

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	10 March 2021
<b>Application Number</b>	20/09829/FUL
<b>Site Address</b>	Alabare House 15 Tollgate Road Salisbury SP1 2JA
<b>Proposal</b>	Change of use of existing religious retreat/bed and breakfast accommodation (max. 8 B&B) to 20 bedroom house in multiple occupation (HMO)/Sui Generis (key worker accommodation for rent).
<b>Applicant</b>	The Airey SIBA
<b>Town/Parish Council</b>	SALISBURY CITY
<b>Electoral Division</b>	Salisbury St Martins and Cathedral - Cllr Sven Hocking
<b>Grid Ref</b>	414920 129783
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Julie Mitchell

**Reason for the application being considered by Committee****1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be approved subject to conditions.

**2. Report Summary**

The main issues to consider are:

1. Existing use.
2. Principle of the proposed change of use
3. Scale and design
4. Impact on the Conservation Area, including works affecting trees
5. Residential amenity
6. Access, parking and highway Impact
7. Impact on River Avon SAC

### **3. Site Description**

15 Tollgate Road (currently known as Alabare House) is a substantial two-storey property last in use as a 'Religious Retreat' and associated Bed and Breakfast accommodation comprising 8 letting rooms. It was formerly "Burleigh House" nursing home, a C2 use as a residential institution until approximately 2002.

The 0.17 ha site is accessed from Tollgate Road via an existing gated, single width access drive between 11 Tollgate Road, a commercial building with residential use above, and 21 Tollgate Road, a private residential property.

The existing building, which has been subject to minor alterations and extension during its previous uses, is set well back within the site and due to the length and narrowness of the access drive has no street frontage, glimpses of the property can be gained from the access from Tollgate Road, the property is surrounded on all sides by other residential buildings, those which front Rampart Road and those which are accessed from Fowlers Road. There is an informal gravelled parking area, garden area and small garage and bin store area to the front of the building and a landscaped garden to the rear which tapers to a point. Mature trees form the side boundary with No 28A Fowlers Road and mature trees to the southern part of the site on the boundary with the rear of Rampart Road are noted as 'Important Trees' within the Conservation Area Appraisal.

The application site lies toward the southern extent of the Milford Hill Conservation Area, on the outer edge of the ring road but within close walking distance to the city centre of Salisbury. Although not readily visible from public vantage points, the original element of Alabare House is noted as making a 'Positive Contribution to the Conservation Area' due to its status as a significant building.

### **4. Planning History**

S/1998/0884 - RENEWAL OF PERMISSION S/93/0029 - ALTERATIONS AND EXTENSION TO NURSING HOME TO PROVIDE ONE ADDITIONAL BEDSPACE (Burleigh House) - Approved

S/1999/0897 - PART SINGLE/PART TWO STOREY REAR EXTENSION (Burleigh House) – Approved

S/2000/2308 - ERECTION OF CONSERVATORY (Burleigh House) - Approved

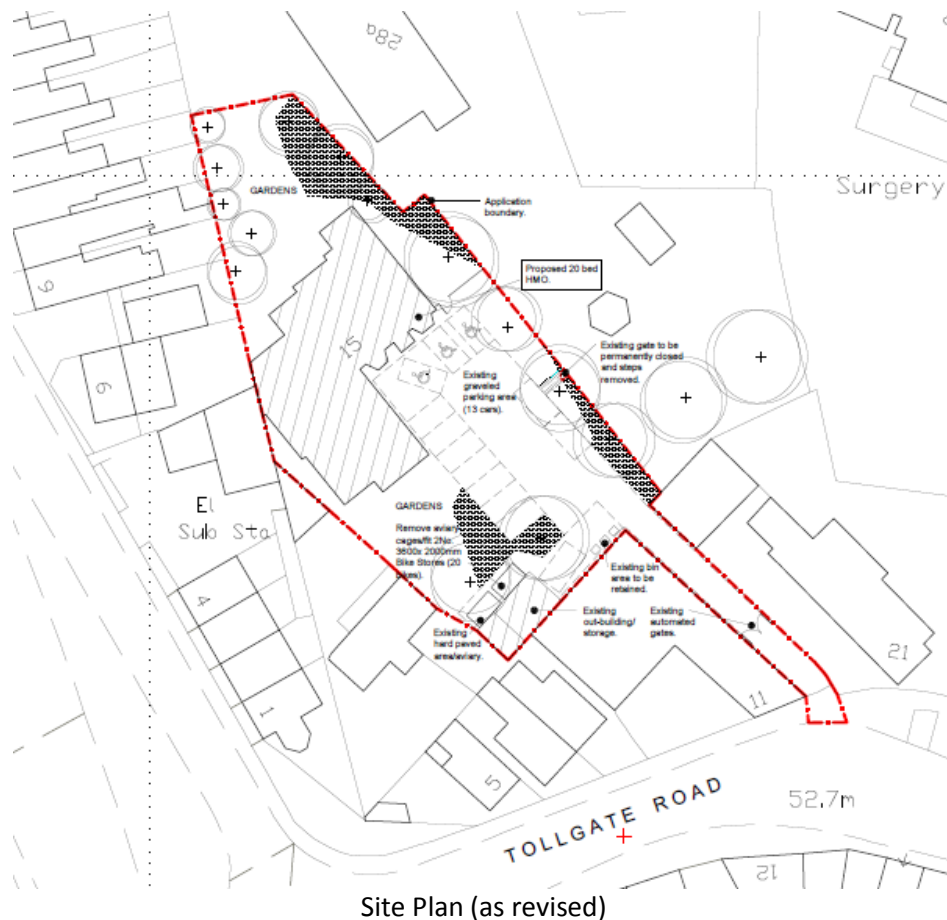
S/2002/2132 - TO INCLUDE BED AND BREAKFAST ACCOMMODATION - Approved

S/2007/2177 - REPLACEMENT PVCU BAY WINDOWS REPLACING PVC CLAD WOODEN WITH SIMILAR PVC - Approved

### **5. The Proposal**

The proposal is for the change of use of the current Religious Retreat and B&B accommodation to a house in multiple occupancy (HMO). The proposed use comprises 20 bedrooms, some with en-suite bathrooms/WC, shared kitchen, living and dining room, laundry room and shared bathrooms. The application states that no extensions or external alterations are proposed to the existing building although it is noted that some windows will need to be replaced to provide suitable fenestration for means of escape purposes. All habitable accommodation would be at ground and first floor levels, with storage and laundry facilities at basement level and within the roofspace.

The proposal would comprise the formalisation of the car parking area to the front of the building to provide 13 spaces, including 2 x spaces for those with disabilities. The application states that no trees or other landscape features will be impacted upon by the proposal. A secure undercover bike store for up to 10 bikes is also proposed. As a result of negotiations during the application, revised plans have been submitted to show the bin store retained in the same area as existing together with the addition of the bike store area.



## 6. Local Planning Policy

### Planning (Listed Building and Conservation Areas) Act 1990

Section 72: General duties of planning authorities

### Wiltshire Core Strategy (2015)

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 22 - Salisbury Skyline

Core Policy 40 - Hotels, bed and breakfasts, guest houses and conference facilities

Core Policy 43 – Providing Affordable Homes

Core Policy 45 - Meeting Wiltshire's housing needs

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 and New Development  
Core Policy 62 - Development impacts on the transport network  
Core Policy 63 - Transport strategies  
Core Policy 64 - Demand management  
Core Policy 69 - (Protection of the River Avon SAC)

**Salisbury District Local Plan (2003)**

Saved Policy H8 – Housing Policy Boundary (Salisbury HPB)  
H7 (Housing: Salisbury Central Area)?  
R2 (Recreational Open Space)?

**Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy**

Chapter 7: Parking Standards  
Policy PS6 - Residential parking standards

**National Planning Policy Framework 2019**

In particular: Section 4 (decision making); Section 5 (delivering a sufficient supply of homes); Section 9 (promoting sustainable transport); Section 11 (making effective use of land); Section 12 (achieving well- designed places); Section 16 (conserving and enhancing the historic environment)

**Government Planning Practice Guidance**

**Salisbury City Conservation Area Appraisal and Management Plan**

**National Design Guide (September 2019)**

**Habitat Regulations 2017**

**7. Summary of consultation responses**

***Salisbury City Council –***

- SCC objects because of overdevelopment and lack of parking spaces.
- SCC asks that WC notes letters of objection.

***WC Conservation –***

- There are no changes to the building or its access.
- I see no cause for any concern with regard to the proposals and the character of the Milford Hill Conservation Area.

***WC Highways –***

Response (1)

- The property has a former recent use as a B&B and before that I understand it was a nursing home.
- The existing floor plans seem to show more bedrooms than the suggested 8 – I have counted 17/18 bedrooms, please can I request clarification.
- A provision for the parking of 13 vehicles is proposed within the site curtilage, together with 10 cycle spaces.
- There are no specific car parking standards for HMOs and each site is considered on its location and impact on the local highway network.
- However, as a comparison, the current parking standard for a hotel or hostel is 1 parking space per bedroom, and the residential C3 parking standard for a 1x bed dwelling is also 1 space, but again this does depend on location.
- The parking requirement is based on number of bedrooms rather than potential number of residents.

- I would expect the cycle parking to accord with the requirement for C3 use (as per the Wiltshire Cycle Strategy contained within the LTP3) of 1 covered space per bedroom plus one additional visitors cycle space.
- Policy PS6 in the LTP Car Parking Strategy allows for a reduced residential parking requirement where: parking demand is likely to be low; and where any parking overspill can be controlled.
- Whilst the site is not located within the city centre, it is close to the centre (around 500 metres) where employment opportunities and services/facilities are readily accessible by non-car modes.
- Sustainable travel options are available within acceptable walking distances to locations in other parts of Salisbury, Wiltshire and beyond; there are bus stops close by offering regular services to a variety of destinations.
- Controlled Parking Zones are operated in Salisbury.
- Tollgate Road is within Zone C where limited parking is allowed for non-permit holders.
- It is unlikely that any future residents would be issued with a parking permit given the general pressures on on-street parking; however, even with a permit on-street parking is not guaranteed for any residents.
- There are a number of public car parks located within the city centre which could be used by visitors, if not residents.
- Salisbury Transport Strategy, Salisbury Central Area Framework and People Friendly Salisbury initiatives all have a common thread of reducing the need to travel by car and improving accessibility to other more sustainable travel modes within Salisbury.
- There is a strong emphasis on reducing traffic flows through Salisbury whilst encouraging walking, cycling and public transport use through measures such as infrastructure improvements, better facilities for pedestrians and priority schemes.
- With these enhancements to the city's connectivity and sustainable travel options being encouraged, the desirable outcome is that car dependence and thus car ownership should reduce.
- It is quite feasible that some future residents could live within the proposed development without requiring access to a car.
- I have dealt with other planning applications for HMOs in the Salisbury area and for large developments of apartments and I am generally of the view that a relaxation in parking is appropriate when the proposal is for a conversion of an existing building (rather than new build) and especially when the residential units are less likely to appeal to families.
- When development is for a number of units and there is competition for on-street parking spaces, a balance must be reached considering all factors.
- It would be useful to understand how the site would be serviced, in terms of deliveries and refuse collection.
- The proposed parking layout leaves little space for vehicles to turn if all spaces are occupied, where is it anticipated that vehicles will turn?
- And how would the parking spaces be allocated?
- It would also help to receive details of previous vehicle movements, if known, in order to make a comparison.

#### Response (2)

- I note that the HMO will be specifically for keyworkers and each room only for single occupation, meaning that the proposed 20 rooms will be occupied by 20 people.

- We have the advantage of car usage data from other Wessex Care accommodation which gives an idea of car ownership in this sector.
- These statistics have been supplied and clearly show general low car ownership for keyworkers living in Wessex Care accommodation.
- Due to the limitations of the site it is not possible to provide car parking to meet the residential parking standard of 1 space per 1 bed unit; however, this is a location where I would accept a relaxation in the parking provision for residential.
- In my initial observations I mentioned Policy PS6 (contained within the LTP Car Parking Strategy) which allows for a reduced residential parking allocation where: parking demand is likely to be low; and where any parking overspill can be controlled.
- I am of the view that this proposal meets both of these requirements.
- The site is close to the city centre and is well served by public transport.
- On-street parking is managed by residents permits/double yellow lines.
- Tollgate Road is able to accommodate the vehicle movements generated by this proposal.
- Whilst the access road to the site is of single vehicle width, this is as per the existing arrangement.
- The footway across the site frontage is wide and thus allows for reasonable visibility for and of emerging vehicles.
- I note that concerns relating to the proposal are based on either insufficient parking or an increase in vehicle activity.
- The proposed provision of 13 parking spaces provides a balance between accommodating the likely associated vehicles without over-providing and placing additional demands on the access.
- This is a brown field site containing a substantial building with a former use for B&B, providing 11 rooms of accommodation, and a religious retreat which offered day seminars, with associated parking need.
- I am generally of the view that a relaxation in parking is appropriate when the proposal is for a conversion of an existing building (rather than new build) and especially when the residential units are less likely to appeal to families.
- I have considered the proposal in light of the additional supporting information and I am in favour of the proposal subject to detail of the servicing/ refuse collection and deliveries to the site and how these movements will be accommodated.

***WC Public Protection –***

- The development is an intensification of an existing property and we do have some concern regarding the level of occupancy compared with parking provision, with no apparent provision for visitor parking.
- Tollgate Road is already subject to congestion and more on street parking (implied by the lack of onsite parking) is likely to exacerbate this.
- This will potentially have an impact on Air Quality on this road.
- Given the level of parking required and national policy to achieve Zero Emissions by 2035, I would recommend provision is made for at least two electric car charging points on the development site if the application is approved.
- I recommend the following condition is applied to any approval of this application.  
 “No construction or demolition work shall take place on Sundays or Bank/Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays”.

***WC Private Sector Housing (Licensing) –***

- I appreciate that HMO standards for licensing are not within the scope of planning
- The applicant may wish to make contact with Private Sector Housing to discuss the proposed level of amenity and that required to comply with the Housing Act 2004
- The planning approval does not guarantee compliance with any HMO standards under the Act (and vice versa)
- The information contained in the planning application is insufficient for a detailed consideration
- Given the numbers of persons being accommodated, there may be some issues with the kitchen arrangements
- Standards would typically require the following –
  - A kitchen should be situated on the same floor as the occupancy
  - A shared kitchen providing at least 3m<sup>2</sup> floorspace per person.
  - Worktop of at least 0.5m<sup>2</sup> per letting.
  - Cooker with 4 rings & grill/oven at a ratio of 1:3 persons.
  - Food storage (min capacity 0.16 cubic metres) per person and a refrigerator (minimum capacity 0.15 cubic metres (150 litres)) with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers) for every three persons using the facilities.
  - A minimum of two electric sockets, in addition to any serving major appliances set at a convenient height and safe position for every six persons sharing the kitchen.
  - Sufficient refuse disposal facilities
- We would also review the heating and sanitary arrangements
- Because of the numbers of proposed occupiers we would need to consult with Dorset & Wilts Fire in respect of fire safety requirements
- The above are not set in stone or mandatory, we would have to give consideration to many factors.
- Providing all required certification and documentation could be provided a license would be granted and any unsatisfactory amenity standards remedied through enforcement action under the Housing Act
- Where HMO's do have serious shortcomings the licence could restrict the number of permitted occupants until such time as the situation is remedied

Revised Plans:

- The arrangement is an improvement for HMO purposes
- I can't say categorically until I receive the HMO application which will provide the level of detail required to make a decision
- Whilst the fire safety provision would ordinarily be satisfactory for this type of HMO, my concern is with the means of escape and the numbers of tenants who could be using it in the event of a fire
- I will need to consult with DWFire and seek their recommendations

**WC Arboricultural Officer -**

- No objection subject to condition. I suggest the following:

*No development shall take place on site, including ground works, storage of materials or other preparatory work, until a Detailed Arboricultural Method Statement and Plan have been submitted to the Local Planning Authority (and approved in writing) to demonstrate how infrastructure (parking, bin and cycle stores etc) can be constructed without causing damage to adjacent trees (T1, T2 and T3 in particular). The plan should include details of any level changes where required. Thereafter the development shall be undertaken only in accordance with the approved details,*

*unless the Local Planning Authority has given its prior written consent to any variation.*

*REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees growing within or adjacent to the site is adequately protected during the period of construction*

**WC Director of Joint Commissioning –**

- Wessex Care support and supply key Health & Social Care services to Wiltshire Council and the NHS-they are our key partner in the south of the county.
- Provision of essential Key Worker accommodation for nurses and other health and social care professionals close to their place and area of work is essential to maintain this important and vital service.
- This has never been so important due to COVID and the recruitment and retention of key staff to deliver these essential services.
- This type of accommodation is in very short supply in Salisbury and the South of Wiltshire
- We would support this application to convert what was a nursing home and latterly a B&B for this important use.

**8. Publicity**

The application was publicised by newspaper advertisement, site notice and neighbour notification to properties immediately adjacent to the site. A number of representations have been received in objection to the proposal from the following neighbouring addresses:

4 and 21 Tollgate Road;  
28A, 34 and Apothecary House, Fowlers Road;  
9 Rampart Road

Comments are summarised as follows:

- Previous use was limited and generally did not cause nuisance/disturbance
- Restrictions were imposed on previous planning permission
- Use was seasonal and rarely at capacity
- For planning purposes the building is no longer a B&B
- Adverse change to the character and community of Tollgate Road
- Substantial intensification of use and disturbance
- Too many bedrooms / overcrowding / overdevelopment
- 20 double rooms would result in potentially 40 occupants
- Number of tenants is excessively high for size of property
- Inadequate communal facilities/amenities/standard of accommodation for number of occupiers
- Inevitable public nuisance/impact on neighbouring properties
- Potential noise and disturbance from shift workers at all hours
- More residents equals more noise, particularly at night
- Damaging to access, enjoyment and lifestyle of existing inhabitants



- Pollution to neighbours from gathering outside to smoke
- B&B visitors did not use the garden giving neighbours privacy/quietness
- 40 people working shifts could create noise 24 hours a day
- Very limited internal social space would increase use of gardens/driveway
- Substantial increase in traffic (residents/deliveries/visitors)
- Inadequate parking (13 spaces) on site for 20 rooms/40 occupants
- Parking for 13 cars would need meticulous parking
- Capacity of parking area would cause chaos when people leave
- Added pressure on on-street parking
- Increase in dangerous/haphazard parking
- Narrow access on double bend with poor sightlines
- Situated on a busy/over-trafficked road – alternative ‘rat run’ to Southampton Road
- Vehicles using access are frequently damaged due to the awkward angle
- There will be no contractual obligation for tenants to walk
- Most tenants may still have vehicles for personal use
- We presume the policy of one parking space per room would apply
- Concern with waste storage/collection – proposal would triple rubbish created
- Who will put the bins out/where on Tollgate Road would they be located?
- Who will be responsible for keeping bin storage areas tidy and clean?
- HMO’s are notorious for unkempt bin areas
- Noise, light disruption and smell from use of bins/cycle sheds on adjacent properties
- Maximising occupancy/income not standard/comfort of accommodation
- Unreasonable to ‘pack’ people in to confined spaces
- Amenities for occupiers are inadequate – in particular kitchens/bathrooms
- Kitchen/dining/sitting rooms are impractically small
- Use of takeaways/food deliveries would lead to litter and rubbish removal
- People living and eating in bedrooms lowers their standard of living
- If tenants use takeaway food it will be more vehicle movements/noise/waste disposal/vermin
- Unsuitable for keyworkers
- Impossible to self-isolate in share facilities/impact on employers if virus spread
- Inadequate infrastructure
- No owner on site to enforce/minimise impacts
- Maximum of 8 double rooms would be appropriate/sensible level of occupation
- Proximity and relationship of access to primary windows of 21 Tollgate Road
- Increase in courier deliveries to residential dwellings multiple times/all day
- The property is advertised for sale as having 14 bedrooms
- Tenants would be encouraged to go outside for recreation
- The proposed change to HMO allows owner/proposer excessive flexibility
- A more restrictive use class (C1 Boarding House) may be more appropriate
- Any permission should include restrictions to limit future scope and use
- A member of staff should be on site

- Core Policy 57 Part vii requires the consideration of ... pollution such as light intrusion, noise, smoke, fumes...”
- Original restrictions from 2002 should be honoured - There were clearly reasons for limiting guest rooms to 8
- Repeated references to “key workers” as emotional leverage/to lend a respectability gloss to a commercial enterprise
- Many errors within the submitted application and plans noted.
- Impact on trees which are important trees” within the CA Appraisal
- Massive effect on the landscaping of trees and hedging due to location of bin storage area being relocated
- Major building works to form retaining walls/concrete hardstanding
- Devastating impact on root system of the trees
- Question reference to Fire Certificate and compartmentation
- Has the Fire Authority been consulted?
- Plans outlining existing status are totally inaccurate in terms of layout and use
- Compliance with Part E of the Building Regulations (sound transference between rooms) is not shown
- Means of Escape windows will change external fenestration
- Room 9 has no external window and cannot have fire escape window on boundary
- Car park layout gives impression it is existing, it is not
- There are no markings or designations on site
- Parking area would involve removal of established trees and shrubs
- Space 12 would affect the root system of a large tree located within 500mm
- Application states there will be no materials used - installation of bin store and bicycle shed would require major building works
- The garden of 28A Fowlers Road is 1650mm above the side path of Alabare House
- Excavations, structural foundations and retaining walls are necessary
- 28A Fowlers Road has a legal Right of Way from rear garden into site and onto Tollgate Road
- The trees and shrubs form a unique greenspace in a sea of concrete
- They provide a unique Ecosystem attracting multiple species
- Gaps and tunnels to the fenced boundaries have been maintained so that mammals, listed on the UK BAP Terrestrial Species 2007 list, can move freely
- Multiple feeding stations for the birds have been maintained
- We also have night visits from Barn Owls and Bats (protected species)
- Suggest an Environmental Assessment to identify potential disruption
- Submitted plans are inaccurate in labelling use of existing rooms (Plan 20/3314/102A)
- Site plan showing trees, shrubs, embankments, borders, parking are majorly inaccurate
- The steps forming the Right of Way are missing from plans
- Will the existing electrical, water and gas services be sufficient for 40 tenants?
- Will the 2 part time jobs be dedicated to this proposal?
- How will they deal with smoking?

- We are not fooled by use of “key worker” status to win sympathy for overdevelopment
- We believe the applicant already has property available for staff

Wessex Care have provided the following information regarding car ownership of current employees in support of the proposal:

Support:

- Our of 152 car staff, 23 have and use a car to travel to work, the rest use public transport, walk or cycle – 15% of work force use a car
- We currently have 22 members of staff living Wessex Care owned or rented accommodation – only 2 of those have cars – 9%
- The total staff, including Community, HQ and Maintenance is 182 with 42 using a car – 23% of total work force.

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reiterated by the NPPF, which is a material consideration in the decision making process.

### 9.1 Existing use

The planning history indicates that the property was used as a Nursing Home (Burleigh House), a C2 “Residential institutions” use until approximately 2000-2001. By 2002, the property became a “Religious Retreat”, a use which was also caught under the C2 use class. It is important to note that non-residential educational facilities fell within the D1 (Non-residential institutions) Use Class (now superseded), indicating that the primary use of the building continued to be residential. In addition, permission was sought, and approved, for part of the building, comprising 8 bedrooms, to be used for Bed and Breakfast accommodation, which fell outside of the definition of a residential institution and introduced an element of C1 “Hotel/Boarding and Guest House” accommodation. This permission included a condition to the effect that if the use as a religious retreat ceased, the B&B use would also cease:

“If the Primary use of the building as a religious house offering retreats and study courses (use Class C2) ceases then the incidental Bed and Breakfast use shall also cease”

Without the permitted B&B use, which was temporary and specific to the use of the building as a Religious Retreat operated by Alabare, both of the previous uses identified by the planning history were C2 Residential Institution uses. This use class includes the following:

- Residential care homes,
- Hospitals,
- Nursing homes,
- Boarding schools,
- Residential colleges and training centres

Although the permitted B&B use was limited to 8 bedrooms, there are no other specific restrictions on the residential occupancy of the building, the remainder of the building could have been occupied for residential use relating to religious education/training on a more permanent basis than temporary B&B types stays. There is also nothing in the 2002 permission which would have precluded the use of the 8 B&B rooms for more permanent residential occupation throughout the educational term or year. As such, it can reasonably be assumed that in all other scenarios permitted by C2 use, including the religious retreat, that the building would be occupied for residential purposes associated with either educational or medical/care facilities up to the maximum capacity of the building to accommodate such occupation. The comparisons made in respect of the intensification of use from 8 B&B rooms to 20 bedrooms in an HMO do not take account of the remainder of the building being put to C2 use, or the former C2 use of the building and the nature of occupation that the cessation of B&B use could allow for without any material change of use of the building.

## **9.2 Principle of the proposed change of use**

Wiltshire Core Policy 1 (Settlement Strategy) identifies settlements where sustainable development will take place. Salisbury is categorised as a 'Principal Settlement', which is a strategically important centre and the primary focus of development. Core Policy 2 (Delivery Strategy) states that a more detailed distribution is set out in the Community Area Strategies and development proposals should also be in general conformity with these. Core Policy 2 includes the following statement:

"...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..."

The application site lies at the edge of the central area of the city in an urban built up and predominantly residential part of the city, to the east of the main commercial city centre and A36 (Ring road). In terms of local planning policy, the principle of residential development in this location is considered acceptable. The application site lies within the Salisbury Housing Policy Boundary to which saved Policy H8 is applicable to the proposal, where infill and small-scale residential development (including change of use) is considered to be acceptable in principle, subject to other relevant policies where applicable.

Core Policy 40 is generally permissive towards new hotels, bed and breakfasts, guest houses and conference facilities in Principal Settlements, subject to specified criteria and seeks to resist the change of use of existing bed spaces to alternative uses unless it

can be clearly demonstrated there is no longer a need for such a facility in either its current use or in any other form of tourism, leisure, arts, entertainment or cultural use.

The supporting text states:

“...”There is a lack of both budget and high quality leisure accommodation within parts of Wiltshire, particularly to the south. For example, Salisbury is less successful in attracting business visitors than other, similar destinations and does not have the conference facilities needed for large events. With respect to hotel facilities, planning permission has been too easily obtained for change of use of some hotels away from tourist provision, for example to residential use, and this is further exacerbating the shortfall in bed space...”.

As the planning history indicates that the approved B&B use should cease in the event of the use of the building for a Religious Retreat also ceasing, the provision of holiday accommodation was both specific to religious education and training and temporary in so far as the tourism uses was inseparable from the primary use. On this basis, consideration of the loss of accommodation against Core Policy 40 is attributed very limited weight in the planning balance when assessed against the building's primary and historic use for residential institution accommodation.

The proposal does not provide for new self-contained residential dwellings, however it is recognised that the proposal would contribute to local housing land supply for this particular type of accommodation, for which the applicant has indicated a need for Wessex Care employees, many of whom will be termed 'keyworkers'. It is however not essential that potential occupiers are either employed by Wessex Care or defined as key workers in order to be in need of accommodation close to the city centre and its transport links.

The Council's housing land supply figure is marginally under 5yrs as required by the NPPF. It is acknowledged that this site is in an area where the principle of residential development can be considered acceptable in housing policy terms and in that respect the 'tilted balance' in favour of sustainable development in the context of Paragraph 11 of the NPPF has no additional relevance regarding the acceptability of the principle of development. However, in the planning balance, the proposed HMO accommodation in a single shared building/dwelling would contribute to meeting housing need for this specific type of accommodation. The Council's Director of Joint Commissioning has advised that the provision of essential Key Worker accommodation for nurses and other health and social care professionals close to their place and area of work is essential to maintain important and vital services and that this type of accommodation is in very short supply in Salisbury and the South of Wiltshire. The scheme provides benefits in terms of a specific, identified housing need, such benefits would be modest in terms of number. Any associated public benefits of a socio, economic or environmental nature would be limited in scale.

### 9.3 Scale and Design

The proposal is for a change of use and the applicant has confirmed that no extension or alterations to the building form part of the application. Third parties identify that the proposal references changes to windows to provide means of escape compliant windows. Any changes necessary to the external fabric or appearance of the building to satisfy Building Regulations or HMO licensing requirements may need to be subject to planning permission for operational development, this does not preclude the consideration of the capacity of the building to accommodate an HMO use in principle. An Informative can be added on any planning permission to this affect. As submitted, the proposal would have no impact on the external appearance of the building.

The proposal does include alterations to the grounds of the building, the nature and scope of these have been amended and re-consulted on during the course of the application. As a result of the submitted revisions, the bin store area is to remain in its current location closest to the access and cycle storage is to be added in this area. The existing gravelled area is also to formally laid out to provide marked parking spaces for up to 13 vehicles. Such elements would not be visible from the public highway and as such there would be no impact on the streetscene.

Significant objection to the scale of the HMO use has been received with all third parties in agreement that the provision of 20 double bedrooms (up to 40 occupiers) is disproportionate the size of the building and site and the internal communal areas. The adequacy of the parking space is considered later in the report. Changes to the internal layout have been made and reconsulted on. The total number of bedrooms has not been reduced, however more of the bedrooms now include en-suite facilities and the kitchen space has been enlarged. It is also stated that although the size of bedrooms meets the minimum size for double occupancy, the tenancy will be for single occupancy. In land use terms, the building is considered suitable for an HMO use, having previously been a nursing home there is no planning reason that such a use could not be considered appropriate.

All HMO's accommodating more than 6 unrelated persons fall outside the C4 use class and are a 'sui generis' use. Larger HMO's are required to be licensed. The licensing regime is responsible for ensuring that the amenity standards for occupiers achieve a necessary standard. In practical terms this means that whilst planning permission could be granted for the proposed layout, restrictions on the number of bedrooms or occupiers can be imposed under the licence. If the applicant stipulates that bedrooms are for single occupancy in the licence application the licence would reflect that and is a more efficient form of regulation than planning conditions. The submitted layout therefore would represents a maximum, since there is no scope to increase occupancy. In considering the previous C2 uses of the building and as a result of the revised internal layout, officers are satisfied that the scale and of use and design can be considered acceptable in planning terms and would not justify refusal on these grounds.

## 9.4 Impact on Conservation Area, including trees

Core Policy CP58 (Ensuring the Protection of the Historic Environment) of the adopted WCS indicates that development should protect, conserve and where possible enhance the historic environment and designated heritage assets and their settings should be conserved, and where appropriate enhanced in a manner appropriate to their significance.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The site is within the Milford Hill Conservation Area consideration is required to be had to the impact of the proposed development on designated and non-designated heritage assets.

The NPPF (Section 16) states:

*195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

*200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*

The NPPF (paragraph 193) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

As highlighted in the preceding section, the current application for change of use includes no alterations to the building although it is noted that changes to the fenestration may be required to satisfy other regulatory powers and the visual impact of such will be considered in any subsequent application. The scope of external works within the grounds of the building area are also highlighted in the preceding section. In terms of the

proposed operational development this would not be seen from the public realm and as such the character and appearance of the Conservation Area would be preserved. Consultation has been undertaken with the Conservation Officer who confirms that the proposal would not harm the Conservation Area.

However, the impact of works on trees within the Conservation Area is an important consideration, particularly the trees closest to the south-western boundary which are noted in the Conservation Area Appraisal for their contribution. Accordingly, the Arboricultural Officer has been consulted to ensure that appropriate measures are taken to protect existing trees during any groundworks or provision of ancillary structures. Following the submission of a tree report, it is confirmed that there are no objections to the proposal, subject to a pre-commencement condition to the effect that no development including ground works, storage of materials or other preparatory work shall take place until a Detailed Arboricultural Method Statement and Plan have been submitted to demonstrate that the parking, bin and cycle stores can be constructed without causing damage to adjacent trees (T1, T2 and T3 in particular). This will ensure that the trees are retained in the interests of amenity and the character and appearance of the Conservation Area.

Having regard to local and national planning policy and Section 72 of the P(LBCA) Act, as referred to above, it is judged that the proposed change of use will have no material impact or harm to the character and appearance of the Conservation Area.

### **9.5 Residential amenity/Impact on adjoining neighbours**

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have 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 (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)”.

The NPPF at paragraph 127(f) states that the planning system should seek to secure a high quality design and good standard of amenity for all existing and future occupiers of land and buildings. There are two issues here, the impact of the proposal on the amenities of neighbours and the standard of accommodation for future occupiers.

#### **Impact on adjacent properties**

The neighbouring properties in the vicinity are predominantly in residential uses as houses and apartments, No. 11 which adjoins the entrance to the site is commercial offices with residential use above. The proposal would potentially result in a more intensive use of the building for permanent residential accommodation as an HMO than the former residential institution use, with or without associated B&B use. It would comprise 20 rooms and shared living/dining and kitchen areas on the ground floor.

As there are no extensions to the building, it could theoretically be occupied by the same or similar number of people. Associated movements and activity would vary according to whether residential occupation was related to education or medical/care institution, which fall within the same use class, as set out above. It is acknowledged that the associated activity of occupiers and visitors specifically to the former religious retreat/training facility and its B&B may have been at the lower end, equally planning permission would not have



been necessary if the religious retreat had operated a 'boarding school' type of educational facility.

The use prior to it being occupied by Alabare was a nursing home which would have generated a comparable degree of activity from staff and visitors even where residents may not have frequently left the premises. Although in an urban location close to the city centre, the site is in a predominantly residential area where residents enjoy a relatively quiet location with little commercial activity. In principle, an HMO is a residential use and in principle would be compatible with the prevailing character of the area. Indeed, planning permission is not required (i.e. PD) to change the use of any house (Class C3) to a house in multiple occupancy for between 3 to 6 unrelated persons (Class C4). The current proposal would clearly exceed this number, with the revisions to the layout of the communal areas, the scale of use does not appear excessive for the size of the property since it can be accommodated without increasing the scale of the building.

Numerous third party objections have been received on the impact on the amenity of the local community as a result of the use of the building as an HMO, including the number of potential occupants, overcrowding, noise and disturbance and parking issues, the latter is addressed in the subsequent section. The potential for concern regarding the significance of perceived problems which are identified due to the number of rooms to be provided is noted, however in principle the proposed residential use would not be incompatible with the locality. The potential for noise and disturbance is related more to individual behaviour than the number of people, a lesser number of rooms would not by default ensure a measurable reduction in noise and disturbance caused by movement and activity outside the building for adjacent residents. The location of the communal bin store area is to be retained in its current location.

The Council's Public Protection Team (EHO) has raised no objection in relation to residential amenity other than to comment on parking and construction hours, which are dealt with in the subsequent section and by recommended condition respectively. Advice has also been sought from the Licensing Officer and it is confirmed that an HMO for this number of occupiers will be subject to an HMO licence. This will cover areas of consideration that are outside the scope of planning, however it does include the management of the building which would address some of the areas of concern for the impact on adjacent residents. Given that this proposal is for a residential use within a predominantly residential area, the change of use is not considered that it is likely to result in undue levels of noise and disturbance for the occupiers of neighbouring properties to support a reason for refusal on the grounds of significant adverse impact on nearby residential amenity.

#### *Living conditions for the proposed occupants*

In addition to the potential for impact on neighbours, the proposal for a 20 bedroom HMO has raised concerns regarding the standard of accommodation for future occupiers. As noted above, advice has been sought from the Council's Private Sector Housing Officer and as a result revised plans have been submitted to increase the proportion of communal space, including an increase in the number of bedrooms with en-suite facilities and larger kitchen area.

From the revised layout, the internal layout does not appear unduly cramped/poor. The occupants would have access to shared cooking, laundry, living and dining room areas and shared bathrooms where no en-suite is provided. All bedrooms would be provided with an openable window (this may be subject to planning permission if the size of window is enlarged or altered significantly) and therefore have a reasonable outlook and

access to natural light. There would be a communal garden area as well as parking and cycle storage and external refuse storage (parking is considered in the subsequent section).

Notwithstanding the above, the proposed use will require a separate HMO Licence from the Council as the local licencing authority for HMOs. This will include assessment of the standard and management of the HMO, including the matters relating to room sizes, communal facilities and number of residents and a range of other criteria including heating and sanitary arrangements and fire safety requirements. However, this is a separate regulatory process and requirement. It would not override the need for planning permission, or vice versa, and is independent of whether planning permission is granted or not.

The purpose of the planning application is not to duplicate the controls of the licensing regime although it is recognised that there is some overlap between providing adequate amenity standards for new residential accommodation in general and the more specific requirements of the Housing Act.2004. Whilst the information contained in the planning application is insufficient for detailed consideration in respect of licensing and there may be some issues with the internal arrangement which will need to be reviewed for the HMO licence, it is sufficient to conclude that the standard of amenity for future occupiers meets the basic requirement for day to day living for the type of accommodation proposed. In the event that the layout or structure of the building does have serious shortcomings to accommodate the number of bedrooms/occupiers proposed it is possible for the license to restrict the number of permitted occupants. This would not preclude planning permission being granted for the layout at set out.

## **9.6 Access, Parking and Highway Impact**

The existing access is narrow and constrained by the adjacent buildings. There is no scope to improve the means of access. Taking into account that this is an existing access and the nature of the previous use, the Highways Authority has not raised any specific concerns or objections to the means of access for the proposed land use.

The Highways Officer advises that there are no specific car parking standards for HMOs and each site is considered on its location and impact on the local highway network. The number of bedrooms in the proposed HMO exceeds the number of car parking spaces that can be provided within the site curtilage. The site layout plan shows that a maximum of 13 spaces can be achieved, with secure, covered cycle storage. Third party objections indicate significant concern that the occupiers' requirements for parking would not be met and that this would result in pressure for on-street parking in an area which is already busy and restricted. The highways officer acknowledges that due to the limitations of the site it is not possible to provide car parking to meet the residential parking standard of 1 space per 1 bed unit but considers that the location is one where a relaxation in the parking provision for residential use would be accepted. This observation is based on Policy PS6 (contained within the LTP Car Parking Strategy) which allows for a reduced residential parking allocation where parking demand is likely to be low; and where any parking overspill can be controlled. The site is close to the city centre and is well served by public transport and on-street parking is managed by residents permits/double yellow lines. The car usage data from other Wessex Care accommodation gives an indication that the car ownership is likely to be less than the parking provision which can be achieved on site. In the Highway Officer's opinion, Tollgate Road is able to

accommodate the vehicle movements generated by this proposal. Whilst the access road to the site is of single vehicle width, this is as per the existing arrangement and the footway across the site frontage is wide and thus allows for reasonable visibility for and of emerging vehicles. Taking into consideration that the proposal is for the change of use of an existing building rather than a new build the proposal is supported subject to detail of the servicing/refuse collection and deliveries to the site and how these movements will be accommodated.

## **9.7 River Avon SAC**

This development falls within the catchment of the River Avon SAC. Whilst the proposal is a change of use of an existing habitable building, any resultant intensification of residential occupation would have the potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinet's resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application falls within the scope of the mitigation strategy and generic appropriate assessment, it is concluded that it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC. However, in such this would mean that any new residential development in this location would be subject to a standard condition as follows:

“The dwelling(s) hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with. REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation.”

## **10. Conclusion (The Planning Balance)**

In the planning balance, the principle of a residential use is acceptable in policy terms and compatible with the predominantly residential area. The proposed HMO accommodation in a single shared building/dwelling would contribute to meeting housing

need for this specific type of accommodation which is identified by the applicant; the Council's Director of Joint Commissioning advises that there is a shortfall in this type of accommodation in Salisbury and South Wiltshire. The scheme therefore provides benefits in terms of a specific, identified housing need. The scheme has the support of the highways officer who concludes that proposed access and parking provision is acceptable given that the proposal is the conversion of an existing building and is in close proximity to the city centre. There would be no harm to the Conservation Area, subject to a condition to ensure that important trees are protected from any hard landscaping works. There is significant local objection on amenity grounds from local residents however a residential use is not incompatible with other residential uses and there would be no alterations or extensions to the building that would introduce harmful impacts on amenity. The HMO use will be subject to a licence under the Housing Act 2004 which will consider the management, amenity and safety of occupiers. The benefits in terms of housing supply would be modest in terms of number but address a specific need for this type of accommodation. Any associated public benefits of a socio, economic or environmental nature would be limited in scale, however whilst noting the strength of objection from neighbouring residents, there are no material considerations which would indicate that impacts of the proposal would outweigh the identified benefits. Accordingly, the recommendation is one of approval.

## **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: 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:

20-3314-200-C Proposed Site Plan October 2020 Revision C dated 13.1.2021

20-3314-201-A Proposed Basement Plan October 2020 Revision A dated 13.1.2021

20-3314-202-B Proposed Ground Floor Plan October 2020 Revision B dated 13.1.2021

20-3314-203-B Proposed First Floor Plan October 2020 Revision B dated 13.1.2021

20-3314-204-A Proposed Section Floor Plan October 2020 Revision A dated 13.1.2021

20-3314-205-A Proposed Roof Plan October 2020 Revision A dated 13.1.2021

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

- 3 No development other than internal works to the existing building shall take place within the site boundary, including ground works, storage of materials or other preparatory work, until a Detailed Arboricultural Method Statement and Plan have been submitted to the Local Planning Authority (and approved in writing) to demonstrate how infrastructure (parking, bin and cycle stores etc) can be constructed without causing damage to adjacent trees (T1, T2 and T3 in particular). The plan should include details of any level changes where required. Thereafter the development shall be undertaken only in accordance with the approved details,

unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees growing within or adjacent to the site is adequately protected during the period of construction. A pre-commencement is necessary to ensure that the potential for impact on trees is identified prior to works being undertaken

- 4 The building shall not be occupied as a house in multiple occupancy until the parking spaces have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

- 5 No part of the development shall be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 6 The development hereby permitted shall not be occupied until the refuse and recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall thereafter be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

- 7 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

#### INFORMATIVES TO APPLICANT:

- The applicant is advised that this permission authorises a change of use of the existing building only and does not authorise any external alterations that may require planning permission other than the landscaping and outbuildings as shown on the approved site plan.
- The applicant is advised that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be

expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- Any alterations to the approved plans, brought about by compliance with Building Regulations, Licensing or any other reason, and resulting in external alterations to the existing building must first be agreed with the Local Planning Authority before commencement of work.
- The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.