

DELEGATED REPORT

Application Reference:	PL/2025/09973
Application Type:	Prior Approval Part 3, Class MA: Commercial, business and service uses to dwellinghouses
Site Address:	PORTWAY HOUSE, OLD SARUM PARK, OLD SARUM, SALISBURY, SP4 6EB
Proposal:	Schedule 2 Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order (as amended) 2015 Prior Approval for the change of use of Class E space to form 20 apartments (Class C3).
Recommendation:	Prior Approval is Refused

SITE DESCRIPTION/CONTEXT

The application site is one of a remaining group of buildings of the former Army School of Cooperation complex in the Administrative area of Old Sarum Airfield and Conservation Area. It is an existing office/workshop building formerly occupied by Wessex Archaeology and is within the settlement boundary for the Principal Settlement of Salisbury in the Special Landscape Area. The area is also designated as a Principal Employment Area (PEA). The site lies within the Area of Special Archaeological Significance. The Old Sarum House to the south east is Grade II listed.

The site is within Flood Zone 1 and no other sources of flood risk are identified by the 2024 SFRA. Portway is a Class C adopted highway. The site is within the New Forest Protected Sites 15km Recreation zone of influence and the River Avon Hampshire SAC which are protected sites for the purposes of para 11 of the NPPF.



Site Location Plan



Front Elevation photo

As can be seen in the above elevation photo, this site consists of a two storey brick building that was formerly in B1 (office and workshop use). It is accessed from Roman Road via Old Sarum Park and Lysander Road. There are 60 available on site parking spaces with 25 secure cycle spaces. Shared amenity space is available on site.

PROPOSAL:

The application is put forward in line with the provisions of Class MA of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), which allows the change of use of commercial, business and service uses to dwellinghouses. This is a

prior notification application proposing the change of use of Class E space to form **20 apartments** (Class C3).

Existing access arrangements would remain unchanged. However, the submitted plans show demolition of a small lean to extension to the south west elevations, and other minor changes to windows, but separate consent is required for these works as Class MA does not permit physical alterations to buildings.

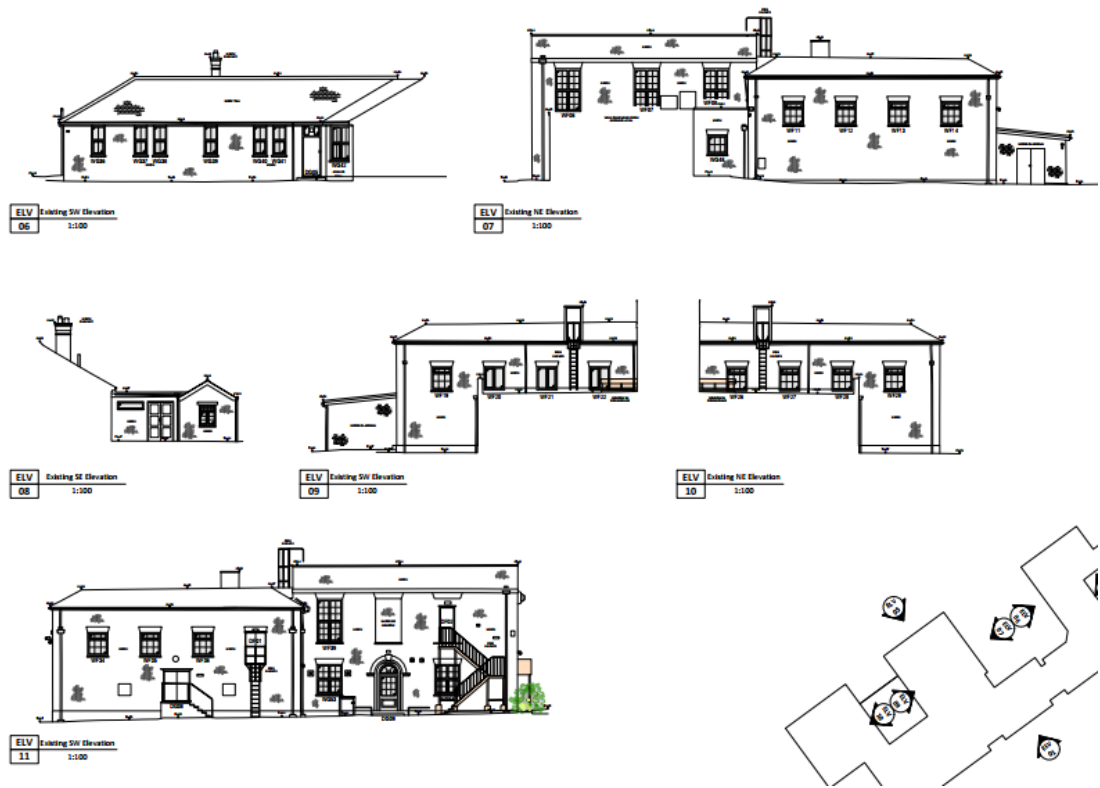
Existing:



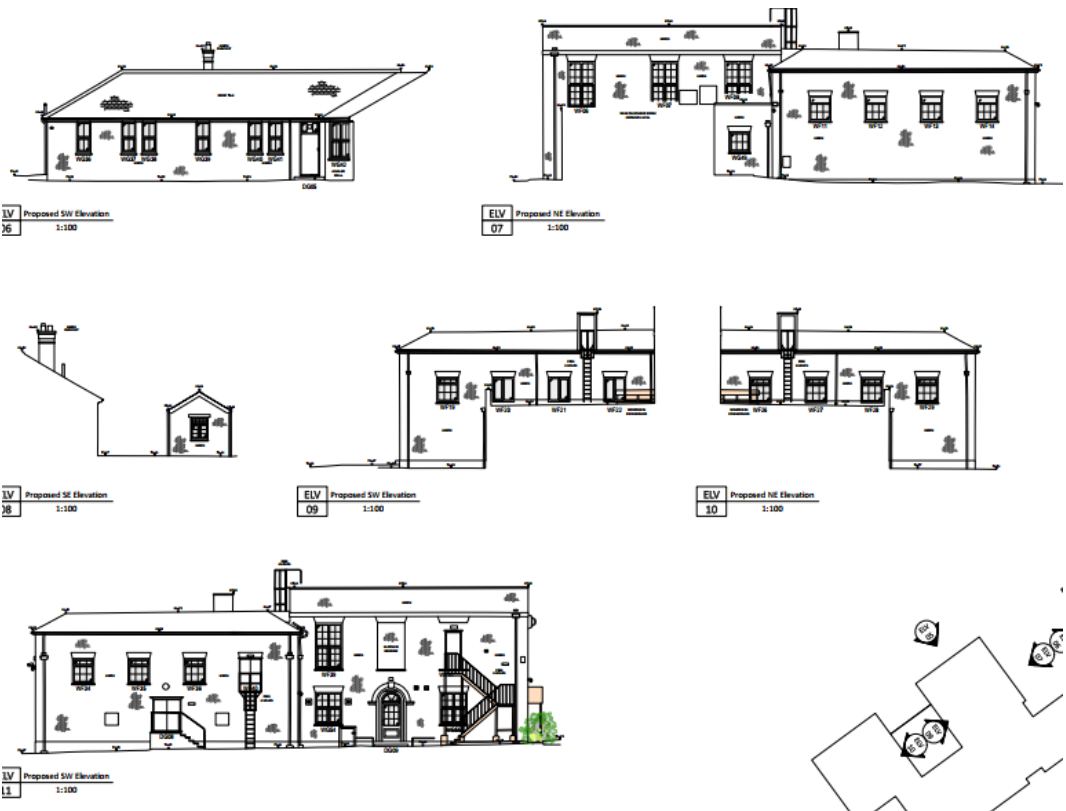
Proposed:



Existing:



Proposed:



RELEVANT PLANNING HISTORY:

S/1987/1188 Change of use from military use to workshops and offices for archaeological purposes Approved

S/1999/0637 Single storey extension (linking the two original buildings) Approved 16/06/1999

S/1999/1363 temporary vehicular access onto Portway Road Approved

S/2011/0351 Replacement windows in Portway House Approved

15/07952/FUL Install new pitched roof over existing flat roof for main office block Approved 16/12/2015

18/07607/FUL Temporary siting for 5 years, of a two storey modular building to provide temporary office space during the refurbishment of Portway House. Approved

PL/2021/07335 Variation of condition 2 for application 18/07607/FUL - Temporary siting for 5 years, of a two storey modular building to provide temporary office space during the refurbishment of Portway House. Approved with conditions

PL/2023/07368 and PL/2024/00102 for works on the airfield and to Hangar 3

POLICIES:

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

Town & Country Planning (Permitted Development) (England) Order 2015 (as Amended) (GPDO)

From the point of view of the historic environment the main statutory tests are set out within the **Planning (Listed Buildings and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP)** require that **special regard** be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires the Council to pay **special attention** to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 212-5 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 210 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

Wiltshire Core Strategy 2015

Core Policy 58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Core Policy CP57 'Ensuring high quality design and place shaping': A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Core Policy 25 sets out the development principles for Old Sarum Airfield.

Core Policy 35 sets out the retention criteria for B1, B2 and B8 uses in the Principal Employment Area for Old Sarum

Other: Old Sarum Airfield Character Appraisal and Assessment of Eligibility for Conservation Area Designation, August 2006, Atkins

PRIOR NOTIFICATION PROCESS:

Permitted development rights are a national grant of planning permission which allow certain changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations. In some cases the permitted development right will require the Local Planning Authority to approve certain matters (a process generally referred to as 'prior approval').

Class MA of Part 3 of Schedule 2 to the GPDO permits the change of use of a building and any land within its curtilage from a use falling within Use Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a use falling within Use Class C3 (dwellinghouses) of Schedule 1 of the Order. As is stated above, this application thus seeks the change of use of a building approved for sui generis use as offices and workshops to a residential use to form 20 apartments and the application for prior approval has been submitted on that basis, for consideration against the provisions of Class MA of the GPDO.

In accordance with Class MA condition MA.2, before beginning the development the applicant is required to 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;
- (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, the impact on the local provision of the type of services lost; and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

The provisions of Paragraph W of Part 3 of the GPDO are also relevant to this process as it sets out the requirements for the submission and the procedure for applying for prior approval. It states that the **Local Planning Authority must have regard to the National Planning Policy Framework in so far as it is relevant to the subject matter of the prior approval**, although there is no requirement to have regard to the development plan in the consideration of such an application (officer emphasis).

REPRESENTATIONS:

Conservation - Objection

Public Protection – Objection

Highways – No Objection

Natural England – Nutrient neutrality and HRA required (*officer note – this matter is covered separately by Reg 77 of the Habitats Regulations for prior notifications*)

Laverstock and Ford Parish Council – Object

Laverstock and Ford Parish Council OBEJECT to this application due to noise from adjacent industrial sites, inadequate access and parking for 20 units, the fire risk from close industrial units as evidenced by a recent fire and the change of character of the conservation area.

Third parties – 3 letters of objection on the following grounds:

- Highways and parking matters, residential amenity and noise, introduction of residential use into PEA, loss of employment, unsuitable use within an industrial estate and lack of safety.

ISSUES:

The main considerations which are material to the determination of this application are listed below:

- Whether the proposal constitutes permitted development
- Whether the prior approval of the Local Planning Authority is required

If the proposals are considered to satisfy the provisions of Class MA, this effectively confirms that the proposed conversion of the building into residential units is permitted development and does not need planning permission. The “principle” for the proposed change of use is therefore established by government legislation granting permitted development rights for certain changes of use. The Local Planning Authority can only consider the acceptability of the detailed scheme against the very limited criteria set out in Class MA.

PLANNING ASSESSMENT:

As is identified above, Class MA of the GPDO confirms that ‘*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*’, is permitted development.

Whilst currently unoccupied, the existing building’s last use was as B1 (offices and workshops relating to archaeology) which subsequently became Use Class E(g). This part of the GPDO is therefore applicable to its proposed change of use to a Class C3 Residential use.

There are also a number of caveats to this general acceptability set out in paragraphs MA.1, MA.2 and MA.3 of this Class. These are assessed below.

Paragraph MA.1 Permitted Development Criteria:

Paragraph MA.1 of this Class confirms that Development is not permitted by Class MA:

(a) Criterion Deleted 2024

- (b) unless 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;**

Subparagraph (2) confirms the classes mentioned in sub-paragraph (1)(b) are –

- (a) the following classes of the Schedule as it had effect before 1st September 2020—**
- (i) Class A1 (shops);**
 - (ii) Class A2 (financial and professional services);**
 - (iii) Class A3 (food and drink);**
 - (iv) Class B1 (business);**
 - (v) Class D1(a) (non-residential institutions – medical or health services);**
 - (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);**
 - (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink);**
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2)**

The history section above shows that the 1987 consent was for a mixed use of workshops and offices for archaeological purposes. At the time, workshops may have been considered to fall under use classes B1 and/or B2 depending on the activity. Photographic evidence has been submitted with the application to show the internal layout and type of activities that have taken place within the building. It is evident that any workshop use has been very light, administrative in character and highly probable that it would have fallen within Use Class B1 as light industry with the office use. The LPA has no evidence to suggest that the building has been in Class B2 use.

The provisions of Class MA require the building to fall 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. It is considered highly likely, on the balance of probabilities, that the building fell within Use Class B1 before Sept 2020 and Class E after 2020 to the present day, and so meets the requirements of this criterion.



- (c) Criterion Deleted 2024**
- (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 does not form part of a Site of Special Scientific Interest (SSSI). The building is not listed and does not sit within the curtilage of a listed building. The site is not a scheduled ancient monument (SAM) or within the curtilage of a SAM. The site is not within a safety hazard area and does not form part of a military explosive storage area. The proposals therefore comply with the restrictions set out in this criterion.

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

The site and building that is the subject of this application are not in an Area of Outstanding Natural Beauty (AONB)/National Landscape; are not in an area specified by the Secretary of State as part of the Wildlife & Countryside Act 1981; and are not in the Broads; a national park; or World Heritage Site (WHS). The proposals therefore also comply with the restrictions set out in this criterion.

- (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**

There is no indication that the site is occupied under an agricultural tenancy and therefore the proposals satisfy this criterion.

- (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.**

No applications under Class O of the GPDO have ever been submitted for this site/building and no Article 4 directive has been issued that concerns this site or building. This criterion is also therefore satisfied.

The proposals therefore satisfy the permitted development criteria and could benefit from this permitted development right provision under Class MA.

Paragraph MA.2 Prior Approval criteria:

Paragraph MA.2 of the Class confirms that before any such development occurs, the developer must apply to the Local Planning Authority for a determination as to the potential impacts of the development on transport, contamination, flooding, noise and conservation areas. It also confirms that such development must be assessed with regard to the amount of natural light that is afforded to the new units; any potential conflict between uses if the new residential development is to be introduced into a wider industrial site; if the proposals involve the loss of important services; and whether it meets fire safety requirements. This paragraph also confirms that such a prior notification application must not be

submitted prior to 1st August 2021 and states that Class W of the GPDO is relevant to the Local Planning Authority's prior approval considerations.

Paragraph MA.2 confirms that any such successful prior notification development must be completed within a period of 3 years starting with the prior approval date; and that any building permitted to be used as a dwellinghouse under this Class must 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.

Paragraph MA.3 provides interpretations of fire safety for the MA.2 assessment.

In considering whether prior approval is required, the Local Planning Authority must have regard as to whether the development would result in adverse impacts on the following matters:

(a) transport impacts of the development, particularly to ensure safe site access:

The highways officer has raised no objection:

Access and parking

The access serving the site is via a series of industrial estate roads within Old Sarum Park which junction onto Portway. The application indicates that access to the site would continue to be served from the existing vehicular access from Lysander Road. It is, however, understood that the applicant has a wholly separate planning application to serve the site from a new access from Portway, under application PL/2026/00652. Such access would provide a better relationship between the proposed residential use and other residential areas and facilities served from Portway. This comment is based solely on the access arrangements proposed under this Prior Approval submission; any alternative access under PL/2026/00652 will be assessed separately.

The industrial estate roads within Old Sarum Park have footways to both sides of the carriageway and the access roads are lit, which offer safe access for pedestrians. There is no separate provision for cyclists. Whilst the location of the site, and its means of access, is industrial in nature, there are no highway safety or capacity reasons to object to the proposed change of use.

It is advised that there are 60 existing parking spaces within the site which would be available for parking for the residential units, which based on the suggested size of the flats would be more than sufficient. It is also advised that covered and secure cycle parking would be available within a "Shared Facilities" building, which would provide sustainable travel options. For the purposes of Part MA Prior Approval, the proposed change of use is not considered to result in unacceptable transport or highway impacts.

Having regard to the above, it is considered that the use of the buildings could be reasonably changed from commercial to residential, and therefore no highway objection is raised.

No objections have been raised under criterion (a) in this regard accordingly.

(b) contamination risks in relation to the building:

The Council's Public Protection Team has not identified any known contamination risks associated with the building and no objections have therefore been raised in this regard. It is not therefore considered that the potential contamination risks are a concern.

(c) flooding risks in relation to the building:

There are no identified sources of flood risk for the building. This criterion is satisfied.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

The site is located within the Old Sarum Principal Employment Area, which supports a range of B1 (now E(g)), B2 and B8 uses:



The Council's Public Protection Team has considered the potential impacts of noise on future occupiers and objected:

I have reviewed the submitted Noise Impact Assessment (NIA) completed by Hayes MacKenzie, having regard to the Wiltshire Council Planning Consultation Guidance Note on Noise and Vibration (October 2023), the Noise Policy Statement for England, BS 8233:2014, BS 4142:2014+A1:2019, and the Professional Practice Guidance on Planning & Noise (ProPG).

Whilst the NIA provides a detailed description of the existing acoustic environment, Public Protection has significant concerns that the proposal fails to demonstrate that acceptable living conditions can be achieved for future occupiers, particularly in relation to night time noise impacts from surrounding commercial activity.

Night time Maximum Noise Levels (LA_{max})

The NIA identifies an exceptionally high frequency of night time maximum noise events. Analysis of external measured data shows between 165 and 270 occurrences per night exceeding 45 dB LA_{max}, even after applying a 2 kHz low pass filter to remove the influence of birdsong. These figures are substantially in excess of the >10 events per night threshold referenced within ProPG as indicating more than a negligible risk of sleep disturbance.

The magnitude and regularity of these events demonstrate that the site is subject to a highly disturbed night time noise environment. While the report concludes that internal LA_{max} levels could be reduced to an acceptable level through the assumption of approximately 20 dB façade attenuation, this conclusion relies on closed windows and acoustically rated ventilation and does not address the suitability of the site in its existing external noise context.

Wiltshire Council's Noise and Vibration guidance places particular weight on night time noise disturbance and seeks to avoid developments where future occupiers would be exposed to frequent LA_{max} events, especially where mitigation depends predominantly on building envelope measures. In this case, the number of recorded LA_{max} exceedances is considered to represent an unacceptable risk of sleep disturbance.

Identification and Control of Noise Sources

Although the NIA refers to early morning commercial vehicle movements, intermittent mechanical plant noise and general activity within the surrounding commercial estate, it does not robustly identify or apportion the sources responsible for the very high number of LA_{max} exceedances recorded. Only a small number of discrete HGV events are evidenced within the survey period, and the report does

not demonstrate how these limited observations account for the hundreds of exceedances identified per night.

The absence of clear source identification and quantification limits confidence in the conclusions drawn and prevents meaningful consideration of whether impacts could be mitigated at source or through operational controls.

BS 4142 – Commercial and Industrial Noise

The BS 4142 assessment undertaken within the NIA identifies that early morning HGV activity could give rise to night time rating levels approximately 20–21 dB above background, which the standard indicates as representing a significant adverse impact. While the report states that this outcome informs the need for façade mitigation rather than site unsuitability, Public Protection considers that such a substantial exceedance above background, occurring during the night time period, raises serious concerns regarding the compatibility of residential use with the surrounding commercial environment.

The assessment also acknowledges that commercial activities could reasonably occur more frequently than observed during the survey, representing a credible worst case scenario.

Average Internal Noise Levels (LAeq)

The NIA confirms that measured night time ambient noise levels would exceed BS 8233 internal criteria without mitigation, and that compliance is achieved only through assumed façade attenuation. Wiltshire guidance is clear that reliance on sealed façades and alternative ventilation should not be the primary means of addressing noise impacts where frequent disturbance from established sources is present, particularly in quieter night time environments.

Mitigation Hierarchy and Agent of Change

The proposal introduces a highly noise sensitive residential use into an established commercial area. The mitigation strategy relies almost entirely on façade attenuation measures, with no meaningful consideration of source control, operational restrictions, or wider site based mitigation. This approach does not align with the mitigation hierarchy set out in ProPG or with Wiltshire Council's expectations for good acoustic design.

Public Protection is also concerned that the proposal would increase the likelihood of future noise complaints from residents, placing unreasonable pressure on existing lawful commercial operations, contrary to the principles of the agent of change.

The submitted Noise Impact Assessment demonstrates that the site is affected by frequent and significant night time noise disturbance, including a very high number of L_{Amax} exceedances, substantial BS 4142 rating level exceedances above background, and average noise levels requiring mitigation. The assessment does not clearly identify or control the sources of disturbance and relies predominantly on façade based mitigation to achieve internal compliance.

In the opinion of Public Protection, the information submitted does not demonstrate that acceptable living conditions can be achieved for future occupiers in accordance with Wiltshire Council guidance, ProPG, BS 8233, BS 4142, or the Noise Policy Statement for England and we therefore recommend refusal of this application.

The proposals are therefore considered to fail this criterion. There is potential for significant impacts of noise from adjacent commercial activities for the amenities of the future occupants of the proposed dwellings under criterion (d).

(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;***

The site forms part of the Old Sarum Conservation Area:



The Conservation officer has considered the submission and objected as follows:

Class MA (MA.2(2)(e)) provides that where a site lies within a CA and conversion of the ground floor is proposed, the LPA shall consider 'the impact of that change on the character or sustainability of that area'.

Site and assets considered:

Portway House sits within the Old Sarum Airfield Conservation Area, immediately to the east of the grade II listed former Station Headquarters and to the north east of Hangar 3, one of a grade II listed group of Belfast truss hangars and workshops. The building forms part of the Administrative character area of the CA, as described in the 2006 designation report (Atkins). The airfield's historic buildings all sit parallel with the Portway, the Roman road from Old Sarum to Silchester.*

Wessex Archaeology occupied the Army School of Cooperation complex in the Administrative Area and it was built between 1935 and 1936. The area was originally occupied by WWI administration and domestic buildings, prior to the business park development, but now only retains the Expansion Period station headquarters, the sick quarters / infirmary and Army School of Cooperation buildings.

Assessment

A detailed heritage statement has been provided, setting out the history of the buildings of the site and the nature of their uses. The buildings form a close group with the Station HQ to the west and are of related 'RAF expansion period' architectural design. The main block, with its two attached 'Haskard' ranges, has remained in office use since construction as the Army Co-operation School Building in 1936. The eastern block was the infirmary and of similar date.

The CA as a whole comprises the historic airfield with its various functional areas (Administrative, Flying, Technical, Domestic). The 2006 appraisal notes that the Administrative area has suffered the most loss of its airfield-related buildings, and much of this area is now occupied by modern industrial units/warehouses. A post-MOD boundary fence divides the application site from the Station HQ and

interrupts the airfield's principal road. The avenue of trees lining this road, with only a few losses, makes a positive contribution and provides a degree of visual continuity that counteracts the modern fence. The buildings make a positive contribution to the character and appearance of the CA and the setting of the Station HQ. The external changes proposed are very limited, other than the removal of the temporary enclosures of the previous occupier.

The proposed change of use would introduce a residential use into an otherwise entirely commercial area, and see an end to the long-term administrative use of the building. The comings and goings of people during the daytime and overnight vacancy would be reversed, with this then being the only building occupied overnight. Public perception of an office building is very different from that of residential blocks, which are by nature inaccessible and forbidding. The loss of the more accessible public use would by itself fail to preserve the character of the CA.

The COU would raise another concern with regard to the future viability of other buildings in the CA, due to the potential for noise complaints about the occupiers of existing airfield buildings, such as the hangar very close to the southern corner of the site. It would be extremely unfortunate if residents were to gain leverage over flying or any other noisy airfield activity.

I am not fully conversant with the marketing of the site with regard to the potential for another office use but would hope to see convincing evidence to support a change of use. Ultimately, the building needs to be reused and, to some degree, any use that retains the building in its largely unaltered external form is positive, however the COU would be a permanent arrangement with no realistic possibility of reversion to office, and this should only be considered with near-absolute certainty that there are no less harmful alternatives.

Summary & conclusion: *The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.*

The change of use would fail to preserve the character and significance of the Old Sarum Airfield CA, contrary to the aims of the PLBCA Act 1990, NPPF and CP58 and is considered to be inadequately justified.

The proposals are therefore considered to fail this criterion. The change of use would fail to preserve the character and significance of the Old Sarum Airfield CA under criterion (e).

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

As is identified in the floorplans, all habitable rooms are to be adequately served by windows that already exist in the building. It is considered that the main habitable rooms will benefit from adequate natural light and this criterion is therefore met.

(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

As discussed above, the site is situated within a Principal Employment Area. Wiltshire's Principal Employment Areas (as listed in the Area Strategies) should be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns. Proposals that would undermine the role of the PEA would normally be resisted by Core Policy 35. The public protection team commented in this respect:

Mitigation Hierarchy and Agent of Change

The proposal introduces a highly noise sensitive residential use into an established commercial area. The mitigation strategy relies almost entirely on façade attenuation measures, with no meaningful consideration of source control, operational restrictions, or wider site based mitigation. This approach does not align with the mitigation hierarchy set out in ProPG or with Wiltshire Council's expectations for good acoustic design.

*Public Protection is also concerned that the proposal would increase the likelihood of future noise complaints from residents, **placing unreasonable pressure on existing lawful commercial operations, contrary to the principles of the agent of change.***

The submitted Noise Impact Assessment demonstrates that the site is affected by frequent and significant night time noise disturbance, including a very high number of LAmax exceedances, substantial BS 4142 rating level exceedances above background, and average noise levels requiring mitigation. The assessment does not clearly identify or control the sources of disturbance and relies predominantly on façade based mitigation to achieve internal compliance.

As has been identified above under criterion (d), there is significant concern about the potential level of noise that is likely to be experienced by occupiers of the residential development from the established employment uses around the site within the established PEA. The change of use to residential purposes is likely to generate noise complaints and this has the potential to undermine the existing operations of established businesses in this respect. The proposals are therefore considered to be unacceptable in this regard and have the potential to impact important general and heavy industry. The proposals therefore fails the requirements of this criterion.

- (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 200657 , the impact on the local provision of the type of services lost; and**

As is identified above, this site was last used as offices. The proposals will not result in the loss of nursery or health care services.

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

The overall height at approx. 9m is well below the threshold for the requirement of a Fire Statement (which is 18 metres). Furthermore, fire safety is a building regulation requirement. The proposed change of use is not likely to result in an additional fire safety impact for the future occupants of the building.

Other Matters:

The procedural notes for permitted development, in clause 3 of the GPDO raises a few other matters that are also relevant to this prior notification application:

- (1) Subject to the provisions of this Order and regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.**

As is identified above and with reference to the comments from Natural England, this site falls within the catchment of the River Avon SAC and thus has potential to cause adverse effects, alone or in combination with other developments, through discharge of phosphorus in wastewater. The site is also within the recreational buffer of the New Forest SAC, SPA and RAMSAR sites and thus the creation of a new household in this area has potential to increase pressure on these designations. The provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regulations) are therefore relevant to the development, regardless of the outcome of this application.

However as is identified above, the matters of ecology and protected species are not issues that are identified in the Class MA criteria for consideration as part of the prior notification process. It is also not appropriate to insist that the applicant instead applies for planning permission on this matter.

However this part of the overall GPDO makes it clear that permitted development rights do not override the requirements of the Conservation of Habitats and Species Regulations (the Habitats Regs) and that Regulations 75-78 still apply. The Habitats Regs address the requirements for protecting sites that are internationally important for threatened habitats and species (for example, as is relevant in this instance, SACs and SPAs (often referred to as European Sites). This includes a requirement for assessment of 'plans and projects' by 'the competent authority' (e.g., the local planning authority) which are likely to have a significant effect on the sites.

Regulation 75 of the Habitats Regs states that it is a condition of any planning permission granted by the GPDO made on or after 30 November 2017 for development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and which is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77. Essentially the purpose of Regulation 75 is to, therefore, ensure that, when necessary, permitted development is subject to Appropriate Assessment in the same way as development requiring a planning application.

Regulation 77 sets out the process for applying for the written approval of the local planning authority as to whether the development is likely to have an adverse effect upon the integrity of a European Site. It states that an application to the local planning authority for approval, must be made with a relevant fee paid. This process is outside of the Class MA considerations and is undertaken separately to the Class MA Prior Notification Procedure.

This part of the GPDO however confirms that the approved permitted development cannot be lawfully commenced until the application under Regulation 77 of the Habitats Regs has been made and approved by the local planning authority. Therefore, and although a Prior Notification application can be approved without the Appropriate Assessment taking place, the commencement of the development cannot lawfully happen until the separate application under Regulation 77 is approved. If this application were therefore heading for permission, an informative would need to be attached to the decision to draw this requirement to the applicant's attention.

(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 35 S.I. 2010/490. Commented [S19]: Replaced by 2017 No. 1012 (Page 12 of 266) Department for Communities and Local Government on 27th March 201536 .*

(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 this instance, the existing building is to be converted into 20 units. The applicant's floorplans provides a breakdown of the floorspaces for each unit against the national standard. On the basis of the table, all 20 of the flats proposed are therefore compliant with NDSS standards.

CONCLUSION:

The proposed change of use is considered to fail three of the criteria set out in paragraph MA.2 of Class MA of the GPDO thereby making it development that would not benefit from permitted development rights and planning permission is required.

RECOMMENDATION:

That Prior Approval is required in respect of:

- impacts of noise from commercial premises on the intended occupiers of the development;
- 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 impact of the change of use on the character or sustainability of the conservation area.

Prior Approval is required and is REFUSED for the following reasons:

1. On the basis of the information submitted, the proposal fails to demonstrate that acceptable living conditions can be achieved for future occupiers, particularly in relation to night time noise impacts from surrounding commercial activity. The submission does not demonstrate that acceptable living conditions can be achieved for future occupiers in accordance with Wiltshire Council guidance, ProPG, BS 8233, BS 4142, or the Noise Policy Statement for England. The proposal therefore fails criterion (d) which requires the LPA to determine whether the prior approval of the authority will be required for the impacts of noise from commercial premises on the intended occupiers of the development.

The site is situated within a Principal Employment Area, which is retained in the Wiltshire Core Strategy for a full range of employment purposes. The submitted Noise Impact Assessment demonstrates that the site is affected by frequent and significant night time noise disturbance, including a very high number of LAmax exceedances, substantial BS4142 rating level exceedances above background, and average noise levels requiring mitigation. The assessment does not clearly identify or control the sources of disturbance and relies predominantly on façade based mitigation to achieve internal compliance. The proposal is considered to introduce a highly noise sensitive residential use into an established and allocated commercial area. The mitigation strategy relies on façade attenuation measures, with no meaningful consideration of source control, operational restrictions, or wider site based mitigation. This approach does not align with the mitigation hierarchy set out in ProPG or with Wiltshire Council's requirements for good acoustic design. In turn, the LPA considers that the proposal would increase the likelihood of future noise complaints from residents, placing unreasonable pressure on existing lawful commercial operations, contrary to the principles of the agent of change.

The proposals are therefore considered to be unacceptable in this regard and fail the requirements of criterion (g) which requires the LPA to determine whether the prior approval of the authority will be required for 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.

2. The site is located within the Old Sarum Conservation Area. The building forms part of the Army School of Cooperation complex in the Administrative character area of the CA, as described in the 2006 designation report. The proposed change of use would introduce a residential use into an otherwise entirely commercial area (designated as a Principal Employment Area) and would end the long-term administrative use of the building. Daytime activity and night time vacancy would be reversed, making this the only building occupied overnight. Public perception of an accessible office building is very different to private, inaccessible residences. The loss of the more publicly accessible administrative use would by itself fail to preserve the existing character of the Conservation Area, to the detriment of its sustainability. The introduction of associated residential paraphernalia and activities would also be contrary to the established commercial character of the Conservation Area, further undermining its historically commercial character and function.

The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification. The change of use would fail to preserve the character and significance of the Old Sarum Airfield Conservation Area, contrary to the aims of The 1990 Act and the NPPF and is inadequately justified. The development would therefore fail criterion (e) which requires the LPA to determine whether the prior approval of the authority will be required for the impact on the character or sustainability of the conservation area.

The prior approval of the Local Planning Authority is therefore required in respect of criteria MA.2.(d), (e) and (g) of Schedule 2 Pt. 3 Class MA of the GPDO as amended and this prior approval is refused.

INFORMATIVES

Operational Development With reference to the submitted Proposed Elevation plans, Class MA does not permit or authorise operational development. The applicant will need to secure any separate planning permission/s for any operational development required in association with the change of use including alterations to window/door openings and demolition of the lean to extension.

Habitat Regulations Reg 77, Nutrient Neutrality and New Forest Recreational pressures. The Applicant is reminded that the site is situated within the catchment of the River Avon Special Area for Conservation and New Forest Protected Sites and has potential to have an adverse effect upon the integrity of these European sites. This means that the development hereby assessed as being permitted development cannot be lawfully commenced until the local planning authority, along with the appropriate nature conservation body, has made an Appropriate Assessment of the implications for the European site(s) under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations) and has confirmed that the proposals will not adversely affect the integrity of the site(s). It is therefore advised that the Applicant should consult with Natural England about the scheme and following their agreement, submit an application under Regulation 77 of the Habitat Regulations to the local planning authority for consideration and approval.