



**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/2023/10405

Decision Date: 30 May 2024

Applicant: Lainston Securities
3-7 Lainston Securities , C/O Agent

Particulars of Development: Prior Approval Part 3, Class MA - Conversion of the second, third and fourth floors to provide a total of 11no. self-contained C3 flats including the creation of an entrance at ground floor level and including refuse and cycle storage

At: 3 - 7 NEW CANAL, SALISBURY, SP1 2AA

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

Conditions: (4)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing No: 1679-P-101 Rev D Plans as Proposed, dated 15/05/2024, received by this office 15/05/2024
Drawing No: 1679-P-104 Rev A Rear Elevation as Existing/Proposed, dated 02/05/2024, received by this office 03/05/2024
Drawing No: 1679-P-105 Side Elevations as Existing/Proposed, dated February 2024, received by this office 07/02/2024
Drawing No: 1679-P-102 Rev A Plans as Proposed, dated 24/01/2024, received by this office 30/01/2024
Drawing No: 1679-P-01 Rev B Plans As existing, dated 17/11/2023, received by this office 27/11/2023
Flood Risk Assessment - 1679- FRA, received by this office 27/11/2023
Drawing No: 1679-P-02-A Existing 1st, 2nd, 3rd & 4th Floor Plan, dated 10/11/2023, received by this office 27/11/2023
Drawing No: 1679-P-03 Existing Front Elevation, received by this office 27/11/2023
Drawing No: 1679-P-103 Shop front as Proposed, dated 29/01/2024, received by this office 30/01/2024
REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall not be first 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.
- 3 The flats hereby approved shall not be first occupied until a Flood Warning and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority and then implemented.
REASON: To ensure that owners and occupiers of the property are aware that the land is at risk of flooding and the appropriate course of action to be taken in the event of a flood event.
- 4 The flats hereby approved shall not be first occupied until the works approved under PL/2023/10277 (Alterations to existing shopfront to provide independent entrance doorway to serve the upper floors of accommodation) have been completed in accordance with the approved plans.
REASON: To ensure that the dwellings can be accessed independently.

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/Planningpermission>

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.

Noise mitigation measures:

The Apple Environmental Acoustic Report, dated April 2024, demonstrates that future occupiers of the dwellings may be adversely impacted by road traffic noise on New Canal and recommends replacement windows or secondary glazing plus mechanical ventilation. The Public Protection department therefore strongly recommends, in the absence of a full planning application for replacement windows, suitable secondary glazing (to achieve reduction of at least 30dB) and mechanical ventilation is installed on all habitable rooms (Including open plan kitchen/ living/ dining rooms) facing New Canal to minimise the adverse impact of road traffic noise on future occupiers.

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). Replacement windows are 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.

Flood Warning & Evacuation Plan:

See Planning Practice Guidance available from <https://www.gov.uk/guidance/flood-risk-and-coastalchange#para47> and ADEPT/EA Flood Risk Emergency Plans for New Development | ADEPT (adeptnet.org.uk)

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).

Dorset & Wiltshire Fire and Rescue Service:

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.

Fire Safety Legislation

Once constructed and put to use, commercial premises will be subject to the Regulatory Reform (Fire Safety) Order 2005. Further information can be found on the Dorset & Wiltshire Fire & Rescue Service website, where published guides are available to download.

Parvis Khansari - Corporate Director, Place

