**CASE OFFICER'S REPORT**

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| Application Reference: | PL/2023/06521 & PL/2023/06576 |
| Site Address: | Cross Key House, 22 Queen Street, Salisbury, SP1 1EY |
| Date of Inspection: | 21/09/23 |
| Date site notice posted: | 23/08/23 |
| Publicity expiry | 10/10/23 |

**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 38 Retail and Leisure
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

Salisbury Centre Area Framework (Jan 2020)

Salisbury Conservation Area Appraisal (Dec 2014)

**RELEVANT PLANNING HISTORY**

There is an extensive planning history within the site but none is of relevance to the proposed.

**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 comments received

**WC Conservation Officer** – Objection with comments stating:

*Cross Keys House is grade II listed and in the CA, both of which designations warranting special consideration with regard to their heritage significance. The reconstruction of most of the building, while retaining the historic facades (with relatively minor and sensitive alterations), is set out in the heritage statement. Irrespective of whether it genuinely warrants being listed, given the extent of 1970s work (and some later, like the shop entrance to the right of the west front), it makes a bold and characterful contribution to the streetscene, the setting of its various listed neighbours and the Market Place. It should be mentioned that Frances Hale ran 'Mssrs Hale & Sons' fom 1869-80 and was recognised recently with a blue plaque on another building in the city: https://hersalisburystory.com/stories/frances-hale/ (PL/2023/05753).*

*The proposal to form flats at first floor level doesn't in itself raise significant concerns. The proposed new windows, however, are a very odd proposition. They would be formed by removal of some of the plaster panels that surround the existing first floor windows. These panels are also incised, and while I don't know whether the existing panels are the original, or replicas, or completely different, they are a notable part of the building's design. I suspect that they are of the original design and that some panels may have been replaced individually, rather than wholesale. The three proposed for removal on the west elevation form the centre of a five panel wide design. Those on the right of the northern elevation have a central sunflower, and several others in the surround, probably a deliberate reference to the C19 Aesthetic movement. The bay to the left of the north elevation is canted with curved plasterwork, making it highly improbable that the proposal is even possible. All of these new windows would disrupt the original design of the bay windows in a highly visible and unusual way, such that the existing large windows would no longer have their complete surrounding frame of plaster panels. Whilst I appreciate that there may be problems created by the earlier redevelopments, I cannot agree that the current proposal is an appropriate solution. I do not consider that the character and significance of the building would be preserved by the proposals, nor its contribution to the setting of other LBs. This harm might be in the 'less than substantial' realm of the NPPF, but it is not clear that the public benefits would outweigh the harm, nor that there is no other solution to keeping the building in a viable use.*

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

**WC Highways –** No objection with comments stating:

*I note the proposal seeks to change the use of two commercial units located at first floor level, in to two residential units. I also note that no car parking is available for the existing or proposed use, however, the site is located in the city centre of Salisbury, where on-street parking is restricted, numerous facilities and services are available and sustainable travel options are abundant. Therefore, I am satisfied with a car free development in this instance and recommend that no Highway objection is raised.*

**WC Public Protection -** Comments received stating:

*I write regarding the above application for change of use to residential properties. I note habitable rooms will face the busy Market Square, where they often have amplified music events, farmers markets etc; and Blue Boar Row/ Winchester Street which is a main route through the city centre for transport including buses. A noise impact assessment has not been submitted with the application to demonstrate ambient internal noise levels can be achieved. Without this assessment I am unable to provide a response to this application.*

**Third Party Representations** – 1 x letter of objection with comments received stating:

*I would like on behalf of the Salisbury Civic Society to object to application for listed building consent Nº PL/2023/06576, which seeks permission to remove eight plaster panels at the Grade II listed Cross Keys House, within the Salisbury conservation area, and replace them with windows. The application sets out very clearly the difficulties caused by the 1970s insertion of a completely new interior behind the N and W walls of the listed building. It is understandable that for a residential conversion of the first floor, the addition of some new windows would help in dealing with these difficulties. Unfortunately, the detailed character for which the building was listed is such as to make the eight proposed windows completely inappropriate. The plaster panels, with their incised decoration, are a fundamental part of the building's design. Of the eight which the application seeks to remove, the three on the W elevation are a key part of a plant trail, which stems from the central panel and which would be rendered meaningless with only the outer four panels surviving. The two curved panels at the E end of the N elevation have extremely characterful designs of imps among foliage, and the three panels further W on the N elevation have very attractive plant designs. All of these panels need to remain in their present state if the building is to retain its character. The intention behind the proposal is understandable, but the detailed work required by this version of its implementation would have an impact entirely at odds with the building's listed status, and to the character of this part of the conservation area, to which Cross Keys House makes a very important contribution. Some other approach towards ensuring a viable use of this part of the building is clearly needed.*

**Following an amendment to the description of the proposal, 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 revisions address all of my concerns regarding the impact on fabric and appearance of the building. The D&A refers to the fitting of new windows to replace the existing louvres - the louvres are mid-C20 or earlier but seem unlikely to be original. I wonder if it would be possible to replace the windows without louvres instead? We'll need details of these to show they're fine narrow metal frames similar to the existing.*

**Historic England –** No comments received

**WC Highways –** No comment

**WC Public Protection –** No objection with comments received:

*If the applicant can provide suitable evidence that internal noise levels can be achieved in accordance with WHO/BS8233 with secondary glazing, this will suffice.*

**Third Party Representations –** None received

**Site Description**

The application site relates to the three storey grade II building known as Cross Keys House that forms part of the wider Cross Keys Shopping Centre. Cross Keys House is located on the north west corner, facing Queen Street and the Market Square to the west and Winchester Street to the north. The building is within the retail core of the residential city of Salisbury and

is within the Salisbury Conservation Area. The ground floor of the building is occupied by various retail outlets and the first and second floors of the building are currently vacant.

**Proposal**

Planning permission and listed building consent are sought for the conversion of a section of the existing first floor of the building into one self-contained flat. 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 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 is unaffected by this proposal and is retained for use in line with retail policy.

In principle, the change of use of a section of the first floor from a commercial to a residential use is considered acceptable. However, due to concerns raised by the Council's Conservation Officer and other parties, the scheme has been altered. Originally the scheme proposed to change the use of two commercial units within the first floor to two self-contained flats and also included fenestration changes to the north and west elevations of the building. The proposal is now for the change of use of one commercial unit to one self-contained flat. No external alterations are proposed following the concerns of the Conservation Officer following the removal of the proposed fenestration changes on the north and west facades of the building.

Discussions between the agent and Conservation Officer have taken place regarding a proposed secondary glazing unit to be internally fitted to the existing windows of the section of building to be converted. Whilst a plan has been provided, the Conservation Officer has requested further information by way of the design of the glazing frames specifically for the bay window adjacent to the Market Square. This information can be provided by the imposing of a condition onto any consent which the agent and Conservation Officer have agreed to. The additional information provided in respect of the concerns around the impact of the proposal on the historic fabric of the building has satisfactorily resolved the concerns of the Conservation Officer.

Based on the comments of the Conservation Officer and imposing of the condition around secondary glazing detail, officers consider the proposed works to convert a section of the first floor of the building to residential use 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 impacts by way of the proposed. Comments received originally requested that a noise impact assessment survey be submitted as part of the proposal to enable a full assessment of the proposal. However, following discussions with the agent on this matter, as alluded to in the previous section of this report, a secondary glazing system for the first floor windows is to be provided and as such, is considered to be sufficient providing any glazing is compliant with the relevant standard ratings as advised by the comments of the Public Protection Officer.

Subject to the imposing of a condition to this extent onto any decision, officers consider that any amenity impacts to the future occupiers of the flat 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 the previous proposal that sought consent for the change of use of two commercial units at first floor level and provided the following comments:

*I note the proposal seeks to change the use of two commercial units located at first floor level, in to two residential units. I also note that no car parking is available for the existing or proposed use, however, the site is located in the city centre of Salisbury, where on-street parking is restricted, numerous facilities and services are available and sustainable travel options are abundant. Therefore, I am satisfied with a car free development in this instance and recommend that no Highway objection is raised.*

In respect to the change in the description of the proposal, this being the change of use of one commercial unit to a residential use, the Highways Officer has returned comments of 'no comment'.

On the basis of the comments previously received, it is considered that there be no adverse impact to highway users or highway safety by way of the proposed to warrant the refusal of planning permission and listed building consent.

**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 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/2023/06521**

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:

Site Location Plan Date Received 02.08.23
DWG No: 4317P 003B Proposed Elevations, First Floor Plan and Section Date Received 25.09.23

DWG No: 4317P 002B Proposed First Floor Plan/Area of Works Date Received 25.09.23

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

3 There shall be no occupation of the flat hereby approved until full details of the secondary internal glazing to be used (in accordance with WHO/BS8233 standards) has been submitted to and approved in writing by the Local Planning Authority. 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 The flat 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 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/2023/06576**

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:

Site Location Plan Date Received 02.08.23
DWG No: 4317P 003B Proposed Elevations, First Floor Plan and Section Date Received 25.09.23
DWG No: 4317P 002B Proposed First Floor Plan/Area of Works Date Received 25.09.23

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

3 There shall be no occupation of the flat hereby approved until full details of the secondary internal glazing to be used (in accordance with WHO/BS8233 standards) has been submitted to and approved in writing by the Local Planning Authority. 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: In the interests of preserving the character and appearance of the listed building and its wider setting.