CASE OFFICER'S REPORT

Application Reference:	PL/2023/04469 & PL/2023/04928
Site Address:	15 Oatmeal Row, Salisbury, SP1 1TH
Date of Inspection:	N/A
Date site notice posted:	06/07/23
Date of press notice:	N/A

POLICIES

Sections 16/66/72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework
Section 2 Achieving Sustainable Development
Section 12 Achieving Well Designed Places
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Wiltshire Core Strategy
Core Policy 1 Settlement Strategy
Core Policy 2 Delivery Strategy
Core Policy 20 Salisbury Community Area
Core Policy 35 Existing Employment Sites
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 58 Ensuring the conservation of the historic environment
Core Policy 61 Transport and New Development
Core Policy 69 Protection of the River Avon SAC

Wiltshire Local Transport Plan 2011-2026:
Wiltshire Council LTP3 Cycling Strategy

RELEVANT PLANNING HISTORY

There is an extensive planning history within the site of which the following is of most relevance:

PL/2022/08497 & PL/2022/08850 – Conversion of building to 1 lock-up shop and four flats WTD 05.05.23

ISSUES

- Principle of development including works to the listed building and wider Conservation Area;
- Amenity impacts;
- Highway/Parking matters;
- Protection of the River Avon SAC and New Forest SPA

REPRESENTATIONS

Salisbury City Council – No comment

WC Conservation Officer – Comments received stating the following:

The scheme is essentially identical to the final revision of PL/2022/08850, bar the omission of the conversion of the southern attic. The only element for which I'd like a little more information is the proposed staircase into the attic, or rather the treatment of the existing hatch, and any comments or photographs would be helpful. No ventilation or extracts are indicated for kitchens or bathrooms, if any are intended then we need details as they could be highly visible and inappropriately placed if not dealt with carefully. Otherwise I'm satisfied that the proposals are acceptable with regard to sections 16 and 72 of PLBCA Act 1990, the NPPF and CP58.

Historic England – No comment but advised to seek the views of the Council's Conservation Officer.

WC Highways – No objection with comments stating:

The site is located in the heart of Salisbury City centre, it benefits from a range of local services within walking distance and is served by good local sustainable transport options. There are public car parks nearby for visitors if necessary. On-street car parking is tightly controlled in the vicinity of the site by double yellow lines and restricted loading bays, there is no residents on-street parking available close to the site. The proposal meets the criteria set out in policy PS6 of the Wiltshire Local Transport Plan 2011-2026; Car Parking Strategy, which allows for a reduction in residential car parking in certain and specific circumstances. In this case a car-free development is considered to be appropriate. It is noted that cycle parking will be provided on the ground floor. I would not wish to raise a highway objection to the proposal in this sustainable location.

WC Public Protection - Comments received stating:

Further information is required in respect of noise and odour impacts

WC Archaeology – No objection with comments received stating:

No. 15 Oatmeal Row is a Grade II listed, 16th-century building that lies at the heart of the regionally important medieval City of Salisbury and next to the Grade I listed and Scheduled Monument of The Poultry Cross. As I understand it, this application is an iteration of withdrawn application PL/2022/08497. I had no archaeological concerns with the 2022 application due to the slight below ground impacts of the proposal. Having reviewed the documents for this current application, there are no grounds to change my view. No further action is therefore required as regards the buried archaeological heritage in relation to this application.*

Third Party Representations – None received

Following the submission of additional information and plans in light of the consultee responses above, the following comments have been received:

Salisbury City Council – No comments received

WC Conservation – No objection with comments received stating:

The majority of the proposals are as they'd evolved during the previous application cycle to avoid or minimise impacts. Confirmation that the existing loft hatch will be retained adjacent to the new attic stair is welcomed. Omission of the south attic conversion removes the only remaining stumbling block from the previous submission and I'm content that the works would preserve the character of the listed building and cause very little loss of historic fabric, in

accordance with the aims of sections 16 and 66 of the PLBCA Act 1990, the NPPF and CP58. I reiterate that consent is likely to be required for any ventilation equipment.

Historic England – No comments received

WC Highways – No comments received

WC Public Protection – No objection subject to conditions with comments received stating:

I write regarding the application for change of use to residential properties on the first and second floors of the application site. I have considered the noise impact assessment submitted with this application, which concludes that windows should closed to meet internal ambient noise levels. Whilst this is not something that Wiltshire Council supports, we have to consider that the application site is in the centre of the city, and other nearby properties overlooking the market square have already been converted to residential dwellings. Therefore, future occupants should have an expectation that they will hear anonymous city noise if windows are open. In addition, the applicant and any future occupants should be aware of the developments proximity to the market square which hosts the annual charter fair (in October), traditional weekly markets (on Tuesday and Saturday) and from time to time other regulated entertainment events which may include loud amplified music. Although these issues are not so significant so as to justify the refusal of the application all parties should be aware of the potential for residual impact on residential amenity. I therefore recommend (in addition the conditions previously recommended by my colleague) the following condition is applied to any approval of this application: All noise mitigation recommendations as detailed in Section 6 (pages 9 and 10) of ISVR Consulting Noise Assessment Report, dated September 2023, are implemented in full and maintained at all times thereafter.

WC Archaeology – No comments received

Third Party Representations – None received

Site Description

The application site relates to the three storey building with a roughly rectangular plan form under an M-Shaped roof with exterior clay hanging tiles, casement windows and a tiled roof. The ground floor provides a modern shopfront currently occupied by St Barts Finance. The two upper floors of the building are empty. The building is grade II* listed, dates from the late 16th Century in a pedestrianised area within the retail core of the residential city of Salisbury and is also within the Salisbury Conservation Area.

Proposal

Planning permission and listed building consent are sought for alterations and the conversion of upper floors into three self-contained flats and; to form a WC for the retail unit on the ground floor and a bin and bike store for the proposed flats. No external alterations are proposed by way of this scheme.

ASSESSMENT

Principle of development including works to the listed building and wider Conservation Area

Core Policy 57 of the Wiltshire Core Strategy (WCS) requires there to be 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 complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

Core Policy 58 of the WCS states development should protect, conserve and where possible enhance the historic environment.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority [or the Secretary of State] shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National and local plan policies support both the retention of retail and the housing in centres areas such as Salisbury. Core Policies CP35 and CP38 of the Wiltshire Core Strategy refer to employment land and retail sites within Wiltshire and the importance of maintaining opportunities for new employment and retail proposals. While adjustments to the size of a retail unit may result in the loss of particular retail operators, the overall viability of the city centre and shopping area would not be detrimentally impacted by this proposal as the ground floor of the building other than creating a bike store and WC would be retained for use in line with retail policy.

The previous applications PL/2022/08497 and PL/2022/08850 were withdrawn on officer advice due to the issues raised by the Conservation Officer in respect of the conversion of the southern attic within the second floor of the building.

The design of the proposal and internal works required to facilitate the change of use of the upper floors of the building has evolved from the previously withdrawn applications by way of the reduction of the number of flats proposed from four to three with the southern attic unaffected by this proposal. In principal, the change of use of the upper floors of the building from a retail use to a residential use is considered acceptable.

Clarity has been sought by the Conservation Officer in regard to the existing hatch serving/proposed staircase into the attic area of this section of the building and the agent has confirmed that the existing hatch is to be retained of which no objection is raised.

In respect of ventilation and extracts in the proposed kitchen/bathroom areas, the concerns of the Conservation Officer are noted and as such, officers consider it appropriate to impose a condition onto any consent requiring details of this prior to the commencement of works.

Based on the comments of the Conservation Officer, officers consider the proposed works to convert the upper floors of the building to residential use and associated works on the ground floor of the building will preserve and enhance the appearance and setting of the grade II* listed building in accordance with the requirements of Core Policy CP58 of the WCS and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Amenity impacts

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The building is located within the retail centre of Salisbury surrounded by a mixture of commercial, residential and historic buildings providing various services. The Council's Public Protection Officer assessed the proposal and requested further clarification on noise and odour matters from the building. A subsequent Noise Assessment Report undertaken by ISVR Consulting dated September 2023 has been undertaken and submitted for consideration. The Council's Public Protection Officer has assessed this report and raised no objection subject to conditions around the noise mitigation measures as recommended within the submitted report be implemented and an hours of operation in relation to construction works being imposed onto any consent.

Subject to the imposing of these conditions, officers consider that any amenity impacts to the future occupiers of the flats or to the wider area would be suitably mitigated and therefore, would be difficult to justify the refusal of planning permission and listed building consent for this proposal.

Highway/Parking matters

The Council's Highways Officer has assessed this proposal and has provided the following comments:

The site is located in the heart of Salisbury City centre, it benefits from a range of local services within walking distance and is served by good local sustainable transport options. There are public car parks nearby for visitors if necessary. On-street car parking is tightly controlled in the vicinity of the site by double yellow lines and restricted loading bays, there is no residents on-street parking available close to the site. The proposal meets the criteria set out in policy PS6 of the Wiltshire Local Transport Plan 2011-2026; Car Parking Strategy, which allows for a reduction in residential car parking in certain and specific circumstances. In this case a car-free development is considered to be appropriate. It is noted that cycle parking will be provided on the ground floor. I would not wish to raise a highway objection to the proposal in this sustainable location.

Based on these comments received, there would be no adverse impact to highway users or highway safety to warrant the refusal of planning permission and listed building consent by way of this proposal.

Protection of the River Avon SAC and New Forest SPA

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non-sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

By way of the proposal and the existing residential use within the building, it is not considered appropriate to request a bespoke mitigation scheme for phosphate mitigation in this instance.

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application falls within the scope of the mitigation strategy and generic appropriate assessment, officers conclude it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

The site is also within the 13.8 kilometre recreational buffer zone of the New Forest SPA/SAC/ RAMSAR site. These sensitive ecological designations are particularly susceptible to recreational pressures. The potential impacts of new housing and tourism developments in Wiltshire on the New Forest designated sites were considered in the Habitat Regulation Assessment (HRA) for the South Wiltshire Core Strategy (SWCS) adopted in 2012; and remain relevant for the adopted WCS and WHSAP. The HRA concluded that additional housing and tourist accommodation in Wiltshire would increase visitor pressure on the New Forest, but only by less than 1%; and would only contribute a small proportion of the overall impact. Nevertheless it was still concluded that future housing in Wiltshire would contribute to effects on the designated sites in-combination and Natural England therefore confirmed that this matter does need to be addressed.

The WCS addresses the New Forest's mitigation requirements through policy CP50 (Biodiversity and Geodiversity), which specifies that, "*Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77*"; and Paragraph 6.77 of the WCS explains that, "*Wiltshire Council will support production and implementation of a New Forest Mitigation Strategy, in partnership with Natural England and other partners as appropriate. This will set out the delivery mechanisms and funding requirements (either through CIL, S106 or other appropriate mechanism) such that the impacts of the plan upon the New Forest SPA are fully mitigated. Prior to this strategy being produced, planning applications will be subject to individual Habitats Regulations Assessments and bespoke mitigation secured as necessary'.*

The Council has now produced an Interim Recreation Mitigation Strategy for the New Forest Internationally Protected Sites (January 2022). This confirms that any new dwelling within 13.8 kilometres of the New Forest has potential to add pressure on the New Forest designations. It is therefore confirmed that any new housing scheme involving 50+ houses must provide onsite recreational provision in the form of a Suitable Accessible Natural Greenspace (SANG). All other smaller housing schemes will contribute funding towards strategic SANGs and access and visitor management within the New Forest itself, which will be collected through the Community Infrastructure Levy (CIL). Any potential impact generated by this scheme involving only three new flats within the 13.8 kilometre recreational zone will therefore be mitigated by CIL payments. The Council is therefore able to conclude that this development will not lead to adverse impacts alone and in-combination with other plans and projects on the New Forest SPA/SAC/RAMSAR sites.

CONCLUSION

For the reasons as outlined within this report, officers are of the opinion that the proposed development conforms to the objectives of Core Policies 57, 58 and 69 of the Wiltshire Core Strategy and the aims of the NPPF. Taking the above into account, the application is considered to accord with these policies as it does not cause any significant material harm that would justify a refusal of planning permission and listed building consent. Therefore, planning permission and listed building consent should be granted for the development proposal.

RECOMMENDATION

Approve with conditions

For planning permission PL/2023/04469

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

DWG No: 1277.P.01 Site Location Plan Date Received 26.06.23
DWG No: 1277.P.02 Existing and Proposed Ground Floor Plan Date Received 26.06.23
DWG No: 1277.P.03 Rev A Existing and Proposed First Floor Plan Date Received 26.06.23
DWG No: 1277.P.09 Proposed Ground Floor Plan, Ground Part West Elevations and Section B-B Date Received 27.06.23
DWG No: 1277.P.04 Rev D Existing and Proposed Second Floor Plan Date Received 26.06.23
DWG No: 19180-13 Rev C Proposed Stair Plan and Elevation Date Received 21.08.23
DWG No: 19180-12 Rev B Proposed Stair Component Plan Date Received 21.08.23

REASON: For the avoidance of doubt and in the interests of proper planning.

3 There shall be no occupation of the three flats hereby approved until a scheme of works for noise attenuation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the design recommendations set out at section 6 of the Noise Assessment Report by ISVR Consulting dated September 2023 and shall include full details of secondary internal glazing to be applied to the existing external windows serving the flats and also include full details of the proposed air ventilation system (including positions of the extraction points and flues). Any works which form part of the approved scheme shall be completed before the premises are first occupied and shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation and retention of an environment free from intrusive levels of traffic noise and activity in the interests of the amenity of future occupiers.

4 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of amenity.

5 The flats hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which external water usage).

REASON: To ensure the development is nutrient neutral.

INFORMATIVE TO APPLICANT(S):

1.The applicant is advised that any works to the building which form part of the approved scheme of noise attenuation required under condition 3 and which are deemed likely to affect its character as a building of special architectural or historic interest may require a separate grant of listed building consent.

2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

For listed building consent PL/2023/04928

1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

DWG No: 1277.P.01 Site Location Plan Date Received 26.06.23
DWG No: 1277.P.02 Existing and Proposed Ground Floor Plan Date Received 26.06.23
DWG No: 1277.P.03 Rev A Existing and Proposed First Floor Plan Date Received 26.06.23
DWG No: 1277.P.09 Proposed Ground Floor Plan, Ground Part West Elevations and Section B-B Date Received 27.06.23
DWG No: 1277.P.04 Rev D Existing and Proposed Second Floor Plan Date Received 26.06.23
DWG No: 19180-13 Rev C Proposed Stair Plan and Elevation Date Received 21.08.23
DWG No: 19180-12 Rev B Proposed Stair Component Plan Date Received 21.08.23

REASON: For the avoidance of doubt and in the interests of proper planning.