Wiltshire Council

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22nd April 2024

Application No's: PL/2023/07178

Appeal Ref: APP/Y3940/W/23/3334553

Proposal: To affix a board above the shop unit frontage upon which future tenants of the ground floor commercial can apply an advertising hoarding once they have applied for the relevant permissions.

Site Address: Altogether Care, 62 St. Edmunds Church Street, Salisbury, SP1 1EQ

On behalf of: Mr S, Knell, Altogether Care

Dear Ms Low,

Please accept the following enclosed documents as the LPA's written statement in response to the above-mentioned appeal:

- Case Officer Report;
- Pre-app Response
- Site Visit Photographs;
- Without Prejudice Condition;
- Excerpts of Core Policies CP57, CP58 of the Wiltshire Core Strategy;
- Excerpts from Shopfront design in Salisbury;

In response to the appellant's statement, and in particular the comments " *4.3 No 31 Salt Lane is located three doors along from the appeal site and the windows and shopfront are UPVC.*
4.4 The Salvation Army building on Salt Lane, on the south side of Parsons Chequer, is also a commercial building that has UPVC doors and windows. The LPA's planning records indicate that permission was granted under application no.S/1998/1813, with a comment by the Conservation Officer in 2000 raising no objection to the replacement windows." It is noted that there is a level of Upvc within the immediate area some are authorised and some not, however, both sites mentioned above do not have comparable upvc and are of much less bulky design nor did they seek advice and be specifically advised against installing upvc to their shopfronts. The considerations and decisions taken are included within the attached documents which I shall not duplicate here. Since the decision was originally made the NPPF has been revised, however, it is not considered that the re3visions have any bearing on the matters at hand.

As such, the Council respectfully request that the appeal be dismissed.

Yours sincerely

James Repper
Planning Officer
Development Management (South)
Wiltshire Council

CASE OFFICER'S REPORT

Application Reference: PL/2023/07178

Site Address: 62 ST EDMUNDS CHURCH STREET, SALISBURY, SP1 1EQ

Date of Site Visit: 28th September 2023

Publicity Expired: 5th October 2023

Target Date: 27th October 2023

SITE DESCRIPTION:

The application site is a prominent three-storey, mixed commercial and residential, building located on the edge of the historic Parsons Chequer, part of Salisbury's 13th-century layout and consequently located within the designated Salisbury Conservation Area. Being located within the Historic Chequer, several Listed buildings are located in relatively close proximity, the closest being 58 and 60 St Edmunds Church Street, immediately attached to the south, which is Grade II Listed, to the north some 30 metres away is the Grade II Listed 41 St Edmunds Church Street and on the far side of the car park directly opposite the application site is the Grade II* Listed Pheasant Inn & Crewe's Hall at a distance of 98m The site is surrounded by residential properties on three sides and the public Salt Lane car park to the front. Some of the nearby properties have been subject to alterations and/or extensions over time.

PROPOSAL:
This is a retrospective, full-planning application seeking permission to regularise the existence of Upvc double-glazed windows, doors and shopfront plus associated works.

RELEVANT PLANNING HISTORY:
ENQ/2022/01943 - Advice on the acceptability in principle of the upgrade of the existing windows, door and shop frontage to dark grey uPVC (windows will remain as sash windows) – Responded with mixed decision March 2023

POLICIES:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2019

Planning (Listed Building and Conservation Areas) Act 1990

S66 (Special Considerations Affecting Planning Functions)

S72 (General Duties of Planning Authorities)

Wiltshire Core Strategy:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP20 (Spatial Strategy for the Salisbury Community Area)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Shopfront design in Salisbury (Adopted December 2004)

REPRESENTATIONS:

Conservation – Object

- The site lies within the chequers in the Salisbury City Conservation Area, and adjacent to a pair of grade II listed cottages, nos 58 & 60. 93&95 and Taylor's Almshouses to the north on the other side of the street are also listed.

  The replacement of windows above the shop front level, while an unfortunate loss of traditional windows, has utilised upvc sliding sashes of similar design. The majority of the unlisted properties on this side of the street have previously been replaced in upvc, so it would be difficult to argue that those in this application are out of character.

  The shopfront, however, is a slightly different matter. Upvc is generally only seen in domestic windows in the city, there is a very small number of upvc shopfronts (illustrated in the application) and none of these has had the benefit of consent. At least one deserves consideration for enforcement action. The quality and materials of shopfronts are perceived differently from the windows above, requiring particular attention to the adopted guidance on shopfronts and advertising. The guidance states that:

  Replacement shopfronts or shop signs for historic buildings should generally reflect the historic details of the building with a traditional style of shopfront and by utilising traditional materials. They should be designed to respect the period and style of the building and the form and proportions of the superior shopfronts or shop signs in the local area.

  The shopfront of this building was of timber construction, with the opening lights recessed between transom and mullions - while it was a C20 shopfront, it utilised traditional materials and details. The replacement has no recesses and the opening lights have a stormproof closure detail, and as it's immediately adjacent to the pavement the use of upvc is very obvious, and jars with the quality of the listed building adjacent, adversely affecting its setting.
  I consider that the replacement to preserve the character of the CA and the setting of the listed building (58 & 60), contrary to sections 72 and 66 of the PLBCA Act 1990, the aims of the NPPF and CP58.

Salisbury City Council – Object

- Salisbury City Council objects in support of the conservation officer's comments

Letters – None Received

ISSUES:

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

- Principle
- Character & Design

PLANNING ASSESSMENT:

Principle:

The site is already in use for mixed commercial & residential purposes and the principle of extensions, additions or alterations to be used in association with the existing uses of the site is accepted. These principle acceptabilities are however subject to the detail, such as their implications for the character of the area and neighbouring amenities. These will, therefore, be addressed in more detail below

Character & Design:

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. In addition, Section 72 of the Act states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In having 'special regard' (in relation to listed buildings) and/or in paying 'special attention' (in relation to conservation areas) the NPPF states that regard must be had as to whether the proposal will cause 'substantial harm', 'less than substantial harm' or no harm to the asset.

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Residential extensions/alterations such as this are acceptable in principle subject to there being no adverse impacts. Core Policy 58 aims to ensure that Wiltshire's heritage assets such as the conservation area are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. It also, however, confirms that the designation of a Conservation Area or listed building does not necessarily preclude the possibility of new development and the Council is committed to working pragmatically with owners to find positive solutions which will allow the adaptation of such buildings to reflect modern living aspirations.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

As mentioned by the conservation officer, whilst the loss of the original windows is considered to be a disappointment, the use of sash windows and the existence of multiple unlisted properties with double glazing and the presumed acceptability of this section of development opined within the previous pre-application submission makes the replacement acceptable. However, as stated in the previous pre-application submission, the use of Upvc for the shop front would not be acceptable. Traditional shopfront design relies on a set of principles based on proportion, balance and the right relationship of the parts to the whole. These principles are still valid today but it is the creative interpretation of traditional features that makes for good new design. Each building and site is unique, and a good design should add to the vitality of the street scene without resorting to pastiche.

As detailed by the conservation officer, the replacement shop front does not heed the traditional details of the previous timber frontage and is very clearly of modern Upvc construction which is considered to be jarring to the historic character of Parsons Chequer and at odds with the setting of the attached listed building. It is, therefore, considered that the proposals having given special regard to the setting of the listed building have caused harm, similarly, having paid special attention to preserving or enhancing the character of the encompassing conservation area it is considered that the proposals have failed to preserve or enhance said character. Consequently, it is established that harm has been caused. Any harm relating to designated heritage assets is split into two groups, Substantial Harm (the total loss of significance) or Less than Substantial Harm (any harm short of a total loss of significance), in this instance the harm falls within the Less than Substantial Harm bracket, where this is the case the harm must be weighed against the public benefits of the proposal and whilst great weight is given to the preservation of assets they can be outweighed. In this case, however, no public benefit has been established or provided. Therefore, it is considered that the proposals cannot be granted approval as they fail to comply with sections 72 and 66 of the PLBCA Act 1990, the aims of the NPPF and CP58 of the WCS.

Other Matters

Running concurrently to this application using conflated paperwork is application PL/2023/07335. This is also a retrospective application but for Advertisement Conset. The decisions in these applications are not related and the use of conflated paperwork does mean that one approves or refuses another.

CONCLUSION:

The replacement Upvc shopfront is considered to be contrary to both local and national policies by failing to preserve or enhance the character of the conservation area, causing harm to the setting of the neighbouring listed buildings and offering no tangible forms of public benefit to outweigh the harms caused.

RECOMMENDATION:

Refusal of planning permission for the following reasons

1. The application site is located within the Historic Parson's Chequer, part of the designated Salisbury Conservation Area and is immediately next to Grade II Listed Buildings. The introduction of a Upvc double-glazed shopfront causes less than substantial harm to designated heritage assets without any evidence of suitable public benefits, fails to preserve the character of the Conservation Area and the setting of the listed buildings (58 & 60), contrary to sections 72 and 66 of the Planning Listed Buildings & Conservation Areas Act 1990, the aims of the National Planning Policy Framework and CP58 of the Wiltshire Core Strategy.

Pre Application Response

Application No: ENQ/2022/01943

Proposal Advice on the acceptability in principle of the upgrade of the existing windows, door and shop frontage to dark grey uPVC (windows will remain as sash windows)

Site Address 62 & 62A ST EDMUNDS CHURCH STREET, SALISBURY, SP1 1EQ

On Behalf of: UKN

Thank you for your application registered on 12th December 2022. In response to your enquiry, I hope that you will find the following information helpful.

Please note that this advice represents officers' informal opinions based upon the information you have provided. It is given without prejudice to any decision the Council may make on any subsequent formal planning application. In particular, a planning application will be the subject of publicity and consultation in accordance with the Council's procedures which may bring to light additional issues, and as you will be aware, advice offered is based on the planning policies that apply at the time of writing.

Summary of Officer View

The proposal is considered to have some merit, but in order to receive potentially favourable consideration, outstanding issues need to be addressed. This response identifies the issues that need to be addressed.

Constraints:

The site is located within the Salisbury Conservation Area and is immediately next to a Grade II Listed Building.

Relevant Planning Policies:

Planning (Listed Building and Conservation Areas) Act 1990

S66 (Special Considerations Affecting Planning Functions)

S72 (General Duties of Planning Authorities)

Wiltshire Core Strategy:

CP1 (Settlement Strategy)

CP20 (Spatial Strategy for the Salisbury Community Area)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

Supplementary Planning Documents:

Shopfronts & Advertisement Design

Assessment

The proposals to replace the timber sash windows are considered to likely be acceptable subject to the details being approved by way of a planning application, a first-floor right-hand window appears to have already been replaced without permission although it does appear to be of acceptable quality.

The replacement of the shopfront, however, would not be considered acceptable if done in UPVC as it would not offer a quality or traditional finish, and would not preserve the character of the building within the CA nor be appropriate adjacent to a listed building, adversely affecting its setting. Our shopfront guidance requires the use of traditional materials. The shopfront should be refurbished or replaced with a timber version, the latter requiring planning permission and full details.

Advice regarding Building Regulations

It is possible that your proposal will require separate approval under the Building Regulations. The Building Regulations Team can be contacted on 0300 456 0113. They are happy to provide you with free Building Regulation advice on this proposal and discuss this project further. This will help to ensure that the final decisions are compliant with the Building Regulations and may help save you time and money.

Yours faithfully

Andrew Guest

Head of Development Management

Officer's Name: James Repper

Officer's Title: Planning Officer

Direct Line: 01722 434303

Email: james.repper@wiltshire.gov.uk






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Salisbury Kitchen Planning Centre
JONES & COMPANY
JONES COMPANY
KITCHENS
BATHROOMS
BEDROOMS
WE HAVE MOVED
WE ARE NOW AT
GIGANT HOUSE
UNIT 8
CASTLEGATE BUSINESS PARK
OLD SARUM
SALISBURY
SP4 6QX
WE HAVE MOVED
WE HAVE MOVED
WE HAVE MOVED


SALT LANE


THE PHEASANT
WHAT IS ON AT THE PHEASANT
REAL ALES & FINE WINES
FUNCTION ROOM
COURTYARD GARDEN
A WARM WELCOME


THE SALVATION ARMY
SHOP
THE SALVATION ARMY





Without Prejudice Condition:

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

Application Form Received 22nd August 2023

Site Location Plan Received 22nd August 2023

Site Plan Received 1st September 2023

As Built Front Elevation DWG: 10-100-B Received 1st September 2023

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

Excerpts From Wiltshire Core Strategy, CP's 57 & 58

Core Policy 57:

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. 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 through:

i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced
ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development
iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting
iv. being sympathetic to and conserving historic buildings and historic landscapes
v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)
vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area
vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)
viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site
ix. ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network)
x. the sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials
xi. taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future
xii. the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm
xiii. the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place
xiv meeting the requirements of Core Policy 61 (Transport and New Development).

Core Policy 58:

Ensuring the conservation of the historic environment
Development should protect, conserve and where possible enhance the historic environment.

Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:

i. nationally significant archaeological remains
ii. World Heritage Sites within and adjacent to Wiltshire
iii. buildings and structures of special architectural or historic interest
iv. the special character or appearance of conservation areas
v. historic parks and gardens
vi. important landscapes, including registered battlefields and townscapes.

Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping).

Heritage assets at risk will be monitored and development proposals that improve their condition will be encouraged. The advice of statutory and local consultees will be sought in consideration of such applications.

Excerpts From Shopfront Design In Salisbury

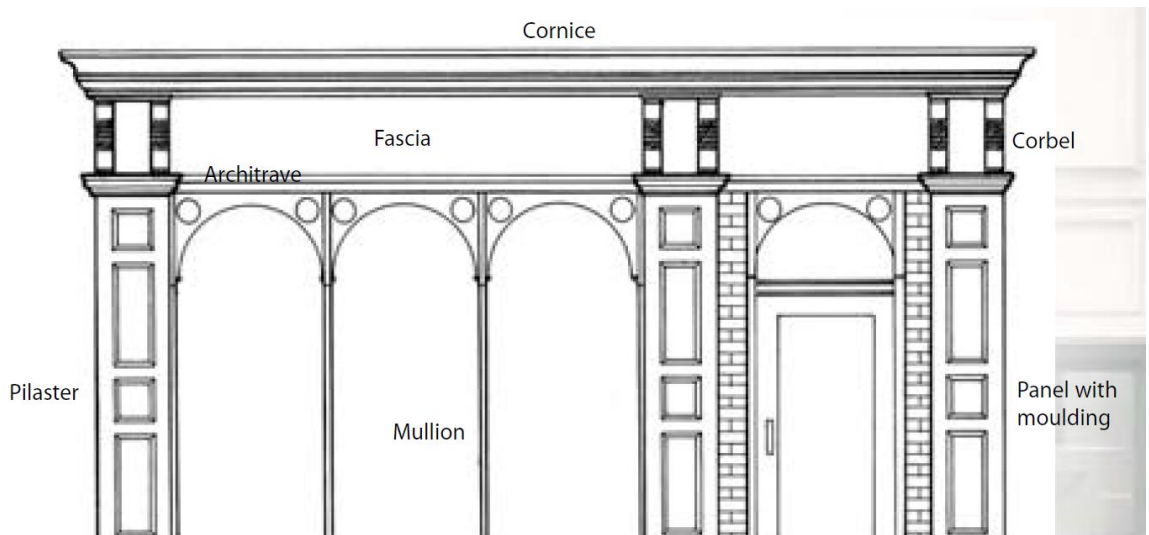
In relation to Listed Buildings and Conservation Areas, the following policies apply:

CN13: The retention of shopfronts within Conservation Areas that are attractive, of historic or architectural value, or that contribute to the character of the area will be sought. Permission will only be granted for their repair or restoration.

CN14: In Conservation Areas, new shopfronts will only be permitted where the design is of high quality and appropriate to the character of the building and its surroundings. The linking of pilasters will not be permitted.

SHOPFRONT DESIGN

Traditional shopfront design relies on a set of principles based on proportion, balance and the right relationship of the parts to the whole. These principles are still valid today but it is the creative interpretation of traditional features that makes for good new design. Each building and site is unique, and a good design should add to the vitality of the street scene without resorting to pastiche.



The traditional shopfront

A traditional shopfront is made up of a number of elements, which form a frame for the shop entrance and shop window. Each element has its own practical and visual function.

- Archtrave: moulded frame around a door or window
- The pilasters separate each shop from its neighbours and define the width of the shopfront.
- Pilaster heads often project to form a bracket or corbel. These can either be a decorative feature or a means to allow the fascia to be fixed at an angle looking down to the pavement.
- The fascia provides the space within which the name and business of the shop can be displayed.
- The cornice defines the top of the shopfront and gives protection from the weather.
- Mullion: a vertical post or upright dividing a window or opening into two or more lights.
- The stallriser gives protection at ground level and provides a solid base to the shopfront.
- Good design will integrate these elements in a way that presents a pleasing relationship between them, and between the shopfront and the building as a whole.

Copies of Respective Decision Notice:

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/07178

Decision Date: 26th October 2023

Applicant: Altogether Care

21 Glendinning Avenue, Weymouth, Dorset, DT4 7QF

Particulars of Development: Replacement of timber framed windows, glazing and front door to front elevation with UPVC double glazed units (Retrospective).

At: 62 ST EDMUNDS CHURCH STREET, SALISBURY, SP1 1EQ

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way.

However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (1)

1 The application site is located within the Historic Parson's Chequer, part of the designated Salisbury Conservation Area and is immediately next to Grade II Listed Buildings. The introduction of a Upvc double-glazed shopfront causes less than substantial harm to designated heritage assets without any evidence of suitable public benefits, fails to preserve the character of the Conservation Area and the setting of the listed buildings (58 & 60), contrary to sections 72 and 66 of the Planning Listed Buildings & Conservation Areas Act 1990, the aims of the National Planning Policy Framework and CP58 of the Wiltshire Core Strategy.

Parvis Khansari - Corporate Director, Place

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal

   - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).