

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	25 th July 2013
Application Number	S/2013/0422
Site Address	Former National Cooperative Store, 23-29 Salisbury Street, Amesbury, Salisbury, SP4 7AW
Proposal	Redevelopment of the site to form a mixed use development of circa 5,000 sq ft a1 retail floorspace, and 33 later living apartments for older persons including associated landscaping, car parking and access
Applicant	McCarthy & Stone Retirement Lifestyles Ltd
Town/Parish Council	Amesbury West
Grid Ref	415462 141463
Type of application	Full Planning
Case Officer	Mrs Lucy Minting

Reason for the application being considered by Committee

Councillor Westmoreland has called in the application due to the reduction in retail offer in the Town Centre.

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **GRANTED subject to a legal agreement and conditions.**

2. Report Summary

The main considerations which are considered to be material in the determination of this application are listed below:

1. Principle of residential proposals
2. Protecting retail centres
3. Impact to the character and appearance of the townscape, conservation area and listed buildings
4. Highway considerations – access/parking
5. The impact on the living conditions of proposed and nearby properties
6. Nature conservation interests and impact to trees in the conservation area
7. Archaeology
8. S106 contributions

The application has generated support from Amesbury Town Council; 13 representations of support and 1 representation of objection.

3. Site Description

The site is located within Amesbury town centre and comprises:

The former two storey Co-op supermarket store (1,580 square metres gross external area). This building is of brick with a built frontage of approximately 25m to Salisbury Street. The store ceased trading in January 2007 with the relocation of the Co-op opposite.

The Co-op owned car park and delivery area to the west of the store accessed from Salisbury Street, and a car park to the east of the store accessed from Salisbury Street. These car parks combined provide approximately 54 parking spaces.

The site is designated as a Conservation Area, an Area of Special Archaeological Significance, and Salisbury Street is designated as Primary Shopping Frontage.

4. Planning History

Application number	Proposal	Decision
316	Erection of Nissen Hut for repair and renovation of showman's goods	AC 07/02/51
452	Erection of vehicular access and store	A 28/05/52
532	Retention of temporary workshop	AC 04/03/53
678	Retention of temporary hut	AC 03/03/54
1175	Retention of temporary workshop	AC 04/03/53
1923	Retention of Nissen hut	AC 01/02/61
2101	Extension of existing workshop and new lubrication and car washing bays.	A 13/09/61
2236	Agricultural showroom and café (future flats over)	AC 24/10/62
2763	Change of use from agricultural machinery showroom and café to supermarket including internal alterations	A 22/04/64
3768	O/L – new supermarket with store over and car parking	AC 20/10/69
3866	O/L – supermarket with store over and car parking	AC 26/01/70
TP/ADV/79	Erection of advertising sign at 74 Salisbury Street	R 05/08/59
TP/0671	Station with repair, service bay and car sales facilities	R 18/01/61
TP/1594	Change of use from residential to shop use within Class 1 of the T.C.P. Act (Use Classes) Order 50	AC 23/02/60
72/0343	O/L supermarket, car park and service yard	WD 28/11/72

73/0034	Alterations to workshop to form showroom at 74/76 Salisbury Street	A 21/05/73
73/0292	Erection of self-service store together with self-contained single dwelling unit and alterations to vehicular access	A 09/10/74
75/0506	Proposed self-service store	AC 30/07/75
77/134	Demolish existing buildings and construction of 2 retail Shops with 1 st floor storage at 77 & 78 Salisbury street Amesbury	AC 07/09/77
77/0131	Erection of supermarket, formation of service area and car park and renewal of existing pavement crossing	A 22/07/77
77/147	Construction of roof across street frontage & re-siting of pavement crossing at Pitts of Amesbury	AC 22/07/77
78/780	Deemed application:- permanent permission for public car park at The Centre, Amesbury	AC 04/09/78
79/23ADV	four advertisement signs in Amesbury:- Old Bus Station, Central Car Park, Recreation Ground	AC 12/06/81
79/1021	Erection of supermarket, formation of service area & carpark. Renewal of existing pavement crossing at Chipperfields Supermarket (vacant) & part of Pitts of Amesbury	AC 24/10/79
79/71/ADV	Internally illuminated projecting sign & single sided sign at Co-op supermarket	AC 20/02/80
81/425	Deemed application:- erection of public conveniences at public car park	AC 20/05/81
85/1458	Internally illuminated shop sign Co-op supermarket	AC 9/12/85
96/1608	C/U of retail supermarket to construct a first floor extension to provide 4 x A1 shops, Salisbury District Council offices D1 (potential health care trust resources centre) and B1 (Social Services)	AC 08/08/97
96/1829	Internally illuminated fascia signs	R 14/02/97
97/1959	Change of use – conversion of existing Co-operative store into 3 shops, one A2 unit and B1 offices	AC 27/01/98
98/0083	Proposed portacabins for temporary office accommodation on exist. store car park for WCC Social Services and SDC	AC 20/03/98
99/1925	Erection Of Granite Replica Of The Original Amesbury Celtic Cross Approximately 10th Century Saxon Era Of Celtic Design	AC 17/12/99
01/1791	8 x graphic panels, 1 X logo & town name 3 x fascia signs, 1 x menu board	AC 01/11/01
04/1644	Installation of automatic Teller machine	AC 08/09/04
04/2526	Installation of automatic Teller machine (REVISED SCHEME)	AC 13/01/05
08/1035	Demolition and redevelopment of existing vacant foodstore, car park, toilet block and removal of trees, erection of new A1 foodstore, car park, toilet block and removal of trees	R 22/12/08
08/1036	Demolition & redevelopment of existing vacant class A1 foodstore, car park, toilet block and removal of trees	R 22/12/08
09/0828	Demolition and redevelopment of existing vacant class A1 foodstore, car park, toilet block and removal of trees.	R 09/09/09

	Erection of new A1 foodstore with surface level and single storey deck car park, landscaping, servicing and associated development including relocation of existing monument	
09/0829	Conservation area consent demolition	R 30/09/09

5. The Proposal

To demolish the existing buildings and redevelop the store to form a mixed use development including ground floor retail floorspace along Salisbury Street frontage and 33 later living apartments for older persons above the retail unit and to the rear of the site, landscaping (including shared amenity space), car parking and access.

6. Planning Policy

Adopted Salisbury District Local Plan saved policies, including the following saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy

G1 (Sustainable development)
G2 (General)
G9 (Planning Obligations)
H16 (Housing policy boundary)
H24 (Housing for the elderly)
D1 (Design)
CN5 (Development affecting the setting of listed buildings)
CN8 (Development in conservation areas)
CN9 (Demolition of buildings in conservation areas)
CN11 (Views into and out of conservation areas)
CN12 (Removal or improvement of features which detract from the quality of the conservation area)
CN17 (Trees in conservation areas)
CN21 (Development within an Area of Special Archaeological Interest)
C11 (Development affecting Areas of High Ecological Value)
C12 (Protected species)
R3 (Public open space)
TR11 (Provision of off-street car parking spaces)
TR14 (Cycling parking)
S1 (Primary Shopping Frontages)
S3 (Location of Retail Development)

Wiltshire Local Transport Plan 2011-2016

South Wiltshire Core Strategy

This was formally adopted at Full Council on 7 February 2012 and now forms part of the development plan for South Wiltshire.

Core Policy 3 (Meeting Local Needs for Affordable Housing)
Core Policy 5 (paragraph 5.53a - Protecting Retail Centres)
Core Policy 19 (Water efficiency and River Avon SAC)

Waste Core Strategy 2009

Policy WSC6 – Waste Reduction & Auditing

SPG

The Amesbury Conservation Appraisal and Management Plan
Councils Adopted Supplementary Planning Document 'Creating Places'.
Shopfronts & Advertisement Design – a guide to shopfronts and advertisement design

Government Guidance

National Planning Policy Framework (NPPF) March 2012

7. Consultations

Highways

No objection subject to conditions and planning agreement in relation to proposed changes to the layby on Salisbury Street

Public Protection

No objection subject to condition to agree the type and level of glazing to be provided to the flats on Salisbury Street frontage

Amesbury Town Council – Support subject to conditions (S.106 recreational funding to be agreed to the relevant scale & S.106 contribution to be secured to improve the public toilets in the town centre car park)

Ecology

No objection – recommend condition for bat bricks and swift boxes to ensure a degree of ecological gain.

Wessex Water

No objection

Highways Agency

No objection - The development will not have a detrimental impact on the Strategic Road Network in this location.

Archaeology

No objection – it is unlikely that significant archaeological remains would be disturbed.

8. Publicity

This application was advertised through the use of a site notice, press notice and letters of consultation.

13 representations of support, summarised as follows:

- Lack of specialist accommodation of this type in the area – development will meet this need and should be encouraged possibly releasing family homes back onto market
- Will benefit Amesbury – designed carefully will improve Salisbury Street and will

hopefully revitalise town centre

- Site has been dormant for far too long/eyesore
- Site ideal for later living development being close to town facilities, amenities and public transport
- Improves the commercial prospects of the town
- Car parking proposed should not be shared with local shoppers

1 representation of objection, summarised as follows:

- Town centre location is not conducive to quality of life expected – alternative sites are available and better suited
- Amount of residential will be detrimental to regeneration of site of prime retail importance
- Conflict with condition 25 on new co-op development (which was to ensure that adequate accommodation was retained for one stop shop and retailing facilities in strategically important local centre)

1 representation of comments/queries, summarised as follows:

- Replacement porch details for No 21A will need to be agreed with McCarthy & Stone
- Query where refuse bins will be located
- Possible noise from sub-station and air conditioning units
- Query pedestrian access
- Query what type of retail will be acceptable
- Landscaping should not overshadow

The Stonehenge Chamber of Trade has also supported the application on the following grounds:

We feel that the proposed re-development of the site can only help to improve the look of one of the main streets in Amesbury. However, we would like some assurances that every effort will be made to let the retail units beneath the retirement homes as quickly as possible as we understand that proposed tenants for these are still subject to the Co-op's final approval. We would like to see every effort made to let these as soon as possible so that we are not in the same position we are in now.

9. Planning Considerations

9.1 Principle of residential proposals

The site is located within a Housing Policy Boundary, where the principle of redevelopment for residential use is generally acceptable provided it does not conflict with the retail, design, listed building, conservation policies and other relevant considerations.

Saved policy H24 of the local plan is specifically relevant to residential development proposals for the elderly and also requires the development to have adequate amenity space with a high quality setting and well located in relation to local services and amenities.

9.2 Protecting retail centres

The South Wiltshire Core Strategy (SWCS) seeks to protect and enhance the vitality

and viability of Amesbury (the second largest settlement within south Wiltshire) which functions as a service centre for the communities on the southern edge of Salisbury Plain.

The NPPF requires local plans to 'define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations'

The site is within the town centre and Salisbury Street is designated as a Primary Shopping Frontage, within which retail (A1) development is acceptable in principle (policy S3) and saved policy S1 aims to ensure that retailing activity remains the dominant land use within these areas. The supporting text to policy S1 explains that in order to maintain the area as a retail centre, primary frontages should remain in A1 use:

Primary Frontages

9.8 The Local Plan identifies a number of areas within the City and Amesbury as Primary Frontages. The Local Planning Authority recognises and supports the maintenance of a predominantly retail element within these areas, but also that different but complementary uses, during the day and in the evening can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. The principal role of the Primary Frontage is, however, to maintain the area as the retail centre, and the Local Planning Authority will therefore aim to establish or preserve, as a guide, 60% of each section of Primary Frontage within retail (A1) use. A section of Primary Frontage is considered to be a particular street block frontage, or frontage of 50 metres either side of the application site, whichever is less.

The existing building has a narrow frontage to Salisbury Street but with a deep floorplate extending back into the site. The building provides approximately 1,640 sq. m of gross ground floorspace and 200 sq. m at first floor. The proposed provide a gross internal area of 634 sq. m and net retail area of approximately 541 sq. m.

By replacing approximately 1000 sq. m to the rear of the site with residential apartments it is suggested that the scheme is an erosion of the retail offer. The applicants have provided a report in respect of the retail offer of the site and refute this concern for the following reasons:

- The scheme is fully compliant with policy S1 by retaining and improving the primary shopping frontage in Amesbury and providing improved and more viable retail floorspace to best secure an operator.
- The premises have been vacant since 2007 despite ongoing marketing by national (King Sturge now Jones Lang La Salle) and regional (Mydellton & Major) agents for leasehold or freehold disposal including options of dividing the unit or purchasing part only. Retaining existing vacant floorspace will not enhance the town centre or attract customers to the town.
- It has been difficult to attract viable interest due to the development of the Lidl and Tesco foodstores in out of centre locations at London Road.

- The Co-operative has developed a new food store opposite with 1,394 sq. m net sale area; a net increase of 306 sq. m of convenience floorspace in the town centre.
- Planning consent has previously been granted for a mixed use development with a reduced quantum of retail floorspace under S/1997/1959 for the redevelopment of the building to 2 retail units and unit for A2 use fronting Salisbury Street with the majority and rear proportion of the building permitted for B1 office use.
- The current property with narrow frontage and deep floorplate does not meet modern retail requirements and needs extensive refurbishment or redevelopment which would not change through wholesale conversion and subdivision (e.g. subdividing the length of the unit for smaller units in a different configuration with shop frontages to either side does not address modern retailers requirements to have highly visible and prominent primary shopping frontages). The significant changes in height across the site would also constrain this option by impacting on access and the ability to service the units (goods arriving in the service yard would need to reach sales area set at a higher level to retain a street frontage).
- The floorspace proposed is based on current advice by retail agents Mydellton & Major to best meet occupier requirements and having regard to the change in circumstances (residential growth and the out of retail developments at Amesbury).
- Wholesale conversion has not been possible until an offer was accepted from McCarthy & Stone in 2012 for mixed use residential and retail development.
- A new retail unit provides the most commercially viable scheme and the best opportunity to secure a retailer. The proposed retail unit has not been formally marketed but the improved configuration and design fronting Salisbury Street within the primary frontage has attracted single occupier interest which would be progressed if planning permission is secured. The floorspace has also been designed flexibly to allow subdivision to increase the opportunities for use.

Specific challenges and priorities relating to retail provision in the principal settlements and market towns are identified where appropriate in the Area Strategies. The strategy for the Amesbury Community Area in the emerging Wiltshire Core Strategy (WCS) includes making 'the town a more self-supporting community (to reduce) the need to travel to larger urban centres.' Specific issues and considerations listed include 'the delivery of balanced growth in the community area focused around Amesbury will help to facilitate the delivery of improved infrastructure and greater retail choice in the town'. The strategy does refer to 'potential for further retail provision around the old Co-op store within Amesbury subject to meeting design requirements and the needs of the conservation area appraisal.' but there are no corresponding policies to require this.

Topic Paper 6 dated January 2012 forms part of the evidence base to the WCS and refers to the Core Strategy envisaging 'that each market town develops more detailed local policy through the Neighbourhood Planning process or other planning mechanism'. The neighbourhood planning process is a mechanism for addressing specific local issues. However, in the absence of this, as policy S1 (primary shopping frontage development) will be carried forward from the SWCS into the WCS this is the up-to-date retail policy for Amesbury, which the proposal fully complies with.

Both Amesbury Town Council and Stonehenge Chamber of Trade support the application as submitted

It has been suggested that when the new Co-op store was approved under planning application reference S/2001/2177; a legal agreement/condition was attached restricting the use of the entire former Co-op site to retail use only.

A retail statement was submitted and considered as part of the 2001 application which stated 'if the proposed foodstore obtains planning permission the co-op will relocate from their existing store...Importantly, however, a ground floor area of between 465 and 530 sq.m (net retail sales) of the existing store will be available for the other retailers and the Co-operative would not, despite their ownership of the building, restrict future use of the unit. There is consequently the potential for re-use of part of the unit for a significant amount of retail convenience floorspace.'

The committee report to the 2001 application referred to the existing Co-op providing an opportunity for retail floorspace:

'The Co-op application seeks to relocate the existing 1,068 m sq net sales area with a store offering 1,394m sq net sales area, a gain of 306 m sq. Additionally, the existing store provides an opportunity to re-locate the required one Stop Shop facilities and still provide some 460 – 530 m sq net retail floorspace.'

Condition (25) was added to deal with the existing Co-op store:

(25) Prior to the commencement of any development relating to the construction of the new retail facility hereby approved, the applicant shall submit to and have approved in writing by the lpa a scheme for:

Refurbishment of the existing store, including the proposed location of all retained retail areas;

The marketing of these retail areas;

The re-use of any proposed non-retail areas within the existing store;

Implementation of any refurbishment and reuse;

And the management of the existing co-op facility shall thereafter accord with the approved scheme, or any other scheme that shall subsequently be approved by the lpa.

The new Co-op store has been built and is trading, but the old store remains vacant and there are no records that condition 25 was discharged. However, the proposed scheme includes proposed retail floor space of 541 sq.m – which is within the range of 465 sq.m to 530 sq.m suggested in the retail statement from the time and as such is likely to have been acceptable in terms of condition 25 had it been submitted as a scheme.

As a mixed use retail/residential development on a long vacant town centre site; the scheme is also in accordance with the NPPF requirement to 'recognise that residential development can play an important role in ensuring the vitality of centres and sets out policies to encourage residential development on appropriate sites.'

The applicants have also provided an independent report which looked at the economic benefits of private sheltered housing to a local economy which advises residents are reliant upon local shops and services for everyday requirements.

The applicants have also advised that any increases in retail floorspace at the expense of residential units would render the scheme unviable.

The proposal will improve the retail function of Amesbury and would also accord with the aims and objectives of the Amesbury Area Board Community Strategic plan 2006-2016 which promotes Amesbury as a 'great place to shop, work and visit'.

9.3 Impact to the character and appearance of the townscape, conservation area and listed buildings

Designation as a conservation area does not preclude the possibility of new development, but it is expected to be of a standard high enough to maintain and enhance the quality of the conservation area and be sensitive to its character and appearance. In considering planning applications for new development in conservation areas, the local planning authority will seek to ensure that the form, scale, design and materials of new development is in character and to protect the character and appearance of an area from unsympathetic changes and inappropriate development.

Conservation Areas often vary in character across the designated area. The Amesbury Conservation Appraisal and Management Plan identifies Salisbury Street as a 'character area', characterised by buildings being of a consistent two storey scale, having almost consistent eaves lines and being located on the back edge of pavement helping to strongly define the street.

The blank east elevation side wall to the existing Co-op building (fronting onto the car park to the east of the store accessed from Salisbury Street) and the archway to the car park/service area to the west of the store are both identified in the appraisal as an 'Intrusive element of frontage'.

The existing store does not extend for the width of the site to Salisbury Street, with an open car park accessed from Salisbury Street to the east of the store and another car park and service area to the west of the store accessed through a brick and tiled roofed archway from Salisbury Street.

The proposed scheme has been informed by extensive pre-applications discussions with the local planning authority, including the conservation and urban design officers, and the local community.



The scale and proportions of the Salisbury Street frontage (see plan extract above) will respect the other buildings in Salisbury Street. The overall mass has been broken up by splitting the design into three elements through breaking up the horizontal ridge and eaves lines which respects the existing building plot widths (Nos 31-49 Salisbury Street is a similar width building which is split into three components, similar to that proposed). The

design and materials also have a repetitive character, as found in the white rendered terrace of shops to the south of the site (Nos 10-26 Salisbury Street).



The development extending to the rear (see plan extract above of the elevation fronting the council car park) has been carefully designed to take advantage of the difference in levels and provides three levels of accommodation and the use of traditional pitched roofs, appropriate to the character and appearance of the area, without being unduly high in comparison to adjacent development. The bulk of the building to the rear has also been broken up through the use of differing ridge heights and projecting gable sections.

Subject to careful detailing and quality materials (which could be controlled via conditions) it is considered that the scheme will preserve the character of the conservation area and improve the general townscape without having an adverse impact to the setting of nearby listed buildings.

9.4 Highway considerations – access/parking

The existing car park and delivery area to the west of the store and car park to the east of the store both accessed from Salisbury Street are currently used by visitors to the town centre generating a reasonable volume of traffic movements in and out of the two existing site accesses but these are privately owned (not public car parking).

The proposed scheme includes 20 car parking spaces, cycle spaces and mobility buggy parking within the residential development utilising the existing access to the west of the proposed retail frontage. Staff parking and cycle spaces are proposed for the retail element of the scheme utilising and amending the existing access to the east of the proposed retail frontage.



With the increase in retail frontage, the east access will be narrowed. This will also allow the existing lay-by along the site frontage to be extended to provide space for vehicle deliveries and refuse collection.

Being within the town centre, the site is in sustainable location and no highway objections have been raised to the proposed level of parking subject to conditions (including agreeing the details of the cycle spaces for the retail element, a travel plan, car parking allocation and management plan for the residential aspect and for the agreed parking and cycle spaces to be provided prior to the first use/occupation of the dwellings) and a planning agreement in relation to the proposed changes to the layby on Salisbury Street.

9.5 The impact on the living conditions of proposed and nearby properties

Policy G2 requires that development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers. The NPPF paragraph 17 states that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

The site has residential flats and development to the east and west (fronting Salisbury Street) and the west boundary of the site with development in High Street.

Residential amenity refers to the quality of residential areas and the value to local residents. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces, which should be regarded as extensions to the living space of a house.

The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of development in relation to neighbouring properties, gardens and window positions.

Residential amenity is also affected by noise, disturbance and light pollution, and these issues need to be considered. In assessing impact to residential amenity, the existing use of the site must be taken into consideration including potential disturbance from use of the service yard to the north east of the site and whilst the store is vacant the use of the car parks either side of the building would create some disturbance to adjacent uses though not uncommon in a town centre location.

The existing outlook from dwellings and flats surrounding the site (where they overlook the development site) is currently of either the central public car park with mature trees, the existing store, one of the two car parks either side or servicing area.

It is not considered that the scheme will unduly impact upon neighbouring residential amenity in accordance with policy G2. In terms of the amenity of the occupiers of the proposed scheme, both a residents lounge and shared outside amenity space is provided and the site is well located in relation to local services and amenities in accordance with policy H24.

9.6 Nature conservation interests and trees

The National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

Due to the extent of existing development on the site, it is considered that the site has a low level of interest for nature conservation and biodiversity although the council's ecologist has recommended a condition to require bat and bird boxes for biodiversity gain which can be conditioned.

There are mature trees to the east of the site within the council owned car park and in residential gardens to the west of the site. Whilst the trees themselves are outside of the development site, a tree constraints plan has been submitted which outlines root protection areas for these trees where they encroach into the development site can be conditioned to ensure their retention.

9.7 Archaeology

The site is within an area of special archaeological significance in the historic core of Amesbury and so has the potential to contain significant remains. However, the site has been subject to trenched evaluation in 2008. The evaluation involved excavation nineteen test pits across the proposal site and adjacent car park. The evaluation demonstrated that

the site has been previously levelled in the post-medieval period, which followed on from the demolition of the buildings which had been previously present on the site.

Although the test pits did not sample the footprint of the Old Co-op itself, the council's archaeologist has advised that it is reasonable to suppose that the truncation in this area will be of the same or greater extent than that of the adjacent open areas and that the potential for the site to include significant archaeological remains has been severely reduced by the later land-use and that no further archaeological investigations are required.

9.8 S106 Contributions

The Town Council has requested that S106 contributions are provided to improve the public toilets within the council owned car park.

Regulation 122 of the Community and Infrastructure Levy Regulations 2010 only allows planning contributions where there are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is unlawful to make financial contributions that do not comply with these tests. The proposed development would not necessitate improvements to the public toilets and such a contribution would not be CIL compliant.

Separate to the planning application; the Land Adoptions Team has advised that investigation has taken place with regards to possible re-location of the Public Conveniences within the Car Park but at this time concluded that they did not wish to relocate them and therefore they will remain in-situ.

There are a number of CIL compliant S106 contributions triggered by the development as follows:

- Core Policy 3 of the South Wiltshire Core Strategy requires on all sites over 15 dwellings to provide 40% on site affordable housing. The New Housing Team has advised that it would be appropriate for this to be an off-site contribution instead based as the proposed development does not lend itself to on-site delivery.
- 'Saved' Policy R3 from the Salisbury District Local Plan requires residential proposals for accommodation for older persons to make financial contributions towards public open space.
- The site is also within 4km of the Salisbury Plain Special Protection Area (SPA). This European site is protected for its population of breeding stone curlew. Additional housing within the visitor catchment of Salisbury Plain is likely to increase the recreational pressure on the plain and new residential developments within 4km of the SPA are required to pay a one-off contribution towards the Wessex Stone Curlew Project of £109.82 per dwelling in order to demonstrate that any likely impacts are avoided or reduced to levels as to avoid adverse impacts upon the SPA. Natural England has confirmed that if such mitigation is not secured, applications for housing in this area would not pass a Habitats Regulations Assessment and could not legally be permitted.
- Waste and recycling contributions are also applicable.

Core Policy 3 states 'the provision of affordable housing will be negotiated on a site-by-site basis taking into account the viability of the development'. The applicant has provided an open book financial viability appraisal to the New Housing Team. The Housing Officer has used this to complete a financial appraisal of the development and as a result it is not viable to seek all of the S106 contributions as the resultant land value would be less than the existing use value of the site.

Where viability is an issue it is necessary to prioritise the obligations which are essential to make the development work at all.

Contributions towards the stone curlew project are essential for the development to be Habitat Regulations compliant and waste and recycling contributions are also essential as householders generate rubbish which has to be collected.

Affordable housing provision and off-site recreational open space contributions are considered to be desirable but are not essential to enable the development to 'work' either in isolation or within the wider context.

Provision of Affordable Housing is a Strategic Objective of the Wiltshire Core Strategy. Strategic objective 3 of the Core Strategy is to provide everyone with access to a decent, affordable home and Strategic Objective 6 is to ensure that adequate infrastructure is in place to support our communities.

Stone curlew and waste and recycling contributions are non-negotiable, essential contributions but where there is a shortfall in the contributions; affordable housing is given the priority over other competing desirable provisions/contributions. The viability appraisal identified a surplus of £19,395 which could be used towards affordable housing provision.

The agreed S106 contributions are as follows

Affordable Housing - £19,935 towards the cost of enabling the provision of Affordable Housing

Waste & recycling - £3,278 to be applied toward the provision of recycling and waste facilities within the locality of Amesbury

Stone curlew - £3,624 to be applied towards the Wessex Stone Curlew Project.

The owners have agreed a draft S106 agreement for these contributions to be paid on commencement of development.

10. Conclusion

The proposed scheme increases the length of retail frontage to Salisbury Street fully in accordance with policy S1 and the site is also in the Housing Policy Boundary so housing is also acceptable in principle. The core planning principles of the National Planning Policy Framework include that planning should also promote mixed use development in sustainable locations.

Whilst there is an overall reduction in retail floorspace with the loss of the existing supermarket building, the retail floorspace being created is more flexible and more useable to the retail market and is considered to improve the retail function of Amesbury.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the social, economic and environmental conditions of the area.

RECOMMENDATION

That subject to the applicant entering into a S106 agreement to secure contributions towards affordable housing, waste and recycling facilities and the Wessex Stone Curlew Project, Planning Permission be GRANTED.

And subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(3) No walls of the development hereby permitted shall be constructed until a sample panel of the brickwork and flintwork not less than 1 metre square, demonstrating the face bond of the brickwork, the type of flint, style of flintwork and the mortar mix and finish and pointing style have been constructed on the site and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

Reason: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(4) No walls of the development hereby permitted shall be constructed until a sample panel of the render to be used on the external walls not less than 1 metre square, has been constructed on site and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample (WB12).

Reason: In the interests of visual amenity and the character and appearance of the area.

(5) No development shall commence on site until large scale details of all eaves, verges, windows, (including elevations and sections of the windows, head, sill and window reveal details), doors and rainwater goods 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 that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(6) No development shall commence on site until large scale horizontal and vertical section plans (1:10 scale) of the shopfront to demonstrate the projection of the fascia, pilaster and

stallriser 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 that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(7) No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing including a timetable for implementation by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the agreed timetable for implementation (WB17).

Reason: In the interests of visual amenity and the character and appearance of the area.

(8) No development shall commence on site until a noise pollution attenuation scheme for the flats on the Salisbury Street frontage (labelled 10, 11, 12, 14 & 27 on drawing no A01-1883-04 Rev B) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the glazing specification to the flats, full details of the acoustic insulation and air ventilation systems. The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of residential amenity.

(9) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all hard surfacing materials

Reason: To ensure a satisfactory landscaped setting for the development, in the interests of visual amenity and the character and appearance of the area.

(10) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first 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 landscaped setting for the development, in the interests of visual amenity and the character and appearance of the area.

(11) No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to the retained trees shown on plan number 7999/01 shall be submitted to and approved in writing by the local planning

authority. All works shall subsequently be carried out in accordance with the approved details. In particular, the method statement must include:-

A specification for protective fencing to trees to be retained as shown on plan number 7999/01 during both demolition and construction phases which complies with British Standard 5837:2005 and a plan indicating the alignment of the protective fencing.

A Specification for scaffolding and ground protection within tree protection zones in accordance with BS 5837:2005.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

(12) No development shall commence on site until details of the number, design and locations of measures which will be incorporated into the development to provide nesting opportunities for birds and roosting opportunities for bats, including a timetable for implementation has been submitted to and approved in writing by the local planning authority. The development will be completed in accordance with the approved details and implementation and retained for annual use by bats and breeding birds.

Reason: To safeguard protected species and mitigate against the loss of existing biodiversity and nature habitats

(13) No development shall commence on site until details have been submitted to and approved in writing by the local planning authority of cycle parking spaces for the retail development and the spaces shall be implemented in accordance with the approved details prior to the retail development first being brought into use.

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

(14) No development shall commence on site until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The 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.

(15) The car parking spaces and access roads thereto shown on the approved drawings shall be completed prior to the occupation of the development land uses for which they are intended.

Reason: In the interests of highway safety and the amenity of future occupants/users of the development.

(16) The residential development hereby permitted shall not be first occupied, until the cycle parking facilities for the residential development shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

(17) Prior to the occupation of the any residential dwelling a car parking allocation and management plan shall be submitted to and approved in writing by the local planning authority. The sixteen car parking spaces provided for the residential development shall thereafter be allocated and managed strictly in accordance with the approved plan.

Reason: In the interests of highway safety and to help ensure that demand for spaces is restricted to match the provision.

(18) No development shall commence on site until details showing ventilation and extraction equipment within the site for the retail element of the scheme hereby approved (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the retail development hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details. (WF14)

Reason: In the interests of amenities of the area

(19) No development shall take place until a legal agreement with the highways authority in relation to the proposed changes to the layby on Salisbury Street has been entered into to secure:

1. Alteration and amendments to the dimensions of layby on Salisbury Street fronting the site.
2. Traffic regulation order required to be modified or introduced to regulate use of the layby site traffic and other potential defined users.
3. The submission of a service delivery management plan to be effected by the retail development.
4. Details for the protection/alteration of existing public path at the east side of the site.

Reason: In the interest of highway safety

(20) The second floor flat roof area of the development hereby permitted above the residents lounge (shown on drawing number A01-1883094 Rev B) shall not be used as a balcony, roof garden or similar amenity area (WE14).

Reason: In the interests of residential amenity and privacy.

(21) 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), the ground floor retail element of the scheme (outlined on plan number A01-1883-03 Rev C) site shall be used solely for purposes within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). (WFA)

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, having regard to the circumstances of the case.

(22) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan number A01-1883-20 Rev A, South West Elevation North West Elevation, dated May 2013, received by this office 26/06/2013

Plan number A01-1883-03 Rev C Ground Floor Plan, dated Feb 2013, received by this office 26/06/2013

Plan number A01-1883-05 Rev A Proposed Elevations, dated Feb 2013, received by this office 27/06/2013

Plan number A01-1883-02 Rev A Proposed Site Layout, dated Feb 2013, received by this office 21/06/2013

Plan number A01-1883-01 Rev A Site Location Plan, dated Feb 2013, received by this office 20/06/2013

Plan number A01-1883-04 Rev B Upper Floor Plans, dated Oct 2012, received by this office 29/05/2013

Plan number LP233/01A Landscape Strategy Plan, dated Feb 2013, received by this office 15/04/2013

Plan number A01-1883-12 Section Elevations A to J, dated April 2013, received by this office 15/04/2013

Plan number 7999/01 Tree Constraints Plan, dated Sept 2012, received by this office 26/03/2013

Plan number A01-1883-06 North East Elevation and Section AA, dated March 2013, received by this office 07/03/2013

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

Informatives

Permission not authorising work on land outside the applicant's control & party wall act

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 their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996 (WP18).

Materials

Please note that the Planning Office does not have the facility to receive material samples. Please deliver material samples to site, with a notification to the planning office where they are to be found.

Section 106 Agreement

This permission shall be read in conjunction with the Section 106 Agreement dated (To be completed) 2013, which is applicable to this application, in terms of its restrictions, regulations or provisions.

Highways

The consent hereby granted shall not be construed as authority to carry out works on the highway.

A Section 278 Agreement allows developers to enter into a legal agreement with the Highways Authority to make alterations to the public highway to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

Proposals relating to the alterations of the layby fronting the site will be considered by the highway authority on the basis of all potential users. There can be no guarantee that space will be available at a particular time for the private use of the retail development.

Advertisement consent required

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

Wessex Water

The existing foul sewerage network has adequate spare capacity to serve the current proposals for foul drainage.

The current plans indicate that on site drainage will not be offered for adoption to Wessex Water. Appropriate measures should be made for the maintenance and repairs of these sewers. Please refer to Wessex Water's Advice Note 16 for further guidance on the National Building standard (NBS).

When the NBS is implemented it will be mandatory for new shared drainage to be adopted by the sewerage undertaker.

If the development site is constructed prior to the implementation of the NBS and the site is not a single managed site, some of the drainage will be subject to secondary sewer transfer to Wessex Water 6 months after the NBS is introduced.

Surface Water – Proposals indicate drainage to highway drain; the applicant should consider soakaway arrangements. If the surface water system is to be served by soakaways the surface water sewers do not, in effect, drain to a public system and will not be subject to mandatory transfer.

Water Supply – Adequate capacity exists; building above 2 storeys may require on site boosted storage.