

<b>Date of Meeting</b>	17 <sup>th</sup> December 2015
<b>Application Number</b>	15/06160/LBC
<b>Site Address</b>	23, Milford Street, Salisbury
<b>Proposal</b>	Change of use of site from public house (Class A3) and adult entertainment venue (sui generis) to form two commercial units (Classes A1, A2, B1 or D1) and 10 apartments including conversion, demolition and erection of buildings (Revised plans showing amendments to the ground and first floor layout and elevations)
<b>Applicant</b>	Warwick Developments Ltd
<b>Town/Parish Council</b>	Salisbury City Council
<b>Grid Ref</b>	414646 129954
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Tom Wippell

### Reason for the application being considered by Committee

The application has been called to committee by former Councillor Helena McKeown if minded to approve for the following reasons:

- This application has been strongly objected to by the city Council, and for many reasons. It is converting a business function to residential in the street where the night time economy of Salisbury City is concentrated, and serves 2000 people, providing 200 jobs in the street and more elsewhere. Because of the lack of toilets after closing hours the property will be vulnerable to misuse as has happened elsewhere. This could be an issue of public health
- The street noise for residents with overlooking windows will not only suffer noise but the need to keep windows closed depriving them of fresh air and the chance to cool their rooms particularly in hotter weather. No mention was made of air conditioning.
- The building is listed, the walls are thin and the City planning committee is informed by a member who has lived and visits this street as well as by an objecting business owner close by that sound will come through the walls. There is concern that residents might complain of noise, and that there would be a risk of other businesses closing.
- The owner might find that as has reportedly happened nearby, that the rents have to go down in order to attract residents. The application contains no provision for parking in a residential zone which already has more permits than spaces.
- The application does not deal with flooding and the effects of a high water table. Given the flooding risk in central Salisbury, and the need for about 3000 residents to need relief accommodation, it might seem unwise to add some 20 more.

### 1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) that planning permission be granted.

### 2. Report Summary

The issues in this case are:

- Scale/Design/Siting, Impact on Listed Building and Conservation Area

Publicity of the application has resulted in an objection from the Parish Council, one letter of objection and one letter of support.

### **3. Site Description**

The site is comprised of a terraced Grade II\* Listed Building and a number of associated outbuildings within the curtilage of the property which are also Listed. The surrounding area has a mixed urban character, with commercial, retail and leisure uses at ground floor level. Upper floors also include mixed uses as well as residential. Many of the buildings along Milford Street are Listed, and the site is located within the Salisbury Conservation Area.

The existing buildings on the site exude a range of styles, building heights and architectural techniques. The main frontage onto Milford Street is divided into three bays and has a stucco facade, with a plain clay-tiled roof.

To the north of the site is currently being constructed a residential scheme of 9 units at 7-11 Brown Street.

### **4. Planning History**

Various related to works to the building as part of its previous usage.

### **5. The Proposal**

The scheme seeks the change of use from public house (A3) and adult entertainment venue (sui generis) to form two commercial units (A1, A2, B1 or D1) at the front of the site, and 10 apartments above and behind.

The scheme includes the conversion, demolition and erection of new buildings, and the creation of a rear courtyard. The historical entrance to the site from Milford Street is currently stopped up and not in use. However the application proposes to reinstate this entrance as a pedestrian access to the site, to be accessed via glazed doors which will be locked during the night.

### **6. Planning Policy**

Saved policies S1, S2, S3 (retail) SDLP, Core Policy 1, Core Policy 2 (housing and economic development), Core Policy 36, 38 (retail/economic development), Core Policy 43 (affordable housing), Core Policy 57 (design and amenity), Core Policy 58 (heritage assets) WCS

NPPF NPPG, in relation to amenity, housing need, sustainability and vitality of town centres, and protection of heritage assets

### **7. Consultations**

#### Conservation:

Welcome this scheme subject to clarification over minor details. Suggest conditions covering the materials (roofing and elevations and design of rooflights and new windows/doors – details from a brochure would be sufficient).

#### Historic England:

These applications should be determined in accordance with national and local advice and guidance, including the advice of your Conservation Officer. It is not necessary to consult us again on this application.

#### WC Archaeology:

The site is of archaeological interest. As the archaeological assessment (A Archaeology 2015) explains, the site lies within the Black Horse Chequer of the planned medieval City of Salisbury. There is therefore potential for archaeological remains, particularly those of the medieval and post-medieval period, to be present within the area and affected by the development. It is therefore recommended that a programme of archaeological works is carried out as part of any development. It is likely that this would take the form of an archaeological

watching brief and/or small area of excavation in those areas where groundworks are required, but some building recording may also be required.

### City Council

Strongly object to this application on the grounds that there are concerns about flooding due to it being on a high water table, public health, noise levels and the proposed change of use.

### **8. Publicity**

The application has been advertised by way of site notice, advertisement and letters to near neighbours.

The publicity has generated one letter of objection and one letter of support.

The letter of objection is as follows:

*"...I started a new business 2 years ago, as a late night economy bar next door to the now proposed development, I employ approximately 30 staff on a part-time basis. I invested my life savings into this project, to now find that a developer has purchased the premises next door, to change into apartments. My bar trades until 3 am. I feel that, even with sound proofing, this will cause a disturbance to residence within the new planned apartments. Whether the sound is coming from my bar or the street in general, no sound proofing can stop this noise. I would like to bring to your attention, page 16, paragraph 4.1 & 4.3 of the developers application - that Wessex Water were satisfied there were no flooding or sewerage problems within the immediate area. I know for a fact that ZOO, The Chapel, White Rooms & what was Wiltshire Council offices in Milford Street, all have constant problems with flooding. Your council offices were closed for 2 months last year due to raw sewerage and I personally had the lease at the White Rooms for 5 years and was constantly having to call out companies to sort out raw sewerage and flooding problems. The drainage in that part of Milford Street is not adequate. I feel that the engineering report for the planned premises is false and has not been looked into thoroughly. I appreciate that extra housing is required in all towns and cities at present, but to build 10 dwellings in a city centre, late night economy area could be the downfall of approximately 6 businesses within this area of Milford Street, that employs around 200 people. I strongly oppose this application."*

The letter of support is as follows:

*"..I give my whole hearted support for the application and believe it will only make Salisbury a better and more attractive place to both live and work. The noise, disturbance and disruption on Milford Street spilling out across the City from the night clubs there has been a blight for many years. From litter, broken glass, vomit, violence and noise it's been extremely difficult to live in the town and I've personally suffered threats and bad language whilst out at night with my children. So I hope that this well-designed residential property will get the go ahead."*

### **9.0 Planning Considerations**

It should be noted that amended plans have been submitted showing a slightly revised internal layout to address Environmental Health concerns; however, the general ethos of the scheme remains the same, with the amount of residential units not changing. The Consultees and neighbouring properties have been reconsulted on the revised drawings and given a further chance to comment.

#### 9.2 Scale/Design/Siting, Impact on Listed Building and Conservation Area

The building and site overall is currently in a rather dilapidated state, particularly as the use of the buildings mainly ceased some years ago. The site provides an opportunity to repair a Listed Building and bring a currently vacant site back into use, and in this regard it is considered that the scale, form and layout of the proposal has taken into account the existing footprint of the site, as well as the context and character of the surrounding area.

Reference has been made to the history of the site as a brewery by maintaining the courtyard 'mews' layout. In Officer's opinion, the scheme will maximise the potential usage of the land, without resulting in an overdevelopment of the site. When viewed from the public realm, the introduction of improved materials on the facade, and glimpses of the courtyard from the pavement/ through the shop windows will create an inviting and attractive entrance within the streetscene.

Moving through the site, the materials at ground/ first-floor level are considered to be of good quality, and the bespoke features such as a glazed linkway above the courtyard, the copper-clad-walls, newly exposed brickwork, floor-to-ceiling windows, 'punched windows' and the timber cladding all add interest to the design. The Conservation Officer and Historic England have been consulted, and raise no objections in terms of the impact on the Conservation Area or listed building. Materials/ further glazing details can be agreed via condition.

It is considered that the enhancement and conversion and reuse of the historic assets will accord with national and local policies, and that overall, the character of the surrounding Conservation Area and adjacent listed buildings will be enhanced.

### Conclusion

The existing buildings and site are considered to be in a rather dilapidated state, and currently, do not tend to enhance the street scene of the Conservation Area, The listed building is similarly degraded.

The proposed development is of high quality and will bring about significant benefits to this part of the city centre. The proposals represent a sensitive re-use of the Listed Building, and will ensure the longevity of the group of historic buildings.

**Recommendation: APPROVE, subject to the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason (1) To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004. .0006 AMENDED

**2. No development shall commence on site until finer details, and where so appropriate materials, of all external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: The application contained insufficient information to enable the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

**3. No development shall commence on site until details of all eaves, verges, windows and doors (including head, sill and window reveal details), rainwater goods, rooflights and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

**4. This development shall be in accordance with the submitted drawings:**

**- Site Plan P14-001-02-02-001**

**Proposed Ground Floor P14-001-02-03-001C Received 27th November**

**Proposed First Floor P14-001-02-03-002A rec. 7<sup>th</sup> October**

**Proposed Second Floor P14-001-02-03-003A**

**Proposed Roof Plan P14-001-02-03-004A**

**Demolition on Ground Floor P14-001-02-03-011A**

**Demolition First Floor P14-001-02-03-012A**

**Demolition Second Floor P14-001-02-03-013A**

**Proposed Section 03 P14-001-02-04-001A**

**Proposed Section 04 P14-001-02-04-002A**

**Wall Detail Key P14-001-02-04-005A**

**Wall Types 1 & 2 P14-001-02-04-006**

**Wall Types 3 & 4 P14-001-02-04-007**

**Wall Types 5 & 6 P14-001-02-04-008**

**Wall Build Up P14-001-02-04-010**

**Elevation 01 P14-001-02-05-001B rec. 27<sup>th</sup> November 2015**

**Elevation 02 P14-001-02-05-002A rec. 7<sup>th</sup> October**

**Elevation 03 & 04 P14-001-02-05-003A**

**Elevation 05 P14-001-02-05-004B rec. 7<sup>th</sup> October**

**Elevation 06, 07 & 08 P14-001-02-05-005A**

**Elevation 09 P14-001-02-05-006B rec. 7<sup>th</sup> October**

**Elevation 10 P14-001-02-05-007A**

**Demolition Elevation on 01 P14-001-02-05-011A**

**Demolition Elevation 02 P14-001-02-05-012B rec. 7<sup>th</sup> October**

**Demolition Elevation 03 & 04 P14-001-02-05-013A**

**Demolition Elevation 05 P14-001-02-05-014A**

**Demolition Elevation 06,07 & 08 P14-001-02-05-015A**

REASON: For the avoidance of doubt.

#### **INFORMATIVE:**

Many wildlife species are legally protected. The applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted at their Devizes office 01380 725344 for advice on how to proceed.