

Information Item: Northdown House, 4 Station Road, Ashford, Kent, TN23 1PT

Introduction

1. On 28 September 2016, the Council received an application reference 16/01450/AS for the change of use of the upper floors of Northdown House from B1(a) offices to 20 flats falling within Class C3 (dwelling houses).
2. The application took the form of a prior notification seeking to establish whether approval for the change of use was required. The application was in accordance with the procedures set out in The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.
3. Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant parts in Schedule 2 to the General Permitted Development Order. For the purpose of this application, the relevant parts of the schedule are set out at Part 3, Class O.
4. Schedule 2, Part 3, Class O allows for the change of use of a building and any land within the curtilage from class B1(a) offices to class C3 dwelling houses subject to a number of criteria being met, and subject to the condition that before beginning the development, the developer must 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 and highways impacts of the development,
 - (b) contamination risks on the site,
 - (c) flooding risks on the site, and
 - (d) impacts of noise from commercial premises on the intended occupiers of the development,
5. When considering the above factors, the GPDO states that Local Authorities must have regard to the National Planning Policy Framework (NPPF) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Government guidance indicates that a local planning authority cannot consider any other matters other than those prescribed in each Class when determining a prior approval application.
6. In the case of application 16/01450/AS, officers concluded that prior approval was not required for the reasons set out in the Officers Assessment a copy of which is attached for Members information.

Issues for Consideration

7. Of concern throughout the determination of this application was the floorspace of the individual flats proposed, and the impact of this on the future occupiers of the flats.
8. Twenty residential units are proposed comprising five 2 bedroom 4 person flats, thirteen 1 bedroom 2 person flats and two studio flats. The plans originally submitted with this application indicate that the Gross Internal Area (GIA) for every flat would fail the Nationally Described Space Standards (NDSS). In accordance with the standards 2 bedroom 4 person flats should benefit from a minimum GIA of 70m² and 1 bedroom 2 person flats should benefit from 50m² GIA. There are no specific criteria relating to the size of a studio flat. However, applying the minimum standards for a 1 bedroom 1 person flat which is 39m² or 37m² with a shower room the studio would still fail. The table below illustrates the amount by which each flat would fail. The amount by which each flat would fail is significant.

Number of Units	Bedroom (B) / Persons (P)	Minimum GIA in accordance with NDSS	Gross Internal Floor Area (GIA) M ²	GIA shortfall M ²
1	2B/4P	70	58	12
4	2B/2P	70	37	33
2	1B/2P	50	34	16
4	1B/2P	50	33	17
1	1B/2P	50	32	18
6	1B/2P	50	30	20
2	Studio	39/37	29	10/8

9. In addition, the units do not benefit from any shared or private external space (such as balconies) which would fail Ashford Borough Council Space Standards.
10. As set out above, the application relates to a notification for prior approval and Schedule 2, Part 3, Class O of the GPDO does not allow the LPA to consider the size of floorspace and impact on future occupants. Despite this, the applicant was urged to reconsider the number of units proposed reducing the units to an amount which seeks to achieve accommodation which is much closer to the National Space Standards, thus improving the living conditions for future occupants.
11. Regrettably, despite officer's attempts to seek to improve the accommodation, the scheme remains as it was originally submitted. Amended plans were received from the applicant; however, all that differed on these plans was the removal of reference to the size of the accommodation proposed. A press extract (undated) was also included advertising development in the city of London, supported by a statement made by the applicant's agent indicating there is an increasing role for micro flats to play in the provision of new residential units, that they are becoming increasingly acceptable as part of the wider spectrum of residential development and that a recent development of 1

bedroom flats at 310sqft (29m²) in London, has proved very successful as it has a high spec finish coupled with sensible layouts that maximise every inch of available space. This additional information failed to allay officers concerns regarding the proposed accommodation.

12. Given Ashford Borough Council's pioneering approach to space standards and the substantial deficit in the proposed floor areas in comparison to established and adopted standards, officers felt that this matter should be brought to the attention of members so that they may consider any response they wish to make to Government.

13. Member's attention is drawn to a similar application for 19 flats which has recently been submitted reference 16/01729/AS relating to Tufon House, Tufon Street, Ashford, Kent TN23 1QN.

14. For Information