

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber, Wiltshire Council Offices, Browfort, Devizes
Date: Thursday 29 April 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Anna Thurman, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718379 or email anna.thurman@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Philip Brown	Cllr Charles Howard
Cllr Mark Connolly	Cllr Chris Humphries
Cllr Peggy Dow	Cllr Laura Mayes
Cllr Nick Fogg	Cllr Christopher Williams
Cllr Richard Gamble	

Substitutes:

Cllr Lionel Grundy OBE	Cllr Jemima Milton
Cllr George Jeans	Cllr Christopher Newbury
Cllr Jerry Kunkler	Cllr Jeffrey Ody

AGENDA

Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** *(Pages 1 - 14)*

To approve and sign as a correct record the minutes of the meeting held on 18 March 2010 (copy herewith).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

The chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

6. **Planning Appeals** *(Pages 15 - 16)*

To receive details of the completed and pending appeals (copy herewith).

7. **Planning Applications** *(Pages 17 - 18)*

To consider and determine planning applications in the attached schedule.

- 7.1 **E/09/01602/FUL - Full planning application for: Development of Class A1 supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossing and bus stops At: Marlborough Business Park, MARLBOROUGH, SN8 4AW (Pages 19 - 70)**
- 7.2 **E/10/0183/S73 Ful planning application for : Variation of condition on planning permission K/51693/F to extend the time limit for implementation of the planning permission At: Butchers Shop, 6A The Square, ALDBOURNE SN8 2DU (Pages 71 - 74)**
- 7.3 **E/09/0758/FUL Full Planning application for : Erection of a 4 Bed detached house, with attached garage, including all other associated works. (Amendment to K/57892/F). At Plot 1 Halstead Farm Kings Road EASTERTON SN10 4PS (Pages 75 - 84)**

8. **Urgent items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None.

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 18 MARCH 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Philip Brown (Chairman), Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble, Cllr Jerry Kunkler (Reserve), Cllr Laura Mayes and Cllr Jemima Milton (Reserve).

29. Apologies for Absence

Apologies were received from Councillor Mark Connolly, Councillor Charles Howard, Councillor Chris Humphries and Councillor Christopher Williams.

30. Minutes of the Previous Meeting

The minutes of the meeting held on 25th February 2010 were approved as a correct record and signed by the Chairman.

31. Declarations of Interest

E/09/1422/FUL – Councillor Philip Brown declared a personal interest in this item as he is acquainted with the owner of the property adjacent to the application site, “Fortune Field”. However, this is not a prejudicial interest and he would participate in the debate and vote.

32. Chairman's Announcements

The Chairman announced that planning item 1, E/09/1620/FUL – Development of Class A1 supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossings and bus stops, Marlborough Business Park, Marlborough, was to be deferred from this agenda for a future meeting of the Committee for the following reason:

A second application for a foodstore on an alternative site was received from Sainsburys, dated 6 days before the Committee meeting. Having regard to planning caselaw there are now two competing sites and each is a material consideration in the determination of the other requiring comparative analysis, and this can only properly be completed with the benefit of consultation responses to the Sainsburys application.

33. **Public Participation**

The Committee noted the rules on public participation and the manner in which the meeting would proceed.

34. **E/09/1620/FUL - Development of Class A1 supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossings and bus stops - Marlborough Business Park, Marlborough, Wiltshire, SN8 4AW**

Application deferred from this agenda for a future meeting of the Committee for the following reason:

A second application for a foodstore on an alternative site was received from Sainsburys, dated 6 days before the Committee meeting. Having regard to planning caselaw there are now two competing sites and each is a material consideration in the determination of the other requiring comparative analysis, and this can only properly be completed with the benefit of consultation responses to the Sainsburys application.

35. **E/09/1422/FUL - Change of house type to plots 1-8 and re-positioning of garages for plots 4-7 (amendment to K/53477/F)**

Public Participation:

1. A statement by the unitary member, Chris Humphries, requesting that those who have objected to the application are given opportunity to address the Committee was read out (please see late list attached).
2. Mr Tony Prior, Chairman of Baydon Parish Council, spoke in objection to the application.

Resolved:

Planning permission is GRANTED for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011, namely policies PD1, HC6, HC7, HC22, HC32, HC34, HC36 and NR6 and central government guidance contained in PPS1, PPS3, PPS7, PPG13 and PPS25.

Subject to the following conditions:

1 INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 attached to application ref: K/53477/F and dated the 3rd July 2007.

- 2 Within six weeks of the date of this decision, a materials schedule for the external walls and roofs for the dwellings and garages shall be submitted to the local planning authority for approval. With the exception of the following; Bricks - Ibstock Lambourn Orange Multi Stock, Ibstock Leicester Weathered Red Stock, Ibstock Audley Red Mixture Stock, Ibstock Artbury Red Multi Stock, Tiles - Marley Eternit Old English Dark Red Plain/Double Roman Tile, Slate - Marley Eternit Rivendale Slate and Finnforest Natural Shiplap Timber Cladding, details (including samples) of any materials proposed for the external walls and roofs of the dwellings and garages shall be submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

- 3 Within six weeks of the date of this decision, details of all eaves, verges, windows (including details of heads, sills and window reveal depths), doors, rainwater goods and chimneys to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

- 4 Within six weeks of the date of this decision, the ground floor slab levels of the buildings shall be agreed in writing with the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 5 Before the construction of any boundary walls, railings, gates or other means of enclosure is commenced details of the materials of which they are to be constructed (including samples) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 6 No development shall take place until details of any stain to be used on the boundary fences in the development hereby permitted 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:

To ensure harmonious architectural treatment.

- 7 Within six weeks of the date of this decision a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development shall be submitted to and approved in writing by the local planning authority. Details shall also include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 8 All soft landscaping comprised in the approved details of the landscaping shall be carried out in the first planting and seeding season following the occupation of the final dwelling or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years from planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 9 Within six weeks of the date of this decision a 1/200 scale plan shall be submitted to this office showing the position of all pipes, drains, sewers and public services, including gas, electricity, telephone and water which should be located so as not to impinge on retained trees or landscaped areas. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending

that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

REASON:

To ensure the retention of trees on the site in the interests of visual amenity.

- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

REASON:

To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 11 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed at the outer edge of the overhang of their branches by protective fencing. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To enable the local planning authority to ensure the retention of

trees on the site in the interests of visual amenity.

- 12 No dwelling shall be occupied until the parking spaces shown for it on the approved plans, together with the access thereto, have been provided.

REASON:

To ensure that adequate parking space and access has been provided before the occupation of any dwelling in the interests of highway safety and the amenity of future occupants.

- 13 Details of any updated street lighting to be provided shall be submitted to and approved by the local planning authority prior to the first occupation of any part of the development. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of highway safety.

- 14 Within six weeks of the date of this decision details of the provision of lowered kerb pedestrian crossing points at two locations near to the school shall be submitted to and approved in writing by the local planning authority. The details submitted shall include lowered kerbs and a programme of when the works will be carried out. The works shall be carried out in accordance with the approved details and programme.

REASON:

In the interests of highway safety.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no two storey additions or extensions of the buildings hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the buildings in the interests of the proper planning and amenity of the area.

- 16 The windows at first floor level shown on the approved plans on the north-west elevation to plots 4 and 6 shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

17 In respect of legally protected species, the applicant should be aware that planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part VI B of Circular 06/2005 to PPS9 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.

18 **INFORMATIVE TO APPLICANT**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her 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.

19 **INFORMATIVE TO APPLICANT:**

The applicants attention is drawn to the conditions imposed on planning permissions ref: K/53477/F dated 19th July 2007 and K/58950/F dated 7th August 2008

20 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.

Plan Ref: 09121/PL01/B received on the 03/12/09, 09121/BayNot03/A and 09121/BayNot02/A received on the 19/02/10, 09121/BayNot01 and 46-1648-101 received on the 28/10/09, 46-1278-GAR-01 Rev A and 46-1278-GAR-03 Rev A dated April 05, 09121/Bay02, 09121/Bay01, 09121/Yor02, 09121/Yor03, 09121/Not04, 09121/Not03 received on the 28/10/09 and 09121/Yor01/A received on the 05/03/10.

36. **E/10/0067/FUL - Retention of extension/alterations to existing light industrial building to form two light industrial units - Skylarks, land adjacent Kilnwood House, Bytham Road, Ogbourne St George, Marlborough, Wiltshire, SN8 1TD**

Public Participation:

1. Mr Paul Dobson, the Applicant, spoke in support of the application.
2. Councillor Jemima Milton, Unitary Member for West Selkley, spoke to ask the Committee to impose further planning conditions, if planning permission was granted.

Resolved:

Planning Permission is GRANTED for the following reason:

The decision to grant planning permission has been taken on the grounds that the two Class B1 industrial units by virtue of their use and siting would conform to national planning policy contained within Planning Policy Statement 4 which supports employment development in appropriate rural locations such as this. Furthermore, by reason of the building's use, size, design, siting and layout it would be visually acceptable within the North Wessex Downs Area of Outstanding Natural Beauty and it would not give rise to an adverse impact upon highway safety or the reasonable living conditions of the occupiers of the neighbouring dwellings, thus the scheme is in accordance with Planning Policy Statement 7 and PD1 of the Kennet Local Plan (saved policies).

Subject to the following conditions:

- 1 Within three months of the date of this permission, the applicant shall either replace the green roof of the building with a dark grey roofing material or repaint the green roof a dark grey colour. Also within three months of the date of this permission, the applicant shall either replace the red and blue coloured pedestrian and vehicle access doors to the building with dark grey coloured doors, or repaint the doors in a dark grey colour. The roof and doors shall be maintained as such thereafter.

REASON:

In the interests of visual amenity within the North Wessex Downs Area of Outstanding Beauty.

- 2 Use of the site for business purposes shall only take place between the hours of 7.00am and 9.00pm on Mondays to Saturdays and between 9.00am and 4.00pm on Sundays. The site shall not be used for business purposes outside of these times.

REASON:

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

- 3 During the next planting season following this grant of planning permission (that is, Autumn 2010) the site frontage to Bytham Road shall be planted with a mixed native broadleaf hedge grown to approximately 2.5 metres in height using the following mix: 70% hawthorn (*Crataegus monogyna*), 15% hazel (*Corylus avellana*), 5% wayfaring tree (*Viburnum lantana*), 5% spindle (*Euonymus europaeus*), 5% holly (*Ilex aquifolium*). The hedge shall be planted using 60cm transplants (except holly which will be pot grown) at 5 plants per metre in a double staggered row at 45 cm centres, set back approximately 2.0 metres from the road edge. The plants shall be individually staked with bamboo and guarded with spiral guards. The hedge will extend across the site frontage either side of the access points.

All hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 4 The vehicular access, turning area and parking spaces shown on the approved plans shall be maintained for those purposes at all times thereafter.

REASON:

In the interests of highway safety.

- 5 Any gates erected at the entrance points shall open inwards only.

REASON:

In the interests of highway safety.

- 6 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.

Plan Ref: Location Plan, Date Received: 20th January 2010;
Plan Ref: Site Plan, Date Received: 20th January 2010;
Plan Ref: Site Plan as Completed, Date Received: 20th January 2010; and

37. **E/10/0075/LBC - Demolition of single storey rear extension. Construction of new single storey rear extension. Modification of south side of two storey extension - 103 High Street, Burbage, Marlborough, Wiltshire, SN8 3AA**

Public Participation:

1. Mr Allen Leitch, the Applicant, spoke in support of the application.
2. Councillor Stuart Wheeler, Unitary Member for Burbage and the Bedwyns, spoke in support of the application.

Resolved:

That Listed Building Consent is GRANTED, for the following reason:

The proposed works will not be detrimental to the historic importance and architectural integrity of the listed building, in accordance with PPG15.

Subject to the following conditions:

- 1 The works for which listed building consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until details of the materials to be used for the external walls and roofs (including samples) 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: To secure harmonious architectural treatment.

- 3 Notwithstanding the details shown on the submitted plans, no development shall take place until full joinery details for all windows and doors have been submitted to and approved in writing by the local planning authority. Elevations shall be at a scale of not less than 1:10 and frame sections and glazing bars etc at not less than 1:2. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON: To secure harmonious architectural treatment.

- 4 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.

Drawing nos. 335/01335/02A,335/03H,335/04H, 335/05A & 335/06A received by the lpa 20/03/10.

38. **E/10/0072/FUL - Demolition of single storey rear extension. Construction of new single storey rear extension. Modification of south side of two storey extension - 103 High Street, Burbage, Marlborough, Wiltshire, SN8 3AA**

Resolved:

That Planning Permission is GRANTED, for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1; and Central Government planning policy set out in PPG15.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 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.

Drawing nos. 335/01, 335/02A, 335/03H, 335/04H, 335/05A & 335/06A received by the lpa 20/01/10.

39. **Urgent items**

There were none.

LATE ITEMS

Please see late items list attached.

(Duration of meeting: 6.00 - 6.45 pm)

The Officer who has produced these minutes is Janice Green, of Democratic & Members' Services, direct line (01225) 718380, e-mail janice.green@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

WILTSHIRE COUNCIL

POST REPORT REPRESENTATIONS

PLANNING SERVICES GROUP

DATE: 18th March 2010

EASTERN AREA COMMITTEE

Agenda No. Application No.	Location	No Objection	Objection	To be reported	No comment
1. E/09/1620/FUL	Marlborough Business Park Marlborough Wiltshire SN8 4AW		Withdrawn from agenda		
2. E/09/1422/FUL	Land off Aldbourne Road Baydon Wiltshire		Letter of representation	X	
3. E/10/0067/FUL	Skylarks, land adj. Kilnwood House Bytham Road Ogbourne St George Marlborough SN8 1TD				
4. E/10/0075/LBC	103 High Street Burbage Marlborough SN8 3AA				

5. E/10/0072/FUL	103 High Street Burbage Marlborough SN8 3AA						
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Appeals Determined

Reference	Parish	Location	Description	Committee/ Delegated	Decision
E/09/0251/Ful	Urchfont	Garden Cottage 23, High Street Wedhampton	New Garage Change of use of part of paddock	Committee	Dismissed
E/09/0254/Ful	Urchfont	Garden Cottage 23, High Street Wedhampton	Stable block Retention of access	Committee	Partially Allowed
E/09/0619/Ful	Marston	Pound Cottage Plough Lane	Erection of dwelling	Delegated	Dismissed
E/09/0510/Out	Devizes	1, Longfield Walk	Erection of dwelling	Delegated	Dismissed
E/09/1343/Ful	Collingbourne Kingston	Yeoman Cottage Brunton	Two storey Rear extension	Delegated	Allowed
E/09/1405/Ful	West Lavington	Pagnell Cottage Littleton Panell	Rear dormer window	Delegated	Dismissed
E/09/111/S73	Ogbourne St George	Lower Upham Airfield	Removal of conditions	Committee	Dismissed

Notes:

Copies of the Inspector's decision letters are automatically sent to the relevant Division Member by the Council's Planning Administration Team and are published on the Council's public web site. Copies are available for any other Councillor on request.

Appeal Performance April 1st 2009-31st March 2010

Between April 1st 2009 and March 31st 2010, the first full year of Wiltshire Council, decisions have been received on six enforcement appeals and 34 planning appeals in the area covered by the Eastern Area Planning Committee. The results are set out below:

Type of appeal	Number determined	Number dismissed	Number allowed	Percentage dismissed
Enforcement Appeals	5	4	1	80.00%
Listed building Enforcement Appeals	1	1	0	100%
Planning Appeals	33	25	8	75.76%
Listed Building Appeals	1	1	0	100%
Tree Preservation Order Appeals	1	1	0	100%

These results compare very favourably with the national average for local planning authorities in England and Wales which in the last few years has consistently been between 65-66% of appeals dismissed.

All the enforcement appeals related to decisions taken under delegated powers. Of the 34 planning appeals (including the one listed building appeal), 29 concerned decisions made under delegated powers and 5 concerned decisions made by the planning committee. Of the 5 appeals against decisions taken by the committee, three were allowed and two were dismissed.

Applications for costs against the Council were made on 5 appeals. Four were dismissed and one was allowed, with an award of £1,547 in relation to evidence relating to the impact of a development on the health of a tree. The Council successfully applied for costs on one occasion, resulting in an award of £443.

Wiltshire Council

East Area Planning Committee

April 29th 2010

List of Applications for Consideration

1. **E/09/01602/FUL** (page 2)

Full planning application for: Development of Class A1 supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossings and bus stops

At: Marlborough Business Park, MARLBOROUGH, SN8 4AW

RECOMMENDATION: Grant planning permission

2. **E/10/0183/S73** (page 32)

Full planning application for: Variation of condition on planning permission K/51693/F to extend the time limit for implementation of the planning permission

At: Butchers Shop, 6A The Square, ALDBOURNE SN8 2DU

RECOMMENDATION: Grant planning permission

3. **E/09/0758/FUL** (page 36)

Full planning application for: Erection of a 4 bed detached house, with attached garage, including all other associated works. (Amendment to K/57892/F).

At: Plot 1 Halstead Farm Kings Road EASTERTON SN10 4PS

RECOMMENDATION: Grant planning permission

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	29 April 2010
Application Number	E/09/1620/FUL
Site Address	Marlborough Business Park, Marlborough, Wiltshire, SN8 4AW
Proposal	Development of class A1 Supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossings and bus stops.
Applicant	Tesco Stores Ltd
Town/Parish Council	MARLBOROUGH
Grid Ref	419490 168404
Type of application	Full Planning
Case Officer	Andrew Guest

This application was deferred from consideration at the 18 March 2010 East Area Planning Committee meeting by officers following submission of a further application for a food store by Sainsbury Supermarkets Ltd at the adjoining Council Depot some six days before the meeting.

Having regard to planning case law it was/is considered that each of these applications is a material consideration in the determination of the other. Deferral was, therefore, necessary to allow time for consultations to be carried out on the Sainsbury application and to enable comparative analysis of the two sites. To inform the latter process an independent review of the retail assessments accompanying both applications has been undertaken by Nathaniel Lichfield & Partners on behalf of the local planning authority. The review is attached at Appendix 1. The Committee report has been updated as necessary.

Reason for the application being considered by Committee

The application is before the Committee at the request of the local member, Peggy Dow.

Purpose of report

To consider the recommendation that the application be approved subject to a legal agreement.

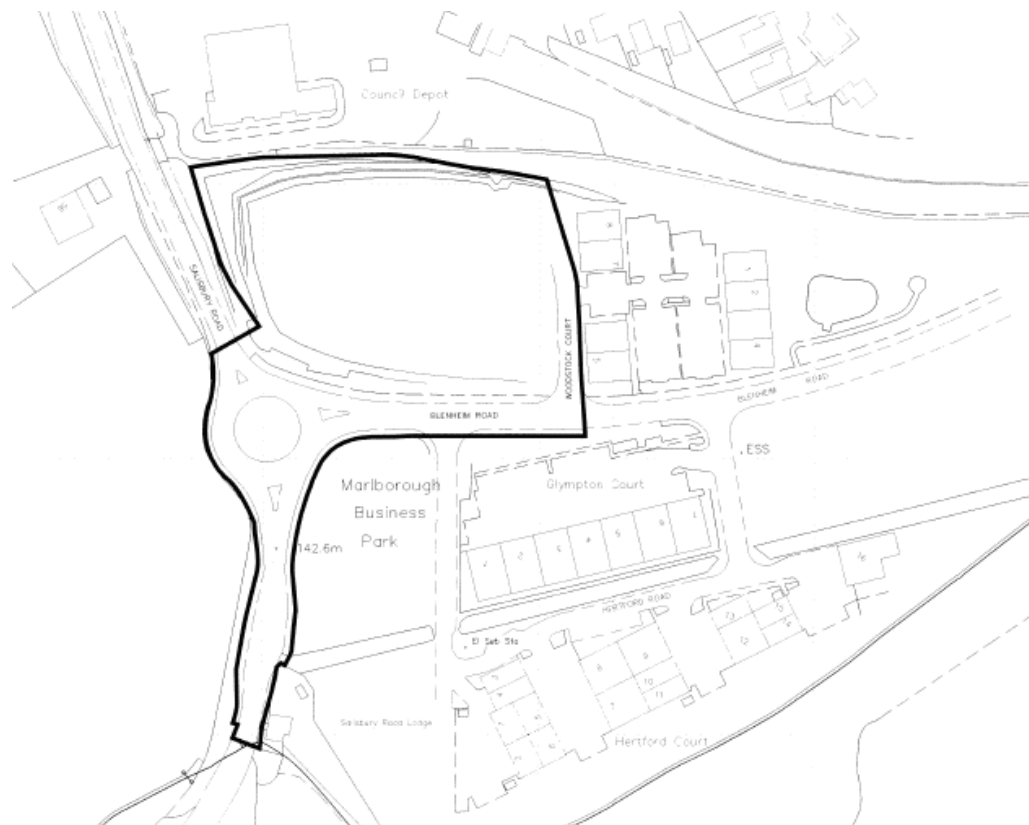
Report summary

The main issues to be considered in this case are as follows:

- The need for a store in the Marlborough catchment area;
- The 'sequential assessment' for a town centre use that is not proposed to be located in Marlborough town centre;
- The 'impact assessment' of an out of centre store on the vitality and viability of Marlborough town centre and other centres within the wider catchment area, taking into account the scale of the proposal and local consumer choice;
- The loss of protected strategic employment land at Marlborough Business Park;
- The adequacy of transport infrastructure to accommodate the proposed store and the adequacy of pedestrian links to the town centre;
- The impact on visual amenity, including the area of outstanding natural beauty.
- The impact on residential amenity, including from noise;
- A comparative analysis of this application with a second 'live' application for another food store on adjoining land (the 'Sainsbury application').

Site description

The application site covers approximately 0.93 ha of presently vacant and open land located in the north-west corner of the Marlborough Business Park. The site has frontages to both Salisbury Road (to the west) and the main entrance road into the business park (Blenheim Road) (to the south). The other boundaries are common with the Wiltshire Council depot (to the north) and office buildings beyond a service road (Woodstock Court) (to the east). The ground level of the site is slightly below that of Salisbury Road and Blenheim Road, and significantly below that of the depot (which is on the site of the elevated former Marlborough railway stations). Lying between the actual part of the site proposed for development and both Salisbury Road and most of Blenheim Road are strategic planting margins put in as part of the original business park development. These support mounds, banks and some landscaping.



Application Site

In its wider context, to the immediate east and south of the site are other developments within the business park. Beyond these is open countryside. To the north (as already stated) is the Wiltshire Council depot, and beyond this the suburbs of Marlborough town. To the west (on the opposite side of Salisbury Road) is open countryside. Ground levels rise to the south away from the site, the site itself being at a low point on the business park.

The application site is approximately 800m from Marlborough Town Hall (taken to be the centre of the town centre), and approximately 500m from the edge of the defined Marlborough Town Centre in the Kennet Local Plan 2011. There is pedestrian access to the site via pavements alongside Salisbury Road, albeit narrow in places. There are bus stops on Salisbury Road to the south of the site.

In policy terms the site is within the 'Limits of Development' of Marlborough. It is within Marlborough Business Park which is a 'Protected Strategic Employment Site'. It is also within an area of outstanding natural beauty (which covers all of Marlborough and surrounding land).

Planning History

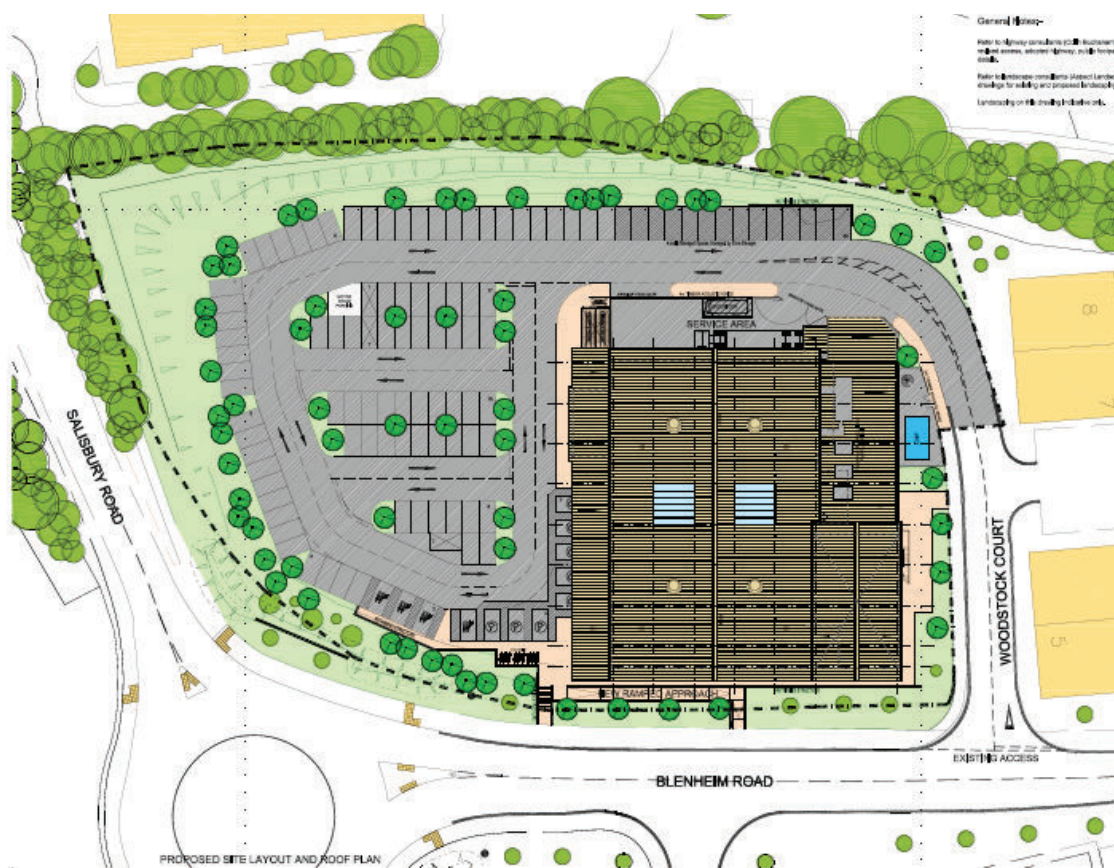
Marlborough Business Park was given outline planning permission for business, industrial and storage/distribution uses (Use Classes B1, B2 and B8) in 2001. Some of the park has been developed out for these purposes, although several plots remain without detailed approvals

and/or are un-developed, including the application site. It is now too late for reserved matters applications to be made for the remaining plots, meaning that future applications will be for full planning permission.

In more recent times full planning permissions have been given for other non-Class B uses elsewhere on the business park including a dentist's practice, a household recycling centre and a private gym.

Proposal

The application proposes the erection of a mainly food store together with associated car parking and service yard.



Site Layout and Roof Plan

The new food store building would have a gross floor area of some 2,298 sq m (excluding the front canopy), of which 1,080 sq m would be used for the sale of convenience goods and 122 sq m would be used for the sale of comparison goods (the remaining floor space to be used for circulation/check-outs, servicing, storage and staff facilities). The building would have dimensions of 45.5m by 42.5m (excluding the front canopy and service area). Height would be 7m for the larger part of the building, rising to 8m for the two storey section at the rear. Four roof ventilators would add an additional 2m to the 7m high part. The building would be sited towards the rear of the site (that is, closer to Woodstock Court than Salisbury Road), and approximately 7m from Blenheim Road. A service yard would be provided at the rear (accessed through Woodstock Court).

The store building itself would be contemporary in terms of its design. The two principal elevations facing Salisbury Road and Blenheim Road would contain large areas of glazing. The walls of the building would be constructed from larch timber panels above an 'oyster' smooth finished plinth. The very shallow pitched roof would be constructed using built-up single ply coloured dark grey. Window frames and other external rain goods, etc. would be coloured

white. Four 'wind catcher' roof ventilators would be installed on the roof as part of the sustainable design.



Elevations

At the front of the site (that is, adjacent to Salisbury Road and Blenheim Road) a 98 space car park would be laid-out, with a further 14 "locally managed spaces" behind the service yard. Vehicular access to the car park and service yard would be to the rear of the food store building, via an extension of Woodstock Court. Spaces for 21 bicycles (12 for customers and 9 for staff) would be provided, and pedestrian links from Blenheim Road.

The edges of the site and the car park would be landscaped. The site is already generally level and so little in the way of ground works would be required, except to the back of part of the locally managed car parking spaces where a retaining structure would be constructed. The store building would 'sit' at the present low ground level, as illustrated in the elevation drawings.

Outside of the site a number of improvements are proposed to the roads and footpaths in the locality including slight re-designs of the roundabouts on the A4 in the town centre and at the access to the business park; improved pedestrian crossing facilities at some road junctions between the site and the town centre; some pavement re-surfacing; and improvements to the bus stops serving the business park (including new shelters).

The planning application is accompanied by a Design and Access Statement, a Statement of Community Involvement, a Supporting Planning Statement, an Employment Land Review, a

Retail Assessment and Updated Retail Assessment (March 2010), a Transport Assessment (and addendum), a Landscape Context Analysis and Landscape Supporting Statement, and a Noise Assessment.

Planning Policy

Of particular relevance to this application is central government planning guidance set out in Planning Policy Statement no. 4 (PPS4): Planning for Sustainable Economic Growth. This guidance was published in December 2009 – that is, after the application had been received. In view of the timing, reference must also be made to the preceding guidance in PPS6: Town Centres and Retail Developments. Other relevant government guidance is set out in PPS7: Sustainable Development in Rural Areas and PPG13: Transport.

Relevant strategic policies in the Wiltshire and Swindon Structure Plan 2016 are Policy DP1 (Priorities for Sustainable Development), Policy DP2 (Infrastructure), Policy DP3 (Development Strategy), Policy DP6 (Shopping), Policy T1 (Integrated Transport Plans), and Policy C8 (Areas of Outstanding Natural Beauty).

Relevant local policies in the Kennet Local Plan 2011 are Policy PD1 (Development and Design), Policy ED7 (Protected Strategic Employment Sites), Policy ED17 (Town Centre Development), Policy AT1 (Transport Appraisal Process), Policy AT9 (Motor Vehicle Parking Standards), Policy AT10 (Developer Contributions), and Policy NR7 (Protection of the Landscape).

Although the development plan is up to date, it is not as up to date as PPS4 insofar as this document relates to retail development. It follows that PPS4 is given considerable weight in this report as the most up to date retail policy document.

Consultations

Marlborough Town Council: no objection.

Savernake Parish Council (adjoining PC): *Initial response* - no objection, but request that a footpath is made from the east end of the business park to join with the footpath from Savernake Forest to St. Margaret's Mead. This would enable people to walk from Maurice Way, St Margaret's Mead estate and the new Chopping Knife Lane site to the store.

The pavement from Marlborough along the eastern side of the Salisbury Road, where it goes through the old railway bridge is non-existent for pedestrians. The footway on the west side is narrow and if used means having to cross over the busy A346 and back again.

Second response (following Sainsbury application) - Marlborough and the surrounding area require an additional supermarket, but it does not need two of them. Although Savernake Parish Council approved the application for the Tesco store this was made on the understanding that no other site was available for another supermarket. This is no longer the case and Savernake Parish Council prefers the Sainsbury application to the Tesco one.

The number of businesses in the Marlborough Business Park continues to increase and the Parish Council would like this to remain as an employment site.

When no other site was available for a supermarket we believed an exception should be made for the proposed Tesco store, but this reason no longer applies as an alternative site is available. As there is no more land available on the WC depot site, a supermarket on this site will not set a precedent for out of town shopping. If the Tesco application is approved it could set a precedent for more retail shops on the Business Park and hence be detrimental to shopping in Marlborough High Street.

Savernake Parish Council understands that there is very little difference between the cost of food in Sainsbury's and in Tesco's. Food in Tesco's tends to be cheaper in their large stores than in their small ones. Both Sainsbury and Tesco are cheaper than Waitrose.

Wiltshire Council Highways Officer: Recommends conditions and planning obligation. In future years the A4 junctions will run over capacity with or without the development.

Wiltshire Council Environmental Health Officer: Regarding noise, the suggested criterion of 35dBA for the plant/mechanical services would appear to be acceptable. However, with regard to noise propagation from the service yard, it is noted that the agreed new properties to be located on the edge of the adjacent embankment in the Council depot will have a direct line of sight to the store, and therefore the proposed acoustic fence will not provide an effective attenuation method. This means the predicted 8dB screening loss must be discounted. With the screening loss removed the resulting Lmax rises to 70 at the façade, 10dB above the guideline peak noise criterion.

There is also concern that the delivery noise – arrival, unloading, departure – has been averaged over 1 hour which does not demonstrate the true nature of the delivery noise events which will have an impact on future residents.

The relative layout of the residential area elevated above the service area means that a traditional barrier (as proposed) will be less effective. A covered yard could be considered.

Conditions are recommended to address these concerns.

Environment Agency: no objection subject to condition.

Wiltshire Fire & Rescue: recommends informatives.

CPRE Kennet District Group: concludes, reluctantly, that the proposal should be accepted. CPRE is aware of the report *Impact of large food stores on market towns and district centres*, and also Policy ED17. It recognises that edge-of-town retailing developments are likely to have some impact on trading in the town centre, but believes that the amount of trade drawn from the few remaining convenience stores would be slight, and would be counterbalanced by the benefit of having a store to provide 'affordable shopping' in contrast with the dominant store, Waitrose. Ideally, any competing supermarket should be sited on or near the High Street, but there is no room for one.

However, CPRE believes that permission should be subject to important provisos, to give reasonable protection to smaller town-centre retailers, and to make access to the new store as convenient as possible by means other than cars –

- The store should be confined to retailing 'convenience' goods, principally food;
- Permission should be subject to a condition requiring Tesco to provide or finance bus transport for shoppers from Marlborough residential areas and surrounding villages;
- A green travel plan for employees should be required;
- There should be firm prohibition of overflow parking outside the store boundaries, especially on Salisbury Road;
- Improvements to the roads and footways between the High Street and the business park should be considered, to minimise the prospect of traffic congestion and to ensure that walking, especially with prams and pushchairs, is as comfortable as possible.

Publicity

The application has been publicised by advertisement in the local paper and by site notice. Letters have been sent to known nearby landowners/occupiers.

The publicity has generated 93 responses – 77 respondents support the proposal, and 16 respondents raise objections.

The reasons for support are summarised as follows:

- Another food store will bring choice to the town and competition;

- Marlborough needs a 'budget' food store – there has been no such facility since Somerfield closed. Waitrose is too expensive for many residents. A lot of people living in Marlborough cannot actually afford to shop in the town, travelling to other centres (inc. Swindon, Devizes, Hungerford and Tidworth) for food, clothing, etc. Reduced travel means an improved environment;
- Shoppers will still use other shops in the town centre (indeed, the store may attract new shoppers to Marlborough on linked trips);
- Over the years Marlborough has become more and more inundated with overpriced boutiques and designer brand shops, and this trend will continue regardless of this planning application. Convenience shops are closing in the town in any event;
- Those less able to travel (such as pensioners) will benefit from the store. Presently they rely on others to take them to budget stores elsewhere;
- The proposal will bring many new jobs to Marlborough;
- Although the application site is out of the town centre it remains on the outskirts of the town, and this will benefit residents from outlying villages (including from any delivery services the store might offer);
- The business park site is most suitable without causing issues for local residents or affecting other plans for the depot. The late Sainsbury application is illogical in terms of access, traffic issues and intrusion on local residents.

The reasons for objecting are summarised as follows:

- Marlborough High Street already has a number of empty shop units. An out of centre store will mean less people will visit the town centre, this causing further decline;
- The proposal is superfluous to the needs of the community – elderly people, disabled people and people who cannot drive will not be able to easily access the out of centre location. Marlborough needs a budget store, but within the accessible town centre where other shops can also benefit from linked trips;
- The retail assessment does not satisfy the sequential test set out in PPS4. There are numerous opportunities in the town centre for a reduced or more imaginative proposal as required by the PPS. Tesco has Metro stores elsewhere which are comparable in size to some shop units in the town centre;
- There are plenty of stores in the wider locality, including at Swindon and Devizes;
- The application fails to have regard to Policy ED17 of the local plan which requires all new retail development to be located within the confines of Marlborough. A proper long term plan for Marlborough is required;
- The store will be a disincentive to others to invest in new shops in the town centre;
- Marlborough Business Park is allocated for Class B development for the benefit of local, small scale enterprise. The proposal is a fundamental departure from this. The business park would never have been granted originally as a retail park;
- Users of the store will travel by car – proposals to upgrade footpaths to encourage pedestrians are farcical. A new store should be in the town centre and so accessible to all and not just those in cars. Salisbury Road is too steep and too narrow in places for elderly shoppers to walk to the store with bags of shopping, etc.;
- Selective shopping avoids the need for a budget store – Tesco has its own 'luxury' ranges as well;
- Additional traffic on surrounding roads will lead to congestion and disturbance, particularly from lorries. Contributing to this are other developments in the pipeline – the HRC on the business park and the live/work and residential scheme or another supermarket on the depot. The congestion will be a nuisance to other occupiers of the business park. The additional traffic will endanger pedestrians, particularly children who have to cross the road;
- Noise from the store and its associated traffic will cause disturbance to residents;
- The store will have a competitive advantage over other shops in the town through free parking – can Tesco be required to charge for parking at similar rates?;
- A large, ugly building in this location would detract from the beautiful surrounding countryside, AONB and Savernake Forest;

- The bus shelters proposed on Salisbury Road are unsuited to a rural environment designated as AONB, and any lighting would be harmful to tranquillity;
- The Sainsbury application should be considered alongside the Tesco application as each is a material consideration in the determination of the other. The Sainsbury application is preferable in terms of pedestrian access. The Tesco application does not properly apply the PPS4 impact tests. The application site should be used for Class B purposes for which there is local interest.

Planning Considerations

The main issues have already been stated in the 'report summary' section of this report. For ease of reference they are repeated as follows:

- The need for a store in the Marlborough catchment area;
- The 'sequential assessment' for a town centre use that is not proposed to be located in Marlborough town centre;
- The 'impact assessment' of an out of centre store on the vitality and viability of Marlborough town centre and other centres within the wider catchment area, taking into account the scale of the proposal and local consumer choice;
- The loss of protected strategic employment land at Marlborough Business Park;
- The adequacy of transport infrastructure to accommodate the proposed store and the adequacy of pedestrian links to the town centre;
- The impact on visual amenity, including the area of outstanding natural beauty;
- The impact on residential amenity, including from noise;
- A comparative analysis of this application with a second 'live' application for another food store on adjoining land (the 'Sainsbury application').

Each issue will be considered in turn.

IMPACT ASSESSMENT

At the time the application was submitted government guidance on this issue was set out in PPS6. Since December 2009 this has been superseded by revised PPS4. The applicant's agent submitted with the original application a retail assessment based on PPS6, and since the publication of PPS4 he has also submitted an update taking account of PPS4. A further 'Updated Retail Assessment (March 2010)' has now been provided following submission of the Sainsbury application. All of the assessments remain relevant to the consideration of the application.

Referring to PPS4, this sets out the Government's national policies for economic development. The statement begins by defining economic development as development within the 'B' Use Classes, public and community uses, and main town centre uses. Main town centre uses include retail uses.

PPS4 Policy EC17 refers to the consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan. The policy states the following:

17.1 Planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:

- (a) The applicant has not demonstrated compliance with the requirements of the sequential approach (policy EC15); or*
- (b) There is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.*

- 17.2 *Where no significant adverse impacts have been identified under policies EC10.2 and 16.1, planning applications should be determined by taking account of:*
- (a) *The positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material considerations;*
 - (b) *The likely cumulative effect of recent permissions, developments under construction and completed developments.*
- 17.3 *Judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date). Recent local assessments of the health of the town centres which take account of the vitality and viability indicators in Annex D of this policy statement and any other published local information (such as a town centre or retail strategy), will also be relevant.*

Policies EC15, EC10 (inc. EC10.2) and EC16 (inc. EC16.1) are defined, and referred to in greater detail, later in this report.

PPS4 Policy EC14 (supporting evidence for planning applications for main town centre uses) states that an assessment addressing the impacts of main town centre uses that are not in a centre and not in accordance with an up to date development plan is required for planning applications for retail developments over 2,500 sq m gross floor space. The policy further states that in advance of development plans being revised to reflect this PPS, an assessment of impacts is necessary for planning applications for retail developments below 2,500 sq m which are not in an existing centre and not in accordance with an up to date development plan if these would be likely to have a significant impact on other centres.

In this case the gross floor area of the proposed store at 2,298 sq m is below the initial threshold. However, it is considered that in view of the relatively modest size of Marlborough and other centres within its catchment, it is reasonable to expect a retail assessment to be carried out to fully understand the potential impacts referred to in the PPS and to comply with Policy EC17. To this end Policy EC16.1 (the impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan) states that planning applications for main town centre uses that are not in a centre should be assessed against the following impacts on centres:

- (a) *The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;*
- (b) *The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;*
- (c) *The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;*
- (d) *The impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy;*

- (e) If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floor space) in relation to the size of the centre and its role in the hierarchy of centres; and
- (f) Any locally important impacts.

Retail Need -

Although a traditional needs test does not feature within Policy EC14, the retail assessments accompanying the application in any event conclude that there is a need for the development. This conclusion is based on new robust research carried out by the applicant in the form of a household survey and an analysis of the expenditure of residents within the Marlborough shopping catchment area. It remains relevant to Policy EC16.1(d) in particular and consequently is considered in detail here.

Quantitative considerations -

The household survey was an independent survey of 500 households within the catchment area undertaken in August 2009. It provides information on shopping patterns in and beyond the Marlborough catchment area. It provides an understanding of the performance of existing facilities in the catchment area and it informs the analysis of the impact of the proposed store. The catchment area is defined by four post code areas within a 15 minute drive of Marlborough – SN8 1-- (moving north west from Marlborough (including the larger part of Marlborough itself)), SN8 2-- (moving north east (towards Aldbourne)), SN8 3-- (moving south east) and SN8 4-- (moving south west (towards Pewsey)). The catchment area is based on a 15 minute drive time from the site, and this is considered reasonable (a greater drive time than this being less convenient and less sustainable, and so a deterrent to shoppers in any event).



Marlborough catchment area (10 and 15 minute drive times)

The total catchment population at 2009 is 24,500, and this is estimated to grow by 376 to 24,876 by 2014. Tourist spend is anticipated to impact on expenditure by 15%. Per capita expenditure within the catchment area for convenience goods is estimated to grow from £1,973 in 2009 to £2,012 in 2014 and for comparison goods is expected to grow from £3,676 in 2009 to £3,980 by 2014 (these figures derived from independent data sources). The total forecasts for convenience expenditure in the catchment area are, therefore, £48.330m in 2009 for convenience goods increasing to £50.062m in 2014; and £90.075m in 2009 for comparison goods increasing to £99.012m in 2014.

With this information the retail assessments considers the market share of Marlborough town centre, the other centres within its catchment area, and the catchment area itself. The implications of the proposed development are then assessed by comparing two separate market shares scenarios for Marlborough town centre, Pewsey centre and Aldbourne centre as follows

- Scenario 1: assumes the 2009 baseline market shares from the household survey (that is, without the proposed store);
- Scenario 2: assumes an improvement to Marlborough's market share taking into account the proposed development.

Considering scenario 1, in terms of convenience shopping the assessment concludes that Marlborough has a reasonable market share in zone 1 (which includes Marlborough itself) of 71%, although this falls considerably in the other zones to between 29% and 47%. Importantly, over half of people (54%) living within the entire catchment area undertake their main convenience shopping outside of the catchment area - for example, at Tesco in Hungerford, Swindon or Tidworth, or at Morrisons in Devizes (derived from the household survey). This suggests that there is a failing in convenience goods provision within the catchment area. The vast majority of convenience shopping trips which are made in Marlborough are at the one existing significant food store, Waitrose. In terms of comparison shopping, Marlborough has a very small market share in all catchment zones. This demonstrates that the existing comparison offer within the town is limited in scope, and also the relative attractiveness of other larger centres outside of the catchment.

In relation to the other centres within the catchment (that is, Aldbourne and Pewsey), Aldbourne has limited provision and consequently has a small market share in any event. Pewsey has more facilities but these remain limited with a resultant small draw predominantly from zones three and four. These conclusions are accepted.

So, critically in terms of total market share the retail assessment confirms that for convenience goods over 50% of available expenditure within the core zones is lost outside of the catchment area (much going to out of town retail facilities elsewhere). Even higher levels of comparison goods expenditure 'leaks' from the catchment area. This demonstrates a need for improved provision within the catchment area.

Scenario 2 factors in the proposed store once normal trading patterns have been established – that is, in 2014. In the retail assessments the estimated annual turnover of the store in 2014 based on recognised data is £13.430m for convenience goods and £1.080m for comparison goods. The applicant considers that these standard figures based on all Tesco stores are the worst case scenario, and having regard to the circumstances of Marlborough the proposed store would in fact turnover less, (this is considered further below). The retail assessments state the following:

“The store will increase the level of retail floor space in Marlborough. As a result, the attractiveness of the town for main shopping will improve and the market share will increase within the catchment. The development will enable Marlborough to claw back market share that is currently being lost outside of the catchment area.

As a result of the market share increases, facilities outside of the catchment will lose market share. However it is important to recognise that these facilities only draw a small proportion of their turnover from this catchment and that they have large out of centre superstores that attract the majority of expenditure from the catchment study area.”

For convenience expenditure, the market share in zone one (which includes Marlborough itself) would increase to some 80% (that is, the Marlborough town centre and the new store figures combined). The market share would also increase in the other three zones. These are considered to be realistic assumptions given the attractiveness of the new store. In terms of comparison expenditure, the market share in Marlborough would increase only slightly as a result of the relatively limited comparison range to be offered. For Aldbourne and Pewsey it is anticipated that the development would have a negligible impact given the current market shares and shopping patterns.

In terms of total market share, with the proposed store operational the retained market share within the catchment area for convenience goods (taken from the household survey) would increase to almost 70% which is a significant improvement compared with the less than 50% share currently enjoyed. The conclusion that the store would significantly increase the amount of convenience expenditure retained within the catchment area and clawed back from the surrounding towns to a more sustainable level, and hence satisfy the need for a food store within the catchment area, is, therefore, accepted.

By way of further support for the proposed development, the Updated Retail Assessment (March 2010) provides an additional set of data on store turnover. The store turnover figures quoted above are based on generic data for all Tesco stores derived from independent sources. Tesco itself considers that the proposed store would, in fact, trade at a lower level than this having regard to the specific circumstances of the area – that is, £9.668m pa for convenience goods and £0.866m pa for comparison goods (2014 figures). Clearly, lower returns would change slightly the figures set out above. As it has already been concluded that other centres would not be adversely affected by the ‘worst case scenario’ presented in the original figures, no further comment is required.

Qualitative considerations –

The retail assessment makes a number of judgements based on qualitative considerations. Firstly, it states that Marlborough is under-represented in terms of convenience goods, partly as a consequence of the closure of other food retail stores (most notably Somerfield and Marks & Spencer). This qualitative consideration is acknowledged as being particularly important - it is the source of many of the letters in support of the application. Although there are a few other smaller convenience retailers in the town it is agreed that the choice a second supermarket would bring back to the town must be given considerable weight.

It is also significant that as a consequence of the ‘claw back’ of expenditure referred to already, those residents within the catchment currently travelling further for their shopping trips (that is, outside of the 15 minute travel zones) would be travelling lesser distances. This complies with the principles of sustainability which underpin all planning policies, and in particular PPG13.

A further qualitative consideration is the employment the store would provide. Although not overriding, the applicant has stated that around 140 jobs would be created.

Sequential Assessment -

The broad capacity of Marlborough and its catchment to support a further supermarket has been accepted by the retail need considerations set out above. Additionally, however, it is also necessary to assess the suitability of the chosen site relative to other sites within or easily accessible to the town centre. This is referred to as sequential assessment (Policy EC17.1(a)). In this regard Policy EC15 of PPS4 states the following:

In considering sequential assessments local planning authorities should:

- (a) *Ensure that sites are assessed for their availability, suitability and viability;*
- (b) *Ensure that all in-centre options have been thoroughly assessed before less central sites are considered;*
- (c) *Ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of pedestrian access;*
- (d) *Ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:*
- (i) *Scale: reducing the floorspace of their development;*
 - (ii) *Format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;*
 - (iii) *Car parking provision: reduced or reconfigured car parking areas;*
 - (iv) *The scope for disaggregating specific parts of a retail development, including those which are part of a group of retail units, on to separate, sequentially preferable sites (but not arbitrary sub-division of proposals).*

Even allowing for the requirements for flexibility set out in (d), Marlborough is very limited in terms of its choice of possible town centre or edge of centre sites. Regardless of this, a key test is considered to be that set out at point (c) – that is, the requirement for preference to be given to those locations which are well connected to the centre by means of pedestrian access.

Those sites which might be appropriate have been considered by the applicant as part of the retail assessment. The sites and their assessments are as follows:

- Vauxhall Garage/industrial estate, George Lane – This site is within the town centre as defined in the local plan, with excellent pedestrian links to the rest of the centre. Notwithstanding this the applicant considers this site to be unsuitable due to its limited size and unavailability for the foreseeable future due to multiple ownerships. The ownership issue is acknowledged as being a major hurdle to this site's potential, and consequently it is agreed that it cannot be considered sequentially preferable at this time.
- T H White Country Stores, London Road – This site is just about at the edge of the town centre (approx. 300m from the boundary). It has level pedestrian access to the town centre, requiring the crossing of one major road. Its pedestrian access is, therefore, considered to be fair. However, the applicant considers this site to be unavailable for the foreseeable future. It is also defined in the local plan as a protected strategic employment site. It is agreed for the reason given by the applicant and by virtue of its designation that this site cannot be sequentially preferable.
- Microlights Premises, Elcot Road – This site is some 500m+ from the boundary of the town centre. It is, therefore, neither a town centre site nor an edge of centre site. It does, however, have level pedestrian access to the town centre crossing one major road. It is designated as a protected strategic employment site in the local plan. The applicant considers this site to be unavailable and unsuitable (due to poor vehicular access and a poor relationship with neighbouring residential properties). The unsuitability of the site is accepted for the reasons given. The present use and

designation for employment purposes is also a hindrance to its suitability. The site cannot, therefore, be considered sequentially preferable.

There are no other singly appropriate sites either within the town centre or at the edge of the town centre.

An objection from a third party to the proposed site has been made on the grounds that other smaller sites may be available and/or suitable for a flexible, or disaggregated, store or stores (for example, the former auction house beside the access road to Waitrose or the Citroen garage), (part (d) of Policy EC16). The proposed store in this case is relatively modest in size and so unsuited to 'splitting' into smaller units. The applicant also points out that a smaller store with a resultant reduced offer is less likely to achieve the levels of claw back from other centres, and this would be to the general disadvantage of the Marlborough catchment area as a whole. These alternative sites, together with other vacant units in the shopping streets (of which there are few), are therefore also considered to be sequentially less preferable than an out of centre site.

In terms of parts (a) and (c) of Policy EC16, there is no existing or committed public or private investment at present in Marlborough, and there are no allocated sites outside of the town centre for retail developments.

It is considered that the applicant has properly applied the sequential test, and it is agreed that its conclusion that there are at this time no sequentially preferable sites either in the town centre or at the edge of the centre is sound.

Potential implications for Marlborough Town Centre –

So far it has been demonstrated that, firstly, there is a need for (and capacity for) a further store within the catchment area and that this need can be fulfilled without detriment to trade in the wider area; and that, secondly, there is no suitable or available site within Marlborough town centre or at its edge for such a store. The site proposed by the applicant to meet the need is, therefore, out of centre.

In terms of the impact of an out of centre store on trade and turnover within the town centre (Policy EC16.1(b) & (d)) the Updated Retail Assessment (March 2010) calculates that this will be 6.45% against current trading levels based on the worst case scenario (or 5.07% based on Tesco own estimates on turnover at the new store), with the majority of this impact directed at Waitrose (it being the only supermarket in the town). Having regard to the findings of a town centre 'health check' carried out by the applicant (which reveals 156 shop units in the town, 140 of which support comparison (or 'other') goods shops, and only 10 of which support convenience goods), the assessment concludes that this percentage would not significantly impact on the vitality and viability of the town, particularly as it would continue to overtrade against average turnover levels in any event. The impact of the comparison offer in the proposed store on the town centre would be negligible due to the limited range.

The health check states the following:

"The centre [Marlborough town centre] is vital and viable and performs an important role in providing a range of comparison shopping and services to meet the needs of its significant catchment. The limited number of vacant units demonstrates that the centre is performing well and the environmental quality of the centre is good. However, the conservation area and the layout of the town constrain its ability to provide additional floor space within the centre. Indeed, the existing level of floor space within the centre is low when considering the catchment that the store serves. The convenience retail offer does need some significant strengthening in order to serve the extensive rural catchment as well as clawing back some of the significant amount of trade lost to nearby competing centres. This is reflected in the responses to the public consultation exercise.

The development will have no detrimental impact upon the vitality and viability of the centre and will not prejudice its future well-being. As demonstrated by the public support for the proposal through the extensive community involvement process, the application will provide a facility that many local consumers have been asking for over a number of years and will widen the choice available for poorly served residents in the catchment. It is considered that the proposed development is likely to significantly increase the retention of expenditure within the catchment, as the retail offer available within Marlborough will be broadened. In turn it is highly likely that people will undertake linked trips with the centre, whereas previously they would undertake such linked shopping trips with the centre closest to the competing out of centre foodstore. We estimate that the increase in linked trips to the town from the proposed development will more than compensate for the potential impact that has been demonstratedOn this basis, the application satisfies this impact test”.

To quantify this, as already referred to, the catchment area total available expenditure for convenience goods in 2009 is £48.330m, and this is expected to increase to £50,062m by 2014 (when the new store would be fully functioning), (figures based on recognised independent data). However, the actual total expenditure by the catchment population on convenience goods within the catchment area in 2009 is £29.756m of which £24.174m is ‘spent’ in Marlborough town centre (data derived from the household survey). Marlborough town centre, therefore, takes some 48.3% of the catchments available expenditure. It follows that significant leakage is occurring to other centres outside the catchment area.

In 2014, assuming there is no further retail development in the catchment area (including the currently proposed Tesco store), the 48.3% convenience goods expenditure in Marlborough Town Centre would equate to £25.040m. Factoring in the new store, it is expected to turnover £9.668m in convenience goods sales from the catchment area (Tesco’s own estimation). A proportion of this turnover would be ‘clawed back’ from the presently leaked expenditure, although some would also be taken from the centres within the catchment area. Estimated convenience goods expenditure in Marlborough town centre by the catchment population in 2014 with the proposed store functioning is, therefore, £23.397m (derived from the household survey), which is slightly less than in the ‘no store’ scenario. The difference between these figures is the approx. 6.5% impact. Factoring in the applicant’s qualitative arguments about the healthy status of the town centre, overtrading in the town at present, and that more linked trips will be generated by the development, it is accepted that this is a relatively modest impact which should not be detrimental to the vitality or viability of the town centre. The impact on other centres within the catchment area is significantly less having regard to the nature of the shops and the related shopping patterns in these centres and the resulting relatively modest turnovers in any event.

The impact on comparison goods sales is less (in fact, the applicant estimates this to be 0.5% in Marlborough town centre and negligible in the other catchment centres). This is primarily due to the limited offer at the proposed store, and this is accepted.

These conclusions are also assessed in the independent Nathaniel Lichfield and Partners (NLP) report. This includes a sensitivity test to assess the impacts of the store. The NLP report uses the benchmark turnover figures for the store (which are greater than Tesco’s own estimates), and also assumes less trade draw. The report states the following:

“This sensitivity test is considered on an individual rather than cumulative basis. It utilises actual turnover estimates from the [Tesco] assessment. We have assumed that the Marlborough turnovers would benefit from an element of inflow and have therefore made an allowance for 15% inflow in the tables below.

The above analysis suggests the greatest impact will fall on the Waitrose in Marlborough. Whilst the impact is high (24%) the anticipated turnover post opening of a Tesco store (£18.01m) is still a viable level.

The impact of the store on other convenience stores is estimated at 13.7%, however, it should be noted that this applies to the convenience stores only and not all other retail space in the town.

It is considered that the proposal would not lead to a significant adverse impact on the turnover of the centre.

The impact on Aldbourne is considered to be within acceptable limits and does not represent a significant adverse impact on turnover.

The impact on convenience floorspace in Pewsey is relatively high (20%) and is likely to be concentrated on the Co-op store. It is unlikely to be significant enough to cause the closure of the store.

	Turnover Pre – proposal 2014	NLP Assumed Trade Diversion	Tesco Diversion	Turnover Post Proposal	Impact %
Waitrose, Marlborough	£23.65m	42%	£5.64	£18.01m	23.9%
Other stores Marlborough	£5.9m	6%	£0.81m	£5.09m	13.7%
Aldbourn	£2.34m	2%	£0.27m	£2.07m	11.5%
Pewsey	£3.39m	5%	£0.67m	£2.72m	19.8%
Outside PCA	-	45%	£6.04m	-	-
Total		100%	£13.43m		

The independent NLP report, therefore, confirms that the proposal would not lead to significant adverse impacts on Marlborough Town Centre or the other centres in the catchment area. This conclusion is reached even when factoring in a reduced trade draw and when using benchmark turnover (that is, £13.430m in 2014) rather than Tesco’s own estimates.

Conclusions in relation to the impact assessment -

Overall it is concluded that the retail assessment properly demonstrates that another food store is justified in Marlborough in both quantitative and qualitative terms. The independent household survey which informed the assessment reveals that significant ‘leakage’ takes place from Marlborough’s catchment area to other retail centres (this notwithstanding the travel distances involved), and this would be clawed back to a large extent by a new development in Marlborough, to the towns overall benefit and without detriment to other centres within the catchment area. The lack of a town centre or edge of centre sites has resulted in the applicant pursuing an out of centre site, but this has been justified through the sequential assessment. With resulting claw back of expenditure from other centres there is sufficient spending capacity in the catchment area to sustain both the proposed store and established retail facilities to achieve continued viability for all. The vitality of Marlborough town centre would, therefore, be safeguarded, particularly as a consequence of customers making linked trips. The vitality of other centres within the catchment area would also be safeguarded.

Salient points are as follows:

- Marlborough town centre and the existing centres in its catchment area are performing relatively well, indicated by the limited number of vacant shop units in particular;

- There is, however, presently significant leakage of expenditure from Marlborough's catchment area to other centres. This cannot have been helped by the closure of Somerfield (and latterly Marks and Spencer) in the town. Waitrose is now singly the main convenience goods retailer. There is, therefore, limited convenience goods choice;
- Notwithstanding the leakage, Marlborough presently overtrades (that is, expenditure in the town exceeds returns based on floor space and sales density);
- The sequential test has revealed no suitable or available sites (either singly or disaggregated) for a further store either within the town centre or at its edge. As a consequence the application is for an out of centre site which in this instance is appropriate;
- It has been calculated that in 2014 the impact of an out of centre store at the scale envisaged on the town centre is 6.45% for convenience goods sales and 0.5% for comparison goods sales. This impact is considered negligible having regard to the reasonable health of the town centre. The store will claw back significant lost expenditure to other centres and this will benefit the town centre as a whole through linked trips in particular. The impact on other centres within the catchment area is negligible having regard to the offer of these centres and associated shopping patterns.

LOSS OF PROTECTED STRATEGIC EMPLOYMENT LAND

From the foregoing paragraphs it is evident at the present time that there are no sequentially preferable sites in Marlborough to an out of centre site. The applicant is, therefore, proposing an out of centre site. Available out of centre sites are also few and far between in view of the numerous constraints to development within and beyond the town – most notably, the area of outstanding natural beauty and the policies of the local plan which restrict the use of previously developed land to particular purposes.

The application site comprises a frontage plot at the Marlborough Business Park. The Marlborough Business Park is defined in the Kennet local Plan as protected strategic employment land covered by Policy ED7. The relevant part of Policy ED7 states the following:

Sites that contribute to the strategic supply of employment land within the District are identified on the Inset Maps. These sites will be protected for employment uses. Development for uses within the B Classes of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) will be permitted. Applications for other employment generating uses will be permitted subject to strict compliance with PD1, ED17 and ED25 and the application of a sequential approach to site selection to demonstrate that no suitable town centre, edge of centre or transport node locations are available.

The explanatory notes with this policy state that the strategic sites are vitally important to the Local Plan's objectives of creating balanced communities. The local policy presumption is, therefore, in favour of 'B' class uses (that is, business, industrial and warehouse/distribution uses) on the protected strategic employment sites. The application is for an 'A1' class use (that is retail). Exceptionally non-'B' class uses can be acceptable, although subject to strict criteria.

Since the publication of policy ED7 there has been, however, a shift in the way economic development is defined. PPS4 now defines economic development as development within the 'B' classes, public and community uses, and main town centre uses where these would provide employment opportunities or generate wealth in particular. By further definition main town centre uses include retail. This is an important material consideration which must be given weight, particularly as the applicant has stated that the proposed store would create around 140 jobs in any event.

By way of further support for a non-B class use on the site the applicant has reviewed the demand for B class uses on the business park since its initial development. The summary of this assessment states the following:

“The marketing of Marlborough Business Park (and in particular Plot 1000 [application site]) has been undertaken since 2003 Marketing schedules were produced at regular intervals

Plot 1000 was intended to be developed either on a speculative basis for offices or industrial accommodation in accordance with the original planning permission. Unfortunately, with vacant space still available after 3 years of marketing it was concluded that there is insufficient demand for this type of development. The lack of direct site interest confirmed this to be the case. Pre-lets for bespoke buildings have been offered, as has the land on a long leasehold basis, again without success. Quoting terms on a lease and purchase basis have been consistent with other land sales on the park. Despite this, no interest has been secured.

The uses for which those plots have been sold fall outside the original planning consent and no formal offers have been received for plot 1000 on a B1/B2 or B8 basis over the past 7 years.”.

It is also of note that where sites have been developed at the park for B class purposes in accordance with the original planning permission a number of these remain vacant at this time. Partly in recognition of these circumstances limited non-B class uses have been permitted elsewhere on the park, these including a dental practice and a private gym. The lack of evident interest in the site for class B uses is, therefore, a further material consideration which must be given some weight.

On balance, having regard to the more flexible definition of economic development set out in PPS4 which is an important material consideration, the lack of interest in the application site for class B uses despite extensive marketing for an extended period, the results of the sequential test already covered, and the employment the store will provide in any event, an exception to Policy ED7 is considered fully justified in this case. The loss of part of the protected strategic employment land would not, it is considered, adversely impact on the overall economic strategy set out in the plan, and indeed will bring into use a site which would otherwise remain vacant for the foreseeable future.

TRANSPORT ASSESSMENT

Policy EC10 of PPS4 (Determining planning applications for economic development) sets out impact considerations for assessing all planning applications for economic development. EC10.2b states the following:

All planning applications for economic development should be assessed against the following impact considerations:

- (b) the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.*

This supports other government guidance set out in PPG13 which promotes more sustainable transport choices, and seeks to reduce the need to travel, especially by car.

The application is accompanied by a Transport Assessment and a Transport Assessment Addendum.

Choice of means of transport

In relation to ensuring a choice of means of transport to the site, the assessment states that the following will be provided:

- Cars - Car park for 112 cars (inc. 8 spaces allocated for disabled usage and 4 spaces for parent and child usage) and 5 motorcycles. Restrictions on parking/waiting on the roads within the business park;
- Cycles - Cycle park for 20 cycles;
- Public transport - Pedestrian access to the bus stops on Salisbury Road improved by dropped kerbs and tactile paving on all arms of the Blenheim Road/Salisbury Road roundabout. The owners of the business park are already committed to improving the bus stops with shelters, etc. Pick-up/drop-off point for two taxis with direct telephone line in the store to a local taxi company;
- Pedestrians - Improved surface of footway on Blenheim Road to roundabout. Trimming back of trees/foliage on south eastern edge of Salisbury Road (on approach to roundabout). Installation of tactile paving across Cherry Orchard junction and other improvements to surfaces elsewhere. Dropped kerbs and tactile paving across Savernake Court, including surface upgrade to highway. A financial contribution towards any future proposal to provide pedestrian access elsewhere.
- Staff – Travel plan to initiate car sharing, bicycle user group, secure cycle parking, etc.

The Wiltshire Council Highways Officer agrees with most of these initiatives, and one or two others, and consequently no objection has been raised on sustainability grounds.



Pavement alongside Salisbury Road at railway cutting showing width & gradient

Some concern has been expressed by third parties that pedestrians will be put-off walking to the store because of the narrow width of the pavement alongside the A346 through the railway cutting and the general gradient of Salisbury Road. It is acknowledged that there is a pinch-point by the railway, and that this will be a deterrent to some pedestrians. However, due to the short length of pavement concerned, the difficulty in making improvements, and the adequacy of the rest of the route (including its gradient) between the site and the town centre in any event, this is not seen as a reason to raise objection to the development as a whole.

Congestion

In relation to the effect on local traffic levels and congestion the assessment proposes the following alterations to roads:

- A346/A4 junction within the town – wider approaches on all arms and realignment of uncontrolled crossing points and footways;
- A4/A346/George Lane junction within town – longer dual lane approaches on A4/A346 arms, improved general layout, new footway and new pedestrian crossing point;
- A346/Blenheim Road junction – widening of south approach.

These proposals have been devised following traffic counts carried out in November 2009 and subsequent modelling. The conclusion set out in the TA is as follows:

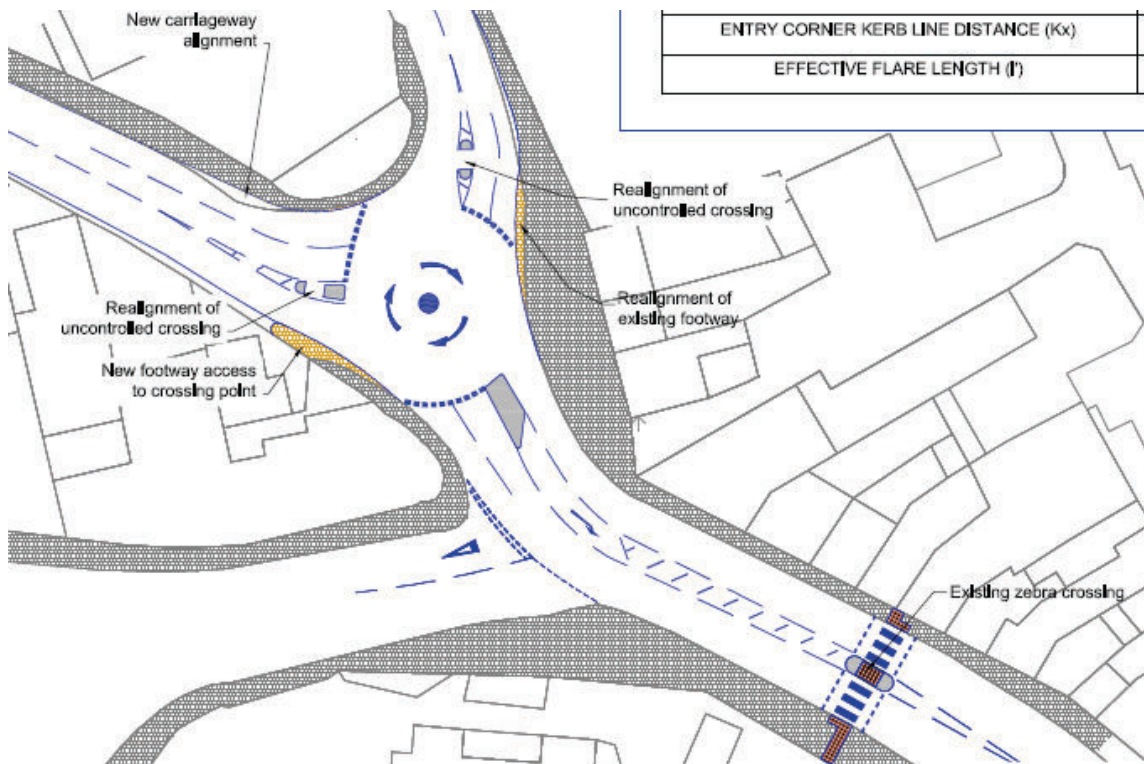
“The results of the development traffic modelling indicate that the three junctions already over capacity will remain over capacity without any physical mitigation. These junctions are already subject to congestion and will operate over capacity, principally due to the limitations of available highway land capacity in that location.

The proposed physical alterations to the geometry at these junctions will ensure that queue lengths do not increase beyond levels were the development not to proceed (nil detriment) during peak hours. It is considered that the conditions will be more favourable outside peak hours.

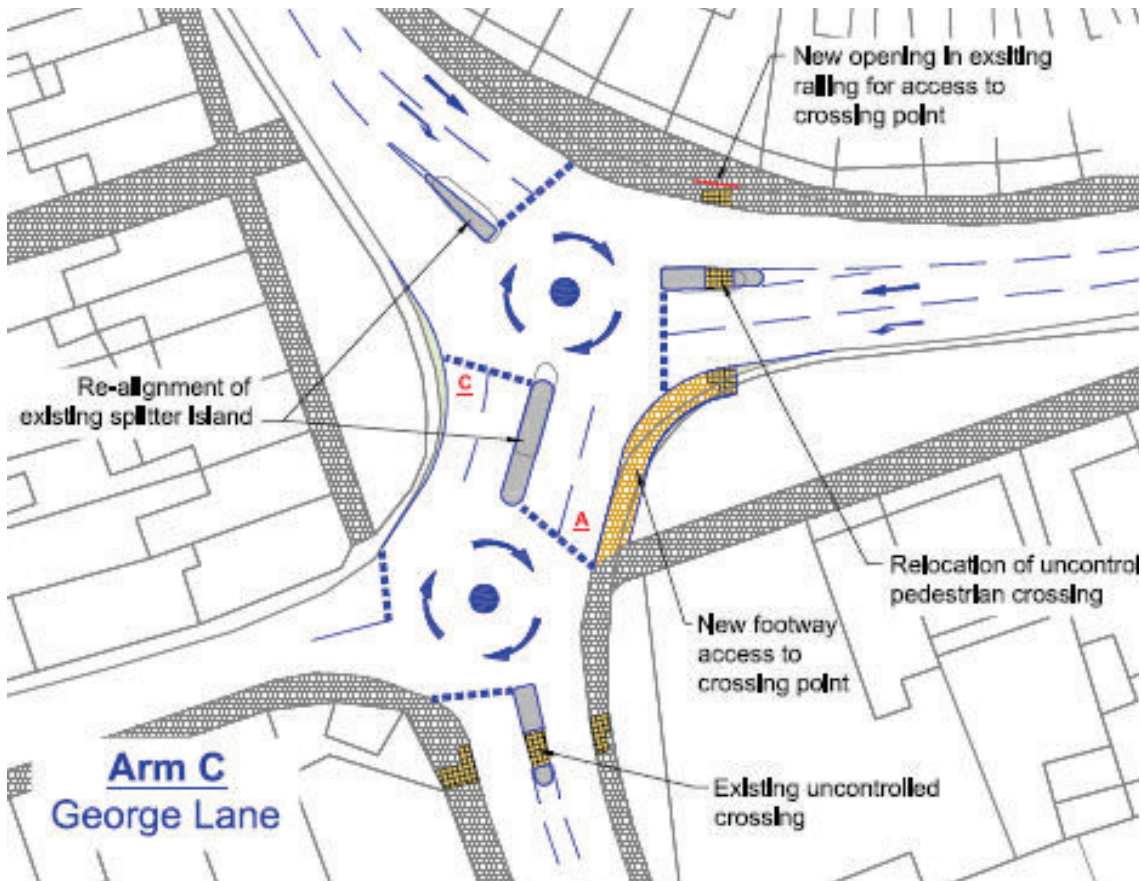
The results do not consider the impact of sustainable mitigation, as such the results are the worst case assessment and it is envisaged that the queue lengths could be reduced further”.

The Wiltshire Council Highways Officer agrees with these conclusions and proposals, and consequently raises no objection to the development subject to conditions and a planning obligation.

Regarding additional HGV’s using the road network which has been raised by some third parties, the TA states that the store would be serviced by four each day. It is not considered that an additional four HGV’s on the road network each day would cause such additional congestion or nuisance to warrant an objection for this reason.



A346/A4 junction improvements



A4/A346/George Lane Improvements

VISUAL AMENITY AND THE AONB

The application site is prominently located at the front of the Marlborough Business Park, with frontages to Salisbury Road, Blenheim Road and Woodstock Court. With countryside to its south side, the business park provides the southerly entrance to Marlborough town. The entire business park (and, for that matter, Marlborough as a whole) lies within the North Wessex Downs Area of Outstanding Natural Beauty.

Further impact considerations set out in Policy EC10 of PPS4 are as follows:

All planning applications for economic development should be assessed against the following impact considerations:

- (a) *whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change;*
- (c) *whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.*

Policy PD1 of the local plan sets out further design requirements, requiring sustainable design principles; scale, height and massing; layout, servicing and access arrangements; landscape proposals; and building materials, colour and detailing to be taken into account.

As set out in the 'Proposal' section of this report, the proposed building would be contemporary in terms of its design. The two principal elevations facing Salisbury Road and Blenheim Road would contain large areas of glazing. The walls of the building would be constructed from larch timber panels above an 'oyster' smooth finished plinth. The very shallow pitched roof would be constructed using built-up single ply coloured dark grey. Window frames and other external rain

goods, etc. would be coloured white. Four 'wind catcher' roof ventilators would be installed on the roof as part of the sustainable design.

The application is accompanied by a Design and Access Statement which states the following:

"The building's design draws on a system of standard reusable, recyclable and sustainable components. Many of the construction materials and methods lend themselves to be recycled or re-used after the store has reached the end of its lifespan. The primary intention is to create an environmentally friendly retail unit with ease of use for all"; and

"The proposed store is predominantly single storey with a double storey element to the south east of the building to house the staff facilities. Due to the sunken nature of the site the store sits below road level which reduces its impact when viewed from the A346. The scale of the development is sensitive to the surrounding area. The height of the store is not overbearing and the existing and proposed landscaping positively contributes to the character of the area".

The application is also accompanied by a Landscape Supporting Statement which states the following:

"... The proposals and layout have responded well to the open approaches to the town and to the urban/rural interface character area in which the site lies. The building is well designed, low in height, set back from the road with low-level car parking that is cut into the existing ground levels which will ensure that the proposals are not prominent.

The positioning of the store to the rear of the site leaves the front area open with views of mature trees along the northern boundary and the new tree planting within the open car park. This responds to and complements the character of the open approaches to the town. If a building was positioned at the front of the site the views of the mature treescape would be partially removed and the character of the open approaches would be diluted, resulting in a development edge that would not respond well to the transition between the open countryside and the town. ...".

The proposal is for a relatively large building, but notwithstanding this the site is adequate in size and shape to accommodate it without a cramped or overbearing impact. The contemporary design fits well within its 'modern' business park context, and will positively enhance this situation. The historic core of Marlborough town is sufficiently distanced and screened to ensure no unsatisfactory relationships. The listed lodge building on Salisbury Hill is also sufficiently distanced to ensure its setting is safeguarded.

In terms of the set-back siting of the building, the benefits of this expressed in the Landscape Supporting Statement are agreed by the Council's Landscape Consultant. Tree planting in the otherwise open car park to the front of the building will soften the impact of this. The slightly sunken level of the site will also help to mitigate the impact of parked vehicles.

The external materials are considered acceptable, particularly in terms of sustainability. The grey-coloured roof accords with the conditions attached to the original planning permission for the business park, and will ensure a satisfactory appearance when viewed from higher level on Salisbury Road.

Overall the design and layout of the development is considered to be acceptable, with no harmful impacts on visual amenity in general. The area of outstanding natural beauty will similarly be preserved.

RESIDENTIAL AMENITY

The nearest existing residential properties to the site are The Lodge on Salisbury Road, individual houses in Cherry Orchard and the Priorsfield estate. All of these properties are,

however, sufficiently distanced and/or screened from the site to ensure no adverse relationships.

Concern has been expressed by the owner of The Lodge that the proposed bus shelters are inappropriate in terms of their design for this countryside location. The requirement for bus shelters stems from the original planning permission for the business park. The functional design of the shelters and their means of illumination are considered appropriate within their roadside context and having regard to the need to ensure their safe operation.

Much closer to the site is the Wiltshire Council depot on the former elevated railway station land. Planning permission has been approved by committee, but not yet granted for mixed 'live/work' units and dwellings on this land. (The permission awaits completion of a legal agreement). A number of the agreed units would be relatively close to the store with inter-visibility due to the change in levels. Although there is no issue with the inter-visibility, the close proximity and the change in levels also means that occupiers of the new units would hear activity around the store, in particular arising from the use of the service yard which is to the side. To address this the Council's Environmental Health Officer recommends conditions, in particular, requiring a specification for the acoustic fence around the service yard to be submitted for approval and the fence itself to be extended to include the gates; the gates to be kept closed at all times except when delivery vehicles are entering or leaving; and no use of the service yard by delivery vehicles during night time. Subject to this the Environmental Health Officer raises no other objections.

COMPARATIVE ANALYSIS WITH SAINSBURY APPLICATION

As set out at the start of this report, the Tesco application was due to be considered by the East Area Planning Committee on 18 March but was deferred by officers following the late submission of an application by Sainsbury Supermarkets Ltd for another site in Marlborough. The reason for deferral was that, as there are now two competing sites, each is a material consideration in the determination of the other, and it may therefore be necessary to undertake comparative analysis. Questions were also raised about the retail impact assessment. Such analysis and assessment was not possible in the very short time prior to the 18 March meeting.

The site of the Sainsbury application is the Council depot immediately to the north of the Tesco application site. This site was historically railway stations and sidings, and is artificially elevated above all surrounding land. It has frontage to, and access from, Salisbury Road. In policy terms it lies within the limits of development of Marlborough. It is designated as protected strategic employment land and it is not within, nor at the edge of, Marlborough Town Centre. In terms of its recent planning history, there is a Council resolution to grant planning permission for 18 'live/work' units and 14 dwellings on the site subject to a legal agreement.

The Sainsbury application seeks outline planning permission to erect a food store of 1,364 sq m (with 1,091 sq m of convenience goods floor space and 273 sq m of comparison goods floor space) on the depot. This is larger than the Tesco application (which is for 1,080 sq m of convenience goods floor space and 122 sq m of comparison goods floor space). Car parking would be provided for 159 vehicles. A new roundabout would be constructed to provide access from Salisbury Road via the existing 'ramp', albeit re-aligned.

The necessity to carry out comparative analysis in certain cases stems from planning case law, most notably *Secretary of State v Edwards [1994] 1 PLR 62* which concludes that where there are two competing sites each is a material consideration in the determination of the other, provided that four criteria are satisfied. Those four criteria are –

- (a) The presence of a clear public convenience or advantage in the application under consideration;
- (b) The existence of inevitable and adverse effects or disadvantages to the public in the application;

- (c) The existence of an alternative site for the same project which would not have those effects or would not have them to the same extent; and
- (d) A situation in which there could only be one permission granted for such development or at least a very limited number of permissions.

In this case the four criteria are satisfied in that – (a) there is clear public advantage in providing a new food store in Marlborough; (b) there are adverse effects or disadvantages to the public stemming from both the Tesco application and the Sainsbury application; (c) there are two alternative sites, each of which does not necessarily have the adverse effects of the other; and (d) there is a situation where there could only be one permission granted.

Considering point (d) first, it is evident from this report to the Committee that there is justification for an out of centre food store of the type and size proposed in the Tesco application in Marlborough. However, the independent review by Nathaniel Lichfield and Partners (NLP) of the retail assessments accompanying both the Tesco and Sainsbury applications concludes that although one such food store can be justified in terms of its impacts on Marlborough town centre and the other centres within the catchment area, there is no justification for a second food store. It follows, therefore, that only one store (that is, the store with the least adverse effects or disadvantages) should gain planning permission.

On the issue cumulative impact issue the NLP Report states the follows:

“Given that the impact of one store is considered acceptable, it is appropriate to assess whether the cumulative impact of two stores would be acceptable.

In this instance, where the two stores are of similar size and are adjacent to each other, we would expect that neither store would achieve benchmark turnover. We have therefore assumed that each store would achieve 80% of its company average turnover. The impact of both stores is considered below.

	Turnover Pre – proposal 2014	NLP Assumed Trade Diversion	Cumulative diversion	Turnover Post Proposals	Impact %
Waitrose, Marlborough	£23.65m	45%	£8.61m	£15.04m	36.4%
Other stores Marlborough	£5.9m	7%	£1.34m	£4.56m	22.7%
Aldbourne	£2.34m	2%	£0.38m	£1.96m	16.2%
Pewsey	£3.39m	5%	£0.96m	£2.43m	28.3%
Outside PCA	-	40%		-	-
Total			£19.14m		

The impact on convenience floorspace turnover ranges from 16% in Aldbourne to 36% on the Waitrose. The diversion of £9m from the Waitrose would also have an impact on linked trip expenditure in the town centre associated with visits to this store, with knock on impacts for other businesses in the town centre. Such reduction in turnover is likely to be considered significant”.

The NLP report concludes that in assessing cumulative impact of both applications it is considered that significant adverse impact could occur and the Council should not approve both applications under PPS 4 Policy EC17 1b.

Considering point (a), it is also evident from this Committee report that there is clear public advantage in providing a new food store of the size proposed by Tesco in Marlborough, demonstrated by the need and impact assessments. It follows that any individual food store (whether Tesco, Sainsbury or another) would give this advantage.

However, under (b) both sites also have disadvantages. In policy terms the sites effectively have the same designation – that is, protected strategic employment land. Notwithstanding the limited marketing of the Sainsbury site for continued employment purposes, it has already been acknowledged that town centre uses are now a form of economic development under PPS4, and so no disadvantage is seen for this reason to releasing either site for retail purposes.

In locational terms, although both sites are out of centre and neighbouring one another, the Tesco site is slightly further from the town centre than the Sainsbury site which may be seen as a disadvantage. That said, the Tesco site is less elevated and so would not present pedestrians with a final 'up hill climb' to the store which would be inevitable at the Sainsbury site. Having regard to these different circumstances it is considered that neither store actually has a locational advantage over the other.

In terms of visual impact, the Tesco site benefits from being 'tucked' on to a low lying site within the established business park. Surrounding rising land (and, in particular, the adjacent former railway embankment) largely screens the Tesco site in distant views. By contrast the Sainsbury site has an elevated siting atop the railway embankment. Notwithstanding the intended screen planting, the Sainsbury development (including its lighting) would, therefore, be more visible in distant views. This is considered to be a disadvantage. The Sainsbury site also proposes significant alterations to the vehicular access, in particular in the form of a new roundabout on Salisbury road. The construction of this would require removal of a large section of the established roadside bank and related trees. These alterations, and the resulting 'engineered solution', would have a significant impact on the character and appearance of this part of Salisbury Road. In contrast the Tesco site requires no significant changes to the established access arrangements to the business park and consequently would not have impacts on visual amenity to the same extent. This is considered to be an advantage.

In terms of residential amenity, the Tesco site benefits from being distant from existing residential properties. However, the Sainsbury site is close to, or impacts on, a number of residential properties in Priorsfield and Salisbury Road. According to the acoustic report accompanying the Sainsbury application noise from deliveries is anticipated to be not greater than 10dB above existing background levels. The Council's Environmental Health Officer considers that this maximum level may well generate complaints (being borderline statutory nuisance). The solution may be to erect a higher acoustic fence in the effected area, but this in itself is seen as a disadvantage compared with the more straightforward Tesco proposal.

Taking all of these advantages and disadvantages into account, and having regard to (c), it is considered that the Tesco site would not have as great an impact, and/or would not have impacts to the same extent, as the Sainsbury site. It is, therefore, from a planning perspective, the better option of the two competing sites.

CONCLUSION

This application is for an out of centre supermarket in Marlborough which will offer convenience goods, and to a lesser extent, comparison goods. The application is supported by considerable evidence which demonstrates in both quantitative and qualitative terms that there is a need for a further supermarket in the town. A household survey reveals that there is significant leakage of expenditure from the Marlborough catchment area to other centres outside of the catchment area, and to a large extent the proposed store would 'claw' this back. An independent report commissioned by the local planning authority has found that the retail assessment accompanying the application adequately covers the policy requirements and tests of PPS4.

The site for the proposed store is neither in the town centre nor at the edge of the centre. It has, however, been robustly demonstrated that there are no sequentially preferable sites in these locations in any event. Notwithstanding the out of centre location, the application also

demonstrates that as a consequence of the relatively healthy condition of Marlborough town centre, the benefits of 'claw back', and the expected returns from a supermarket of the size proposed, that the impact on the vitality and viability of the town centre would be limited in respect of convenience sales (primarily impacting on the only other supermarket) and negligible in respect of comparison sales.

In qualitative terms it is material that there is only one other significant food store in the town, this restricting consumer choice. It is also material that the claw back of leaked expenditure would benefit the town through linked trips, and reduce journey times in the interests of sustainability.

Although the site is protected strategic employment land the proposal satisfies the flexible PPS4 definition of economic development as well as the Policy ED7 sequential test. The new store will employ around 140 people. There has been little interest in the site for class B use purposes following long term marketing.

Notwithstanding the out of centre location, the site remains reasonably close to the town centre and is accessible by a variety of means. The application includes proposals to promote more sustainable transport choices. It also sets out proposed alterations to road infrastructure so that existing congestion on the local road network is not aggravated (and, indeed, is improved at off peak times).

The design of the development is considered acceptable and appropriately sustainable within its context, with no adverse impacts on the area of outstanding natural beauty or visual amenity in general. Conditions can be imposed to ensure the privacy of occupiers of the future development on the adjoining site is safeguarded. Comparative analysis of a second competing site has revealed that the impacts of the Tesco site are less than those of the competing site, and consequently the Tesco site is preferable in any event.

For these reasons the proposed development is considered acceptable. Approval of the application is, therefore, recommended. The applicant has prepared a satisfactory unilateral undertaking relating to financial contributions towards sustainable transport initiatives within the town, monitoring of a green travel plan, and a potential road traffic order (should it be needed).

RECOMMENDATION

Approve subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 Notwithstanding the information set out in the application particulars, no development shall take place until details of the materials to be used for the external walls and roofs, and the surfacing of the car park, access roads and pedestrian routes, (including samples) 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: To secure harmonious architectural treatment.

- 3 This permission grants a net convenience sales floor area of 1,080 sq m and a net comparison goods sales area of 122 sq m. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), there shall be no provision of retail floorspace in excess of the net areas defined without the prior express consent of the local planning authority neither shall there be any alteration or subdivision of the sales floor, nor provision of ancillary or subsidiary retail units within that sales floor.

REASON:

To accord with the terms of the application and in particular its justification for sales areas of these specific sizes, and having regard to policies set out in PPS4 and the Development Plan which resist developments which could have a detrimental impact on the vitality and viability of the town centre.

- 4 Immediately upon the commencement of trading of the store hereby permitted, provision shall be made at the entrance to the store for the advertising of town centre retail and service facilities in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to commencement of the internal fitting out of the building.

REASON:

To support and encourage linked trips between the store and the town centre in accordance with the qualitative justification forming part of the application and in the interests of maintaining the vitality and viability of the town centre.

- 5 All soft landscaping comprised in the submitted landscaping scheme (that is, drawing no. "ASP4: Planting Plan Rev B" dated 03/12/09 and accompanying the Landscaping Supporting Statement by Aspect Landscape Planting) shall be carried out in the first planting and seeding season following the opening of the store or the completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 6 Notwithstanding the information set out in the application particulars, the acoustic barrier to be provided around the outside of the service yard shall comprise both the indicated timber acoustic fence and the service yard gates. Before development is commenced the detailed design of the acoustic barrier, including its acoustic properties, shall be submitted to the local planning authority for approval in writing. The acoustic barrier shall then be erected in accordance with the approved specification prior to the first opening of the store or the completion of the development, whichever is the sooner. The acoustic barrier shall be permanently retained thereafter.

REASON:

To safeguard the residential amenities of future occupiers of the adjacent site which benefits from a resolution to grant planning permission for a residential and live/work development.

- 7 The loading and unloading of service and delivery vehicles (including home delivery vehicles) together with their arrival and departure from the site shall not take place outside the hours of 7.00 am to 11.00 pm (Monday to Saturday) and 8.00 am to 10.00 pm Sundays. The service yard gates shall be kept closed at all times other than when vehicles are entering or leaving the service yard.

REASON: To safeguard the residential amenities of future occupiers of the adjacent site which benefits from a resolution to grant planning permission for a residential and live/work development.

8 The rating level of noise emitted from the site shall not exceed the existing background noise level, the LA90T, by more than 5dB. The noise level shall be determined at the nearest noise sensitive premises. The measurement and assessment of such noise shall be made in accordance with BS4142 1997.

REASON: To safeguard the residential amenities of future occupiers of the adjacent site which benefits from a resolution to grant planning permission for a residential and live/work development.

9 Details of any floodlighting/external lighting proposed to illuminate the development (including light spillage diagrams) shall be submitted to and approved in writing by the local planning authority before the store is first opened to the public or the development is completed, whichever is the earliest date. Development shall be carried out in accordance with the approved details.

REASON: To safeguard local amenities.

10 The development hereby permitted shall not be commenced until such time as site drainage plans (foul and surface water drainage) have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: To demonstrate adequate means of disposal of surface water and foul water.

11 Before the development hereby permitted is first brought into use, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. The Green Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

12 Before any part of the development hereby permitted is first opened to the public the access, turning areas and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON: In the interests of highway safety.

13 The development hereby permitted shall not be commenced until details of the secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first opening of the store to the public and shall thereafter be retained for this use at all times.

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

14 Prior to commencement of the development hereby approved detailed specifications for the 'Sustainable Travel Initiatives' and the 'Junction 3' 'Junction Improvements' set out in the Transport Assessment Addendum dated 02/10 (including drawing no. 17518-01-1-OS-03C) shall be submitted to the local planning for approval in writing. The Sustainable Travel Initiatives and the Junction 3 Junction Improvements shall then be completed in accordance with the approved detailed specifications either prior to the first opening of the store to the public or the completion of the development, whichever is the sooner.

REASON: To ensure satisfactory pedestrian links to the town centre and to address congestion issues on the road network in accordance with the application particulars and in the interests of highway safety.

- 15 Prior to commencement of the development hereby approved detailed specifications for the 'Junction 1 ' and 'Junction 2' 'Junction Improvements' set out in the Transport Assessment Addendum dated 02/10 (including drawing no. 17518-01-1-OS-06B & 17518-01-1-OS-07A) shall be submitted to the local planning for approval in writing. The Junction 1 and Junction 2 Junction Improvements shall then be completed in accordance with the approved detailed specifications either prior to the first opening of the store to the public or the completion of the development, whichever is the sooner.

REASON:

To ensure satisfactory pedestrian links to the town centre and to address congestion issues on the road network in accordance with the application particulars and in the interests of highway safety.

- 16 Prior to the commencement of the development hereby approved details of the taxi pick up and drop off point outside of the store (including road markings) and details of the taxi call point within the store shall be submitted to the local planning authority for approval in writing. The details shall show marked out spaces for two taxis to pick up and drop off outside the store. The taxi drop off and pick up point and the taxi call point shall be provided in accordance with the approved details prior to the first opening of the store to the public or the completion of the development, whichever is the sooner. The taxi pick up and drop off point and the taxi call point shall be permanently maintained thereafter.

REASON:

To accord with the terms of the application and to ensure sustainable transport choices in accordance with PPS4 and PPG13.

- 17 Prior to the commencement of the development hereby approved a detailed specification for the final surfacing of the 3 metre wide footway along the entire Blenheim Road frontage of the site shall be submitted to the local planning authority for approval in writing. Additionally, prior to commencement of the development hereby approved a detailed specification for a 2 metre wide footway along the entire Woodstock Court frontage of the site shall be submitted to the local planning authority for approval in writing. Both the final surfacing of the footway along the entire Blenheim Road frontage and the new footway along the entire Woodstock Court frontage shall be provided in accordance with the approved detailed specifications before either the new store first opens to the public or the development is completed, whichever is the sooner.

REASON: In the interests of highway safety.

- 18 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.

Drawing nos. AP00 (13/11/09), AP01A (13/11/09) & 17518-01-1-OS-05 (12/09) received by the lpa 07/12/09;

Drawing nos. AP03P (13/11/09), AP04C (13/11/09), AP05B (13/11/09) & AP06J (31/07/09) received by the lpa on 24/02/10;

Drawing no. 'ASP4: Planting Plan Rev B' (03/12/09) forming part of the Landscape Supporting Statement;

Drawing nos. 17518-01-1-TR-01D (12/09), 17518-01-1-OS-03C (12/09), 17518-01-1-OS-06B (12/09), 17518-01-1-OS-07A (01/10) & 17518-01-1-OS-08A (01/10) forming part of the Transport Assessment Addendum received by the lpa 10/02/10.

19 INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an unilateral agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 18 March 2010.

20 INFORMATIVE TO APPLICANT:

For clarification, the Sustainable Travel Initiatives referred to in condition no. 13 comprise the following:

(i) Provision of tactile paving and any associated lowered kerb alterations for two pedestrian crossing points on Salisbury Road near to the Blenheim Road roundabout including slightly widening of the splitter island on the southbound approach to the roundabout;

(ii) Alterations to the Salisbury Road/Blenheim Road roundabout as outlined on plan number 17518-01-1-OS-03-C;

(iii) Cutting overhanging trees and vegetation to improve visibility for crossing pedestrians on the Salisbury Road frontage of the site.

(iv) Widen existing lowered kerb at the pedestrian crossing points either side of George Lane at the George Lane/Salisbury Road junction.

(v) Extend drop kerbed pedestrian crossing points and provide tactiles at Cherry Orchard junction with Salisbury Road.

(vi) Provide drop kerbed pedestrian crossing points and tactiles at Savernake Court junction with Salisbury Road.

21 INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the attached letter from Wiltshire Fire and Rescue.

Appendices:

1. Nathaniel Lichfield & Partners report - "Proposed Foodstores in Marlborough – Retail Critique on behalf of Wiltshire Council".

Background Documents Used in the Preparation of this Report:

1. The application file and related history files;
2. Planning application E/10/0297/OUT – the Sainsbury application;
3. The Nathaniel Lichfield & Partners report – "Proposed Foodstores in Marlborough – Retail Critique on behalf of Wiltshire Council".



Nathaniel Lichfield and Partners

Planning Design Economics

**Proposed Foodstores
Marlborough**

**Retail Critique on behalf of Wiltshire
Council**

16 April 2010

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1.0 Introduction

Background

1.1 Wiltshire Council has received two planning applications for foodstore development in Marlborough. The first application is for full planning permission for a Tesco foodstore and the Retail Assessment was prepared by Amethyst Property (AP) and was submitted in December 2009. The second is an outline planning application for a Sainsbury foodstore and is accompanied by a Retail Assessment prepared by White Young Green (WYG).

1.2 NLP has been asked to provide Wiltshire Council with retail policy advice relating to both planning applications. The comparative analysis of the two applications is presented in this report. Consideration is also given to the impacts of the proposed stores both individually and cumulatively.

The Proposals

Food Stores

1.3 The two applications propose a food superstore of similar size. The size of each proposed store is compared below.

Scheme	Convenience Goods Sq m	Comparison Sq m	Checkouts/ circulations space Sq m	Net Sales Floorspace Sq M
Tesco	1080	120	122	1,322
Sainsbury	1091	273	-	1,364

1.4 The proposed stores are located on adjacent sites in out-of-centre locations to the south of Marlborough town centre.

PPS4 - Key Changes

1.5 PPS4: Planning for Sustainable Growth was published on 29 December 2009 and sets out the Government's policies for economic development, replacing PPG4, PPG5, PPS6 and parts of PPS7 and PPG13. PPS4 places retail and town centre development in its wider context, as "economic development" which provides employment opportunities, generates wealth or produces an economic output or product. PPS4 still applies to the following main town centre uses, including retail, leisure and entertainment facilities.

1.6 Policies EC10 – EC19 provide LPAs with guidance for assessing planning applications for economic development.

- 1.7 Proposals for retail and town centre uses must be located in an existing centre and accord with an up to date development plan. Otherwise, they must satisfy the 'sequential approach' and the 'significant adverse impact' tests before their positive and negative impacts and other material considerations are assessed.
- 1.8 The impact test consists of two sets of assessments; one applying to all forms of economic development and the other to town centre uses only. Policy EC10.2 identifies the impact considerations for all economic development as:
- a whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
 - b the accessibility of the proposal by a choice of means of transport, and the effect on local traffic levels and congestion;
 - c whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
 - d the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
 - e the impact on local employment.
- 1.9 For main town centre uses, Policy EC16 identifies the following additional impact considerations:
- a the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
 - b the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
 - c the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
 - d in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy; and
 - e if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres.
- 1.10 The policy also allows for local authorities to define any locally important impacts on centres which should be tested.

- 1.11 The objective is to focus on impacts during the first five years after scheme construction, including consideration of the cumulative impact of the development with recent permissions and developments.
- 1.12 In terms of the sequential approach, the policy requirements are largely unchanged from PPS6. Sites are required to be assessed for their availability, suitability and viability. However PPS4 makes it clear that where an applicant has not demonstrated compliance with the sequential approach, then planning applications for main town centre uses not in an existing centre and not in accordance with an up to date development plan should be refused. It also no longer differentiates between competing out-of-centre sites from a development control perspective in terms of their closeness to the centre or accessibility to public transport.
- 1.13 Similarly, if a proposal is likely to lead to a significant adverse impact, whether on its own or cumulatively, it should be refused. Where there is no significant adverse impact, the local planning authority is required to determine an application taking account of the positive and negative impacts of the proposal and any other material considerations.

Compliance with PPS4 Requirements

- 1.14 Whilst both applications fall below the threshold of 2,500 sq m (gross) for which PPS4 requires a mandatory assessment of retail impacts, the interim guidance which applies before development Plans are adopted/ reviewed to reflect the guidance, applies the test to all retail proposals.
- 1.15 Both Retail Assessments address the requirements of the sequential assessment, however, the AP assessment was submitted prior to the issuing of PPS4 and therefore did not consider the full set of impact tests set out in PPS4. They have subsequently submitted a letter of clarification dated 7th February 2010 and a revised Retail Assessment / set of impact tables.
- 1.16 Both the AP and WYG assessments address all of the EC10 and EC16 tests, although neither considers the cumulative impact of the other. The purpose of this report is to assess the robustness of the assumptions made and methodology employed in testing the impact, and to consider the cumulative impact of both proposals.

2.0 **Assumptions**

2.1 Policy EC16 requires that the impact of retail proposals on in-centre trade/turnover and on trade in the wider area be assessed. This assessment needs to take account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made. Whilst the assessment of need is no longer a policy test, any over-supply of floorspace resulting from any of the planning application proposals may have an adverse impact on the town centre. In this context retail expenditure capacity is relevant and is therefore addressed here, but an over-supply of retail floorspace is not on its own a ground for refusal.

2.2 This chapter analyses the methodology and assumptions underpinning the Impact Assessment.

Catchment Area

2.3 Both the AP and White Young Green (WYG) retail assessments adopt the same catchment area comprising postcodes SN8 1, SN8 2, SN8 3 and SN8 4. This draws the catchment area quite tightly around Marlborough and in our view is an acceptable catchment area for a store of this size and nature. AP analysis treats Pewsey as though it was located within the catchment area which does not correspond with the household survey area. As a result they have overestimated the turnover of floorspace within the catchment area, by including Pewsey floorspace.

Design Year & Price Base

2.4 AP adopts a design year of 2014 whilst the WYG proposal assesses the impact of the proposed store at 2015, however, both proposals allow 5 years between base year and design year. PPS4 recommends the design year for assessing impact be 1-2 years after the likely completion of the store. We therefore consider these design years to be within an acceptable range.

2.5 The AP retail assessment adopts a price base of 2006 and the WYG assessment uses a price base of 2007, therefore figures in the two studies are not directly comparable.

Population

2.6 Both retail assessments adopt population data derived from Pitney Bowes MapInfo. The two retail assessments adopt different years for the projections, but the information is consistent.

2.7 The table below compares the population growth rates derived from the Pitney Bowes data with Wiltshire Council's projections for the Marlborough area.

	Pitney Bowes	Wiltshire Council
Amethyst Property Population growth 2009-14	1.53%	0.36%
WYG Population growth 2010-15	2.09%	0.49%

1. Amethyst Property population growth derived from Appendix II, Table 1.

2. WYG population growth derived from Appendix F, Table 2

3. Wiltshire Council figures are Marlborough figures from the District and Community Area Level Population Estimates and Projections 2001 to 2026 (October 2007)

- 2.8 The Pitney Bowes projections (which are trend based) are higher than the Wiltshire Council projections; however, the rate is unlikely to make a significant difference to the assessment of impact.

Available Expenditure

- 2.9 Both AP and WYG have used MapInfo expenditure data which is a recognised data source.
- 2.10 Deductions are made in both retail assessments for special forms of trading. AP makes higher deductions for SFT than WYG. AP makes a deduction of 2% in 2009 and 4% in 2014 for SFT for convenience goods and a deduction of 7% in 2009 and 13% in 2014 for comparison goods. This compares with WYG's deduction of 2% p.a for convenience goods and 5.8% p.a for comparison goods between 2010 and 2015.
- 2.11 Both AP and WYG assume a convenience growth rate of 0.5% p.a. and comparison growth rate of 1.6% p.a. between 2009 and 2014 (Appendix II, Table 2 of Amethyst Report and Appendix E, Table 2 of the WYG Report). These rates are derived from the medium term projections from MapInfo 2009.

Proposed Store Turnover

- 2.12 Each applicants' estimates of convenience and comparison good turnover are as follows:

Scheme	Company Ave. Convenience T/O Density	Convenience Turnover £M	Company Ave. Comparison T/O Density	Comparison Turnover £M	Total £M
Tesco	£12,435	£13.4	£9,014	£1.1	£14.5
Sainsbury	£9,613	£10.5	£7,483	£2.0	£12.5

- 2.13 The turnovers of the two proposed food stores do not vary significantly because of their similar size. The higher benchmark turnover of the proposed Tesco reflects a higher company average sales density than Sainsbury. The sales densities adopted in both assessments are broadly consistent with what NLP would adopt, and the turnover estimates are therefore robust in terms of assessing impact.
- 2.14 AP states that the proposed Tesco store will include 1,080 sq m (net) convenience goods floorspace and 120 sq m (net) of comparison floorspace (Appendix II, Tables 6 and 12). This assumes 10% of the floorspace will be dedicated to comparison goods. The proposed Sainsbury store has a total 1,364 sq m (net) floorspace comprising 1,091 sq m convenience and 273 sq m comparison (Appendix E, Table 1). This assumes 20% of the floorspace will be dedicated to comparison goods. Both splits in floorspace are within the range we would expect of the stores of the size proposed.

Existing Floorspace Turnovers

Tesco Retail Assessment

- 2.15 AP estimate current convenience and comparison sales in existing centres in the catchment area in Tables 5 and 11 (Appendix II). This is done by apportioning available expenditure in the catchment area to reflect the market shares identified by the household survey, an appropriate approach. They have not made any allowance for inflow of expenditure and therefore this estimate represents the turnover derived from the catchment area only.
- 2.16 The results from the Household Survey seem reasonable for each zone and the original Table 6 (Appendix II) assumed a 75:25 ratio for convenience expenditure in terms of main and top-up food shopping which we would consider appropriate.
- 2.17 AP estimates the convenience turnover for Marlborough at 2009 derived from the catchment area to be £24.2 m, most of which is taken by the Waitrose store in the town centre. It estimates the comparison turnover of Marlborough to be £18.0m.

Sainsbury Retail Assessment

- 2.18 WYG do not provide an estimate of existing convenience floorspace turnover because they have not undertaken a household survey.

Benchmark Turnovers

- 2.19 The net sales areas for Marlborough and Pewsey for convenience goods in both assessments seem reasonable when compared to existing foodstores listed in the 2009 Institute of Grocery Distributors (IGD) database.

Tesco Retail Assessment

- 2.20 In Appendix II, Table 9, AP estimates the benchmark turnover of convenience floorspace in Marlborough at 2014 to be £27.1 million (2006 prices). They assume that £23.0 million of this benchmark turnover (85%) is derived from the catchment area, which would seem reasonable given that the catchment area is quite tightly drawn. This therefore indicates that existing convenience floorspace in the town centre is trading slightly above average.
- 2.21 The average sales densities for convenience floorspace in each of the centres provided by AP in Appendix II, Table 9 of the updated assessment is based on Table 10 of the original assessment, and appear reasonable estimates.

Sainsbury's Retail Assessment

- 2.22 In Table 3 of Appendix E WYG estimates the benchmark turnover of existing convenience floorspace in Marlborough to be £26.3 million and therefore similar to the AP estimate.
- 2.23 We consider all the sales densities provide by WYG to be within a reasonable range.

Scope to Improve Retention

- 2.24 The household survey undertaken as part of the AP Retail Assessment indicates at Appendix II, Table 4, that the market share of Marlborough convenience floorspace ranges from 29.5% in Zone 3 to 71.5% in Zone 1.
- 2.25 NLP consider that a new foodstore of the size proposed by either applications would be able to make some improvement to the market share of the town overall.

Tesco Retail Assessment

- 2.26 AP sets out their assumptions on the difference in market shares pre-proposal and post-proposal in Tables 4 and 7, and summarised below.

Table 2.1 Amethyst Property Assumption on Market Share

	Zone 1	Zone 2	Zone 3	Zone 4	All Zones
Marlborough Market share existing	71.5%	36.6%	29.5%	47.1%	50%
Market share with new store	80%	61%	65%	70%	70%

- 2.27 There is theoretical scope to increase the market share of Marlborough through the provision of new floorspace as demonstrated by AP. However, whether such improvements to retention could be achieved through the provision of a new foodstore of less than 1,400 sq m (net) needs to be considered in more detail below regarding the assumptions on trade draw. If both stores were to proceed, such rates may be more achievable.

Sainsbury's Retail Assessment

- 2.28 WYG do not set out their estimates of existing market shares, and they do not show what the increase in market share on a zone by zone basis would be.

Trade Draw of Proposals

- 2.29 We anticipate that the proposed food stores will compete predominantly with other main foodstores in the catchment (i.e. Waitrose) and outside (i.e. Tesco - Hungerford, Tesco – Swindon, Sainsbury – Devizes, Morrisons – Devizes, Sainsbury's Stratton).
- 2.30 As growth in expenditure is limited in the short term, most of the turnover of the new store(s) would be generated by trade diversion. Where residents within the catchment who currently shop outside the catchment would switch to shopping at the new store(s), this is referred to as 'clawback'. Clawback is generally viewed as a positive impact as it reduces the distance travelled to undertake food shopping on a regular basis. Some outer parts of the catchment may however actually be closer to a store outside of the catchment where 'clawback' is therefore not an appropriate objective.
- 2.31 Despite the two proposed stores being very similar in nature and location, the two Retail Assessments have assumed different patterns of trade draw as set out below.

Table 2.2 Trade Draw Assumptions of Tesco and Sainsbury Stores

	Tesco (AP)	Sainsbury's (WYG)
Waitrose, Marlborough	10%	30%
Other Marlborough	2%	10%
Pewsey	0.3%	7%
Aldbourn	0.3%	5%
Other in Catchment	-	3%
Beyond Catchment	75%	45%
Inflow	13%	-

- 2.32 AP have assumed that the vast majority of the Tesco store's turnover would be diverted from stores outside the catchment (75% plus an element of the

inflow). In our view WYG's trade draw assumptions are more realistic than AP's figures. AP's figures imply a significant amount of expenditure clawback.

2.33 There is scope to clawback expenditure lost to stores beyond the catchment, but we consider it unlikely that a store of the size proposed would be able to achieve the significant reduction in leakage assumed by AP.

2.34 In order to achieve this clawback, AP set out from where they anticipate the Tesco would reduce the amount of expenditure currently spent by catchment area residents as follows:

- 47% reduction to Tesco Hungerford (1,337 sq m net)
- 59% reduction to Morrisons Devizes (2,281 sq m net)
- 55% reduction to Tesco Swindon (7,570 sq m net)
- 53% reduction to Sainsbury's Stratton (4,024 sq m net)

2.35 It should be noted that these stores, with the exception of Tesco Hungerford, are all significantly larger than the proposed Tesco (as shown above). Swindon and Devizes are also larger towns and attract comparison shopping trips and commuters from the catchment area. The reduction to the Hungerford Tesco seems realistic, however the other levels of reduction seem unlikely.

2.36 The WYG trade draw pattern appears more realistic in terms of clawback but we would still anticipate a greater proportion of trade diversion from the Waitrose store, because this store will be the main direct competition to the proposed store(s).

Conclusion

2.37 Both Retail Assessments generally adopt robust base data but other assumptions appear unrealistic. We consider that the AP assessment in particular overestimates the uplift in market share that could be achieved by reducing leakage, and that WYG have also underestimated trade diversion from Waitrose in the town centre.

2.38 The implications of these assumptions on impact is discussed in Section 4.0.

3.0 Sequential Approach

Introduction

- 3.1 PPS4 indicates that retail proposals must satisfy the sequential approach to site selection. The suitability, viability and availability of more central sites must be considered.
- 3.2 In relation to the timing of development, PPS4 (Policy 5.5) indicates that local planning authorities should allocate sufficient sites to meet the identified need for at least the first five years. The PPS4 good practise guide suggests a '*reasonable period of time*' should be determined on the merits of a particular case. It also suggests it could be appropriate to assess availability over three to five years, or a longer period depending on local circumstances.
- 3.3 Annex B of PPS4 indicates the defined primary shopping area is the location where retail development should be concentrated. Edge-of-centre sites for retail purposes will be a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping areas (PSA). The PPS4 good practise guide suggests local topography and barriers (such as crossing major roads and car parks should be taken into account.
- 3.4 Annex B of PPS4 suggests the PSA will '*generally comprise the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage.*' The Kennet Local Development Plan identifies the Prime Shopping Area for Marlborough Town centre which would appear to correspond with this definition. Neither application site is within the Prime Shopping Area.
- 3.5 PPS4 Policy EC15 (15.1c) indicates that when considering edge-of-centre sites preference will be given to sites which are well connected to the centre by means of easy pedestrian access. Unlike PPS6 however, there is no distinction to be made in development control terms when it comes to the sequential assessment of alternative out-of-centre sites, but for plan making preference should be given to out-of-centre sites with the best connections to the town centre.

Sequential Area of Search

- 3.6 There is scope for a qualitative improvement in the convenience offer of Marlborough. The only foodstore of a significant size is the 2,135 sq m (net) Waitrose in the town centre (IGD 2009 database). Further, there is scope to 'claw back' existing leakage from the Marlborough area and reduce the length of car journeys for main food shopping by improving the convenience offer in the town. We consider this 'qualitative' scope for improvement to be limited to the Town of Marlborough and that the town itself is therefore an appropriate area of search in terms of considering potential sequential sites.

Site Size Threshold

- 3.7 PPS4 requires developers to be flexible in their approach to scale and format, which in turn will influence the minimum site size that can be considered suitable in the sequential search.
- 3.8 AP do not state what they consider the minimum size of site required is in order to meet the need for a second main foodstore in Marlborough.
- 3.9 WYG consider that the minimum size of site should closely match that of their proposal i.e. 2ha. We do not consider that this demonstrates sufficient flexibility in terms of layout and carparking and consider that a site of 0.5ha would be capable of accommodating a main food store.

Sequential Sites Included in Search

- 3.10 Both application sites should be considered as out of centre as they are more than 300m walking distance from the Prime Shopping Area and must therefore satisfy the sequential policy test. The following sites are considered in terms of the sequential test in the Retail Assessments:
- Vauxhall Garage, off Kennet Place
 - TH White County Stores site, London Road
 - Microlights Premises Site, Elcot Lane
- Whilst the original Retail Assessment accompanying the Tesco application did not consider the Council Depot (Sainsbury's) site in their sequential assessment, it is included in their Updated Assessment.
- 3.11 The Council have expressed their view that there are no other sequential sites that need to be considered.
- 3.12 We agree with the conclusions in both Retail Assessments that none of the sites are sequentially preferable alternatives to the application proposals.
- 3.13 Both applications therefore satisfy the sequential approach.

4.0 **Retail Impact**

Policy Requirements of Impact Assessment

- 4.1 PPS Policy EC16 requires that out of centre planning applications for retail use which are not in accordance with an up to date development plan need to consider the impacts listed below. Most of these factors are considered on pages 10-17 of the AP Updated Retail Assessment. The WYG Retail Assessment provides this information on pages 25-26.
- 4.2 Policy EC16 of PPS4 indicates the assessment of impact should take into account current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made. Any over-supply of floorspace resulting from any of the planning application proposals may have an adverse impact on the town centre, and in this context retail expenditure capacity is relevant, but an over-supply of retail floorspace is not automatically a ground for refusal.
- 4.3 In assessing the impact of each proposal it is necessary to separate the proposed sales floorspace into convenience and comparison goods, as required in PPS4 (Policy 16.1 (b)).

Impact of Proposal on Planned Public and Private Investment

- 4.4 Both Retail Assessment set out that there will be no impact on planned public and private investment.

Impact on Town Centre Vitality and Viability

- 4.5 Both Retail Assessments have undertaken healthchecks of Marlborough town centre. Whilst WYG sets out this healthcheck in detail, AP does not. Nonetheless the evidence indicates that Marlborough is currently a healthy centre, which we would concur with.
- 4.6 NLP considers limiting the town centre health check to Marlborough itself to be appropriate given this centre is likely to sustain the most significant trade diversion from the proposed store.

Impact of the Proposal on Allocated Sites

- 4.7 Both Retail Assessments state it has been agreed with Wiltshire Council that there are no allocated retail sites outside the town centre.

Impact on In-centre Trade/ Turnover and Trade in the Wider Area

Tesco Retail Assessment

- 4.8 AP have undertaken two impact scenarios. In Appendix II they assess the impact assuming that the store trades at company benchmark. In Appendix III they assess impact if the store were to trade at the lower level they anticipate. This expected convenience turnover of the store is £9.67 million (Table 6, appendix III) and is some 72% of the Tesco company average benchmark. Whilst AP state that the anticipated turnover is as forecast by Tesco, they give no explanation as to the circumstances of the proposal that would lead to it trading at this lower than average level. Given that the market potential of the area is good, with limited local competition and low retention rates, we would not expect the store, if developed in isolation, to have a particularly low turnover (the implications on potential turnover if both Sainsbury's and Tesco proceeded are discussed below).
- 4.9 AP sets out the anticipated impact of the Tesco proposal by estimating market shares pre-proposal (Table 4, Appendix II) and post-proposal (Table 7, Appendix II). Whilst this is an appropriate approach, the original analysis did not separate out the change in market shares for the Marlborough Waitrose store. This is a consideration as any potential closure of this in-centre foodstore as a result of the proposal would have an impact on the vitality and viability of the town centre. We subsequently asked AP for clarification. Their view is that the trade diversion estimated away from Marlborough would be weighted 80% from Waitrose and 20% from other town centre shops. This assumption appears reasonable.
- 4.10 AP assume that Marlborough town centre's market share of convenience goods expenditure in the catchment area will decrease from 50% to 47% as a result of the proposal. This equates to a trade diversion of just £1.62million, of which £1.29 million would be on Waitrose and £0.32 million on other stores. AP therefore assume that impact on Waitrose would be 7.3% and 6% on the rest of the stores in Marlborough.
- 4.11 Such levels of impact in themselves would not give rise to concern or represent a reason for refusal on impact grounds. However, the assessment is based on unrealistic assumptions of trade draw as set out in section 2.0.
- 4.12 We have therefore undertaken a sensitivity analysis of the potential impact below.

Sainsbury's Impact on Convenience Goods Turnover of Marlborough

- 4.13 WYG sets out the anticipated impact of the Sainsbury proposal in Table 4, Appendix E (as updated).

- 4.14 As WYG do not have any data on existing turnovers, they have used the benchmark turnovers for 2010, and projected these forward to 2015 by applying convenience expenditure growth rates.
- 4.15 We would normally look for impact to be assessed against actual rather than benchmark turnovers as this reflects the true impact on facilities (particularly important if existing floorspace is trading below benchmark levels). However, in this instance the actual turnover levels of the town appear to be close to benchmark levels, so the impact assessment is not considered unsound in this respect.
- 4.16 As discussed in Section 2.0 however, we believe that WYG may have underestimated the proportional trade diversion from Waitrose, and in order to compare the impact of both proposals, we set out below our sensitivity test of impact of the two proposals.

NLP Sensitivity Test

- 4.17 This sensitivity test is considered on an individual rather than cumulative basis (discussed below). It utilises actual turnover estimates from the AP Assessment. We have assumed that the Marlborough turnovers would benefit from an element of inflow and have therefore made an allowance for 15% inflow in the tables below.

Table 4.1 NLP Sensitivity Test of Tesco Impact

	Turnover Pre – proposal 2014	NLP Assumed Trade Diversion	Tesco Diversion	Turnover Post Proposal	Impact %
Waitrose, Marlborough	£23.65m	42%	£5.64	£18.01m	23.9%
Other stores Marlborough	£5.9m	6%	£0.81m	£5.09m	13.7%
Aldbourne	£2.34m	2%	£0.27m	£2.07m	11.5%
Pewsey	£3.39m	5%	£0.67m	£2.72m	19.8%
Outside PCA	-	45%	£6.04m	-	-
Total		100%	£13.43m		

- 4.18 The above analysis suggests the greatest impact will fall on the Waitrose in Marlborough. Whilst the impact is high (24%) the anticipated turnover post opening of a Tesco store (£18.01m) is still a viable level.
- 4.19 The impact of the store on other convenience stores is estimated at 13.7%, however, it should be noted that this applies to the convenience stores only and not all other retail space in the town.

- 4.20 It is considered that the proposal would not lead to a significant adverse impact on the turnover of the centre.
- 4.21 The impact on Aldbourne is considered to be within acceptable limits and does not represent a significant adverse impact on turnover.
- 4.22 The impact on convenience floorspace in Pewsey is relatively high (20%) and is likely to be concentrated on the Co-op store. It is unlikely to be significant enough to cause the closure of the store.

Table 4.2 NLP Sensitivity Test of Sainsbury's Impact

	Turnover Pre – proposal 2014	NLP Assumed Trade Diversion	Sainsbury's diversion	Turnover Post Proposal	Impact %
Waitrose, Marlborough	£23.65m	42%	£4.41m	£19.24m	18.6%
Other stores Marlborough	£5.9m	6%	£0.63m	£5.27m	10.7%
Aldbourn	£2.34m	2%	£0.21m	£2.13m	9.0%
Pewsey	£3.39m	5%	£0.5m	£2.89m	14.7%
Outside PCA	-	45%	£4.73m	-	-
Total			£10.5m		

- 4.23 As the estimated turnover of the Sainsbury store is less than that of the Tesco and the trade draw pattern assumed to be the same, it follows that the impact on in-centre turnover/trade of the Sainsbury's would also be considered acceptable.
- 4.24 It would be inappropriate of the Council to assume that the Sainsbury's will have materially less impact on in centre trade/turnover than the Tesco as both stores in reality are likely to trade at similar levels despite the fact that Sainsbury's has a lower company average benchmark than Tesco.

Comparison Goods

- 4.25 The sales floorspace devoted to comparison sales within both proposals food is small. NLP estimates the turnover of the comparison element of the Tesco store to be around £1.2m (2007 prices) and WYG anticipates the Sainsbury would turnover at around £2.0m in terms of comparison goods. Trade diversion is likely to be spread amongst a number of shopping destinations. Given the limited amount of comparison floorspace proposed this will predominantly be comparison trade diverted from the Marlborough town centre and foodstores outside the catchment area. This trade diversion and impact will be offset by

future expenditure growth and none of the proposed food stores is expected to harm comparison shops in Marlborough town centre.

Cumulative Impact

4.26 Given that the impact of one store is considered acceptable, it is appropriate to assess whether the cumulative impact of two stores would be acceptable.

4.27 In this instance, where the two stores are of similar size and are adjacent to each other, we would expect that neither store would achieve benchmark turnover. We have therefore assumed that each store would achieve 80% of its company average turnover. The impact of both stores is considered below.

Table 4.3 NLP Assessment of Cumulative Impact

	Turnover Pre – proposal 2014	NLP Assumed Trade Diversion	Cumulative diversion	Turnover Post Proposals	Impact %
Waitrose, Marlborough	£23.65m	45%	£8.61m	£15.04m	36.4%
Other stores Marlborough	£5.9m	7%	£1.34m	£4.56m	22.7%
Aldbourn	£2.34m	2%	£0.38m	£1.96m	16.2%
Pewsey	£3.39m	5%	£0.96m	£2.43m	28.3%
Outside PCA	-	40%		-	-
Total			£19.14m		

4.28 The impact on convenience floorspace turnover ranges from 16% in Aldbourn to 36% on the Waitrose. The diversion of £9m from the Waitrose would also have an impact on linked trip expenditure in the town centre associated with visits to this store, with knock on impacts for other businesses in the town centre. Such reduction in turnover is likely to be considered significant.

Locally Important Impacts

4.29 There are no locally important impacts which require consideration.

Wider Impact Considerations

4.30 Policy EC10 in PPS4 indicates that all proposals for economic development should be assessed against wider impact considerations as listed below. These factors are considered on pages 17-18 of the AP Assessment and at the beginning of Chapter 5 of the WYG Assessment. If, as is the case when considering the applications on an individual basis, the impact of the proposal

is not considered to be significant, then the positive and negative impacts of each application will need to be considered.

Carbon Emissions and Climate Change

4.31 The environmental credentials of both proposals will need to be considered in terms of sustainable construction, energy etc. Both applications propose sustainable and energy efficient features in the store design. It is for the council to consider the merits of each scheme in terms of sustainability.

4.32 In terms of travel patterns both proposals are expected to divert existing shopping trips which may result in a reduction in average trip lengths if the proposals can claw back expenditure trips attracted to shopping destinations further afield.

Accessibility by a Choice of Means of Travel

4.33 Policy EC10.2 (b) also suggests the relative merits of each application site in terms of accessibility by walking, cycling and public transport needs to be considered. Both are accessible to the same walk in residential catchment and nearby bus stop.

High Quality and Inclusive Design

4.34 The comparative merits of each proposal in terms of the quality of design and impact on the character of the surrounding area will need to be considered.

Impact on Economic and Physical Regeneration

4.35 The assessments claim that plans for the Council Depot site will secure the continued use of this site once the current depot is relocated to Marlborough Business Park. Whereas the Marlborough Business Park site will ensure that currently vacant land is brought back into use. We do not agree that this is a positive impact as the sites do not require regeneration.

Impact on Local Employment

4.36 Both proposals will generate direct new employment. Some of this new employment will be displaced from existing uses e.g. other food stores in Marlborough, but there is likely to be a net gain in employment. In relation to the proposed food stores there is probably little to choose between the two applications in terms of new direct employment.

4.37 Both proposals are on protected strategic employment sites. The Council will therefore need to weigh the benefits of jobs generated through foodstore proposals against the prospects of the sites being developed for employment purposes in the near future. Safeguarding existing employment and indirect employment generation should also be taken into account.

Conclusion

- 4.38 It is considered that neither application, when considered in isolation, would result in significant adverse impact. There are considered to be wider positive impacts of both proposals in terms of their job creation and energy efficient stores.
- 4.39 The cumulative impact of two new stores however, is considered to amount to significant adverse impact on town centre turnovers and vitality and viability.

5.0 **Conclusion**

- 5.1 Our review of the Retail Assessments submitted has found that both Assessments cover the policy requirements and tests of PPS4, although we do not agree with all of the assumptions and conclusion made in the Assessments.
- 5.2 The key retail policy test for the Council to consider in the determination of these applications is Policy EC17.
- 5.3 When considered individually, both applications pass the requirements of EC17.1 (sequential test and impact) and therefore EC17.2 follows that the applications should be determined by taking account of the positive and negative impacts and any other material considerations.
- 5.4 Both applications can be said to have positive impacts in terms of job creation and energy efficient design. The Council will therefore need to consider whether there are any other material considerations that should be taken into account such as impact on amenity, servicing arrangements, and traffic impact.
- 5.5 In assessing the cumulative impact of both applications it is considered that significant adverse impact could occur and the Council should not approve both applications under Policy EC17 1b.

REPORT TO THE AREA HUB PLANNING COMMITTEE

Report No. 2

Date of Meeting	29 April 2010
Application Number	E/10/0183/S73
Site Address	Butchers Shop, 6A The Square, Aldbourne SN8 2DU
Proposal	Variation of condition 1 on K/51693/F to extend the time limit for implementation.
Applicant	W Humphries & Co
Parish Council	ALDBOURNE
Grid Ref	426443 175625
Type of application	Variation of Condition
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application relates to property owned by the local ward member. The Scheme of Delegation specifies that applications that relate to properties owned by elected members of the unitary council should be determined by the planning committee where objections have been received to the grant of permission.

1. Purpose of Report

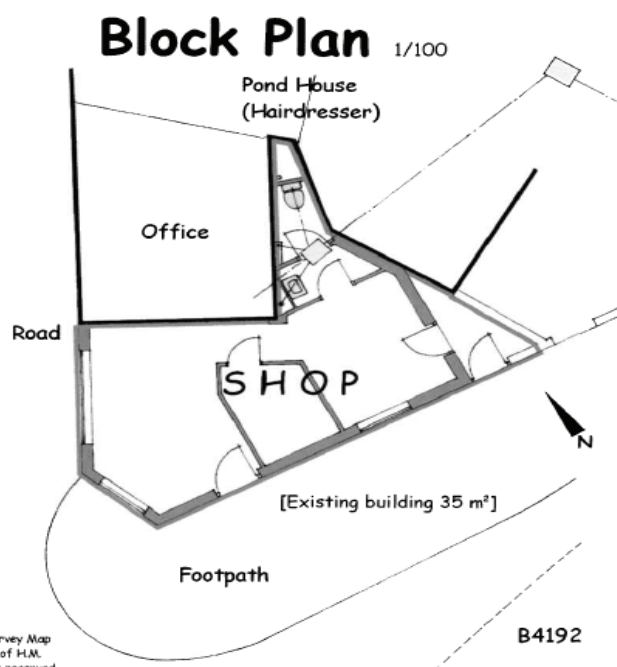
To consider the recommendation that the application be approved, subject to conditions.

2. Report Summary

The main planning issue is the impact of the proposal on residential amenity and whether there have been any material changes in circumstances since the planning permission was first granted to warrant reaching a different decision.

3. Site Description

The application concerns a retail unit in the centre of Aldbourne, currently in use as a butchers shop. It is located on the junction of The Square with the B4192 Swindon- Hungerford road.



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4. Planning History

K/51693/F - Approve with Conditions 21/04/2005
Change of use from retail to hot food takeaway.

K/13185 - Approve with Conditions 05/01/1989
Erection of shop

5. The Proposal

The proposal seeks to extend the time limit for the implementation of planning permission K/51693, which granted the change of use of the premises from A1 retail use to hot food takeaway. The permission does not include any external changes to the exterior appearance of the building, which is of modern brick construction

6. Planning Policy

Kennet Local Plan policy ED29 seeks to retain buildings used for community functions (including shops).

Kennet Local Plan policy Kennet Local Plan policy PD1 sets out broad development control principles which all developments are required to satisfy.

The site lies within the Aldbourne Conservation Area.

7. Consultations

Parish Council: No objection, but comments that there is considerable public concern over the potential loss of a valuable local amenity.

Highway Officer: No objection. The condition regarding the rationalisation of white lining that was imposed last time is no longer required.

Environmental Health Officer: Would require the same conditions as before, to cover extraction system, noise levels from extraction system and hours of operation.

8. Publicity

Concerns have been expressed by 9 local residents. Their main concerns can be summarised as follows:

- Loss of a valued community facility; if the butchers is to close, then another retail use should replace it;
- Impact upon amenity due to smell, noise and litter;
- The village is already served by a mobile hot food retailer 3 nights per week plus two pubs and shops that provide fast food options: there is no need for further food outlets;
- Increase in traffic, congestion and likely parking problems on an awkward junction, lack of pavements;
- Adverse impact upon the Conservation Area.

9. Planning Considerations

Planning permission was granted by Committee on 21/04/05 (ref. K/51693/F) to change the use of the premises to hot food takeaway, of unspecified type. The permission has not been implemented, and the current application is to renew it for another 3 years.

The application provides for the continued commercial use of the property and there is no objection in principle in policy terms to an alternative commercial use that provides a service to local residents. The fact that the butcher is a cherished local business is not a planning reason to resist change.

The site lies in the centre of the village close to a pub. Within this setting it is not considered that nuisance would be caused by evening operation of the business. A condition is however proposed to restrict very late night opening. This has the same hours restriction as the original permission.

The Environmental Health Officer raises no objection in principle to potential noise and smells from the use. Conditions are recommended to ensure adequate ventilation and extraction equipment is installed, and to limit noise levels from such equipment.

No objection is raised by the highway officer on road safety grounds.

The site lies within the Aldbourne Conservation Area. The Council has a statutory duty to consider whether the proposal would preserve or enhance the character or appearance of the area. No external changes are proposed and the shop frontage would be retained. The impact of the development upon the area would therefore be a neutral one and as such it is considered that no adverse impact would result.

Although there have been changes to Government policy since 2005, such as a new PPS 5 on Heritage replacing PPG15, the changes do not materially alter the issues that need to be considered and that are addressed above.

10. Conclusion

The proposal was acceptable in 2005 and as there has been no material change in planning circumstance since 2005, approval is recommended. The previous conditions should be re-applied.

RECOMMENDATION

Approve with Conditions

- 1 The development hereby permitted shall be begun by 21st April 2013.

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 premises to which this permission relate shall be used solely for purposes within Class A5 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON:

The proposed use is acceptable but the local planning authority wish to consider any future proposal for a change of use, other than a use within the same Class or to retail, having regard to the circumstances of the case.

- 3 Prior to the first use of the premises as a hot food takeaway, details for the means of providing ventilation and extraction equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved which shall be installed prior to the first use of the building.

REASON:

To ensure that the equipment is of a satisfactory appearance and is effective at dealing with odour and noise.

- 4 The use hereby permitted shall only take place between the hours of 0800 and 2300 from Mondays to Saturdays (inclusive) and between 0800 and 22.30 on Sundays. The use shall not be open at any other time or on Bank Holidays.

REASON:

To protect the amenities of this primarily residential area.

- 5 Noise emitted from the site shall not exceed 5dB above background level during the hours of opening when measured at neighbouring residential properties.

REASON:

In order to protect the amenities of nearby residential properties.

- 6 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.

Plan Ref. 00942-01 dated January 2005

Reason for granting planning permission:

The proposed use was assessed to be acceptable in 2005 in terms of its impact on interests of acknowledged importance, including road safety, the balance of community uses and the impact on the amenity of nearby properties. It was also assessed as preserving the character or appearance of the Aldbourne Conservation Area. There have been no material changes in circumstances since 2005 and the proposal has been re-assessed, taking into account policies PD1 and ED 29 of the Kennet Local Plan 2011 and judged to cause no adverse impact that would warrant a refusal of planning permission.

Appendices:

None

Background Documents Used in the Preparation of this Report:

Planning application file, as referred to in the report

REPORT TO THE AREA HUB PLANNING COMMITTEE

Date of Meeting	29/04/2010
Application Number	E/09/0758/FUL
Site Address	Plot 1 Halstead Farm Kings Road Easterton Devizes Wilts SN10 4PS
Proposal	Erection of a 4 bed detached house, with attached garage, including all other associated works. (Amendment to K/57892/F).
Applicant	Danish Homes
Town/Parish Council	EASTERTON
Grid Ref	402065 155182
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been called to Committee at the request of the Ward Member, Councillor Grundy.

1. Purpose of Report

To consider the recommendation that the application be approved.

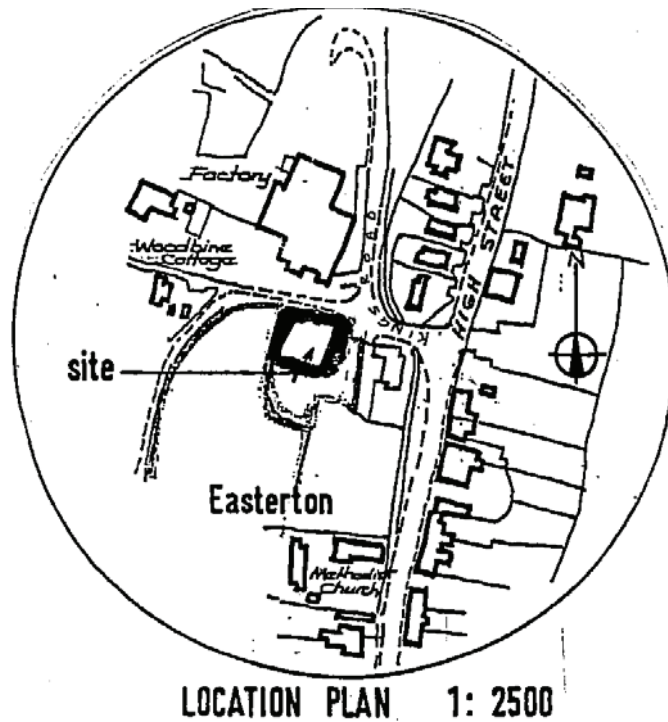
2. Report Summary

The main issues to be considered in this case are as follows;

- The impact of the proposal upon neighbour amenity, including from noise from the proposed air source heat pump
- The impact on visual amenity and the character and appearance of the conservation area
- The likelihood of the scheme encroaching on the adjacent public byway.

3. Site Description

The application site occupies a position adjacent to the junction of Kings Road with the public Byway known as 'The Drove'. The site can be accessed from Devizes by proceeding along Nursted Road (A342) in a south-easterly direction. Follow the road out of town for a couple of miles and turn right at Lydeaway signposted to Urchfont. At the T junction, turn right and proceed through the villages of Urchfont and Eastcott. Proceed down the hill into Easterton, and past the church on the right hand side. Take the right turning into Kings Road and the application site can be found over the bridge on the left hand side. The house is partially constructed and can be seen from both Kings Road and the byway running alongside its eastern flank. On the opposite side of the byway, the land rises to the former Jam factory site on which planning permission has recently been granted for redevelopment for residential purposes.



4. Planning History

Relevant planning history includes:

K/84/0621/LB - Approve with Conditions 16/08/1984
Demolish farm building

K/84/0520 - Approve with Conditions 29/11/1984
Erection of two houses

K/14874 - Approve with conditions 24/10/1989
Renewal of permission k/84/0520 for the erection of two dwellings

K/14875/L - approve with conditions 24/10/1989
Renewal of permission k/84/0621lb for demolition of farm buildings

K/20644 - approve with conditions 04/11/1993
Erection of dwelling

K/30719 - Approve with Conditions 28/11/1994
The erection of detached dwelling house (as previously approved as part of K/84/0520 and K/14874).

K/33995 - Refuse 16/04/1997
The erection of 2 detached bungalows with garages.

K/38420 - Approve with Conditions 10/02/2000
Renewal of K/30719 for a detached dwelling house.

K/51322/F - Approve with Conditions 17/02/2005
The erection of a detached dwelling house (renewal of planning permission K/38420)

K/57892/F - Approve with Conditions 11/02/2008

Erection of a 4 bed detached house, with attached garage, including all other associated works.

K/59707/F - Refuse 12/01/2009

Erection of a 4 bed detached house, with attached garage, including all other associated works.
(Amendment to K/57892/F).

5. The Proposal

The application proposes the retention and completion of the dwelling in its current position, which is 0.5 metres closer to the byway to the north of the application site than was approved under planning reference K/57892/F. The design and scale of the property remains the same as was approved under that planning permission. The proposal also includes the provision of an air source heat pump.



6. Planning Policy

Kennet Local Plan – policy PD1 is applicable. National guidance on development in conservation areas is provided in Planning Policy Statement 5.

7. Consultations

Wiltshire Council Rights of Way – there is a legally recorded width of the byway between 4 and 15 feet. There is no evidence yet discovered to demonstrate that the plan as shown definitely encroaches on the maximum recorded width. There is a possibility that further unrecorded width exists, with the issue centering on whether the now demolished building was built in the highway and therefore was an obstruction or whether the highway went around it. However both its width and positioning remain open to legal challenge by any organisation or member of the general public.

Environmental Health – No objection to the principle of the air source heat pump – location is acceptable subject to agreement of manufacturer's details (including noise levels) and mitigation in the form of an acoustic box, or similar as necessary. Standard domestic installations of this kind are unlikely to cause a nuisance subject to appropriate sound mitigation.

Easterton Parish Council – Originally objected to the scheme as in their view, the proposal represented an encroachment onto the highway, did not provide sufficient emergency and service access to Woodbine Cottage. The parish council also objected to the bulk of the property in close proximity to the byway, expressing that this was harmful to visual amenity and the character and appearance of the conservation area.

Following lengthy consideration, a further letter was received from the parish council which proposed alterations to the scheme to arrive at a suitable compromise. They recommended that a gated rear access be provided onto the byway to negate the need for a side access and suggest an alternative side access could be obtained on the opposite side subject to neighbour agreement to sell a strip of land. This representation also expressed concern about bank slippage of the banking adjacent the byway and cutting back of this banking by the developer.

The proposal has been subsequently amended to provide for a rear access as suggested. At the time of writing, a further consultation response regarding these amended plans is expected.

Wiltshire Fire and Rescue Service – Recommend an informative and that consideration be given to ensure that access to the site is adequate for the purpose of firefighting.

8. Publicity

The application has been publicised by advertisement in the local paper and by site notice. Letters have been sent to known nearby landowners/ occupiers.

A totally of ten further parties have made representations on the application, all of whom have objected to the application. These objections include representations from the Byways and Bridleways Trust, the Trail Riders Fellowship and the Wiltshire Bridleways Association. Their concerns can be summarised as;

- There are concerns that the house or the proposed landscaping (or both), represent an encroachment onto the public byway
- The proposal would allow insufficient space for emergency and service access to Woodbine Cottage to the west
- That noise emanating from the proposed air source heat pump would harm the amenities of neighbouring occupiers
- That the property is unsuitable for the area, is disproportionate, ugly, overbearing on the byway
- That the previous reasons for refusal have not been adequately addressed
- That the proposal would be detrimental to visual amenity and the character and appearance of the conservation area.

9. Planning Considerations

The key considerations set out in the summary above are set out again for ease of reference.

- The impact of the proposal upon neighbour amenity, including from noise from the proposed air source heat pump
- The impact on visual amenity and the character and appearance of the conservation area
- The likelihood of the scheme encroaching on the adjacent public byway.

Taking each of these issues in turn, comments are as follows;

Impact upon neighbour amenity

The proposed building is further away from the nearest neighbour at Plot number 2 (Walnut Tree House), Halstead Farm, Kings Road, Easterton, than was previously approved under planning permission K/57892/F, but remains the same in terms of its design and scale. Therefore the impact upon Walnut Tree House is slightly reduced from the fallback position and the changes do not adversely affect the amenities of any other neighbouring occupiers.

The proposal also now includes provision of an air source heat pump to the rear of the garage. An objection has been raised by one neighbour who has expressed concern about its proximity to his dwelling specifically with regard to the noise emanating from the pump. The Environmental Health Officer has confirmed that the provision of an air source heat pump in this location would be acceptable in principle subject to agreement of suitably detailed manufacturers details setting out its type and noise levels, and potentially, mitigation in the form of an acoustic box, although the existing close boarded fence may mitigate its impact satisfactorily. An acoustic box in this location would be discrete and would not cause any visual harm or harm the amenities of the neighbour. This element of the proposal would not cause any significant harm to neighbour amenity subject to the condition recommended.

Impact on visual amenity and the character and appearance of the conservation area and the likelihood for encroachment onto the byway.

As previously expressed, the proposed scheme is for a dwelling of the same design and scale that was approved under planning reference K/57892/F, and followed an extant permission for a dwelling of a different design dating from the 1980s (K/84/0520). That permission (K/84/0520) first established the principle of the (remaining) site being acceptable for one dwelling. The design of the property and its scale has therefore already been allowed in principle and is established in the fallback position 0.5 metres further to the south. However what must now be considered is the impact of the dwelling in a position a further 0.5 metres further to the north, as has been largely constructed, and with the more limited space available for the implementation of a landscaping scheme to assimilate this dwelling with its surroundings.

Relevant to this application is planning refusal K/59707/F which was to retain the dwelling in the same position as is now proposed. However, the decision at this time was based upon concerns that the dwelling represented an encroachment onto the byway and would not therefore provide for adequate landscaping of the northern boundary. On this basis, the dwelling was considered would be too large, bulky and prominent in the amended position and thus harmful to the visual amenities of the area and the appearance of the conservation area.

Furthermore, regard must be had to the fallback situation of the position of previously approved dwellings on the site. In particular, the extant permission for the original dwelling which was only partially implemented (Plot 2) under reference K/84/0520, presents a much larger length elevation to the northern side approximately 0.5 metres further south of the northern-most more modest gable elevation of the current scheme. The area which remains for the landscaping of this boundary is therefore only reduced by 0.5 metres from the previously approved and extant schemes.

Since the refusal of application K/59707/F, significant additional investigations have taken place into the width and position of the byway by Wiltshire Council's Rights of Way Team and

Planning Officers. On the basis of the amended details, it is clear that the existing building does not encroach onto the definitive recorded width of the byway, even at its maximum width of 4.6 metres (15ft). Whilst other bodies or organizations might claim that the width of the byway is wider than recorded, this has not been established and can only be established in law if the Definitive Map is amended. This could be a lengthy process and it would be unreasonable to delay determination of the planning application in the circumstances where the building does not encroach onto the definitive right of way. Even if it is established that the byway is wider than the current width, there are separate powers under the Highways Act that would deal with the matter. The applicant's agent has been made aware of these. The amended scheme provides for a rear pedestrian access directly off the byway and removes the side access to enable sufficient space for a hedge to be planted along the boundary with a willow hurdle fence installed behind until the hedge reaches 1.8 metre.

Incidentally, the position of the northern-most gable end of the building is located further south than the northern wall of the previous agricultural building on the site and it appears that even with the proposed landscaping, this will not be any further north than the extent of this previous building which records show existed on this site in 1936 and remained until after 2005.

The available space for the byway provides adequate width for emergency and service access alongside.

In view of the findings of these investigations and the fallback positions, whilst this is clearly a finely balanced issue, it is considered that the achievable landscaping would sufficiently mitigate the previous concerns regarding impact of the scale and bulk of the proposal in close proximity to the byway. Consequently, the proposal would not result in significant harm to visual amenity and would have a broadly neutral impact on the character and appearance of the conservation area.

10. Conclusion

On balance, the dwelling in conjunction with the achievable landscaping is considered acceptable in terms of its scale, bulk and design and its resulting impact upon visual amenity. Highway safety, and emergency access would not be prejudiced and officers are satisfied that no evidence has been found that definitively shows that the amended scheme results in any encroachment of the byway.

RECOMMENDATION

Approve with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 All soft landscaping comprised in the submitted landscaping details hereby approved shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON: To ensure a satisfactory landscaping setting for the development.

- 3 Prior to the first use of the access the driveway shall be surfaced in a well bound consolidated material (not loose stone or gravel) in accordance with details which have first been submitted to and approved in writing by the local planning authority, and shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the building hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the building in the interests of the proper planning and amenity area.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor level in the south or east elevations of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

- 6 The en-suite window at first floor level shown on the approved plans on the east elevation shall be glazed with obscured glass and fitted with a ventilation stay restricting the opening of the window, in accordance with details which have been first approved in writing by the local planning authority. The window shall be maintained in accordance with the approved details thereafter.

REASON:

In the interests of the privacy of the neighbouring property.

- 7 Prior to the installation of the air source heat pump hereby approved full manufacturer's details and specifications (including noise details) of the air source heat pump together with appropriate noise mitigation measures, if required, shall first be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of neighbour and visual amenity.

- 8 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.

Plan Ref: HF1-01, 02 and 04 all received on the 16th June 2009, additional survey

drawing dated 15th February 2009 and the Amended Site Plan - Landscaping and Location Plan received on the 26th March 2010.

- 9 **INFORMATIVE TO APPLICANT:**
The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire Brigade received on the 31st July 2009.
- 10 **INFORMATIVE TO APPLICANT:**
Nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. A separate application under the Town and Country Planning or Highway Acts will be necessary.
- 11 **INFORMATIVE TO APPLICANT:**
The applicant is requested to note that in respect of condition number 7, it is likely that further noise mitigation measures may be required, which may necessitate the installation of additional acoustic screening or an acoustic box. Full details of any mitigation measures (as required) will also need to be submitted before condition number 7 can be formally discharged.

Appendices:

None

Background Documents Used in the Preparation of this Report:

Current and previous planning application files for the site

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