

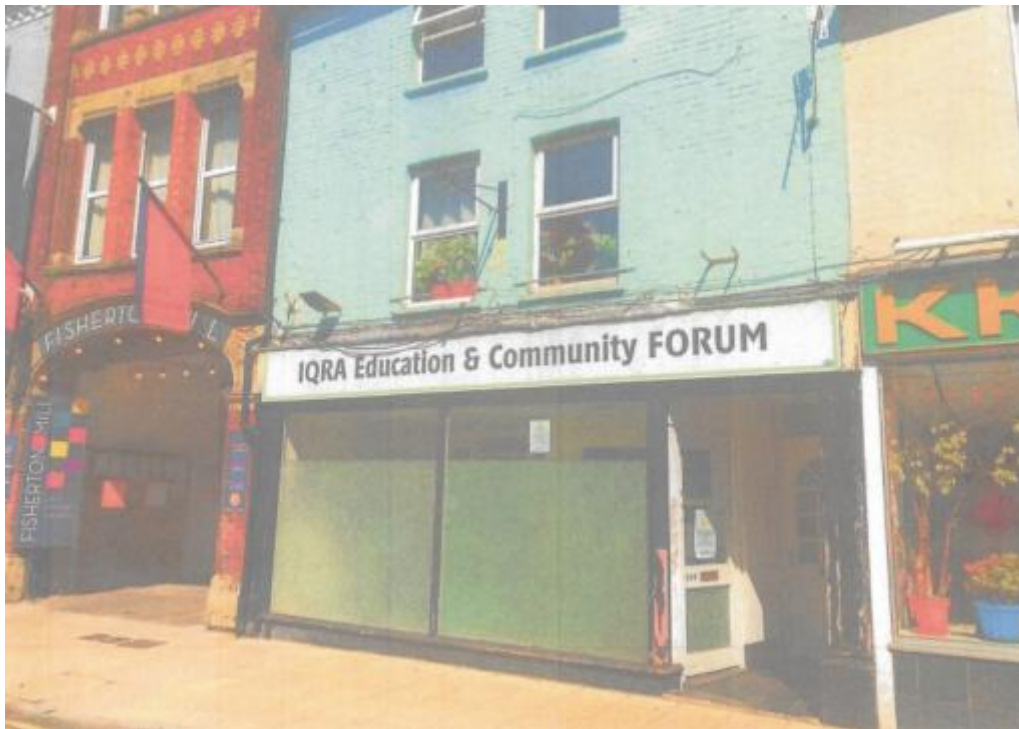
APPLICATION FOR FULL PLANNING PERMISSION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2025/08957
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	106 Fisherton Street, Salisbury, SP2 7QY
DEVELOPMENT DESCRIPTION:	Change of Use from Class D 1(c) to Class E(a)
RECOMMENDATION:	That Planning Permission be GRANTED

PROPOSAL

In November 2018 permission was granted under reference 18/06747 for Change of Use from a takeaway to Class D1 [C] provision of education (Or as of 1 September 2020, Class F (a) Learning and non-residential institutions). This application is for the proposed change of use from provision of education to Class E - Commercial, Business and Service E(a) Display or retail sale of goods, other than hot food.

SITE DESCRIPTION/CONTEXT



The application site relates to the ground floor of 106 Fisherton Street, last used as Class D1 [C] provision of education (Or as of 1 September 2020, Class F (a) Learning and non-residential institutions) IQRA Education and Community Forum. It has a modern shopfront and door located off a recessed entrance with a separate door which provides access to upper floor flats. There is currently lobby area at the front with the main meeting area room to the rear. There is a separate detached single storey store to the rear, which tappers to the end of the site.

Fisherton Street is in a Secondary Shopping area the north-west side of the city centre. The street is roughly on a north west / south east axis and is one of the main streets leading into and out of the city. Both sides of the street are of mixed commercial character with some residential, mainly to the upper floors. It has a variety of buildings, dates and designs. Whilst there are some modern shopfronts, traditional shopfronts remain and the prevailing character is of historic buildings with independent shops. There is a takeaway at ground floor level at No.102 with residential use above the south east side whilst on the north west side, there is archway (leading to Fisherton Mill) separating the site from No.108 and 110 on the north west side. There is another archway leading to a small residential mews development (Summerlock Mews).

The application site is situated within the defined settlement boundary of the principal settlement of Salisbury, as defined by Wiltshire Core Strategy (WCS) policies CP1, CP2 and CP20. The site is within the Salisbury City Conservation Area. The property is not a listed building but there are listed buildings in the locality. The site is identified on Environment Agency flood maps as being located in Flood Zones 2 and 3. The site is within the Salisbury City Centre Air Quality Management Area (AQMA). The site is within the catchment of the River Avon Special Area for Conservation (SAC), and within the New Forest 13.8km Internationally protected sites zone of influence.

PLANNING HISTORY

Reference	Proposal / Summary	Decision
S/1990/1093	CHANGE OF USE FROM RETAIL TO RESTAURANT	Refused
S/1992/0067	CHANGE OF USE OF FIRST AND SECOND FLOORS FROM WORKSHOP (SHOE REPAIRS) TO PRIVATE RESIDENTIAL FLAT AND ALTERATIONS TO SHOPFRONT	Approve with Conditions
S/2000/1463	FROM A1 (RETAIL SALES) TO A3 (RESTAURANT / TAKE AWAY)	Approve with Conditions
18/06747/FUL	Proposed change of use from takeaway to an education centre	Approve with Conditions

RELEVANT POLICIES AND GUIDANCE

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 20 Spatial Strategy Salisbury Community Area
- Core Policy 22 Salisbury Skyline
- Core Policy 34 Additional Employment Land
- Core Policy 35 Existing Employment Land
- Core Policy 38 Retail and Leisure
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;

- Core Policy 45 Meeting Wiltshire's Housing Needs;
- Core Policy 46 Meeting the Needs of Wiltshire's Vulnerable and Older People;
- Core Policy 48 Supporting Rural Life
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 55 Air Quality;
- Core Policy 56 Contaminated Land;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 63 Transport strategies
- Core Policy 64 Demand Management
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources;
- Core Policy 69: Protection of the River Avon SAC.

Made Neighbourhood Plans:

Salisbury Neighbourhood Development Plan 2020 to 2038

Supplementary Planning Document:

Wiltshire Local Transport Plan 2011-2026

Saved Salisbury District Local Plan:

- H8 - Housing Policy Boundary of Salisbury
- E3 - Office Development Central Area
- S2 - Secondary Shopping Area

The Planning (Listed Building and Conservation Areas) Act 1990

- Section 16: Decision on application.
- Section 66: Special considerations affecting planning functions
- Section 72: General duty as respects conservation areas in exercise of planning functions

City of Salisbury Conservation Area Appraisal and Management Plan

Air Quality Action Plan for Wiltshire (2024-2029) Under consultation.

National Planning Policy Framework (NPPF) July 2021

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Ancient Monuments and Archaeological Areas Act (1979) amended by the National Heritage Act (1983) and the National Heritage Act (2002)

Environmental Protection Act, 1990

Environment Act 2021

Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021

Wildlife and Countryside Act 1981 as amended

Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations')

Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

Salisbury Central Area Framework - Wiltshire Council Adopted Salisbury City Central Area Framework 2020

Emerging Policy – Wiltshire Local Plan Review:

The Council's draft Local Plan (Regulation 19 stage, 2023) is a material consideration but carries limited weight at this stage.

CONSULTATION RESPONSES

Highways: No Objection.

Public Protection: Comment:

I write regarding the application for change of use from office to retail with proposed trading hours of: 8am – 9pm Monday to Friday, 9am to 10pm on Saturdays and no trading on Sundays/ Bank/ Public Holidays. I recommend that a condition be applied to any approval of this application to restrict opening hours in line with those proposed.

No information has been provided to indicate that external plant associated with refrigeration or freezer units for the shop will be installed as part of the alterations to the premises. I therefore recommend that a condition be applied to any approval to prevent the installation of external plant on the site without prior consent from the Local Planning Authority.

Salisbury City Council: Comment: SCC comments in support of public protection officer.

REPRESENTATIONS

No comments were received.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the adopted Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans.

Principle of Development

At the heart of the NPPF is a presumption in favour of sustainable development and the Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability. This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Salisbury is defined as a Principal Settlement and the site lies within the defined settlement boundary of Salisbury and is also within the Salisbury Central Area. The principle of development is also subject to compliance with other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts considered below.

The application site is located in a city centre location and located within the defined 'Secondary Shopping Area' for Salisbury. Sections 6 and 7 of the NPPF set out the government's policy guidance for delivering a strong and competitive economy and ensuring the vitality of town centres respectively. Paragraph 90 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of the local communities, by taking a positive approach to their growth, management and adaptation.

a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;

c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;

d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;

e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and

f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

The above is a clear indication of the need to address the current climate and market conditions affecting town centre shopping areas.

The LPA's main retail policy applicable to the location of the application site is Saved Policy S2, which states:

Within secondary shopping areas, changes of use of ground floor premises to non-shopping uses (A2 and A3) will be permitted subject to the following criteria:

- (i) the retail function of the area is not undermined;*
- (ii) there is no adverse impact on the amenities of the occupiers of nearby residences;*
- (iii) no traffic hazard through increased on-street parking will result; and*
- (iv) there is no loss of a residential unit.*

The SDLP supporting text relating to saved Policy S1 and S2 states that “....the Secondary Shopping Areas reflect the concentration of existing shopping facilities in Salisbury and Amesbury and are areas within which retail development is acceptable in principle. Parts of Salisbury City Centre, for example, Fisherton Street and Winchester Street, have a distinct character, with the presence of small scale, specialist units, often within historic buildings. It is considered these areas contribute to the shopping experience of Salisbury. ...”. It goes on to say that “... It is however important to ensure that the vitality of these areas continues, and where possible is improved to provide attractive shopping environments. In order to ensure that retailing activity remains the dominant land use at ground floor level within these areas, at least a third of the units of a particular street block frontage, or frontage of 50 metres either side of the application site, whichever is less, should remain in retail (A1) use...”.

In November 2018 permission was granted under reference 18/06747 for Change of Use from a takeaway to Class D1 [C] provision of education (Or as of 1 September 2020, Class F (a)

Learning and non-residential institutions). No external physical changes to the building were proposed to facilitate the change of use.

This application is for the proposed change of use from provision of education to Class E - Commercial, Business and Service E(a) Display or retail sale of goods, other than hot food. No external physical changes to the building are proposed to facilitate the change of use.

Particular constraints in developing this site are flood risk (including in relation to the principle of development discussed further below), heritage and amenity considerations:

Flood Risk:



Part of the site is identified on flood maps as being located in Flood Zone 2. However, the Environment Agency mapping data is indicative and is only an indication of the flood zones and does not account for the potential impact of Climate Change, including extreme weather events. Applying the cautionary principle to flood risk, the EA advise that flood risk to the site is likely to be over much more of the site than indicated, and we would consider the entire site to be within flood zone 2; unless it can be demonstrated using flood modelling via a site-specific flood risk assessment (FRA) that the site is/will remain in Flood Zone 1 with climate change.

Sequential test:

Paragraph 173-175 of the NPPF is clear that development should be restricted in flood zones:

173. A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below.

174. Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.

175. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk

assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

176. Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63.

63 A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.

The Planning Practice Guidance (PPG) explains that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and that the NPPF sets these strict tests to protect people and property from flooding which all local planning authorities are expected to follow and where these tests are not met, national policy is clear that new development should not be allowed.

The sequential test is the first stage in addressing flood risk.

Any 'Minor' development proposals for residential development require a sequential test. This is because residential development other than change of use in flood zones 2/3 is unacceptable in principle unless there are no alternative sites available for development to meet the housing needs of the authority in flood zone 1.

The only exclusions (taken from Planning Practice Guidance- PPG) - are as follows:

You also don't need to do a sequential test if either of the following apply:

☐ *your development is a minor development – but see below for definition of Minor in context of flooding:*

☐ *your development involves a change of use (e.g. from commercial to residential) unless your development is a caravan, camping chalet, mobile home or park home site*

Minor development in the context of flood risk is:

☐ *minor non-residential extensions: industrial/commercial/leisure etc. extensions with a footprint less than 250 square metres.*

☐ *alterations: development that does not increase the size of buildings e.g. alterations to external appearance.*

☐ *householder development: For example; sheds, garages, games rooms etc. within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling e.g. subdivision of houses into flats*

This application is for the proposed change of use from provision of education to Class E - Commercial, Business and Service E(a) Display or retail sale of goods, other than hot food. No external changes have been put forward as part of this application. As there is no increase in size of the existing building, it is not considered that the proposed change of use application will have an impact on the flooding within the local area.

Design and Impact upon the upon the character and context of the area

Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that all new development is of high design quality, reflecting local context, character, and distinctiveness.

The application site relates to the ground floor of 106 Fisherton Street, last used as Class D1 [C] provision of education (Or as of 1 September 2020, Class F (a) Learning and non-residential institutions) IQRA Education and Community Forum. It has a modern shopfront and door located off a recessed entrance with a separate door which provides access to upper floor flats. There is currently a lobby area at the front with the main meeting area room to the rear. There is a separate detached single storey store to the rear, which tappers to the end of the site.

The submitted floor plans indicate some internal demolition of partition walls to accommodate a retail area. Externally, there are no proposed works to the application site as part of this application. Public protection has noted that if any proposed external plant is required, details of this proposed plant should be submitted and approved by the LPA. This condition has been included in the recommendation. Secondly, the planning statement submitted as part of this application have noted that: *Advertisement will be placed on the plinth behind the shop window. The fascia sign will be replaced by a suitable fascia sign in accordance with Class 5 of the Town and Country Planning [Control of Advertisements] [England] Regulation 2007.*

No information on any proposed advertisement has been included in this application. However, the agent and applicant should note that the applications site is located within a special area control for advertisements and a conservation area. Advert consent might be required for any external advert changes.

Having regard to the above, the proposal complies with the design principles set out in Core Policy 57 of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide.



Amenity

Point vii of Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that developments do not adversely affect neighbouring properties.

The National Planning Policy Framework (NPPF), particularly Paragraph 135(f), stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

The proposed development has been assessed in terms of its potential impact on the residential amenity of neighbouring properties, with particular regard to loss of light, overshadowing, loss of privacy, and overbearing effects.

It is noted that there are residential dwellings located above the application site. This application has not included any proposed external plant. As the application site is adjacent to residential dwellings, public protection have included a condition to note that any external plant would require prior consent and approval with the LPA to ensure the protection for noise impacts to the adjacent residential amenity. In terms of overshadowing and privacy issues, the application site and the surrounding ground floor uses are a mix of existing commercial establishments. This proposed use is similar to the existing uses of the surrounding area. As the residential dwellings are located in a city centre location and adjacent to existing commercial uses, it is considered that a certain level of commercial use and noise associated within this is established in this area. A limit to opening hours have also been included in the recommendation to minimise noise and impact of the proposed shop to the surrounding area.

The proposal therefore accords with Core Policy 57 point vii in respect of safeguarding residential amenity and Appendix D of the Wiltshire Design Guide.

Highways Impact

Core Policy 57 (xiv) of the Wiltshire Core Strategy seeks to ensure that development must meet the requirements of Core Policy 61. This policy requires proposals to be capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure compliance with parking standards set out in the Local Transport Plan.

The National Planning Policy Framework (NPPF), particularly Paragraph 115 and 116, requires that development proposals do not have an unacceptable impact on highway safety and that safe and suitable access to the site can be achieved for all users.

This change of use application does not include information on highways impact. No information on parking and has been provided. As the application site and the surrounding area has established commercial use on the ground floor, it is not considered that the proposed change of use would require additional provision for parking. The highway located to the front of the application site has double yellow restrictions.

The proposal is therefore considered to comply with Core Policies 57 (xiv), 61 and 64 of the Wiltshire Core Strategy, the NPPF, and the Wiltshire Local Transport Plan.

Heritage Impact

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990.

Section 66 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing 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.

The NPPF outlines government policy for planning. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development.

The application site is located within the Salisbury Conservation area. However, the application site itself is not a listed building. This application does not include any proposed external changes to the existing building, therefore, it is not considered that this application would result in harm to the significance of any heritage assets and the conservation area.

The development is therefore considered to comply with Core Policy 58 of the Wiltshire Core Strategy and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the relevant provisions of the NPPF.

Ecology Impact

Core Policy 50 of the Wiltshire Core Strategy seeks to protect and enhance biodiversity and geodiversity, including through ensuring that development avoids harm to protected species and habitats.

The National Planning Policy Framework (NPPF), in Paragraphs 193, requires that development minimises impacts on and provides net gains for biodiversity, including ensuring mitigation is secured where harm cannot be avoided.

The site is within the Salisbury City Centre Air Quality Management Area (AQMA), within the catchment of the Hampshire River Avon Special Area for Conservation (SAC), and within the New Forest 13.8km Internationally protected sites zone of influence. However, due to the scale and nature of this application being a change of use from Class D1 [C] provision of education (Or as of 1 September 2020, Class F (a) Learning and non-residential institutions), it is not considered significant harm to biodiversity is unlikely, nor should there be any mitigation associated with this application.

As such, the development complies with Core Policy 50 of the Wiltshire Core Strategy and the relevant provisions of the NPPF.

Biodiversity Net Gain

Householder planning applications are exempt from the requirement to deliver Biodiversity Net Gain under Schedule 7A, Section 4(2)(a) of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021.

CONCLUSION

The proposed development is considered to be acceptable in terms of its design, scale, and relationship with the surrounding area. It would not result in any unacceptable harm to the character of the locality, the amenities of neighbouring occupiers, or the interests of highway safety, heritage, or ecology.

The proposal is therefore considered to comply with the relevant policies of the Wiltshire Core Strategy, the Wiltshire Local Plan, and the National Planning Policy Framework. As such, the application is recommended for approval, subject to the conditions set out below.

RECOMMENDATION: That Planning Permission be GRANTED subject to 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 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 and documents:

Planning Statement Received: 17 November 2025

Location plan, Existing and Proposed floor plans Drawing No. 04725 1 Received: 07 November 2025

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

3. The use hereby permitted shall only take place between the hours of 8am to 9pm from Mondays to Fridays and between 9 am to 10pm on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

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

Informative:

1. No external plant associated with refrigeration or freezer units have been submitted as part of this planning application. Any external plant or machinery will need a further planning application and permission.

2.No information on any proposed advertisement has been included in this application. However, the agent and applicant should note that the applications site is located within a special area control for advertisements and a conservation area. Advert consent might be required for any external advert changes.