Article 3 |

### **PLANNING HISTORY**

| Application No. | Description | Decision & Date |
|-----------------|-------------|-----------------|
|-----------------|-------------|-----------------|

|        |                                                                                                                                                                                                                                              |                         |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 213975 | Full application for the proposed removal of the existing roof structure and the erection of a new second floor providing 11 No. 1 & 2 bedroom apartments, including 4 affordable housing units (36%), together with a cycle & refuse store. | Approved:<br>13.06.2022 |
| 210166 | Prior approval submission for the proposed change of use from office (Class E(i)) to 30 no. residential dwellings (Class C3)                                                                                                                 | Approved:<br>11.03.2021 |
| 200540 | Prior Approval submission for the proposed change of use from office (Class B1) to 54no. residential dwellings (Class C3)                                                                                                                    | Refused<br>08.04.2020   |
| 193259 | Prior Approval submission for a proposed change of use from Office Use (Class B1(a) to 40no. residential dwellings (Class C3).                                                                                                               | Refused<br>04.02.2020   |
| 193281 | Prior Approval submission for a proposed change of use from Office Use (Class B1(a) to 14no. residential dwellings (Class C3)                                                                                                                | Refused<br>04.02.2020   |
| 192602 | Prior Approval submission for the proposed change of use of existing office building (Use Class B1(a)) to 40no. residential flats (Use Class C3)                                                                                             | Withdrawn<br>26.11.2019 |
| 192688 | Prior Approval submission for the proposed change of use of existing office building roof space (use class B1(a)) to 14no. residential flats (Use Class C3)                                                                                  | Withdrawn<br>26.11.2019 |
| 182428 | Application for Prior Approval for the proposed change of use from office to 30no. residential dwellings                                                                                                                                     | Approved<br>30.10.2018  |

## CONSULTATION RESPONSES

### Internal

WBC Environmental Health – No response

WBC Drainage – No objection

WBC Highways – No objection subject to conditions

### External

|                             |
|-----------------------------|
| Thames Water – No objection |
|-----------------------------|

## REPRESENTATIONS

|                     |                      |
|---------------------|----------------------|
| Parish/Town Council | No comment           |
| Ward Member(s)      | No comments received |
| Neighbours          | No comments received |

| PART MA.1 APPRAISAL |    |                                                                                                                                                                                                                                                                             | Yes | No  |
|---------------------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|
| s.55                | 1  | Does it constitute development?                                                                                                                                                                                                                                             | ✓   |     |
| s.191               | 2  | Would it be contrary to an enforcement notice?                                                                                                                                                                                                                              |     | ✓   |
| s.187a<br>Art.3(4)  | 3  | Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?                                                                                                                                                                   |     | ✓   |
| Art.3(5)            | 4  | Are the building operations involved in the construction of the original building lawful?                                                                                                                                                                                   | ✓   |     |
| Art.4               | 5  | Is there an 'Article 4 Direction' in effect for the site?                                                                                                                                                                                                                   |     | ✓   |
| Sch.2<br>Pt. MA     | 6  | Does it consist of a change of use from a use falling within Class E (commercial, business and service) to a dwellinghouse?                                                                                                                                                 | ✓   |     |
| MA.1(1)(b)          | 8  | 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                                                                            | ✓   |     |
| MA.1(1)(d)          | 10 | Is the land covered by, or within the curtilage of, the building<br>(i) In a site of special scientific interest;<br>(ii) A listed building;<br>(iii) A schedule monument;<br>(iv) In a safety hazard area; or<br>(v) In a military explosives storage area?                |     | ✓   |
| MA.1(1)(e)          | 11 | Is the building within<br>(i) An area of outstanding beauty;<br>(ii) An area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;<br>(iii) The Broads;<br>(iv) A National Park; or<br>(v) A World Heritage Site? |     | ✓   |
| MA.1(1)(f)          | 12 | Is the site occupied under an agricultural tenancy?                                                                                                                                                                                                                         |     | ✓   |
| MA.1(1)(g)          | 13 | Before 1 August 2022,<br>(i) The proposed development is of a description falling within Class O as that Class had effect immediately before 1 <sup>st</sup> August 2021; and                                                                                               |     | N/A |

|  |  |                                                                                                                                                                                                                                                                    |  |  |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
|  |  | (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? |  |  |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|

### Permitted Development:

It needs to be established whether the proposed change of use would fall within the parameters of Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

Class MA allows for development consisting of a change of use, full or partial, of a building and any land within its curtilage within Use Class E (commercial, business and services) of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C3 (dwelling houses) of the Schedule 1 to that Order.

#### s.187a Art.3 (4)

A thorough assessment of planning history has been conducted and there are no conditions on planning permissions relating to this site that remove permitted development rights for the change of use proposed under this application. The proposal therefore satisfies s.187a Art.3 (4).

As per the site history it should be noted that two previous Prior Approval applications for 30 residential units were approved. The current proposal is for 32 units.

### PART M.2 APPRAISAL

**MA.2.(2) states that development under Class MA is permitted subject to the developer applying to the local planning authority for a determination as to whether the prior approval will be required as to –**

#### **(a) Transport impacts of the development, particularly to ensure safe site access**

The proposed residential units would be sited within Mulberry Business Park and therefore existing parking and highway access is well established. The traffic generated in association with the use of the building as an office has been considered under previous prior approvals at this Business Park to be more intensive than what would result from the proposed residential units.

The applicant has provided a Site Plan which shows the parking spaces within the site edged red. The council's Highway Officer has stated:

*'The applicant suggests that 88 no. of existing parking spaces will be retained for the proposal. Despite the applicant has not assessed the parking provision in*

*accordance with the council's parking requirements, for a robust assessment with two parking spaces to be allocated for each dwelling, the site will require 64 allocated spaces and 7 visitor spaces.'*

The council's Highway Officer raises no objection and has recommended conditions relating to cycle and bin storage.

#### **(b) Contamination risks in relation to the building**

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

A contamination Assessment has been submitted.

The WBC Environmental Health Team has previously raised no objection to the change of use of the building to offices and advised the following:

*'There have been previous applications of a similar nature for this site, which were refused on contaminated land grounds, due to the proximity of former landfill / infilled ground and the corresponding potential risk of ground gas. It is difficult to retrospectively remediate an existing building. Previous applications were not supported by an assessment of the risk.'*

*Assessment of the site has been carried out and the report concluded:*

*Additional ground gas monitoring is required due to the high potential risk of gas*

*A verification plan to ensure there is adequate protection to future end users'*

The above conclusion was based on an Internal Ground Gas Monitoring and Risk Assessment report (Aviron Project ref: 19-275.01 dated 6<sup>th</sup> Jan 2021) and this document has been resubmitted. No migrating landfill gas was detected in the building. No changes are proposed to the structure of the building. the proposal is acceptable regarding contamination risks

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

The building is located on Flood Zone 1 and there are no critical drainage problems in the area. As such there are no flood risk concerns. The Council's Drainage Team have raised no objection to this proposal given that there is no change in building footprint.

#### **(d) Impacts of noise from commercial premises on the intended occupiers of the development**

Previous prior approval applications under class O have been approved for the building but since those approvals a neighbouring site immediately to the east known as Nigra

House has permission (ref: 240575) to demolish the existing building and erect a new structure with uses class E(g)(ii), (iii), B2 and B8. As part of the approved application a service yard would be located outside of the building.

As part of the assessment for the Nigra House redevelopment to the east, the impact on second floor flats at Indigo house (current application site) was assessed because there was an extant permission (ref: 213975) at the time to erect another story on the building. The officer report considered that there would be an acceptable impact on these second-floor flats. A Noise Report was submitted as part of that application and the Environmental Health Team did not object. The assessment as part of this previous application did not however consider the scenario of the existing first and ground floors of Indigo House being converted into residential units because previous Class O prior approval permissions had expired at the time of the application.

The applicant has therefore submitted a Noise Impact Assessment based on the permitted change to the adjacent Nigra House site. The report concludes that noise from the approved at Nigra House on the proposed development would achieve a condition of “low impact” at the nearest point at all times and would be unlikely to give rise to noise disturbance in the proposed with the approved building envelope as agreed having a minimum sound insulation performance of Rw 33.

The Noise Impact Assessment identifies that breakout noise from the approved building could result in adverse noise levels to future residents. However, there is another block of residential flats to the south called Sorbus House and a condition was imposed on the Nigra House decision notice to ensure suitable insulation sound levels emitting to the west. Therefore, there is already a mechanism in the approved permission to ensure that sound level emitting from the building do not adversely impact residential uses to the west.

The impact from vehicle movements would be 36db to the nearest flat. The Borough Design Guide sets out that internal ambient noise levels due to steady external noise sources for dwellings shall not exceed 35 dB LAeq (16 hour) 07:00-23:00 during the daytime and 30 dB LAeq (8 hour) 23:00-07:00. Whilst sound insulation would achieve these internal levels it does not factor in an open window or loud spikes in noise (LaMax). Therefore, a condition is recommended to ensure the residential accommodation has appropriately sound insulation and/or mechanical ventilation to negate the requirement to open windows in hot weather.

The proposed development can achieve appropriate sound levels for the occupants of the building subject to a recommended condition.

#### **(e) Impact on Conservation Area**

The site is not within a Conservation Area.

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

The ground and first floors of the building are extensively glazed and each proposed dwelling would include part of the outside walls of the building. As such, the application would provide adequate natural light to all habitable rooms.

As stated, the site to west has extant planning Permission for a redevelopment and the elevation of the proposed building would be closer to Indigo House. There would however still be a gap of between 20-28m between these windows and the flank elevation of the extant planning permission that would allow natural light to these windows.

The provisions of paragraph W for prior approval under Part 3 specifies procedural requirements for submission, including floor plans and the developer's details. The submission complies with these requirements.

**(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 site falls within a Core Employment Area as set out in the Spatial Strategy of the development plan, where B uses will be permitted - to this extent the area is important to delivery commercial units and economic activity to the area. Whilst there are other residential blocks in the area as a consequence of prior approval applications, there area is still important in delivering the economic activity and employment to Wokingham in accordance with the spatial strategy in the development plan.

The impact regarding noise has been set out previously in this report and is considered that an appropriate relationship between the two site can be achieved subject to conditions. The application site entrance and parking would be separated from the industrial use permitted at Nigra House.

Notwithstanding the above, a greater intensity of residential units within this Core Employment Area could have future implications on the commercial viability of the area to provide commercial development without the constraint of nearby housing. The proposed residential development would however be in a cluster of other buildings that have permission to be used as residential dwellings, including the adjacent Sorbus House, Ilex House and Rosa building. These building and residential uses forma small domestic enclave and therefore an additional residential apartment block would be part of this cluster. Due to the containment of this enclave of residential properties, it is considered that the Core Employment Area can continue to operate without undue restriction. This consideration is site specific based on its individual merits and makes no conclusions regarding further residential uses in the Core Employment Area.

**(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 2006the impact on the local provision of the type of services lost**

The development will not lead to a loss of a registered nursery or a health centre, therefore, this assessment is not applicable in this case.

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

Paragraph MA.3 states that *“Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will-*

- a) Contain two or more dwellinghouses; and*
- b) Satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“DMPO”).*

Paragraph (3) of Article 9A of the DMPO states that *“The height condition is that-*

- a) The building is 18 metres or more in height; or*
- b) The building contains 7 or more storeys. “*

Paragraph (7) of Article 7 of the DMPO states that *“For the purpose of paragraph (3)-*

- a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms);*
- b) when determining the number of storeys a building has-*
  - (i) any storey which is below ground level is to be ignored; and*
  - (ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.”*

The height of the building for the purpose of condition M.2(i) is 11.4m (measured from the ground floor to the floor level of the top storey). As such, the proposal does not meet the fire risk condition; therefore, this assessment is not applicable in this case.

**MA.2.(3) states that “An application for prior approval for development under Class MA may not be made before 1 August 2021”.**

This application has been made on 4<sup>th</sup> November 2024, therefore, in compliance with conditions in paragraph MA.2.(3).

**MA.2.(4) states that “The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph (...)”. Paragraph W.(2) sets out procedural requirements for prior approval under Part 3 and inserts amendments to that paragraph W. (incorporated here for ease):**

**(2) The application must be accompanied by-**

- (a) a written description of the proposed development, which, in relation to development proposed under Class M, N or Q of this Part, must in the same application include any building or other operations;**
- (b) A plan indicating the site and showing the proposed development;**
- (ba) in relation to development proposed under Classes G, M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number**

*of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);*

*(bb) (...)*

*(bc) in relation to development proposed under Class G, M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in sqm of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;*

*(c) the developer's contact address;*

*(d) the developer's email address if the developer is content to receive communications electronically; and*

*(e) where—*

*(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;*

*(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development;*

*together with any fee required to be paid.*

A written description is contained in the application form, relevant plans and information as to the increase in the number of dwellings.

**(2ZA) (...)**

***(2A) Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses***

This is noted and addressed above.

***(3) The local planning authority may refuse an application where, in the opinion of the authority-***

***(a) the proposed development does not comply with, or***

***(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, (...) limitations or restrictions specified in this Part as being applicable to the development in question.***

This is noted and addressed above.

***(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.***

This is noted.

- (5) Where the application relates to prior approval as to transport impacts of the development, particularly to ensure safe site access, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult**
- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;**
  - (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and**
  - (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.**

The WBC Highways Officer has been consulted on the proposal given the likely changes in the character of traffic in the vicinity of the site and have raised no objections.

- (6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is:**
- (a) In an area within Flood Zone 2 or Flood Zone 3; or**
  - (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.**

The application site lies wholly within Flood Zone 1 and has no known critical drainage problems.

- (6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.**

The application does not relate to prior approval as to fire safety impacts as the development does not meet the fire safety condition. Therefore, the Health and Safety Executive has not been consulted on the proposal.

- (7) The local planning authority must notify the consultees referred to in subparagraphs (5), (6) and (6A) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).**

The Highway Authority and Environmental Agency have been notified on 5<sup>th</sup> November 2024 respectively and 21 days notice from that date has been given to provide a response.

- (8) The local planning authority must give notice of the proposed development-**

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which –**
  - (i) describes the proposed development;**
  - (ii) provides the address of the proposed development;**
  - (iii) specifies the date by which representations are to be received by the local planning authority; or**
- (b) by serving a notice in that form-**
  - (i) on any adjoining owner or occupier; and**
  - (ii) where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building.**

Neighbour letters (including owners or occupiers of adjoining land) notifying of the proposed development have been issued on 5<sup>th</sup> November 2024. Notification letters specified the description of the proposed development, its address and the date by which representations were to be received by the local planning authority (and not less than 21 days of the notice).

- (9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include –**
  - (a) assessments of impacts or risks;**
  - (b) statements setting out how impacts or risks are to be mitigated; or**
  - (c) details of proposed building or other operations.**

This is noted and further information has been requested where necessary.

- (10) The local planning authority must, when determining an application-**
  - (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);**
  - (b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and**
  - (c) in relation to the contamination risks on the site-**
    - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and**
    - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.**

One representation has been received from the Parish Council Raising no objection.

- (11) The development must not begin before the occurrence of one of the following-**

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;**
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or**
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.**

The application site is currently in use as office (Use Class E), therefore, the proposed development has not yet commenced.

- (12) The development must be carried out-**
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;**
  - (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),**
- unless the local planning authority and the developer agree otherwise in writing.**

This is noted.

- (13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.**

This is noted.

- (14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.**

Not applicable as the notification requirements of paragraph 8 were carried out under the procedure set out pursuant to sub-paragraph (8)(b).

**MA.2.(5) contains wording upon which prior approval under class MA is conditional: “Development must be completed within a period of 3 years starting with the prior approval date.”**

This is noted.

**MA.2.(6) contains wording restricting the use of the building: “Any building permitted to be used as a dwellinghouse by virtue of Class MA is to 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.”**

This is noted.

**Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) also states:**

- (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 Department for Communities and Local Government on 27th March 2015.**
- (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.**

The application was accompanied by the proposed floor plans that demonstrate the proposed units would comply with the Nationally Described Space Standards.

- (10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”) is not permitted by this Order unless-**
- (a) the local planning authority has adopted a screening opinion under regulation 6 of those Regulations that the development is not EIA development within the meaning of those Regulations;**
  - (b) the Secretary of State has made a screening direction under regulation 5(3) of those Regulations that the development is not EIA development within the meaning of those Regulations; or**
  - (c) the Secretary of State has given a direction under regulation 63(1) of those Regulations that the development is exempted from the application of those Regulations.**

Any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 does not constitute permitted development unless the local planning authority has adopted a screening opinion to the effect that an Environmental Impact Assessment is not required. The application would fall within the category (b) Urban development projects of development described in Column 1 of Schedule 2 as “10. Infrastructure projects”. Column 2 of that Schedule lists applicable thresholds and criteria for the proposal to fall within the definition of “Schedule 2 development” as:

- (i) more than 1 hectare of urban development which is not dwellinghouse development; or
- (ii) the development includes more than 150 dwellings; or
- (iii) the overall area of the development exceeds 5 hectares.

The proposed development does not meet the above criteria.

**CONCLUSION:**

The proposal complies with the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is available and approved subject to the recommended conditions.

**The Public Sector Equality Duty (Equality Act 2010):**

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

**RECOMMENDATION**

|                                    |                  |
|------------------------------------|------------------|
| <b>Conditions agreed:</b>          | Not required     |
| <b>Recommendation:</b>             | Approve          |
| <b>Date:</b>                       | 18 November 2024 |
| <b>Earliest date for decision:</b> | 26 November 2024 |

|                                                           |                                                                                     |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>Recommendation agreed by:<br/>(Authorised Officer)</b> |  |
| <b>Date:</b>                                              | <b>03.02.25</b>                                                                     |