ALLEN PLANNING Ltd
Town Planning and Development Consultants

Wiltshire Council
Planning Department
Via Planning Portal Only

3rd January 2024

Dear Sirs

Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 4 apartments.
Site at Land Rear of 35 Rollestone Street, Salisbury SP1 1ED

This Prior Notification submission relates to the range of single storey buildings arranged in a U shape around three boundaries of the site previously used as an office and retail outlet for bathrooms/kitchens. It is proposed to convert these buildings into 4 apartments. A permitted development application to convert the two storey building on the Rollestone Street frontage of the overall site into 4 apartments is currently under consideration by the LPA.

This application is accompanied by a site plan and also the application forms together with proposed and existing detailed floor plans and also elevations. In addition, a refuse and cycle storage plan is also submitted as is a Flood Risk Assessment and the CIL forms.

These buildings fall within the City's Conservation Area and also a defined flood risk area and the general location of the site is shown below in Figure 1 below.



Figure 1 - General Site Location

To the south of the site lies the listed Pheasant Public House, situated on the corner with Salt Lane, and the overall site adjoins numbers 9 – 17 Salt Lane, which are in a mix of commercial and residential uses. To the west the site abuts the rear boundaries of properties from 16 – 22 Endless Street, again in a mix of business and residential uses.

Immediately to the north of the overall site, the site adjoins a residential development site where planning permission was granted in 2017 under reference 16/11599 for a development of 4 dwellings and associated access, parking and landscaping this development has not been completed.

Opposite the site, on the east side of Rollestone Street, the application site fronts onto terraced properties, mainly in residential use, and the Salt Lane public car park. The site is highly sustainable being within easy walking distance of all of the City's shops, public transport opportunities and other services. These buildings from Rolleston Street are shown below in Figure 2.



Figure 2 – Rollestone Street frontage

There is no material planning history on the site. Since the revisions to the UCO the land use of this collection of buildings would now fall entirely within Class E. There is no Article 4 Direction removing Part MA rights in this location. This application proposes the conversion of these buildings into 4 flats.

Permitted Development

Class MA of the amended General Permitted Development Order, which came into force on the 1st August 2021 states that a development consisting of would constitute permitted development: -

MA. 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.

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

The floorspace the subject of this application has been vacant for in excess of three months; indeed, its last occupation terminated over three years ago.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

The floorspace of the buildings proposed to be converted is 423m² and therefore well below the 1500m² limitation as set out in this criterion even if one were to include the existing application at No.35 itself.

(d) specifically preventing the aggregation of successive changes of use through separate acts

(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 is not covered by any of the above listed designations.

(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(**a**);*
(iii) the Broads;
(iv) a National Park; or
(v) a World Heritage Site;

The site is not covered by any of these listed designations

(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

The site is not occupied under an agricultural tenancy

(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.

Not the case with these proposals.

Conditions

This permitted development is also subject to conditions as identified in paragraph MA.2 namely that before beginning development under Class MA, 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 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; and
(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(**a**), the impact on the local provision of the type of services lost.*

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access".

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) 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

(a) Transport

The 4 flats are proposed on a "car free" basis given the highly sustainable nature of the site and as such there would be no change to matters of traffic generation.

In terms of on-site car parking the guidance of the revised NPPF in matters of sustainable development, transport and car parking advises at Paragraph 111 advises that if setting local parking standards for residential and non-residential development, policies should take into account:

a) the accessibility of the development;
b) the type, mix and use of development;
c) the availability of and opportunities for public transport;

d) local car ownership levels; and
e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 112 advises that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

In addition, paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Wiltshire Council produced a **Car Parking Strategy** in March 2011. The Council has set minimum parking standards however importantly Policy PS6 also provides the flexibility to allow for lower levels of provision where specific circumstances can be demonstrated. Paragraph 7.7 of the document states that the use of accessibility levels as a basis for the discounting of maximum parking standards is now an established policy among many local authorities. The Council has identified a process, following best practice, to apply such an approach to private non-residential developments in Wiltshire. Paragraph 7.8 adds the discounting process has two stages:

1. Assess the broad development location in terms of the spatial band in which it is located and apply a primary discount

2. Assess the actual site in terms of local accessibility to non-car modes of transport through the use of a questionnaire and apply a secondary discount based on the resulting questionnaire score.

In terms of local policy **Core Policy 61** of the Core Strategy addresses matters of Transport and new development advising:

New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

Policy 60 of the Core Strategy adds:

"The council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.
This will be achieved by:

i. Planning developments in accessible locations
ii. Promoting sustainable transport alternatives to the use of the private car
iii. Maintaining and selectively improving the local transport network in accordance with its functional importance and in partnership with other transport planning bodies, service providers and the business community

iv. Promoting appropriate demand management measures

v. Influencing the routing of freight within and through the county
vi. Assessing and where necessary mitigating the impact of developments on

transport users, local communities and the environment.
(our emphasis)

Policy PS6 in the LTP Car Parking Strategy allows for a reduced residential parking requirement where: parking demand is likely to be low; and where any parking overspill can be controlled. The site is in a very accessible location with good public transport links nearby and all of the City Centre amenities close at hand. The site is located in the heart of the City Centre within a short walking distance of public transport, shops, and employment opportunities and within reach of the City centre's various leisure amenities. It is also lies opposite to a large public car park at Salt Lane.

As set out above this is a central and sustainable location and perhaps one of the most sustainable possible locations within Wiltshire and clearly minimum parking standards can be "relaxed" without detriment to highway safety. Cycle and refuse storage facilities would be provided and overall, the development would not lead to any severe impacts upon the local highway network.

Salisbury Transport Strategy, Salisbury Central Area Framework and People Friendly Salisbury initiatives all have a common thread of reducing the need to travel by car and improving accessibility to other more sustainable travel modes within Salisbury. There is a strong emphasis on reducing traffic flows through Salisbury whilst encouraging walking, cycling and public transport use through measures such as infrastructure improvements, better facilities for pedestrians and priority schemes.

Both the recently updated national guidance, development plan policy and even the LPA's car parking supplementary document seek to promote alternative means of transport to the private car where locationally such is appropriate.

It is on that basis that the provision of a "car free" scheme for the four flats proposed with appropriate cycle parking and refuse storage on such a highly sustainable site would be entirely compliant with national guidance and the development plan. **Overall, therefore it is concluded that the proposed development would fulfil sustainable development planning policies and would avoid any adverse impacts upon the local highway network.**

(b) Contamination risks in relation to the buildings

Turning now to matters of contamination the site lies in an area where matters of land and ground contamination have not previously been raised in any permissions close to the site and it is therefore highly unlikely that these proposals would to lead to matters of contamination.

The application proposes the conversion of the existing buildings only with no "ground break" or indeed any alterations to the buildings' floors or elevations.

The buildings have been the subject of significant human work/habitation which have existed satisfactory with no issues of contamination.

In light of the above we therefore respectfully suggest that there are no material issues relating to the change of use proposed on matters of ground contamination.

(c) Flood Risk

The site lies within an area of defined flood risk and this application is thereby supported by a detailed Flood Risk Assessment. Whilst this recent assessment considered the

redevelopment of the entirety of the site for residential development it is nonetheless equally important in terms of the consideration of the conversion of these buildings, the subject of this application, to residential.

It is clear in terms of permitted development that matters of flood risk relates solely to the issue of site safety in terms of flooding and not to any other matters including "sequential test" and indeed regardless of that matter these proposals seek to change of use of a collection of existing buildings where no sequential test would be required in any event.

In terms of flood risk the report prepared concludes as follows:

"The proposed development is categorised as 'more vulnerable'. As the site is located in Flood zone 1 (i.e., low probability flooding), the proposed development is appropriate at this location. The site is located in close proximity to the River Avon with the risk of fluvial flooding.

According to the information available from the Local Authority's SFRA and the Environment Agency's historic flooding records, there were no records of flooding events at the site.

The Environment Agency's Flood Maps show that the site lies within the Flood Zone 1 (low probability flooding). Flood Zone 1 is an area where flooding from rivers is very unlikely. There is less than a 1 in 1000 chance of flooding occurring in any one given year (i.e. a less than 0.1% annual probability of flooding). The Environment Agency's flood risk map indicates that the site is located outside of the flood risk zone. However, part of the access road (i.e. Rollestone Street) is located in Flood Zone 2 (i.e. medium probability flooding). The access road is subject to a 'low' to 'medium' flood risk from the River Avon.

The overall risk of surface water flooding to the site is 'low'.

The flood risk from other sources including underground water, sewer and reservoir is low.

In order to minimise the damage and to enable quick recovery and clean up after the flooding event, it is proposed that flood resilient measures will be implemented. As the site is located within a flood zone area, it will be necessary to make sure that the occupants are fully aware of the flood risk and flood warning and evacuation during an extreme event. If necessary, during a flood event the first floor will provide a safe haven for the occupants.

The occupants are advised to utilise the Environment Agency's Flood Warning Service available near the site."

We therefore submit that the conversion of these buildings into four apartments would not result in any unacceptable impacts in terms of potential flood risk.

(d) Noise

In terms of the impacts of noise from commercial premises on the intended occupiers of the development, in this respect traffic noise cannot be an issue for consideration in Prior Notification applications under Part MA. When considering potential noise disturbance, the revised NPPF at 180 advises:

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local

environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

Paragraph 191 adds:

"191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"

The site lies within the town centre and is surrounded by associated mixed uses both in terms of commercial and a mixture of commercial and residential uses.

Whilst the site adjoins a public house (The Pheasant) there is no noise generating equipment on its rear elevation next to this building and the only area of open space outside of the public house building is contained within a small courtyard which fronts onto Salt Lane some distance from this building.

Opposite the site is a public car park and adjacent to this building is the vacant yard area of the overall site and beyond that a further vacant area which has planning permission for residential development.

On that basis it is submitted that the conversion of this building to residential development would not place intended residents at <u>an unacceptable</u> risk in terms of noise impacts from nearby commercial uses.

<u>(e) Conservation</u>

The site does lie within the City's defined Conservation Area and also seeks to convert the ground floors of these single storey collection of linked buildings and on that basis, Part MA requires the impact of the change of use on the character and sustainability of the conservation area to be assessed.

Importantly this part of the Conservation Area has a mixture of uses within it and in this part of Rollestone Street the predominant land use would be residential. In this respect not only are there a number of residential terraced properties within the street but the vacant site to the north also has residential planning permission.

On the basis of the above it is submitted that the conversion of these buildings, which are set towards the rear of the site, to residential would not harm the character of this part of the Conservation Area.

In terms of the sustainability this part of the conservation area does not contain any town centre type uses such as shops and restaurants which would add to the sustainability of the conservation area itself.

These buildings have been vacant for a number of years adding nothing to the sustainability of the area and it is submitted that their conversion to residential would not harm the sustainability of this Conservation Area or indeed for that matter the wider City centre.

(f) Adequate Natural Light

This criterion requires an assessment in terms of each flat to be created relating to the provision of adequate natural light to proposed habitable rooms.

The existing windows serving each of the proposed flats are shown on the proposed floor plans and each habitable room possesses at least one window serving that space. The flats have been designed to utilise all of the existing fenestration of these buildings.

Given the above assessment it is submitted that the proposed development would provide adequate natural light into all of the habitable rooms of all 4 of the dwellings proposed.

(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 does not lie within such an 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 2006(**a**), the impact on the local provision of the type of services lost.

In this case none of the land use involves a registered nursery or a health centre.

Apartment sizes

A further requirement of prior notification is that each flat proposed must achieve the minimum size standards as set out below:

. In article 3, after paragraph (9) insert—
"(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(**a**).*

(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 terms of the above we therefore assess this proposed dwelling against the NDSS standards.

The 4 flats proposed comprise a mixture of types as set out in the accommodation schedule on the following page.

unit	floor area (sqm)		built-in storage (sqm)	no. of bed spaces (persons)
5	75 sqm	807 sqft	3.6	2b3p
6	84 sqm	904 sqft	3.9	1b2p
7	176 sqm	1894 sqft	5.0	2b4p
8	88 sqm	947 sqft	2.5	1b2p
total	423 sqm	4,552 sqft		

accomodation schedule

On the basis of the above accommodation schedule all four of the flats proposed would exceed the prescribed NDSS size requirements.

Part M.2.A requirements

Paragraph M.2A.(1) requires that the following provisions apply where a developer is required under paragraph M.2(f) to make an application to a local authority for a determination as to whether the prior approval of the authority will be required.

Sub paragraph (2) advises that the application must be accompanied by—
(a) a written description of the proposed development;

a detailed description of the proposal is set out on the application forms and within this covering letter as the conversion of this floorspace as set out on the proposed plans into 4 apartments.

(b) a plan indicating the site and showing the proposed development;

a plan indicating the location of the site and the floorspace within the buildings proposed to be converted accompanies this application.

(c) drawings prepared to an identified scale and showing—

the drawings have been prepared to an identified scale and show the detailed internal layout of the proposed dwellinghouses including window position and sizes.

(i) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and

(ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;

It is not proposed to extend, alter or erect buildings on the site

(d) a written statement in respect of the heritage and archaeological considerations of the development;

The site does lie within a conservation area and as a result of this Statement assesses the impact of the change of use proposed on both the character and sustainability of the conservation area itself.

(e) the developer's contact address;

Rollestone Street Ltd c/o Allen Planning Ltd, The Old Fire Station EC, Salt Lane, Salisbury, SP1 1 DU

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

Rollestone Street Ltd c/o Allen Planning Ltd– tony.allen@allenplanning.co.uk

(g) any fee required to be paid.

The fee of £500 will be paid via the planning portal.

Conclusions

In light of the information contained within this letter we submit that the change of use of these buildings as identified on the proposed plans to **form 4 apartments** from their permitted Class E use is wholly in accord with Class MA of the amended General Permitted Development Order and the Prior Notification Procedure.

If the Council require any further information, then please do not hesitate to contact me.

Yours sincerely

anthony allen

Mr A.M Allen
Managing Director