Wiltshire Council

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

Prior Approval Part 3, Class MA: Commercial, business and service uses to dwellinghouses - Prior Approval Granted

Application Reference Number: PL/2023/09545

Decision Date: 21 February 2024

Applicant:	Ms E Maurin Rollestone Street Ltd, C/O Agent
Particulars of Development:	Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 4 apartments
At:	35 ROLLESTONE STREET, SALISBURY, SP1 1ED

The local planning authority has determined in this case that its prior approval will be required will be required in respect of the transport impacts of the development and flooding risks in relation to the building and that this prior approval is **GRANTED** subject to the following condition(s):

Conditions: (3)

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Plan Reference: 0092-pd003 _ existing ground floor plan
Plan Reference: 0092-pd002 _ existing site plan
Plan Reference: 0092-pd004 _ existing floor plans
Plan Reference: 0092-pd006 _ existing elevations
Plan Reference: 0092-pd007 _ existing elevations
Plan Reference: 0092-pd001 _ location and block plans
Plan Reference: 0092-pd005b _ units 1 - 4 _proposed floor plans, received by this office 18/01/2024
Plan Reference: 0092-pd007 _ units 1 - 4 _proposed floor plans _ showing dimensions, received by this office 18/01/2024
Document Reference: Flood Risk Assessment
Document Reference: Clement Acoustics External Building Fabric Report (18845-EBF-01) dated 12/01/2024 and clarified by Clement Acoustics Technical Note, dated 01/02/2024 (confirming that acceptable internal noise levels would be achieved without any new external façade elements in Section 8.0).
REASON: For the avoidance of doubt and in the interests of proper planning.

2 The dwellings hereby approved shall not be first occupied until the cycle parking has been provided and laid out ready for use in accordance with approved plans. The cycle parking shall not be used other than for the parking of cycles in perpetuity.
REASON: To ensure that satisfactory facilities for the parking of cycles are provided.

3 The development shall be completed in accordance with the Flood Resilient Mitigation Measures and Flood Warning and Evacuation Flood Mitigation measures outlined in sections 6.2 and 6.3 of the Flood Risk Assessment.
Reason: In the interests of managing flood risk.

Informatives: (7)

Regulation 77 of the Habitat Regulations:

The Applicant is reminded that the site is situated within the catchment of the River Avon Special Area for Conservation and within the New Forest 13.8km Internationally protected sites zone of influence and therefore has potential to have an adverse effect upon the integrity of these European sites. Regulation 75 of the Habitats Regulations states that it is a condition of any planning permission granted by the Town and Country Planning (General Permitted Development) Order that development which is likely to have a significant effect must not begin until the developer has received written notification of the approval of the local planning authority under Regulation 77. The approved permitted development cannot be lawfully commenced until an application under Regulation 77 of the Habitats Regs has been made and approved by the local planning authority. The purpose of the Regulation 77 application is, therefore, to enable the local planning authority, along with the appropriate nature conservation body, to make the Appropriate Assessment of the implications for the European site(s). The local planning authority can then only approve the Regulation 77 application if it is satisfied that the development would not adversely affect the integrity of the site(s).
More details are available on the council's website:
https://www.wiltshire.gov.uk/article/3586/Planning-permission

Standard conditions:

The applicant's attention is drawn to the standard conditions under MA.2 (5) and (6):
(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.

Extent of development permitted under Class MA & External alterations:

The developer is reminded that permitted development under Class MA only permits the change of use of a building and any land within its curtilage and does not include any provisions for any building or other operations and planning permission would be required for any such development.

No external alterations are permitted under Class MA (and there are also no permitted development rights applicable once Prior Approval is granted). Therefore, planning consent would be required for external alterations including changing the doorway on

the north elevation of the building to unit 2. The new façade elements referred to in Section 8.0 of the External Building Fabric Report are also not approved by this prior approval application and would need separate consent. Flood mitigation works which affect/alter the external appearance of the building would also require separate consent.

Groundwater flood risk:

The site is identified to be at high risk of flooding from groundwater in the Strategic Flood Risk Assessment. The applicant may wish to consider/incorporate flood mitigation measures (which may require separate planning approval).

Works to Highway – Consent Required by Highway Authority:

Any obstruction of or damage to the public highway were it to occur is covered under other legislation (Highways Act) and the highways authority recommend that details of construction vehicle routing, construction staff vehicle parking areas within the site are considered to ensure this does not occur. Local road cleaning, and measures to prevent excessive mud and dust being deposited on the public highway during construction works are also requirements under the Highways Act.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Statutory nuisance:

The applicant should be aware that Councils must investigate complaints about issues that could be a 'statutory nuisance' (a nuisance covered by the Environmental Protection Act 1990 and Control of Pollution Act 1974). If a complaint of statutory nuisance is justified a legal notice can be served upon the person responsible, occupier or owner of the premises requiring that the nuisance be abated.
In light of this legislation, the Public Protection team recommend you will need to consider how noise & dust will be controlled during the construction phase. The Council recommends that noisy activities should not be carried out on site, outside the following hours: Monday to Friday 08.00 - 18:00, Saturday 08:00 - 13:00, Not at all on Sundays or Bank Holidays.

Dorset & Wiltshire Fire and Rescue Service Fire Safety Advisor comments:

This application falls within the area for which Dorset & Wiltshire Fire and Rescue Service is responsible for delivering an operational and emergency response.

Building Regulation Matters
In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as

appropriate.

The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas:

• Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010
• Recommendations to improve safety and reduce property loss in the event of fire

Recommendations Identified under B5 of Approved Document B
Summary
At this stage of the planning application Dorset & Wiltshire Fire and Rescue Service is required to make comment relating to section B5 of Approved Document B. Essentially, this relates to the provision of reasonable facilities to assist fire fighters within the building and to enable fire appliances to gain access to the building.

Complying with these requirements, in advance of the formal Building Regulations consultation process, will assist during that process and are made without prejudice to it.

Access and Facilities for the Fire Service
Consideration is to be given to ensure access to the site, for the purpose of fire fighting, is adequate for the size and nature of the development.

Water Supplies for Fire Fighting
Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of this Authority on the location of fire hydrants.

The proposed development should be served by the necessary water supply and fire hydrants for use in the event of fire. It is important these requirements are established prior to the commencement of development. This ensures a fire fighting water supply is in place during the construction phase, hydrants are connected at the right locations, at the right time and the cost is covered by the developer.

Recommendations to improve safety and reduce property loss in the event of fire
Dorset & Wiltshire Fire and Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may become so during the formal Building Regulations consultation process and are made without prejudice to that process.

Domestic Sprinkler Protection
A core objective of the Dorset & Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties. Residential sprinklers are not new and, although a British invention, significant developments have been made in the United States, Australia and New Zealand. In these countries there are whole communities with such installations and a zero fatality rate from domestic fires where a sprinkler system is installed. The following information

may be of interest to you:

- Sprinklers work from a standard main, although a 32mm connection is required
- Are inexpensive to install, particularly in a new building
- Do not activate by accident causing unwanted damage
- Only operate through individually activated heads, not the whole system
- Are not unsightly as they fit flush to the ceiling behind a flat cover
- Cause less water damage in a fire than normal fire fighting operations
- Significantly reduce fire and smoke damage
- If you would like more information on these systems please contact this Authority.

Fire Warning Systems in Communal Areas of Purpose-built Flats
Fire detection and alarm systems are not normally provided in the communal parts of purpose built blocks of flats, as these areas should be kept sterile. However, such systems may be required in exceptional circumstances, or when identified by the fire risk assessment. The on-going ability to adequately manage the system must also be considered.

Fire detection may also be required to operate automatically opening vents or magnetically locked fire exit doors, for example, but these may not incorporate a means to warn the occupants of the flats in the event of a fire.

A fire detection system provided in the communal parts must comply with BS5839 Part 1.

Parvis Khansari - **Corporate Director, Place**