CASE OFFICER'S REPORT

Application Reference:	PL/2023/07819
Site Address:	23 Milford Street, Salisbury, SP1 2AP
Date of Inspection:	09/11/23
Date site notice posted:	29/09/23
Publicity Expiry	26/10/23

POLICIES

S/16/66/72 Planning 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 57 Ensuring high quality design and place shaping
Core Policy 58 Ensuring the conservation of the historic environment

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 the following is of relevance:

PL/2022/06546 - New black metal balcony to penthouse apartment and grey timber folding doors to ground floor garage A.C 11.10.22

ISSUES

- Principle of development including planning history, heritage/conservation matters, design and scale;
- Impact to the neighbouring amenity and archaeology

REPRESENTATIONS

Salisbury City Council – No comments received

WC Conservation – No objection with comments received stating:

I dealt with a separate LBC application in respect of the proposals. You will see that I considered the proposals did not harm the special interest of the LB and were therefore in

accordance with Section 66 of the PLBCA Act 1990, chapter 16 of the NPPF and core policy 58.

WC Archaeology – No objection with comments received stating:

Nos 23 and 25 Milford Street are Grade II listed, originally comprising a late medieval house, subsequently converted into a public house, before conversion to their current use. The property lies within the regionally important medieval City of Salisbury. As I understand it, this proposal is for external and internal alterations to the property, which will not involve any below ground impacts. On this basis, I have no archaeological concerns with this proposal and no further action is therefore required as regards the buried archaeological heritage in relation to this planning application.*

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

I own the property directly below this balcony, I purchased this property 2 years ago without being told about any balconies being built above my property, my property is located in an alley way and has only 3 windows in total so was previously not the lightest of flats in the first place, but was liveable but now having a balcony along half of my property length and directly above the largest and main window that gets the most light is detrimental. I have already spoken to the developers regarding this who asked their architect to produce a sun path drawing, however this is their architect, so this is not an impartial report as this is the same architect who couldn't put one of my windows in the correct place so the plans are incorrect, so excuse me if I am dubious and untrusting. I have also spoken to a chartered surveyor light specialist who from the initial plans from the planning application said that this balcony would very highly likely effect my lighting into the flat due to the overhang from the adjacent building, however I do not have the funds to be able to pay for a survey myself. I would be happy for this balcony to stay if the developers/owners could help find a way to increase the lighting in my property as I am not against the balcony itself just the effect it has on my property, I didn't want to have to comment and hoped we could have worked out a solution, Thank you for your consideration.

Site Description:

The application site relates to the first floor of the building known as 23 Milford Street, a grade II* listed building within the historic core of the Salisbury Conservation Area within the centre of Salisbury in a prominent location. The site is former known as the 'Milford Street Brewery' and has been recently converted into a mixture of commercial and residential units. The commercial units afront Milford Street with the residential units located within the complex and to the rear.

Proposal

Retrospective planning permission is sought for the installation of a first floor balcony serving the residential flat and the enlarging of the existing window to form a door/access. Other works include the formation of garage doors to the front of the building. The site already benefits from listed building consent PL/2022/06576 for the works subject to this scheme.

ASSESSMENT

Principle of development including planning history, heritage/conservation matters, design and scale

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.

The works to install the balcony and enlarging of the window to form an access/egress were completed in September 2023. Photographs of the balcony in situ are shown below following a site visit undertaken by the case officer.





The side elevation of the building and section drawing with balcony and enlarged access are shown below. The dimensions of the balcony are approximately 4.63 metres in width by 0.98 metres in depth. The balcony is located between the buildings within the alleyway accessed via the public footpath on Milford Street. The building is grade II listed and as previously alluded to, the balcony and associated works already benefit from listed building consent (PL/2022/06546). Other works include the insertion of four folding doors at ground floor level on the front elevation of the complex to cover the parking area replacing the existing arrangement.

Having consideration for the impact to the listed building, its setting and the wider Conservation Area, the Council's Conservation Officer has provided comments on this scheme

that raise no objection to the balcony and associated works. As such, it is considered that this scheme accords with the requirements of Core Policy CP58 of the WCS and Section 16 of the Planning of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Having regard for the comments of the Conservation Officer, the recent planning history and the construction/use of materials used within the works, officers consider that the overall scale and design of the balcony with enlarged access/egress is acceptable and thus, therefore accords with the requirements of Core Policies CP57 and CP58 of the WCS.

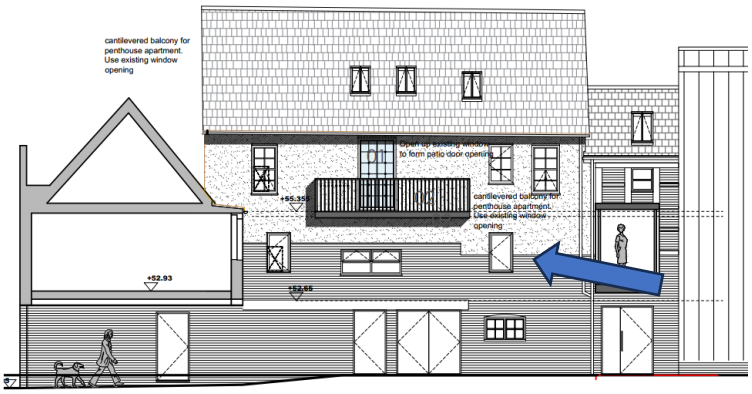
Impact to the neighbouring amenity including Archaeology

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 site benefits from a recent permission to change the use of the site from a public house/adult entertainment venue to a mixed use forming two commercial units and ten residential apartments. The residential apartments are located on the first and second floors of the building and to the rear of the site. The commercial premises along with parking facilities are located on the ground floor of the building and front onto Milford Street.

Officers note the written letter of concern regarding this proposal. Part of these concerns are issues around the architect and as such, are not a material consideration of this planning application.

The location of the balcony is on the eastern elevation of the complex accessed via a private entrance/alleyway and is not visible when viewed from Milford Street. Concerns received refer to a lack of natural light to the largest first floor window serving the flat below. This window is denoted by the blue arrow as shown on the plan below.



Given the built form of the complex and the orientation of this window against the movement of the sun (this being from east to west), the amount of natural light received by this window would be limited and only experienced fully during early to mid-morning in the summer months. During winter months, the height of the sun would not rise much further than the roof pitch of the building complex and therefore, natural light received via this window would be non-existent. This scenario was observed during the case officer site visit to the application site and is shown in the photographs above. Whilst officers do note the introduction of the balcony may cast additional shadow at certain times of the day, this shadow or loss of natural light to the window would in the opinion of the case officer, not be sufficient to justify a refusal of planning permission.

In terms of views obtained from the second floor balcony, these would be mainly of the roof pitch of the adjacent building (a roof void associated with the commercial use of the site) within the complex and therefore, in officer opinion would not cause any significant impact in respect of overlooking onto this building or wider area.

As such, for the reasons as outlined, officers are of the opinion that there would not be any significant adverse impact to the amenity of the flat below or to the wider complex by way of the works that have been completed to warrant the refusal of planning permission.

In terms of any archaeological impact by way of the works undertaken, the Council's Archaeologist has assessed this scheme and provided the following comments below:

Nos 23 and 25 Milford Street are Grade II listed, originally comprising a late medieval house, subsequently converted into a public house, before conversion to their current use. The property lies within the regionally important medieval City of Salisbury. As I understand it, this proposal is for external and internal alterations to the property, which will not involve any below ground impacts. On this basis, I have no archaeological concerns with this proposal and no further action is therefore required as regards the buried archaeological heritage in relation to this planning application.*

Given that the works undertaken to install the balcony are above ground floor level and having regard for the comments received from the Council's Archaeologist, there would be no impact to buried archaeological heritage as a result of this scheme.

CONCLUSION

The comments received from the member of the public are duly noted and have been carefully considered. To consider the amenity impacts by way of the works that have taken place, the case officer has visited the site to assess this.

Following an assessment of these matters as outlined within this report and having regard for the comments of the Conservation Officer and recent planning history, officers are of the opinion that the development conforms to the objectives of Core Policies 57 and 58 of the Wiltshire Core Strategy and the aims of the NPPF. Taking the above into account, the application is not considered contrary to these policies as it does not cause significant material harm that would justify a refusal of planning permission. Therefore, retrospective planning permission should be granted for the development.

RECOMMENDATION

Approve with conditions

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

DWG No: 0199-02-005 Site Location Plan Date Received 13.09.23
DWG No: 0199-02-006 Existing Floor Plans Date Received 13.09.23
DWG No: 0199-02-008 Existing Section Plans Date Received 13.09.23
DWG No: 0199-02-07 Existing Elevations Date Received 13.09.23

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

INFORMATIVE TO APPLICANT

1. Please note the granting of this planning permission is in conjunction with listed building consent reference PL/2022/06546 granted by the Local Planning Authority on the 11th October 2022.