CASE OFFICER'S REPORT

Application Reference: PL/2023/08918 & PL/2023/09320 41 High Street, Salisbury

PROPOSAL

This application seeks permission for the sub-division and change of use of part of the ground floor from retail to residential.

SITE DESCRIPTION/CONTEXT

The application site is located on the east side of High Street, a three-storey building within Salisbury City Centre. The building is currently used for retail purposes on the ground floor and semi-basement, although it is currently vacant (last use was a sweet shop) with the first and second floor divided into flats, accessible from a separate access from High Street. No.41-45 are Grade II Listed buildings, set within the Salisbury Conservation Area. The frontage of no.41 is directly adjacent to the highway, with the streetscape occupied by a range of retail and other commercial units, with some residential uses above ground floor level. Although the vernacular is diverse, the appearance of the street remains traditional, maintaining the character of the historic buildings. The site is set within an area of significant heritage value as all of the buildings to the east of High Street between New Street and North Walk are listed, and the site is in close proximity to the North Gate entrance to Cathedral Close. The proposal seeks to convert part of the retail space and staff room/store on the ground floor into a studio flat. No change is proposed for the basement other than to surface the ceiling with fire retardant material.

Listing: *41-45 High Street Date first listed: 28 February 1952*
1594 (East Side) Nos 41 to 45 (odd) SU 1429 NW 3/86 28.2.52. II GV 2. Later C18 symmetrical elevation. 3 storeys and attic painted brick. Bands between storeys, moulded on 2nd floor. Moulded coved cornice. The attic floor is set back, with small leaded terrace in front, and is tile hung. Steep pitch old tile roof with gabled and hipped ends. 5 small sashes to attic. 5 flush framed sash windows (centre 4 panes wide) on 2nd floor. 1st floor has central canted bay window sash lights with glazing bars, shallow cornice and panelled apron, (over No 43). 4 other 1st floor windows, 3 of them flush framed sashes, glazing bars intact No 45. The left hand window of No 41 has been enlarged 6 x 3 fixed panes. On ground floor: No 41 has central modern glazed door but with early Cl8 cornice hood over with panelled soffit, on shaped brackets. Shop windows either side modern in early Cl9 style glazing. One bowed. No 43 has

modern narrow window with glazing bars and glazed door in modern stucco pilaster frame with frieze and cornice. No 45 has early Cl9 door of 6 flush panels in panelled reveal. Modern Regency style bowed shop window, the whole framed by thin pilasters frieze and cornice.

RELEVANT HISTORY

2022/08251 and 2022/08671 Application approved for Sub-division and change of use of part ground floor from retail to residential with associated alterations to semi-basement

20/06957/FUL & 20/07407/LBC Application approved for Sub-division and change of use of part ground floor from retail to residential

S/2007/1400 Application approved for Installation of air conditioning

S/2007/1401 Application approved to Replace the existing air conditioning interior and exterior units and install 1no. new interior and 1no. new exterior units

16/11334/LBC (41-43 High Street) Application approved for Retrospective consent for redecoration of Salisbury Store

POLICIES

National Planning Policy Framework (NPPF)

2. Achieving sustainable development

4. Decision-making

12. Achieving Well-designed places

Wiltshire Core Strategy (WCS)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements

Core Policy 20: Spatial Strategy for the Salisbury Community Area

Core Policy 45: Meeting Wiltshire's Housing Need

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 57: Conservation

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16

Section 66

Section 72

CONSULTATION

Salisbury City Council: No Comment received

Neighbour/third parties: None Received

Highways: No Objection, as stated below:

'I refer to the above planning application for the sub-division and change of use of part of the ground floor from retail to residential with associated alterations to semi-casement.
In highway terms this application is the same as the previous application 2022/08251, I therefore make similar observations.
The site is located in the centre of Salisbury and does not benefit from any off street parking, however the location of the site is close to amenities, services and public transport links that occupiers will need and therefore, it is considered that the proposal will not have a negative impact on the highway network.'

Public Protection: Comment, as stated below:

'I write regarding the above application, which is a resubmission of PL/2022/08251. I therefore wish to re-iterate the same response:

The previous application for this site (20/06957/FUL and PL/2022/08251) were approved with the condition that the air conditioning plant indicated on the submitted floor plans are removed prior to first occupation.

The submitted planning statement confirms approval 20/06957/FUL and PL/2022.08251 for the site has not been implemented. I therefore recommend that conditions 3 (construction hours) and 4 (removal of plant) are both applied to any subsequent approval of this application.'

Conservation: No Objection, as stated below:

'It appears that the scheme is basically the same as that considered in 2022, but with additional fire protection measures required. The areas of the basement where fire and acoustic protection is necessary have mostly exposed historic timber joists: the proposal would see acoustic insulation packed between them and then double-boarded for fire safety. This loss of visibility is mildly harmful to the appearance and thereby character of the listed building, but there is little suggest any historic moulding or chamfer stops exist that would be hidden: the work would, in any event, be entirely reversible. The main timber beams should remain unclad - this is not mentioned so I presume this is the case. I am satisfied that the proposals would preserve the character and significance of the listed building.'

Ecology: No objection, as stated below:

No objection, the site lies within the River Avon SAC and therefore is subject to Phosphate mitigation, which has now been resolved, and also the New Forest Recreation Mitigation Strategy, which has also been resolved, subject to conditions and future legal agreements.

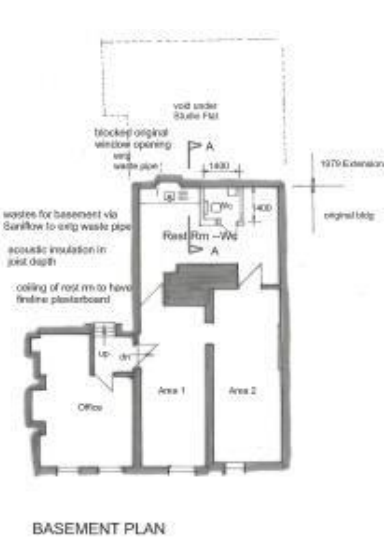
Natural England No objection – Appropriate Assessment completed

PLANNING ISSUES

- Principle of Development
- Impact on Visual Amenity of Conservation Area and Heritage Assets
- Impact on Residential Amenity
- Highways Impact

Principle of Development

This application seeks planning permission for the partial change of use from retail to residential on the ground floor to provide a ‘studio flat’ at the rear, with a new entrance door to be inserted behind the front retail space. An application was previously approved for a similar scheme where the location of the kitchen and toilet facilities were to be relocated to

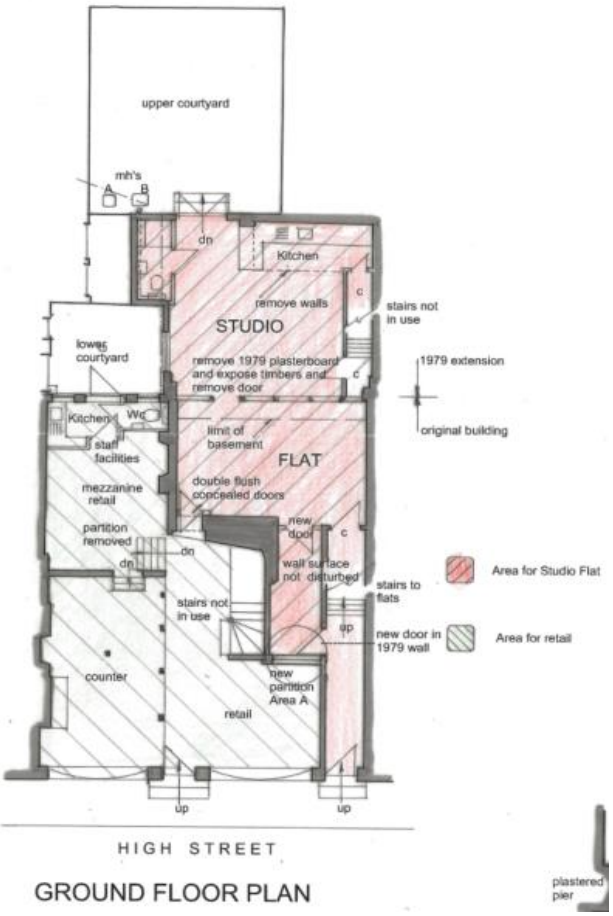


BASEMENT PLAN

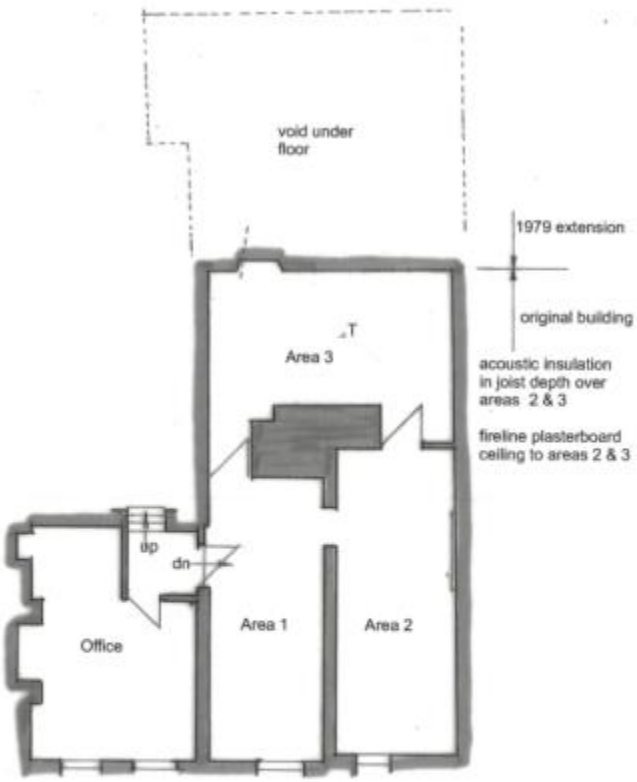


GROUND FLOOR PLAN

the rear of the basement to maintain the retail display space on the mezzanine level where the WC and kitchenette facilities were previously positioned. However due to Building Control issues it is not possible to provide WC facilities in the basement, hence the revised application to reduce the floor area of the proposal. The plans above show the previously consented scheme, with the proposed plans set out below:



GROUND FLOOR PLAN



BASEMENT PLAN

AS PROPOSED

The flat will have direct access to a small open courtyard area to the immediate rear.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2044 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. At the current time of the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015).

Principle of Development

There is no objection to the principle of the development given the extant permission for a change of use, subject to consideration of all material planning issues and site-specific constraints.

- Impact on Visual Amenity of Conservation Area and Heritage Assets
- Impact on Residential Amenity

- Highways Impact
- Ecology

Impact on Visual Amenity of Conservation Area and Heritage Assets

The proposed change of use and internal alterations would not necessitate significant alterations to the building or its exterior. Due to the site's location in a prominent position within Salisbury City Centre, of key heritage value, it is essential that the proposal does not harm the visual amenity of the area. The works are predominantly to the internal layout of the ground floor, seeking to also change the use from retail to residential. The upper floors within this building are occupied for residential use, as are many of the other upper floor units throughout the terrace. No.41 is a Grade II listed building, and therefore the proposed works should remain sympathetic to the building and preserve the character of such. The Conservation Officer responded during consultation with no objection, describing the scheme as a revision of the previously approved proposal where issues raised were addressed and the suitable scheme maintained in this application.

The works propose to convert the existing staff room/store room and retail space to the rear of the ground floor into a studio flat with a new door from the existing corridor that leads to the upper floor residential units. The kitchen will be to the rear of flat, with a doorway providing private access into the courtyard. The proposed internal reconfigurations would not harm the character of the building, as the works essentially create one central room which could be reverted back to the current layout and remains sympathetic to the overall building and the nature of its listed status. The majority of the works are located in the 1979 extension to the building. The site also lies within the Salisbury Conservation Area, but the external works – removal of the air conditioning plant – are only to the rear of the building, adjacent to the courtyard. There would not be harm to the visual amenity of the Conservation area as a result of the proposal, and the setting of the surrounding listed buildings would also not be harmed.

The impact of development on the character and appearance of the area has been assessed, and alongside compliance with the relevant policies of the WCS, there is deemed no reason for refusal. The proposed partial change of use remains complementary to the local area with no negative impact on the character or wider context of the area.

Impact on Residential Amenity

The potential impacts on residential amenity have been assessed, with no third comments received during consultation. Due to the small scale of the residential unit, and its position to the rear of the ground floor of no.41, there would not be a measurable impact surrounding residential dwellings within adjacent buildings and on the first and second floor. The windows to

the flat are on the rear elevation, facing outwards into the rear courtyard associated with the accommodation. Although this would have limited privacy, the dense urban location means that this is not uncommon and does not warrant reason for refusal. The frontage of the building is not to be altered, and no additional external fenestrations are proposed. Comments from Public Protection were sought and a response of no objection subject to condition was received. It was advised that the same conditions be implemented as on the previous application with regards to the removal of the air conditioning plant prior to occupation, and a condition stating construction hours that should be adhered to, reducing impact on surrounding buildings and other occupied spaces of no.41. These conditions have been included on this permission as advised.

The existing access is to be maintained, with an additional internal corridor formed to allow access directly to the ground floor and semi-basement flat proposed. As the works are minor reconfigurations, and a slightly amended approach to a previously approved application, there is not considered reason for refusal based on harm to residential amenity.

Highways Impact

The impact on highways safety has been assessed with a response of no objection received from the highways consultee. The site is positioned in an area central to the City of Salisbury, which ensures the occupier will have suitable access to a range of public transport and is within walking distance of amenities and essential facilities. The highways consultee responded with no objection, noting that the application is similar to the previously approved permission, and due to the sites position in the centre of Salisbury, although it does not benefit from off-street parking, is close to amenities, services and public transport links and therefore will not have a negative impact on the highway network.

Ecology

Since the last applications were determined, the proposal now falls within the River Avon SAC catchment and the New Forest Recreational catchment where there is a requirement for mitigation to ensure that any adverse impacts from the proposed development on the two above matters can be addressed.

Hampshire River Avon Special Area of Conservation (SAC) Catchment

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. Appropriate Assessment must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

The submitted phosphorous nutrient calculation calculated a total phosphorus budget of 0.11kg

TP/year pre 2030 and 0.03kg TP/year post 2030. The budget has been approved by Wiltshire Council.

A Council-led scheme of phosphorus credits will be available for development which meets certain criteria at a fix cost per kilogram of phosphorus, provided supply of mitigation is available. A completed Hampshire Avon Credit Screening Approval Certificate is required to apply for this scheme. The ecology section of this certificate has been completed by the Council's ecology team for this application. This certificate can only be issued by the case officer if the application meets the two deliverability tests. Further details of the Council-led scheme, including eligibility criteria, current cost to purchase credits, and details of how to apply, is available on our website Phosphorus and nitrogen mitigation - Wiltshire Council.

A strategic Appropriate Assessment (AA) has been prepared for qualifying planning applications for residential and non-residential development, within sewered and non-sewered areas of the River Avon SAC catchment. The AA reached a conclusion of no adverse effects on the integrity of the SAC or its qualifying features and has been endorsed by Natural England (NE) provided that the council's mitigation strategy continues to be implemented.

The mitigation fee and administration charge for the scheme can be paid by a section 111 agreement. It is also possible to pay the mitigation fee through a section 106 agreement or unilateral undertaking.

New Forest Special Protection Area (SPA) Special Area of Conservation (SAC) and Ramsar Site

The proposed development site lies within the 13.8km zone of influence for the New Forest internationally protected sites, which comprises the New Forest SPA, New Forest SAC and New Forest Ramsar site. Therefore, the application is screened into appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) on account of its potential to cause adverse effects on the New Forest protected sites through increased recreational pressure which may occur alone and in-combination with other plans and projects. Many of the special features of the New Forest protected sites afforded protection are vulnerable to adverse effects associated with an increase in recreation as demonstrated in Natural England's supplementary advice issued for the SPA on 19 March 2019 and for the SAC on 18 March 2019.

Following a Cabinet decision on 7 May 2024, Wiltshire Council's "Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1.1, 21 March 2023) is being revised. Cabinet approved revised mitigation measures to manage recreational pressures on the New Forest protected sites, including the cessation of use of Community Infrastructure Levy (CIL) to fund Strategic Access Management and Monitoring (SAMM) measures for minor

residential development (1-49 dwellings) and tourism / visitor accommodation within the 13.8km zone of influence. Instead, SAMM measures are to be funded by developer contributions at a rate of £600 (plus legal and admin fees) per unit of residential or tourism accommodation. This revision applies to all development that will result in a net increase in accommodation units within the 13.8km zone of influence from the New Forest protected sites and therefore applies to this application. Evidence for the revised approach derives from the New Forest SAMM Report (Footprint Ecology, October 2023) which can be found here: Research into recreational use of the New Forest's protected habitats - New Forest National Park Authority (newforestnpa.gov.uk). The New Forest SAMM Report was commissioned by all the local planning authorities with areas lying within the 13.8km zone, in order to identify and implement a consistent strategic approach to mitigation across the zone of influence.

It will therefore be necessary for developer contributions of £600 per dwelling / tourism unit (plus legal and admin fees) to be secured via s111 agreement, unilateral undertaking or s106 agreement for this application to ensure the necessary mitigation is secured. This will enable the Council to conclude, subject to endorsement from Natural England (which has now been received), that the development proposed by means of this application will not lead to significant adverse effects on the New Forest protected sites alone or in-combination with other plans and projects.

The applicant should be directed to the Guidance Note for Completing Agreements Under S.111 of the Local Government Act 1972.

Biodiversity

It is understood that all works proposed are internal alterations only and are therefore unlikely to impact upon biodiversity and therefore no net loss is predicted.

CONCLUSION

The potential impacts and comments received have been taken into consideration. In assessment of the significance of the change of use, no concern is raised, and it is ascertained that the use remains sympathetic to the urban context and maintains residential and visual amenity. The ecological matters can be addressed via Grampian style conditions. The proposal is in accordance with the objectives of the relevant Core Policies in the WCS and conforms to the aims of the NPPF. It is therefore recommended that this application be approved with conditions.

RECOMMENDATION: APPROVE with conditions

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 County 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:
Existing/Proposed Floor Plans & Sections Drawing no. 06823 - 1 Date Received: 13th October 2023
Site Block/Location Plan Drawing no. 06823 – 2 Date Received: 13th October 2023
Section through Basement Ceiling 1-20 at A4 Date Received: 31st October 2023

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

3. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
REASON: In the interests of the amenities of nearby residents.

4. The studio apartment herby permitted shall not be first occupied until the air conditioning units located on the rear outside wall (as indicated on drawing 06823-1) have been permanently removed and shall not be re-instated on any other outside exterior wall to the site, unless otherwise agreed by the local planning authority, on submission of a planning application on that behalf.
Reason: To ensure the creation/retention of an environment free from intrusive levels of noise in the interests of the amenity of the future occupiers of the dwelling herby permitted.

5. The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council New Forest Protected Sites Recreational Impacts Mitigation Scheme, or an alternative approved mitigation package addressing the recreational pressure arising from the development, has been submitted to, and approved in writing by the Local Planning Authority.
REASON: To accord with the Conservation of Habitats and Species Regulations 2017.

6. The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation scheme, or an alternative approved mitigation package addressing the additional nutrient input arising from the

development, has been submitted to, and approved in writing by the Local Planning Authority.
REASON: To accord with the Conservation of Habitats and Species Regulations 2017, and Wiltshire Core Strategy Core Policy 69.

7. The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).
REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

Informative Notes

1) Hampshire Avon Phosphorus Mitigation

Evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation Scheme means the certificate of allocation of credits and confirmation of financial contribution to the scheme.
An alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.

2) New Forest Mitigation Strategy

Evidence of compliance to the Wiltshire Council New Forest Protected Sites Recreational Impacts Mitigation Scheme means confirmation of payment of the financial contribution to the scheme.
An alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.

<u>Application no. 2023/09320</u>

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:

Existing/Proposed Floor Plans & Sections Drawing no. 06823 - 1 Date Received: 13th October 2023

Site Block/Location Plan Drawing no. 06823 – 2 Date Received: 13th October 2023

Section through Basement Ceiling 1-20 at A4 Date Received: 31st October 2023

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