

Deadline:	20/04/2010		
Application Number:	S/2010/0259/FULL		
Site Address:	9-11 ST. NICHOLAS ROAD SALISBURY SP1 2SN		
Proposal:	PROPOSED RE-INSTATEMENT OF TWO MAISONETTES TO LOWER GROUND AND GROUND FLOOR INCLUDING THE INSTALLATION OF FLOOD RESISTANCE AND FLOOD RESILIENCE MEASURES		
Applicant/ Agent:	MR RICHARD GREENWOOD		
Parish:	SALISBURY CITY COUNCIL ST MAR/CATHEDRAL		
Grid Reference:	414372 129071		
Type of Application:	FULL		
Conservation Area:	SALISBURY	LB Grade:	II
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

Reason for the application being considered by Committee

Councillor Brady has requested that this item be determined by Committee due to:

- Environmental impact (flooding)

1. Purpose of Report

To consider the above application and the recommendation of the case officer to REFUSE planning permission.

2. Main Issues

The main issues to consider are :

1. Impact on heritage assets (the character of the listed building and Conservation Area, including adjacent listed buildings).
2. Impact on neighbouring amenities and highway safety
3. Nature conservation
4. Flood Risk and the Continued Use of the Listed Building
5. Public open space

3. Site Description

The site is a Grade II listed, three storey town house situated adjacent to the river. The building is

probably 18th century, and is built directly on top of the bastion to the Old Harnham Bridge, which is Grade 1 listed. The front entrance to the house is level with St Nicholas Road, and the basement area leads into a garden to the rear of the property, adjacent to the river. There are further residential properties to the side and opposite the site. There is no parking for the property.

In the 19th century, Nos 9 and 11 were two separate houses with separate gardens. Approximately 15 years ago, the building was converted to subdivide the upper floor into 2 flats and the lower two floors to create a pair of separate maisonettes. In 1997, permission was granted to convert the two maisonettes into a five bed dwelling.

The site within the Conservation Area and in the Housing Policy Boundary. The site also lies within an Area of High Ecological Value, and adjacent to the River Avon SSSI in Flood Zone 3.

4. Planning History

S/1991/1604 L/B Application - Enlarging Existing Eastern Doorway To Form New French Windows AC

S/1997/883 Amalgamation of two units via 2no. new internal openings and complete redecoration AC

S/2009/1682 Convert A Four Bedroom Maisonette Into A Pair Of Two Bedroom Maisonettes, Withdrawn

S/2009/1683 Convert A Four Bedroom Maisonette Into A Pair Of Two Bedroom Maisonettes, Listed building application, Withdrawn

5. The Proposal

The applicant is seeking to create two 2 bedroom maisonettes from the existing 5 bedroom maisonette. The two existing 2 bed flats would be retained above. Removable flood barriers are proposed for the French windows and window reveals on the rear elevation. Other works would all be internal, and include flood resilience measures, the filling of two door openings made under the 1997 application. This will involve lathe batons and lime plaster, and in the basement, plasterboard with gypsum. The applicant has also indicated that an Emergency Flood Management Plan will be produced, and could be secured through a S106 Agreement or condition.

6. Planning Policy

The following policies are considered relevant to this proposal including PPSs

G2	General principles for development
H8	Housing Policy Boundary
CN3, CN5	Listed buildings
CN8, CN11	Conservation Areas

C12	SSSI and protected species
C18	River quality and habitats
R2	Public Open Space
PPS5	Planning for the Historic Environment
PPS25	Flooding
	Creating Places SPG
	Flooding and Historic Buildings 2004, English Heritage

7. Consultations

Conservation – no objection

Highways – no objection

Environmental Health – Any flood defence proposal needs to be done in consultation with the Environment Agency

Environment Agency – objection

“The application and supporting Flood Risk Assessment (FRA) do not demonstrate that the proposed scheme, and the additional residential unit that is to be created, will remain safe from flood risk for the life time of the development (taken as 100 years for residential use). This means that we consider part c of the Exception Test could not be passed. We acknowledge the FRA offers flood resistance and resilience measures, clarifies flood warning and evacuation routes from the site and also discusses the unique nature of this listed building. However it fails to demonstrate that the proposed development will remain safe and unaffected by flooding. The flood barriers discussed are not considered to act as a fail safe means of defending the property and are unlikely at this site to prevent water penetration to the interior of the building.

If the applicant would reconsider the internal configuration of the proposal, with the entire lower ground floor being retained by a single property, only one property would be considered to be at risk of internal flooding. Such an alternative configuration would present no worsening over the current arrangement in terms of flood risk.

Although we understand that the listed status of the property and close proximity of the Main River Avon place considerable constraints and limitations on this site and scope to include certain methods of defending the site against flooding, the current proposal is to create an additional dwelling within a flood risk area. As such it is contrary to the guidance offered within PPS25.

Flood risk cannot be entirely eliminated and is expected to increase over time as a result of climate change. It is the responsibility of the developer to identify and make appropriate provision for flood risk, and to ensure a safe development. Recent flood records infer that the existing property is at risk both from fluvial and ground water flooding. The relationship between the quoted design flood level (45.35mAOD) and internal floor level (44.93mAOD) suggests that there is a considerable risk of flooding even with all openings defended by demountable barriers. We

would also emphasise that the design flood level (FRA s.1.4) is not a maximum flood level. The level of 45.35mAOD (Halcrow: Salisbury ABD 2007) has previously been suggested by the EA (our ref: WX/2009/113362/02) as a conservative estimation of the relevant 1:100 year flood level, with suitable allowance for climate change (PPS25).

Sequential Test

As this proposal created an additional unit it should be subject to the Sequential Test in line with PPS25 requirements. We do not object on this aspect but it is up to your authority to determine whether the Sequential Test is passed. The Sequential Test is a land use tool for determining whether there are sites available in areas of lower flood risk where the additional unit which is being created could be located. Only if you consider this has been passed should you look to the requirements within the Exception Test, but as highlighted above we do not feel the development as currently proposed meets part c of that test.”

8. Publicity

The application was advertised by site notice, press notice and neighbour notification
Expiry date 1st April 2010. No comments received.

9. Planning Considerations

9.1 Impact on heritage assets (the character of the listed building and Conservation Area, including adjacent listed buildings).

PPS5 Policy HE7 states that in decision making relating to an application for listed building consent, LPAs should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of the heritage asset,) taking account of the evidence provided with the application and the heritage assets themselves. Heritage assets include listed buildings and Conservation Areas. LPAs should take account of the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, alignment and materials.

Policy HE9 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the asset, the greater the presumption should be. Significance can be harmed by development in its setting. HE9 states that where the application will lead to substantial harm, LPAs should refuse unless it can be demonstrated that

- i) the substantial harm is necessary in order to deliver substantial public benefits that outweigh the harm.

Policy HE10 states that in considering proposals that affect the setting of a heritage asset and do not make a positive contribution, LPAs will need to weigh the harm against any benefits of the application. The greater the negative impact, the greater the benefits needed to justify approval.

Policy CN3 and CN5 of the Local Plan seek to ensure that development affecting listed buildings

and their settings would not harm that character. New work must respect the character of the building in terms of scale, design and materials, and the historic form of the building must be retained.

Policy CN8 states that in Conservation Areas, only development that preserves or enhances the existing character of the area will be permitted, and special care will be taken to safeguard views into and out of the area (CN11).

PPS5 provides specific guidance on uses for listed buildings in respect of climate change. Policy HE1 states that LPAs should identify opportunities to adapt to the effects of climate change when making decisions relating to the modification of heritage assets (listed buildings) to secure sustainable development. Opportunities to adapt heritage assets include enhancing energy efficiency and improving resilience to the effects of a changing climate. Keeping heritage assets *in use* avoids the consumption of building materials and generation of waste. Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefits of mitigating the effects of climate change should be weighed against any harm to the significance of the heritage assets.

The Heritage Statement suggests that in the 19th century, Nos 9 and 11 were two separate houses with separate gardens, and the report suggests that the present internal arrangement of the large maisonette confuses the significance and historic context of the listed building. This provides a strong argument in favour of supporting the present application to reinstate the subdivision, in the interests of the historic layout of the listed building.

The proposed internal works are minor, and involve re-filling two entrances made under the 1997 approval. Externally, the two French doors and sitting room window reveals would be fitted with removable flood barriers. The Conservation officer has raised no objection to the proposals which would have no adverse impact on the character or setting of the listed building.

In respect of the front door, this requires approval, preferably by drawings, but officers would be happy to agree this by inspection as the intention is to use a reclaimed door. Unfortunately, specific drawings for the flood resistance measures have not been provided, and these have been requested. However, the use of the flood barriers is acceptable in principle.

9.2 Impact on neighbouring amenities and highway safety

The creation of an additional residential unit is not considered to affect neighbouring amenities, as no external works are proposed to the elevations to cause any overlooking or loss of privacy. There were previously two maisonettes on the ground floor, although the Council has no planning record of the original conversion. The additional unit is therefore unlikely to cause any undue disturbance to neighbours, in terms of noise or disturbance, as the property is detached. No parking is available to the units, and there is no available on street parking in the vicinity. Therefore, the conversion is unlikely to lead to any additional congestion levels in the vicinity of the property.

Highways consider that the property already offers four potentially separate living units, and the

proposal is not deemed detrimental to highway safety, and no objection is raised.

The proposal would therefore comply with Policy G2.

9.3 Nature conservation

The applicant has submitted a construction method statement, which provides safeguards for the river and protected species during the construction works, in accordance with Policy C12 and C18.

9.4 Flood Risk and the Continued Use of the Listed Building

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In balancing the issues raised by PPS5 and PPS25, the LPA considers that it must be adequately demonstrated that the additional unit of accommodation would be necessary in Flood Zone 3 in order to ensure that the listed building would remain in use. The applicant has submitted evidence from a local estate agent who suggests that the existing five bedroom maisonette would, "Not be very appealing. Demand for a larger property would almost certainly come from families who would expect parking for at least 2 cars, and they would not expect to have two one bedroom flats above them. All these unusual features would make the property difficult to sell, and I would much prefer your original plans in terms of quality of living and saleability. Regarding letting a five bedroom property without any parking, it would be difficult to let other than to sharers, which would only further exasperate the problem as sharers could have as many as ten cars."

Whilst the Agent asserts that the 5 bed maisonette would be difficult to sell/let, the LPA has no evidence of any marketing of the property, and council tax records suggest that the property has had a long period (about 13 years) of non commercial letting by the Trustees of St. Nicholas Hospital.

The listed building lies within Flood Zone 3 which is at high risk of flooding and is immediately adjacent to the River Avon. The EA suggest that the site has flooded twice in the last 10 years.

The development, which would create an additional dwelling at basement level, is classed as “more vulnerable” in PPS25. Therefore PPS25 advises that the development should only be permitted in this zone of the exceptions test can be passed. For the exception test to be passed,

- a) it must be demonstrated that the development provides wider sustainability to the community that outweigh the flood risk
- b) the development should be on previously developed land and
- c) a Flood Risk Assessment (FRA) demonstrate that the development will be safe without increasing flood risk elsewhere and where possible, will reduce flood risk overall.

The EA have considered the FRA (see below) and despite the measures proposed to improve the building’s resilience to flooding (including removable barriers, suitable design of internal fixtures, and a proposed Emergency Flood Management Plan following English Heritage’s 2004 advice for Flooding and Historic Buildings) they do not consider that the development will be “safe” from flood risk for its lifetime and therefore, it fails part c of the exception test. The EA acknowledges the proposed flood resistance and resilience measures such as the flood barriers, flood warnings and evacuation routes from the site, but they consider that it fails to demonstrate how the development will remain safe and unaffected by flooding. The flood barriers are not considered to act as a fail safe means of defending the property and are unlikely at this site to prevent water penetration to the interior of the building. The EA would prefer to see the entire lower ground floor being used as a single property, so that just one property would be at risk of internal flooding. The EA feel that the property is at, “Considerable risk of flooding even with all openings defended by demountable barriers.”

The applicant has argued that the risk of flooding from the River Avon is low, and that the residents can insure against the risk of flooding to the sitting rooms, and advanced notice of flood warnings are available. There are also compelling heritage arguments in favour of the proposal to restore the listed building to two separate dwellings, and the applicant has urged the Council to take a pragmatic approach in balancing the issues. However, the proposal would fail part c of the exceptions test set out in PPS25, and on the basis of the identified risk to future occupiers of the additional unit, officers have recommended the application for refusal.

9.5 Public open space

The applicant has been invited to enter into a Section 106 Agreement in respect of public open space provision. The agreement has been received.

10. Conclusion

Officers consider that the listed property was originally two dwellings, has historically been occupied as two units on the ground and lower ground floor, and the 5 bed maisonette is likely to be difficult to sell or let without parking. However, the proposal would fail part c of the exceptions test set out in PPS25. On the basis of the strength of the representation by the Environment Agency, in the knowledge that the site has flooded twice in the last ten years and given their views on the likelihood of flooding in the future, officers have recommended the application for refusal.

Recommendation:

It is recommended that this application is refused for the following reasons:

The proposed development would create an additional residential unit by subdividing an existing maisonette in the ground and lower ground levels of a Grade II listed building, situated in Flood Zone 3. The basement has been flooded twice in the last decade. In applying the sequential test, the proposal fails the vulnerability category in PPS25 for Flood Zone 3, and the exceptions test must be applied. The flood risk assessment has failed to demonstrate that the new unit would be safe (not be at risk from flooding), and the development would therefore fail part c of the exceptions test. Whilst the development would ensure the ongoing occupancy of the listed building, and would restore the former layout as two dwellings on the ground and lower ground floors, occupiers of the additional residential unit would be at risk from flooding, and the development is contrary to the guidance in PPS25.

INFORMATIVE

This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

NJH/0018 Sept 09

Existing Plans, Proposed Plans and Door elevations, received 23/2/10

Planning, Design and Access Statement, WGDP, Feb 2010

Marketing Advice, Myddelton and Major letter dated 28/1/10

Construction Method Statement and Schedule of Works, Feb 2010

Independent wall lining solutions by Karma Acoustics

Flood Risk Assessment and Management Strategy, Feb 2010

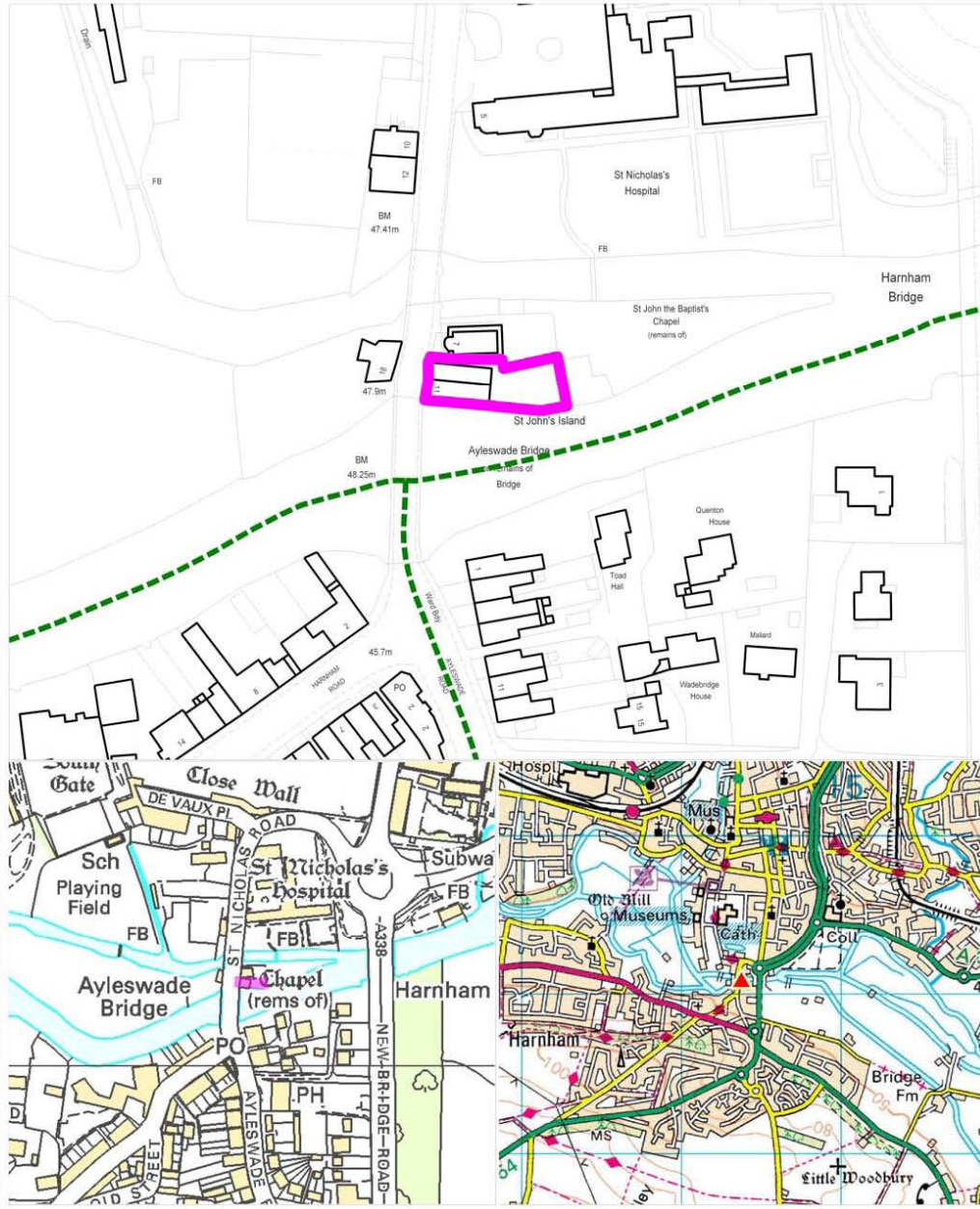
Appendices:	NONE
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Background Documents Used in the Preparation of this Report:	NONE
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PROPOSED RE-INSTALEMENT OF TWO MAISONNETTES TO LOWER GROUND AND GROUND FLOOR INCLUDING THE INSTALLATION OF FLOOD RESISTANT

S/2010/259

Site Visit:



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9-11 ST. NICHOLAS ROAD SALISBURY

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