

Schedule Of Planning Applications For Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

ABBREVIATIONS USED THROUGHOUT THE TEXT

AHEV	-	Area of High Ecological Value
AONB	-	Area of Outstanding Natural Beauty
CA	-	Conservation Area
CLA	-	County Land Agent
EHO	-	Environmental Health Officer
HDS	-	Head of Development Services
HPB	-	Housing Policy Boundary
HRA	-	Housing Restraint Area
LPA	-	Local Planning Authority
LB	-	Listed Building
NFHA	-	New Forest Heritage Area
NPLP	-	Northern Parishes Local Plan
PC	-	Parish Council
PPG	-	Planning Policy Guidance
SDLP	-	Salisbury District Local Plan
SEPLP	-	South Eastern Parishes Local Plan
SLA	-	Special Landscape Area
SRA	-	Special Restraint Area
SWSP	-	South Wiltshire Structure Plan
TPO	-	Tree Preservation Order

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING
COMMITTEE
NORTHERN AREA 10/04/08

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

Item Page	Application No	Parish/Ward Officer Recommendation Ward Councillors
1	S/2008/0064	WINTERBOURNE
Pages 3 - 8	MISS L FLINDELL	REFUSAL
Site Visit 15:10	MR R BRUCE-WHITE ROLLERHOUSE BARN OPPOSITE 1 & 2 CRABTREE COTTAGES HIGH POST ROAD WINTERBOURNE DAUNTSEY SALISBURY WILTS SP4 6HG CONVERSION AND ALTERATIONS TO BARN (INCLUDING SUBSTANTIAL RECONSTRUCTION) FOR USE AS ONE UNIT OF SELF CATERING HOLIDAY ACCOMMODATION	UPPER BOURNE, IDMINSTON & WINTERBOURNE Councillor Hewitt Councillor Wren
2	S/2007/1616	AMESBURY EAST
Pages 9 - 48	MISS L FLINDELL	APPROVE SUBJECT TO S106
	LIDL FOODSTORE LAND AT MINTON DISTRIBUTION PARK LONDON ROAD AMESBURY DEMOLITION OF EXISTING VACANT MECHANICAL WORKSHOP AND THE ERECTION OF A LIDL NEIGHBOURHOOD FOODSTORE WITH ASSOCIATED PARKING	AMESBURY EAST Councillor Brown, Councillor Mitchell Councillor Noeken
3	S/2008/0241	DURRINGTON
Pages 49 - 51	Mr T Wippell	APPROVE
Site Visit 15:40	CONSERVATORY SALES LTD HAZELHEAD ROBIN HILL LANE DURRINGTON SALISBURY SINGLE STOREY CONSERVATORY TO SIDE ELEVATION WITH BRICK GABLE END AND PARAPET WALL (RETROSPECTIVE)	DURRINGTON WARD Councillor Ms Broom Councillor Lee Councillor Wright

Enforcement Agenda Item 9:

Dance studio at Paddock View, 17 Beechfield, Newton Tony

Part 1

Applications recommended for Refusal

1

Application Number:	S/2008/0064		
Applicant/ Agent:	MR R BRUCE-WHITE		
Location:	ROLLERHOUSE BARN OPPOSITE 1 & 2 CRABTREE COTTAGES HIGH POST ROAD WINTERBOURNE DAUNTSEY SALISBURY SP4 6HG		
Proposal:	CONVERSION AND ALTERATIONS TO BARN (INCLUDING SUBSTANTIAL RECONSTRUCTION) FOR USE AS ONE UNIT OF SELF CATERING HOLIDAY ACCOMMODATION		
Parish/ Ward	WINTERBOURNE		
Conservation Area:		LB Grade:	
Date Valid:	15 January 2008	Expiry Date	11 March 2008
Case Officer:	Miss L Flindell	Contact Number:	01722 434377

REASON FOR REPORT TO MEMBERS

Councillor Hewitt has requested that this item be determined by Committee due to: the controversial nature of the application

NOTE FOR MEMBERS

The application is recommended for refusal. Members should note however, that should they be minded to grant consent, the application will need to be advertised as a departure from 'saved' policy C22 of the local plan.

SITE AND ITS SURROUNDINGS

The barn is located within open countryside, designated as a Special Landscape Area. The site is on the north side of a road (which links the A338 from Winterbourne Gunner with the A345 to Amesbury) and forms the corner of a large agricultural field. There is an existing gated farm access to the south east of the existing barn with track continuing along the southeast edge of the field. There is hedging to the field boundaries. The barn itself is set back from the road with grass verge and is orientated such that it is open to the northeast (field side) elevation with no openings to the sides and roadside elevations.

There is a pair of semi-detached cottages to the south east of the side (on the opposite side of the road).

THE PROPOSAL

To substantially reconstruct the barn to provide a unit of self-catering holiday accommodation. The application also includes an area of land around the barn, which will be landscaped to provide a parking area and seating/decked area.

PLANNING HISTORY

No planning history

CONSULTATIONS

Environmental Health – No observations

Environment Agency – No comment to make

Wiltshire Wildlife Trust – We have no objection to this proposal and have the following comments:

We are pleased that an ecological statement of the site has been completed, with visits from a Natural England bat worker, and from the Barn Owl Trust. We agree with the proposals contained within the statement, which should be conditions of planning permission.

The bird breeding season is commonly stated as running from March to August inclusive, rather than from April.

It should be noted that Natural England no longer provides protected species advice. If evidence of protected species is found, the relevant District ecologist should be consulted, who may then refer the applicant to Natural England's Wildlife Licensing Unit.

Wiltshire Fire & Rescue - Have submitted a letter of recommendations with regard to fire safety measures. This information could be added as an informative to any consent.

Wessex Water – The above proposal is not located within a Wessex Water sewered area. The developer has indicated that the disposal of foul drainage, will be a 'sewage treatment plant'.

The developer has proposed to dispose of surface water to soakaways

Please note the proposed development is within a source protection zone and any surface water discharge will need to be in line with the Environment Agency guidelines

It is advised that your Council should be satisfied with any arrangements for the disposal of foul and surface water flows generated by the development.

Turning to water supply, there are no water mains in the vicinity of the proposal.

It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

Natural England – Under Regulation 48 (3) of the Habitats Regulations 1994 and based on the information provided, it is our view that, either alone or in combination with other plans or projects, there is not likely to be significant effect on the important interest features of the River Avon Special Area of Conservation (SAC), or any of the features of special scientific interest of the River Avon System Site of Special Scientific Interest (SSSI).

Although not a legal requirement, we would like to see that the recommendations made in the ecological survey conditioned to any planning permission should it be granted. We would also like to see energy and water efficiency measures designed to minimise the impact on the environment during and post construction. In addition, although not listed, traditional farm buildings are becoming rare in our countryside either through deterioration due to dis-use or conversion to residential or commercial properties. We would therefore recommend that a historic building record is undertaken prior to development (consisting of a photographic record and brief report on the historic development of the building).

Natural England is satisfied that a Natural England Bat Volunteer has carried out a protected species survey for the above proposed development. Please note, however, that if planning permission is granted, the applicants should be informed that this does not absolve them from complying with the relevant law protecting species (in particular bats) including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005

WCC Highways - I confirm that I am concerned about the safety and sustainability of this development. Whilst I have less concern about holiday lets than for a dwelling due to the lower traffic generation and the desire to locate a holiday let in the countryside, it is clear that this location is relatively isolated and not well sited for vehicular safety when entering and leaving the site. High Post Road is unrestricted and therefore subject to the National speed limit of 60mph and the existing hedgerows substantially restrict visibility for an emerging vehicle.

Whilst accepting that there may be overriding policies which support the location of holiday lets in the countryside, I remain concerned that this proposal does not accord with PPG13 and will generate unsafe and unsatisfactory vehicular movements and recommend refusal on the following grounds:

1. The proposal, located remote from services and being unlikely to be well served by public transport, is contrary to the key aims of PPG 13 which seeks to reduce growth in the length and number of motorised journeys.
2. Visibility for emerging vehicles is substantially restricted by the hedgerows located along this C class road, which is subject to the National speed limit of 60mph, and therefore the increase in vehicular traffic emerging from the access point in connection with the proposed development will cause a serious hazard to road safety.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes, expiry date 20 th February 2008
Departure	No
Neighbour notification	Yes, expiry date 5 th February 2008
Third Party responses	No
Parish Council response	None received

MAIN ISSUES

Principle
Proposed works and impact on character and appearance of countryside
Access/highways
Impact on protected species
Drainage

POLICY CONTEXT

Adopted Salisbury District Local Plan 'saved' Policies:

G1 (Sustainable Development)
G2 (General)
G5 (drainage infrastructure)
C2 Development in the countryside

C12 (Protected species)
C22 (change of use of buildings in the open countryside)
C6 (Development in special landscape areas)
T6 (Conversion of existing dwellings to tourist accommodation)

Wiltshire Structure Plan 2016 'saved' policies:

C1 (nature conservation resources)
C3 (protected species)
C9 (Special Landscape Areas)
DP1 (Sustainable development)
DP14 (development in the open countryside)

Government Guidance:

PPS1 – Delivering Sustainable Development
PPS 7 – Sustainable development in rural areas

PLANNING CONSIDERATIONS

Principle

Policy DP1 of the Wiltshire Structure Plan 2016 says that in pursuit of sustainable development, particular priority should be given to ‘minimising the loss of countryside and protecting and enhancing the plan’s environmental assets’ and policy DP14 of the Wiltshire Structure Plan 2016 advises that development in the open countryside should be strictly controlled.

Policy G1 of the Local Plan sets out general development criteria, of which one is to conserve the natural environment of the District. Policy C2 in particular makes clear that development in the countryside will be strictly controlled and will not be permitted unless it would maintain or enhance the environment. The site is located within a Special Landscape Area and policy C6 of the local plan is relevant. The supporting text to this policy states that the landscape in this area, whilst generally not of as such high quality as within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, is considered worthy of being preserved and only development which is essential to the rural economy or desirable for the enjoyment of its amenities will be permitted, and the location, scale and nature of such development will be carefully controlled in order to conserve the character of the Special Landscape Area. Policy C9 of the Wiltshire Structure Plan 2016 makes clear that in Special Landscape Areas development should be considered having regard to the need to protect landscape character and scenic quality.

Policy T6 of the local plan refers to the conversion of existing dwellings to tourist accommodation, although the supporting text does state that ‘opportunities may exist, on a small scale, to develop some self catering accommodation through the conversion of, for example, farm buildings (provided that the proposals are in accordance with policies C22 and C23), which could supplement farm incomes’.

The supporting text to policy C22 states that ‘buildings should be structurally sound and capable of conversion without complete or substantial reconstruction.’ Criteria (ii) of policy C22 requires that ‘the building is not made of flimsy prefabricated materials and is constructed in a permanent manner which enables its conversion without substantial reconstruction’.

Proposed works and impact on character and appearance of the countryside

The applicants have submitted a structural survey, which details that the only original parts of the barn, which will be retained, would be the two side cob walls. However, on inspection of these walls and the apparent degree of disrepair; it seems unlikely that these could be retained.

The applicant’s supporting design and access statement confirms *‘of significance is that the existing roof structure would be insufficient to take the load of the new slate roof, and the superstructure of the barn will need to be substantially replaced, although the two main roof trusses will be repaired and reused. Consequently it could be argued that the proposed works would not constitute a pure conversion since the superstructure would need to be substantially reconstructed, albeit to identical external dimensions to existing.’*

The level of works proposed (irrespective of the retention of the cob walls) would involve substantial reconstruction of the building, contrary to policy C22.

The applicant has referred to PPS7. It is the Government’s clearly expressed view that development in the countryside should be strictly controlled. On page 3 of PPS7, this view is articulated in the Government’s objectives, through the promotion of development that: *“...respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside...”* and through:

"...continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes..."

This approach is re-enforced by the Government's key principles, which identifies the desire to strictly control development in the countryside, in the interests of its character, beauty and wildlife:

"New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all".

It is recognised that PPS7 supports farm diversification for economic development purposes, but it is considered that for a replacement to be acceptable the building would need to be capable of being converted without substantial reconstruction being required.

The supporting text to policy C22 also states that 'although some buildings may be suitable for conversion to alternative uses, changes of use will only be permitted where the new use would not be detrimental to the quality of the landscape or to the rural environment'.

The Council's guide to the conversion of historic farm buildings in the countryside states that 'it is essential for a conversion to respect the rural setting and landscape character of its surroundings...Suburban or overly domestic features, such as greenhouses, paved patios, dwarf walls, planting beds and fences should be avoided.'

The existing barn is obviously an agricultural barn, with a rural character and appearance although evidently in a poor state of repair. The proposed works involve the creation of a 'residential curtilage' within the existing enclosed area of land around the barn. The proposed reconstruction of the barn and domestication of site (with the addition of paving/decked seating area) is not considered to respect the rural setting and landscape character of the surrounding countryside and as such will adversely affect the rural character and appearance of the countryside.

Access/Highways

The site is in an isolated location outside of a settlement (on one of the link road between the A338 from Winterbourne Gunner and the A345).

The applicant does refer to this in his design and access statement:
'Sustainable travel options: due to the location of the site outside of a settlement, it is likely that occupiers of the holiday accommodation will need to travel to the site via a private car. However, it is considered that there are economic, tourism and conservation benefits to the development, which outweigh any negative sustainability issues deriving from the reliance on the private car. Once at the site, however, it will be possible for the occupants to walk to local services and public transport facilities within the Winterbournes, approximately 1/2 mile away. Occupants will be permitted to use the field headlands on the farm in order to walk to the winterbournes without having to negotiate any significant stretch of road that does not have footways.'

Wiltshire County Council Highways have raised an objection to the proposal on safety and sustainability grounds as the site is relatively isolated and not well sited for vehicular safety when entering and leaving the site (High Post Road is unrestricted and therefore subject to the National speed limit of 60mph and the existing hedgerows substantially restricts visibility for an emerging vehicle).

Impact on protected species

Policy C12 of the local plan relates to development affecting species protected by law. It requires that development not be permitted unless the Authority can be satisfied that it could impose conditions, which would prevent damaging impacts, whether direct or indirect. Policy C1 of the Wiltshire and Swindon Structure Plan 2016 requires that Wiltshire's nature conservation resources should be safeguarded through the control of development and policy C3 of the

Wiltshire and Swindon Structure Plan 2016 recognises that protected species are a material planning consideration when determining development proposals, and that in order to assess whether protected species are present on a development site, relevant surveys must be undertaken by the applicant and submitted with the planning application.

An ecological statement of the site has been completed, with visits from a Natural England bat worker, and from the Barn Owl Trust. Natural England and Wiltshire Wildlife Trust have no objections to the proposal subject to conditions (as recommended within the statement).

Drainage

The site is not located within a Wessex Water sewered or mains water area. The applicant is proposing a sewage treatment plant for which they have confirmed that they have been granted Consent to Discharge from the Environment Agency.

CONCLUSION

The level of works proposed involves substantial reconstruction of the barn and the domestication of site (with the addition of paving/decked seating area) which is not considered to respect the rural setting and landscape character of the surrounding countryside and as such will adversely affect the rural character and appearance of the countryside.

The proposal will encourage the use of the private car, located remote from services and poorly served by public transport, contrary to the key aims of PPG13, which seeks to reduce the growth in the length and number of motorised journeys.

RECOMMENDATION: REFUSE

Reasons for Refusal:

- (1) The level of works proposed involves substantial reconstruction of the barn and the domestication of site (with the addition of paving/decked seating area) which is not considered to respect the rural setting and landscape character of the surrounding countryside and as such will adversely affect the rural character and appearance of the countryside, contrary to saved policies G1, G2, C2, C22, C6, T6 of the Salisbury District Local Plan, and saved policies C1, C9, DP1, DP14 of the Wiltshire Structure Plan 2016, and Government Guidance contained within PPS1 (Delivering Sustainable Development) and PPS 7 (Sustainable development in rural areas)
- (2) The proposal, located remote from services and being unlikely to be well served by public transport, will encourage the use of the private car, and is contrary to the key aims of PPG 13, which seeks to reduce growth in the length and number of motorised journeys and contrary to saved policy G1 of the Salisbury District Local Plan and saved policy DP1 of the Wiltshire and Swindon Structure Plan 2016.
- (3) Visibility for emerging vehicles is substantially restricted by the hedgerows located along this C class road, which is subject to the National speed limit of 60mph, and therefore the increase in vehicular traffic emerging from the access point in connection with the proposed development will cause a serious hazard to road safety contrary to saved policy G2 of the Salisbury District Local Plan.

Part 2

Applications recommended for Approval

2

Application Number:	S/2007/1616		
Applicant/ Agent:	LIDL FOODSTORES		
Location:	LAND AT MINTON DISTRIBUTION PARK LONDON ROAD AMESBURY SALISBURY SP4 7RT		
Proposal:	DEMOLITION OF EXISTING VACANT MECHANICAL WORKSHOP AND THE ERECTION OF A LIDL NEIGHBOURHOOD FOODSTORE WITH ASSOCIATED PARKING		
Parish/ Ward	AMESBURY EAST		
Conservation Area:		LB Grade:	
Date Valid:	13 August 2007	Expiry Date	12 November 2007
Case Officer:	Miss L Flindell	Contact Number:	01722 434377

BACKGROUND

The application was deferred at the Northern Area Committee meeting on the 17th January 2007 following the receipt of a letter from the Co-operative stating that they were in the advanced stages of negotiation with Aldi with regard to their proposed acquisition of the former Co-op store at 23 Salisbury Street but requesting that the consideration of the application be deferred whilst issues were being resolved.

We have since received a planning application to redevelop the former Co-op store in Amesbury Town Centre to comprise a development of a new convenience foodstore comprising 1,858 square metres net floor space. At the time of writing this report, we are awaiting additional plans to be submitted before the application can be registered.

The officer report that was previously circulated at the meeting on the 17th January 2007 is attached in full at appendix A (amended to include the information listed in the Late Correspondence circulated at the meeting).

This report includes summaries of additional correspondence from Lidl and their retail advisors and revised planning considerations with regard to the impact on the vitality and viability of Amesbury town centre.

CONSULTATIONS

No further statutory consultation responses have been received since the report to committee on the 16th January 2008.

Supplementary advice on retail matters from GVA Grimley is attached in full at appendix B.

ADDITIONAL REPRESENTATIONS

Further letter received from Lidl, summarised as follows:

- Frustrated at the continual delay in the determination of the application
- Reservations regarding the deliverability of either the former Co-op redevelopment proposals or the Co-op's supposed deal with Aldi.

- The former Co-op unit is unsuitable for occupation by Lidl's:
 - The internal layout is unsuitable and restricted by columns
 - The car parking provision is unsuitable (amount and quality)
 - Delivery access via Salisbury Street is poor (restricted maneuverability and tailgate delivery area incompatible with Lidl delivery vehicles)
 - No requirement for first floor accommodation – additional acquisition and ongoing operational costs
 - State of repair of building is poor and refurbishment is not economically viable
 - Consultants acting for the Co-op previously justified the new store on grounds to include that the old one was unsuitable for modern retailing. Nothing has changed to revise this opinion so why should Lidl want to occupy the unit.
- Remain sceptical that there will be an agreement between Aldi and the Co-op (potential reluctance of the Co-op to dispose of the unit to a competing food retailer, to protect their monopoly in Amesbury). The site is still being marketed as 'available' despite claims that 'heads of terms' have been agreed
- Reference to examples of other sites (North Prospect shopping centre in Plymouth, St Budeaux, Dalry in Scotland) where Lidl schemes were proposed nearby to Co-op sites where the Co-op's view was that the presence of a deep discount foodstore on a nearby site would be dangerous to their business and tried to resist such developments which were subsequently approved or allowed at appeal (against non determination). The Co-op makes representations on competing retailer applications in order to protect their own interests.
- Whilst it is unlikely that another food retailer will reoccupy the Co-op, in the event that Aldi occupy the unit, we maintain that it is unlikely that Aldi or the proposed Lidl store will either individually or cumulatively have a material impact on the Co-op and other town centre retailers, given the level of existing over trading and claw back from loss of trade to other stores outside of Amesbury
- GVA Grimley state that the Tesco and Asda applications will not materially harm the co-op, just small shops. Both Aldi and Lidl would not harm the independent stores due to the absence of in-store meat and fish counters, bakery etc.
- Both the Co-op and an Aldi store in the town centre would remain viable and strongly performing stores - In the interests of robustness to assess potential cumulative impact, we have assumed that the entire Aldi turnover is diverted from the Co-op, clearly this would not be the case in the real world. It would be reasonable to expect around 50% of the turnover to be clawback, and therefore our assessment should be considered as 'worst case'. Our original assessment, which has been reviewed by independent consultants, estimated that 43% of the Lidl store turnover, would be diverted from the town centre. In the interests of robustness, we have tested a scenario allowing for a higher level of diversion – 50% of turnover following the opening of an Aldi. The introduction of an Aldi into the town centre will do little to dent the considerable levels of overtrading. Based on a realistic company average turnover of £4,000 per sq m we estimate the Aldi store will have a convenience goods turnover in the region of £3.8m. We consider it is reasonable to assume that the Aldi would trade at around 50% above company average levels, reducing the Co-op overtrading to 85% above average. This demonstrates that even adopting a highly robust diversion of 24% (£0.5m) from Aldi, with the same from Co-op, both would continue to trade at 27% and 44% (above company average levels respectively).
- There is an identified need for further foodstore provision in Amesbury in 2011 of £11.2m assuming a maintained market share.
- In the event that Aldi do occupy the former Co-op store there is still capacity in the region of £7.4m for further provision. GVA Grimley state that the capacity would be sufficient to accommodate a 'deep discount store in addition to the re-occupation of Co-op'.
- Undoubtedly Aldi would prefer not to have competition in the town, but the promotion of competition is a key objective of national government policy. Neither Co-op or Aldi have submitted any evidence to substantiate claims that the viability of any investment in the town centre would be threatened.
- Without provision beyond Co-op and Aldi, it is highly probable that both stores will over-trade above normal levels (61%).
- There is ample capacity in Amesbury to accommodate a further store in Amesbury without reducing either store to below company average levels.

- There is no reasonable prospect of the closure of any store trading at company average levels and conditions for investment will remain favourable.
- There is considerable doubt surrounding the deliverability of both the Aldi and Sainsbury's proposals. Co-op unlikely to dispose of site to Sainsbury's, which also requires the acquisition of the key town centre car park. The Lidl proposal will be delivered immediately following the grant of planning permission.
- Co-op should provide greater clarity and an indication of which scheme they are considering – they cannot be doing a deal with both Aldi and Sainsburys. Provides further evidence that they are seeking to confuse matters in order to protect their monopoly in the town.

Two further letters received from AtisReal, summarised as follows:

- There is more than sufficient need to accommodate the redevelopment of the former Co-Op, Aldi, and Lidl based on existing market shares
- The trading impact upon the town centre stores would be entirely within acceptable limits
- The GVAG study and underlying household survey clearly identified a significant outflow of expenditure to stores outside of Amesbury from what should be the natural catchment for the town.
- The former Co-op redevelopment proposals will be of sufficient size and quality to persuade many residents currently traveling further afield to shop closer to home. This would increase the expenditure available to Amesbury stores from £18.9 million to £25.8 million. At this level we would expect the town centre stores to be trading at above company average.
- The former Co-op redevelopment proposals would dramatically reduce the level of overtrading within the town observed at present. This would leave approximately £2.1million available to support other development in 2011.
- The proposed Lidl store will have a convenience goods turnover in the region of £2 million in 2011. Given the absence of a deep discount retailer in the town, there will be a deficiency in that sector and therefore a significant proportion of trade will be diverted from other deep discount stores. There is consequently sufficient expenditure to support the Lidl store in addition to the former Co-op redevelopment proposals.
- Even with the former Co-op redevelopment proposals, there is still a quantitative need for the Lidl proposal and a significant qualitative need for deep discount food retail representation in the town.
- Comments on GVA Grimley's supplementary views on retail matters in Amesbury dated 13th March 2008:
 - GVAG concur with Atisreal 'there appears to be a significant degree of uncertainty as to the genuine availability and suitability of this unit of a discount foodstore (the former Co-op unit).
 - GVAG accept that there would still be a need for a discount foodstore if Sainsbury's redeveloped the Co-op unit and the impact on Co-op or Sainsbury's would not be harmful.
 - Even upon occupation by Aldi, GVAG state the case to support Lidl would be reduced, it does not preclude the approval of the Lidl scheme. Neither Co-op or Aldi has disputed our calculations which show that even if Aldi occupy the unit, there would still be a quantitative need for the Lidl store.
 - If the Council approve one of the out-of-centre proposals and Lidl "the impact of the discount foodstore itself is unlikely to be significant"
 - GVAG do not comment on the deliverability of the Sainsbury schemes. We maintain that neither the Sainsbury's nor Aldi proposals are viable or realistic.
 - GVAG have not contradicted our view that the Lidl store is acceptable if either notional option were to proceed.
 - GVAG maintains that the Council "should seek a clear commitment from the Co-op as to the intentions for the unit". We are of the view that the Co-op has had ample opportunity to complete a deal with another retailer since vacating the store. A line has to be drawn under the matter and the uncertainty which is within the power of the Co-op to end should not be a license to continually frustrate much needed development.

- If the Council do not consider the vacant Co-op site as viable option for a superstore and instead approve one of two out-of-centre superstore proposals, there will remain a need for a deep discounter, which itself will have an insignificant impact on the town centre.
- There is nothing in the GVAG advice, which would justify changing the recommendation for approval of the Lidl application, which is capable of delivery in the short term, improving customer choice and competition. The Lidl store has been proven to be complementary to the superstore proposals and can be legitimately be separated from consideration of the superstore applications.

Additional third party responses received since the report to committee on the 16th January 2008:

Letter from the Co-op, summarised as follows:

- We have been in detailed negotiation with Aldi over purchase of the former Co-op store. These are continuing.
- We have also been approached by Frobisher Ltd who are promoting a larger retail scheme requiring both the former store site and adjacent land including the Salisbury District Council owned town centre car park
- A town centre store is in principle acceptable.
- Whilst we are of the view that the new Co-op store provides a high quality, popular retail offer and is a valuable and attractive anchor store, we appreciate that the Council wants to encourage additional investment in the town centre to widen consumer choice.
- In our opinion none of the out-of-centre proposals will offer a positive impact on the vitality and viability of Amesbury town centre, and will directly contribute to a significant shift in retail expenditure from the town centre, negatively impacting on the viability of the town centre, contrary to national retail planning policy.
- The Frobisher proposals do however have the potential to deliver additional choice and investment into the town centre in a manner that is in accordance with national retail policy, which we support.
- By engaging with Aldi, we have already demonstrated our willingness to facilitate new retail in Amesbury town centre and, as the Council is supportive of this new alternative proposal, we do not wish to obstruct the Frobisher scheme.
- We confirm that we are willing to enter into joint negotiations with both Frobisher and SDC to agree a firm contractual arrangement to dispose of the former Co-op store subject to planning permission being granted for a main food supermarket.

ADDITIONAL POLICIES RELEVANT TO THE DETERMINATION OF THE APPLICATION

Salisbury District Local Plan 'saved' policies:

E16 – Employment

Government Guidance

PPG4 – Industrial, Commercial Development and Small Firms (1992)

ADDITIONAL ISSUES TO CONSIDER

1) Submission of a planning application for redevelopment of the town centre former Co-op site

A full planning application was submitted to the planning office on the 5th February 2008 for the demolition and redevelopment of the former Co-op foodstore and erection of a new foodstore with deck car park, landscaping, servicing and associated development. Although this application is currently not registered, it is a material consideration in the determination of this application.

As stated in the previous report to committee, the advice we have received from GVA Grimley is that both the former Co-op store and other local shopping provision in Amesbury, are trading at significantly higher sales densities than the expected average which therefore gives rise to capacity for additional convenience goods floorspace in Amesbury. This was reflected in their Northern Area Committee 10/04/2008

assessment of capacity, which took £7.9m as a benchmark 'sales from existing floorspace' in Amesbury in 2011 giving rise to a notional surplus of £11.7m. GVA Grimley has since reviewed the Amesbury convenience capacity modelling set out in the RLNS and now suggest that the study over stated the potential available turnover in Amesbury (£19.6m in 2011 in the RLNS) which they now estimate to be £15.6m in 2011, reducing the notional surplus to £7.7m.

The former Co-op store is currently vacant, and on this basis, taking the average turnover of the new Co-op store at circa £7.3m, GVA Grimley advised that if the former Co-op store were reoccupied entirely for convenience retailing by a replacement operator, achieving a comparable turnover to the new Co-op store, it would largely address the identified quantitative capacity.

However, the supplementary guidance from GVA Grimley following the submission of the application for the redevelopment of the former Co-op, in relation to the Lidl proposal advises:

'While we consider the potential redevelopment of the former Co-Op store for a Sainsbury's supermarket would meet an identified need, this option would still potentially leave a role for a discount foodstore operator in Amesbury. The Sainsburys' proposals would meet any identified quantitative need, but we acknowledge that a discount foodstore would provide additional choice and would to some extent be complementary to the roles of the new Co-Op and a new Sainsbury's store. In the context of the likely performance of the town centre Co-op and a new Sainsbury's store in this scenario, we consider the impact of an out-of-centre discount superstore as proposed by Lidl would be unlikely in itself to seriously undermine the viability of either store.

In the context of the significant improvement to the performance of the town centre as whole, we consider the impact of the proposal would be relatively modest.'

Therefore, whilst GVA Grimley advise that if the former Co-op store were reoccupied/redeveloped for convenience retailing, it would largely accommodate the identified capacity although they also advise that the impact of an out-of-centre discount foodstore as proposed by Lidl would be relatively insignificant, and would meet a qualitative need providing additional and complementary choice to both the new Co-op and reoccupied/redeveloped former Co-op by a convenience retailer, without having an undermining impact on the viability of the town centre.

2) Occupation of the former Co-op store by Aldi (a discount food retailer)

We received a letter of intent from Aldi Stores Limited stating that they had reached an in-principle agreement with Co-op regarding Aldi's occupation of the former Co-op premises and that heads of terms have been produced which provide for Aldi to occupy the building as a supermarket on a leasehold basis for a period of 25 years.

We also received a letter from the Co-op on January 17th 2008, confirming that they were currently in advanced stages of negotiation with Aldi, and requested deferral of the decision for one month while issues were being resolved. The letter stated that should the current Lidl application be granted, Aldi have indicated that they would withdraw their interest in the former Co-op premises.

We have received an additional letter from the Co-op dated 5th March 2008 (summarised above) stating that they are continuing in negotiations with Aldi. They also confirm that they have been approached by Frobisher Ltd who are promoting the larger retail scheme requiring both the former store site and adjacent land including the Salisbury District Council owned town centre car park and that they are willing to enter into joint negotiations with Frobisher and SDC subject to planning permission being granted for a main food supermarket.

Grimley have advised 'if the former Co-op unit proved attractive to a leading discount food retailer this would not only reduce the indicated levels of overtrading at the Co-op but also suggest that the impact of a further out of centre discount foodstore as proposed by Lidl would be far more significant, by providing a more directly competing retail offer within the town centre.'

Atisreal (the agents acting for Lidl's) consider that the former Co-op building is unsuitable for modern food retail needs and is in particular unsuitable and unviable for occupation by a deep discount food retailer. They also consider that in the absence of a legally binding lease, the

Council should be sceptical over the proposal for Aldi (also a discount food retailer) to occupy the former Co-op store. However, regardless of whether or not Aldi occupy the existing Co-op building; or whether either the main stream Tesco or Asda planning applications are successful, Atisreal consider that there remains a demonstrable quantitative and qualitative need for the proposed deep discounter Lidl store.

Atisreal also consider that the proposed development would have only a modest impact on the town centre should the co-op be reoccupied by Aldi and in this situation both the Co-op and Aldi would not be materially harmed by the proposed Lidl store as Atisreal consider that the majority of the trade from the Lidl store will be derived from claw back from outside of Amesbury.

Grimley's supplementary guidance advises:

'If the Council concludes that there are no realistic options for re-occupation of the former Co-op Store in its entirety, or redevelopment for a larger foodstore, we consider the impact of an out-of-centre discount foodstore as proposed by Lidl would be relatively insignificant. The Co-op store would be likely to continue to trade above average and the impact on other convenience retailers in the centre would be extremely limited.'

As it appears that Aldi has made no further progress with the occupation of the former Co-op store, it is not considered that this is a realistic option.

3) Cumulative impact

There are two current (undetermined) out-of-centre proposals for food superstores in Amesbury:

ASDA - S/2007/2226- Development of a 6131 Sq m store (class A1) together with ancillary servicing and parking with highways improvements and alterations to the roundabout at Porton Road and Sunrise Way to increase capacity, Plot C1, Solstice Park

TESCO – S/2007/1865 – Demolition of all buildings and redevelopment to form a class A1 foodstore with associated parking and landscaping and alterations to access, 140 London Road Amesbury and buildings to rear.

In the case of the current (undetermined) out-of-centre food superstore proposals, submitted by Tesco's and Asda, GVA Grimley advise that the impact of allowing either of these proposals will be likely to have a 40% impact on the convenience retail sector of Amesbury Town Centre, and although the Co-op would still be likely to trade at or about company average, there would be a consequence of this level of impact for the vitality and viability of Amesbury Town Centre.

GVA Grimley has also considered the cumulative impact of allowing both of the out-of-centre food superstores and/or the Lidl proposal. They conclude that whilst both the food superstores would have a cumulative impact on Amesbury Town Centre, would be significantly above the 40% estimate for a single store; the impact of the discount foodstore itself is unlikely to be significant.

4) Employment land

Third party representations have made reference to the fact that the site of the proposed retail store is within a fully occupied business park and as such is a misuse of the area, where any use should be as employment land for commercial businesses.

Whilst Minton Distribution Park is not 'allocated' as an employment site within the local plan, Policy E16 of the local plan is relevant, stating that on land currently used for employment opportunities, the redevelopment of premises will only be permitted where the proposed development is an acceptable alternative use that provides a similar number and range of job opportunities or where the land or premises are no longer viable for an employment generating use. The supporting text to the policy states that 'one of the main aims of the local plan is to provide a range of employment opportunities within the District.'

The existing building on the site to be demolished is a purpose built 1,024 square metre vehicle workshop building, with 7 servicing bays.

The applicant's have included an Employment Land Assessment with the application documentation. This confirms that the site became vacant on 31st May 2005 and has since been marketed by Myddelton & Major for a period in excess of two years. The employment assessment confirms that during this time no occupier requiring a purpose built workshop has been forthcoming, that the agents have been unable to secure the interest of an industrial occupier seeking a building of this size and nature in this location and there has been no interest from potential developers to demolish and rebuild the unit for employment purposes.

The existing 1,023 sq metre unit is vacant. The Employment Land Assessment has taken the average employment densities detailed in the ODPM 'Employment Land Reviews Guidance Note' Box D5 (Dec 04) that a density of 1 job per 35 sq metre is appropriate for general industrial uses. This would generate a maximum estimate of 29 jobs.

It is anticipated that up to 35 locally sourced jobs will be created at the store with a range of employment opportunities including full time management positions and part time positions ideal for those seeking flexible working arrangements.

The application proposal will introduce a food retail element onto the site. In terms of employment, the proposed redevelopment will increase the amount of employment numbers from a potential 29 jobs to 35.

It is considered that the proposed development is an acceptable alternative employment use that provides a similar number and range of job opportunities.

CONCLUSION

The new Co-op store is currently overtrading and there is limited choice and competition for convenience retailing in Amesbury Town Centre. It is therefore considered that there is quantitative capacity for new convenience shopping provision and in particular a qualitative need for a deep discount food retailer in Amesbury.

The re-use of the former Co-op store by a deep discount food retailer would be a sequentially preferable site to an out-of-centre proposal. However, there has been no further progress with the occupation of the former Co-op store by an alternative deep discount food retailer, and as such, it is considered that this is an unviable option.

A planning application has been submitted though not yet registered for the demolition and redevelopment of the former Co-op foodstore and the erection of a new convenience foodstore, which is a material consideration in the determination of this application, and if approved would meet the quantitative need for new convenience shopping provision. However, this application for a deep discount foodstore would meet a qualitative need providing additional and complementary choice and whilst it is located out-of-centre; it is considered that the development is of an appropriate scale; that the projected levels of impact on Amesbury town centre are acceptable and there are no sequentially preferable sites for a deep discount foodstore.

It is also considered that the proposed development is an acceptable alternative employment use that provides a similar number and range of job opportunities.

RECOMMENDATION: Subject to the applicants entering into a legal agreement to include the following:

- 1 A contribution of GBP25 000 towards improving the cycle network in the immediate area
- 2 Installation of new public transport infrastructure as follows:
 - (1) A new bus shelter on the development side of London Road (the type of shelter is to be discussed with Wiltshire County Council before installation)
 - (b) A new pedestrian refuge between the proposed bus stops footway to link the existing bus stop to the refuge and associated dropped kerbs with tactile paving.
- 3 Restrictions on the range and type of goods to be sold from the premises (to enable the Local Planning Authority to exercise adequate control over the range of goods sold from the premises in the interests of maintaining the vitality and viability of the town centre).

APPROVE for the following reasons:

There are no 'saved' policies in the adopted Salisbury District Local Plan, which relate to the location of retail development in Amesbury. The relevant 'shopping' policy in the Development Plan for the principle of new retail development in this location is therefore policies DP5 and DP6 of the Wiltshire Structure Plan 2016. These policies support growth and development in existing centres and are in accordance with Central Government Policy objectives, which place an emphasis on the need to enhance the vitality and viability of existing centres, now encompassed in PPS6.

The guidance within PPS6 states that in order to deliver the Government's objective of promoting vital and viable town centres, retail development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them. In selecting sites for development, local planning authorities should, assess the need for development, identify the appropriate scale of development, apply the sequential approach to site selection, assess the impact of development on existing centres, and ensure that locations are accessible and well served by a choice of means of transport.

Guidance in PPG13 is also consistent with the key objectives of PPS6, endorsing the broad principles of the sequential approach and the need to ensure that wherever possible new shopping is promoted in existing centres, which are more likely to offer a choice of access, particularly for those without a car.

The new Co-op store is currently overtrading and there is limited choice and competition for convenience retailing in Amesbury Town Centre. It is therefore considered that there is quantitative capacity for new convenience shopping provision and in particular a qualitative need for a deep discount food retailer in Amesbury.

The re-use of the former Co-op store by a deep discount food retailer would be a sequentially preferable site to an out-of-centre proposal. However, there has been no further progress with the occupation of the former Co-op store by an alternative deep discount food retailer, and as such, it is considered that this is an unviable option.

A planning application has been submitted though not yet registered for the demolition and redevelopment of the former Co-op foodstore and the erection of a new convenience foodstore, which is a material consideration in the determination of this application, and if approved would meet the quantitative need for new convenience shopping provision. However, this application for a deep discount foodstore would meet a qualitative need providing additional and complementary choice and whilst it is located out-of-centre; it is considered that the development is of an appropriate scale; that the projected levels of impact on Amesbury town centre are acceptable and there are no sequentially preferable sites.

The development is considered to be in compliance with the relevant design policies and guidance and appropriate to the overall appearance of the site and area by reason of the design and materials, and the proposed additional landscaping.

It is considered that adequate car parking is proposed and subject to the agreement of a travel plan to seek to promote alternative modes of transport and include the provision of cycle parking, it is considered that the proposal will be able to promote sustainable modes of travel to and from the site and is an accessible location well served by a choice of a means of transport.

It is also considered that the proposed development is an acceptable alternative employment use that provides a similar number and range of job opportunities.

Due to the extent of existing development in the catchment and the existing land use on the subject site, the site has a low level of interest for nature conservation and biodiversity.

Wessex Water can accommodate the likely foul water inputs and surface runoff within the sewerage network, and also provide the potential long-term demand for water within their abstraction licenses. It is therefore considered that the proposal will not (either alone or in combination with other plans or projects) be likely to have a significant effect on the important interest features of the River Avon Special Area of Conservation (SAC), or any of the features of special scientific interest of the River Avon System Site of Special Scientific interest (SSSI).

For the reasons stated above it is considered that the proposal is in accordance with development plan policy and in particular Policies DP5 and DP6 of the Structure Plan 2016, which reflects government advice on retail developments in PPS6 and PPG13.

And the conditions recommended in the previous report (attached below)

APPROVE SUBJECT TO S106

RECOMMENDATION: Subject to the applicants entering into a legal agreement to include the following:

- 1 A contribution of GBP25 000 towards improving the cycle network in the immediate area
- 2 Installation of new public transport infrastructure as follows:
 - (1) A new bus shelter on the development side of London Road (the type of shelter is to be discussed with Wiltshire County Council before installation)
 - (b) A new pedestrian refuge between the proposed bus stops footway to link the existing bus stop to the refuge and associated dropped kerbs with tactile paving.
- 3 Restrictions on the range and type of goods to be sold from the premises (to enable the Local Planning Authority to exercise adequate control over the range of goods sold from the premises in the interests of maintaining the vitality and viability of the town centre).

APPROVE for the following reasons:

There are no 'saved' policies in the adopted Salisbury District Local Plan, which relate to the location of retail development in Amesbury. The relevant 'shopping' policy in the Development Plan for the principle of new retail development in this location is therefore policies DP5 and DP6 of the Wiltshire Structure Plan 2016. These policies support growth and development in existing centres and are in accordance with Central Government Policy objectives, which place an emphasis on the need to enhance the vitality and viability of existing centres, now encompassed in PPS6.

The guidance within PPS6 states that in order to deliver the Government's objective of promoting vital and viable town centres, retail development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them. In selecting sites for development, local planning authorities should, assess the need for development, identify the appropriate scale of development, apply the sequential approach to site selection, assess the impact of development on existing centres, and ensure that locations are accessible and well served by a choice of means of transport.

Guidance in PPG13 is also consistent with the key objectives of PPS6, endorsing the broad principles of the sequential approach and the need to ensure that wherever possible new shopping is promoted in existing centres, which are more likely to offer a choice of access, particularly for those without a car.

It is considered that there is quantitative capacity for the development and in particular a qualitative need for a deep discount food retailer in Amesbury. The former Co-op building is considered unsuitable for modern food retail needs and due to the expensive refurbishment/refit costs is in particular unsuitable and unviable for occupation by a deep discount food retailer. It is considered that the development is of an appropriate scale; that the projected levels of impact on Amesbury town centre are acceptable and there are no sequentially preferable sites.

The development is considered to be in compliance with the relevant design policies and guidance and appropriate to the overall appearance of the site and area by reason of the design and materials, and the proposed additional landscaping.

It is considered that adequate car parking is proposed and subject to the agreement of a travel plan to seek to promote alternative modes of transport and include the provision of cycle parking, it is considered that the proposal will be able to promote sustainable modes of travel to and from the site and is an accessible location well served by a choice of a means of transport.

Due to the extent of existing development in the catchment and the existing land use on the subject site, the site has a low level of interest for nature conservation and biodiversity.

Wessex Water can accommodate the likely foul water inputs and surface runoff within the sewerage network, and also provide the potential long-term demand for water within their abstraction licenses. It is therefore considered that the proposal will not (either alone or in combination with other plans or projects) be likely to have a significant effect on the important interest features of the River Avon Special Area of Conservation (SAC), or any of the features of special scientific interest of the River Avon System Site of Special Scientific interest (SSSI).

For the reasons stated above it is considered that the proposal is in accordance with development plan policy and in particular Policies DP5 and DP6 of the Structure Plan 2016, which reflects government advice on retail developments in PPS6 and PPG13.

And subject to the recommended conditions and informatives as follows:

- (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 section 51 (1) of the Planning and Compulsory Purchase Act 2004

- (2) The net retail floor space shall be restricted to that shown in the approved plans and no additional retail floorspace shall be created whatsoever, whether by insertion of a mezzanine, by use of the ground floor or mezzanine storage areas hereby approved or otherwise, without written permission of the Local planning Authority upon submission of a planning application on that behalf.

Reason: To enable the Local Planning Authority to exercise adequate control over the creation of additional retail floorspace, in the interests of maintaining the vitality and viability of the town centre and to restrict the adverse implications of store generated traffic.

- (3) The development shall be implemented in accordance with the following amended plans: (Plan refs SK02 RevC, SK05 and SK04 received by this office on the 4th January 2007) unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

- (4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to secure the satisfactory implementation of all approved landscaping works, in the interests of visual amenity.

- (5) If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the satisfactory establishment of the approved scheme for the landscaping of the site.

- (6) The development shall be implemented in full accordance with the approved details and drawings for the car parking spaces layout and shall be made available at all times, and used for no other purpose

Reason: To ensure adequate off-road parking is available for customers and staff.

- (7) Before the start of development the detailed design for the main access junction and the proposed island near the bus stops shall be approved in writing by the planning authority and the main access Junction and additional works shall be constructed in accordance with the approved drawings before the first use of the development.

Reason: In the interests of highway safety

- (8) No development shall commence until a Travel Plan has been submitted to and approved by the Local Planning Authority. No part of the development shall be occupied prior to the implementation of the approved travel plan (or those parts identified in the approved travel plan as capable of being implemented prior to occupation). Those parts of the approved travel plan that are identified as being capable of being implemented after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. The records of the implementation shall be made available to the Local Planning Authority if requested.

Reason: In order to promote sustainable modes of travel to and from the site, and to reduce reliance on the private car.

- (9) No development shall commence until a construction management plan is submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the agreed plan.

Reason: In order to mitigate the impact of construction traffic on the Strategic Road Network.

- (10) Before commencement of the development hereby permitted there shall be submitted to and approved by the Local Planning Authority a scheme for the control of noise arising from compressors, refrigeration plant, extractors and any other similar equipment. Such scheme as is approved in writing by the local planning authority shall be implemented to the satisfaction of the Local Planning Authority before any part of the development is brought into use.

Reason: To minimise the potential for noise disturbance from the proposed development.

- (11) No works of construction or demolition shall be carried out outside of the following hours:
Monday to Friday: 7am- 6pm
Saturday: 8am-1pm
No work Sundays or bank holidays
This condition shall not apply to works of fitting out and decoration.

Reason: To minimise the potential for noise disturbance from the proposed development.

- (12) There shall be no burning of demolition or construction waste on the site at any time.

Reason: In the interests of the environment.

- (13) There shall be no deliveries between the hours of 10.30pm and 6am.

Reason: In the interests of amenity.

- (14) Before commencement of the development hereby permitted there shall be submitted to and approved by the Local Planning Authority a scheme for the lighting of external areas of the development site. Such scheme as is approved in writing by the Local Planning Authority shall be implemented to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and the level of illumination in the interests of visual amenity and highway safety.

- (15) Prior to commencement of development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority:

- 1) A full desktop survey of historic land use data, identifying all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme based on (1) to provide information for an assessment of the risk to all receptors that may be affected including those off site
- 3) The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance and further monitoring and reporting.

The remediation programme shall be fully implemented and the validation report shall be forwarded to the Local planning authority prior to use of the premises.

Reason: The site overlies a Major Aquifer therefore groundwater is considered to be a potentially sensitive receptor and the site should be subject to appropriate assessment in order to determine the risks. Activities carried out at this site may have caused contamination of soil subsoil and groundwater present beneath the site and may present a threat to nearby surface waters especially as a result of the proposed development. The above condition will enable the local planning authority to ensure that appropriate measures are taken to avoid any threat, which the proposed development might pose to health and safety and the environment.

- (16) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details

Reason: In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.

- (17) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roof of the proposed development shall be 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 a harmonious form of development.

- (18) Before development commences, full details of the cycle storage provision to include the design, siting, numbers of and timing for provision and the allocation to users shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall subsequently accord with the approved scheme.

Reason: To ensure that adequate and suitable cycle parking spaces are available in accordance with the requirements of policy TR14 of the Adopted Salisbury District Local Plan.

- (19) Before development commences a scheme to restrict shopping trolleys leaving the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building and shall thereafter be retained in relation to the development hereby permitted.

Reason: In the interests of visual amenity.

INFORMATIVE: Policy

This decision has been taken in accordance with the following 'saved' policies of the Salisbury District Local Plan:

G1 (Sustainable development)
G2 (General development criteria)
G5 (Drainage)
D1 (Design)
TR11 (Parking standard guidelines)
TR12 (New development)
TR14 (bicycle parking spaces)
C12 (Protected species)

INFORMATIVE: Environment Agency

Contaminated Land

Although generic remedial options are available to deal with the risks to controlled waters posed by contamination at this site further details will be required to ensure that risks are appropriately addressed. The historic activity and assessment of the associated potential contamination should have been assessed in the Factual and Interpretative Report. It would be prudent to assess the condition of the subsurface in the area identified as a vehicle repair workshop and/or any associated infrastructure (2) in order to better understand the contamination condition of the site. The Site Investigation has thus far not examined the condition of the site in the area where a previously potentially contaminative activity (workshop) was undertaken.

The above practice is considered important so that the site operator owner the regulatory authorities and other parties such as the general public potential purchasers or investors can have confidence in the outcome and any subsequent decisions made about the need for action to deal with any contamination at the site.

We recommend that developers follow the risk management framework provided in CLR11 Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision making regarding land contamination. It is available from www.environment-agency.gov.uk

We also recommend that developers use BS 10175 2001 Investigation of potentially contaminated sites Code of Practice as a guide to undertaking the desk study and site investigation scheme

Water efficiency

The development should include water efficient appliances fittings and systems in order to contribute to reduced water demand in the area. These should include as a minimum dual flush toilets, water butts, spray taps, low flow showers, no power showers, and white goods where installed with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description including capacities water consumption rates etc where applicable of water saving measures to be employed within the development. Applicants should visit <http://www.environment-agency.gov.uk> Subjects Water Resources How We Help To Save Water Publications Conserving Water in Buildings for detailed

information on water saving measures A scheme of water efficiency should be submitted in accordance with the information supplied on the website The following may also be helpful <http://www.savewatersavemoney.co.uk>

Surface Water Drainage

Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved by pass type of interceptors flows generated by rainfall rates in excess of 5mm hour may be allowed to pass the interceptor provided the overflow device is designed so that oily matter is retained. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery oils, chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes. We recommend referring to our Pollution Prevention Guidelines found at

[www.environment.agency.gov.uk/business/444251/444731/ppg/version/1/language/Sustainable Construction](http://www.environment.agency.gov.uk/business/444251/444731/ppg/version/1/language/Sustainable%20Construction)

We strongly recommend that the proposed development includes sustainable design and construction measures. In a sustainable building minimal natural resources and renewables are used during construction and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced.

INFORMATIVE: Wiltshire Fire and Rescue Service

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed at the planning office between the hours of 09:00 and 17:00 Monday to Friday.

INFORMATIVE: Protected Species

Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation. The protected species legislation applied independently of planning permission, and the developer has legal obligations towards any protected species that may be present. Planning permission if granted does not absolve applicant's from complying with the relevant law including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06 2005.

INFORMATIVE:- Travel Plan

For more information about setting up a travel plan you are advised to contact Wiltshire County Council's Travelwise Team by email at: travelwise@wiltshire.gov.uk or by telephone on 01225 713388.

APPENDIX A OFFICERS REPORT

REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers

SITE AND ITS SURROUNDINGS

The site is located on the outskirts of Amesbury, opposite the new Solstice Park development site. It forms the east corner of the Minton Distribution Park. There is a single storey detached unit on the site with tarmac parking area surrounding. The main distribution centre buildings are in a raised position to the west of the proposed site.

THE PROPOSAL

This application is for the demolition of the existing vacant mechanical workshop on the site and the erection of a Lidl foodstore with associated car parking. The application proposes 1,358 square metres of retail floorspace, comprising 1,063 square metres sales floorspace and 103 customer car parking spaces.

Various works are also proposed on land currently owned by Wiltshire County Council, which form part of the application to include:

- Improvements to the westbound bus stop to provide a full shelter with seats to replicate the east bound stop facilities
- Relocation of the westbound bus stop further west of the existing stop to accommodate a pedestrian crossing island between the two bus stops
- Addition of a 2 metre wide footpath from the site entrance to a pedestrian crossing across the store car park in line with the store entrance.
- A second footpath close to the bus stops to link the edge of the site to the pedestrian crossing
- Landscaping works (removal of the existing shrub land at the front of the site and replacement with new planting)

The applicants have stated that the proposed foodstore will provide a limited range of mainly convenience goods (circa 1200 lines) at discounted prices to include fresh and frozen pre-packaged meat, own branded dry groceries and frozen foods, tertiary branded wines and spirits, a limited range of pre-packaged fruit and vegetables lines, pre-packaged sliced bread and a basic range of non food household items.

PLANNING HISTORY

77/0755	Paint spray shop servicing bay & covered parking area	AC 19.10.77
82/0320	Vehicle workshop & additional parking/hardstanding at Folly Bottom Field	AC 09.06.82
90/0579	Approval of reserved matters – new headquarters office building, 3 storeys; new welfare building, single storey & alteration to access	AC 06.06.90
90/1151	Approval of matters reserved – extension & alterations to workshops	AC 06.10.90

CONSULTATIONS

WCC Highways

Following discussions with the consultant acting on behalf of the applicant, **we are satisfied that, with a couple of conditions, the impact on the highway will be acceptable.**

In terms of sustainability I feel I need to raise the fact that the old Co-op in the centre of Amesbury is vacant and would provide much better potential for reducing the proportion of car

journeys than the proposed site. Have the applicants sufficiently considered this site and given robust reasons why it not appropriate for their needs.

I have some concerns about the impact of the development on the London Road A345 signal junction but I do not feel the impact is sufficiently significant to have a serious impact on capacity and safety at the junction. The submitted analysis is considered a worst case scenario for this development.

I am satisfied that the impact of this development on the surrounding road network is acceptable and could be accommodated without causing major problems. I have cc'd this response to Roger Dickinson at Faber Maunsell acting on behalf of the HA his predecessor Dafydd Rees asked to be included in our correspondence as the HA has raised concerns about the proposal.

The sight line to the east is slightly below the recommended standard but we believe the nature of the road is such that this will not be a road safety issue I have asked for a revised plan to be submitted for approval

It has been agreed with the agent that the cycle parking will be relocated much closer to the store entrance 6 covered Sheffield stands will now be provided in place of the disabled parking space number 81 in Figure 4 in the TA there will still be 6 disabled spaces An amended plan should be submitted for further approval.

If you are minded to approve the application, I would recommend the following. The applicants have agreed to the below which should be reflected in a legal agreement.

- 1 contribution of GBP25 000 towards improving the cycle network in the immediate area
 - 2 they will install new public transport infrastructure as follows:
 - (a) new bus shelter on the development side of London Road the type of shelter is to be discussed with WCC before installation
 - (b) new pedestrian refuge between the proposed bus stops footway to link the existing bus stop to the refuge and associated dropped kerbs with tactile paving
- I would also recommend the following conditions
- (1) Before the start of development the detailed design for the main access junction and the proposed island near the bus stops shall be approved in writing by the planning authority and the main access Junction and additional works shall be constructed in accordance with the approved drawings before the first use of the development
 - (2) A Travel Plan, which must include targets, shall be approved by the planning authority before the start of development.

Highways Agency

I refer to our letter dated 30 August 2007, which attached a TR110 direction of non approval in order to provide the applicant with the opportunity to provide additional information to satisfy the Highways Agency's concerns. The Agency has subsequently received additional information provided by the applicant and has considered the performance of the Strategic Road Network (SRN) in the area together with experience of existing and proposed Lidl stores elsewhere in the region.

The Agency is now satisfied that the proposed development will not adversely impact on the SRN. The Agency is therefore in the position to amend the TR110 to direct conditions to be attached to any planning permission, which may be granted. These conditions will require a full and comprehensive travel plan to be developed for the proposed Lidl foodstore. The Agency also requires that a construction management plan is prepared for the proposed development to mitigate the impact of construction traffic on the SRN.

Environmental Health

I am in receipt of further correspondence from RPS acting on behalf of the applicants. In light of concerns with regard to air quality I have paid our air quality consultant to do further work in connection with a similar retail application. In light of his findings I do not propose to pursue this issue further. However we are in the process of developing policies in order to address development that has a potential detrimental impact on air quality. In connection with the other aspects of the application raised **I would recommend the following conditions should you be minded to grant consent.**

1. Noise from Plant and machinery.

Before commencement of the development hereby permitted there shall be submitted to and approved by the Local Planning Authority a scheme for the control of noise arising from compressors, refrigeration plant, extractors and any other similar equipment. Such scheme as is approved in writing by the LPA shall be implemented to the satisfaction of the Local Planning Authority before any part of the development is brought into use.

2. Noise from Construction.

No works of construction or demolition shall be carried out outside of the following hours:

Monday to Friday: 7am- 6pm

Saturday: 8am-1pm

No work Sundays or bank holidays

This condition shall not apply to works of fitting out and decoration.

3. Bonfires.

There shall be no burning of demolition or construction waste on the site at any time.

4. Deliveries.

There shall be no deliveries between the hours of 10.30pm and 6am.

5. Lighting

Before commencement of the development hereby permitted there shall be submitted to and approved by the Local Planning Authority a scheme for the lighting of external areas of the development site. Such scheme as is approved in writing by the LPA shall be implemented to the satisfaction of the Local Planning Authority.

6. Land contamination

Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority:

The investigation must include:

A full desktop survey of historic land use data,

A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages).

A risk assessment of the actual and potential pollution linkages identified,

A remediation programme for contaminants identified. The remediation programme shall incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.

The remediation programme shall be fully implemented and the validation report shall be forwarded to the Local planning authority prior to.... (habitation of the property/ use of the premises).

Natural England

Protected Species

Further to the Bat survey undertaken by Devon Wildlife Consultants for the above proposed development. As no evidence of usage by bats was found Natural England is now satisfied that protected species are not a material consideration in this application.

Habitats Regulations

Under Regulation 48(3) of the Habitats Regulations 1994 Natural England objects to this application. Natural England is concerned about the impacts of the development on water resources and water quality. The supporting information with the planning application does not assess either the potential impact of the development on water resources or water quality.

The nature conservation importance of the river system arises from the range and diversity of riparian habitats and associated species. The SAC qualifying features include one habitat (the watercourse characterised by floating Ranunculus (water crowfoot) and Callitriche (starwort)

vegetation) and five species (brook and sea lamprey, bullhead, salmon and Desmoulin's whorl snail). All are dependent upon the maintenance of high water quality and sympathetic habitat management.

Provided that the developer can confirm that Wessex Water can accommodate the likely foul water inputs and surface runoff within the sewerage network, and also provide the potential long term demand for water within their abstraction licenses then it is our view that, this proposal, either alone or in combination with other plans or projects, would not be likely to have a significant effect on the important interest features of the River Avon Special Area of Conservation (SAC), or any of the features of special scientific interest of the River Avon System Site of Special Scientific interest (SSSI).

Due to the location of the development on the edge of Amesbury we would like to see as much of the existing mature boundary habitat retained as possible and recommend that new planting uses native species of local provenance.

Wessex Water Authority

I enclose a Copy of our Records and confirm our Engineer's comments as follows:

Foul Drainage

There is a public foul sewer in the vicinity of the site. It may be possible to utilise the connection from the existing building. The foul sewerage system should have adequate capacity. Calculations to be provided.

Surface Water Drainage

Separate public surface water sewers are not available to drain the proposed development. The use of soakaways may be feasible. Discharge to watercourse or ditch may be possible with the approval of the appropriate authorities.

Sewage Treatment

There is sewage treatment capacity available. There is adequate capacity at the terminal pumping station.

Water Supply

There are public water mains in the vicinity of the site. There should be adequate capacity in the distribution system. An off site mains extension will be required to connect to the existing 125mm diameter main in Porton Road. There could be private supply services connections crossing the site.

Environment Agency

We have received additional correspondence dated 22 October 2007 from Lidl UK GmbH regarding confirmation of the historic activities undertaken at the site. This provides us with some additional information regarding the site setting. **The additional information clarifying the historic land uses coupled with the previously submitted report is sufficient to withdraw our objection subject to the following conditions and informatives being appended to any planning permission granted.**

Contaminated Land

The site overlies a Major Aquifer therefore groundwater is considered to be a potentially sensitive receptor and the site should be subject to appropriate assessment in order to determine the risks. Activities carried out at this site may have caused contamination of soil subsoil and groundwater present beneath the site and may present a threat to nearby surface waters especially as a result of the proposed development

CONDITION: Prior to commencement of development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include

all of the following elements unless specifically excluded in writing by the Local Planning Authority.

- 1 A desk study identifying all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2 A site investigation scheme based on 1 to provide information for an assessment of the risk to all receptors that may be affected including those off site
- 3 The results of the site investigation and risk assessment 2 and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken
- 4 A verification report on completion of the works set out in 3 confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance further monitoring and reporting

REASON:

Although generic remedial options are available to deal with the risks to controlled waters posed by contamination at this site further details will be required to ensure that risks are appropriately addressed. The historic activity and assessment of the associated potential contamination should have been assessed in the Factual and Interpretative Report. It would be prudent to assess the condition of the subsurface in the area identified as a vehicle repair workshop and/or any associated infrastructure (e.g. are there any above or under ground storage tanks?) in order to better understand the contamination condition of the site. The Site Investigation has thus far not examined the condition of the site in the area where a previously potentially contaminative activity (workshop) was undertaken.

The above practice is considered important so that the site operator owner the regulatory authorities and other parties such as the general public potential purchasers or investors can have confidence in the outcome and any subsequent decisions made about the need for action to deal with any contamination at the site.

We recommend that developers follow the risk management framework provided in CLR11 Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision making regarding land contamination. It is available from www.environment-agency.gov.uk

We also recommend that developers use BS 10175 2001 Investigation of potentially contaminated sites Code of Practice as a guide to undertaking the desk study and site investigation scheme

Water Efficiency

We strongly recommend water efficiency measures be incorporated into this scheme. It would assist in conserving natural water resources and offer some contingency during times of water shortage. Please note the following condition has been support by the Planning Inspectorate (North Dorset District Council Public Inquiry APP N1215 1191202 APP N1215 1191206 decisions dated 12 February 2007).

CONDITION: No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details

REASON: In the interests of sustainable development and prudent use of natural resources.

INFORMATIVE: The development should include water efficient appliances fittings and systems in order to contribute to reduced water demand in the area. These should include as a minimum dual flush toilets, water butts, spray taps, low flow showers, no power showers, and white goods where installed with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description including capacities water consumption rates etc where applicable of water saving measures to be employed within the development. Applicants should visit <http://www.environment-agency.gov.uk> Subjects Water

Resources How We Help To Save Water Publications Conserving Water in Buildings for detailed information on water saving measures A scheme of water efficiency should be submitted in accordance with the information supplied on the website The following may also be helpful <http://www.savewatersavemoney.co.uk>

Surface Water Drainage

INFORMATIVE

Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved by pass type of interceptors flows generated by rainfall rates in excess of 5mm hour may be allowed to by pass the interceptor provided the overflow device is designed so that oily matter is retained. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

Pollution Prevention During Construction

INFORMATIVE

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery oils chemicals and materials the use and routing of heavy plant and vehicles the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend referring to our Pollution Prevention Guidelines found at www.environment.agency.gov.uk/business/444251/444731/ppg/version/1/lang/en

Sustainable Construction

We strongly recommend that the proposed development includes sustainable design and construction measures. In a sustainable building minimal natural resources and renewables are used during construction and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced.

County Archaeologist

Nothing of archaeological interest is likely to be affected by the proposal and therefore **I have no issues to raise.**

Wiltshire Wildlife Trust

Thank you for inviting the Wiltshire Wildlife Trust to comment on the above application. **We have no objection, though do have the following comments.**

Protected species and designated sites

The felling of trees and vegetation clearance may impact on breeding birds as well as roosting bats.

Bats

All bats are protected under the Wildlife and Countryside Act 1981 (as amended), and under the Conservation (Natural Habitats & c.) Regulations 1994. Any trees to be felled should be assessed for their bat potential by a suitably qualified person. If any are identified, further guidance should be

sought from Natural England. This should be a condition of planning permission. Please note that if any evidence of bats is found during the development all works must stop immediately and Natural England contacted for further advice.

Breeding birds

All British birds, their nests and eggs are protected in law (excluding certain 'pest' species). It is an offence to deliberately take, kill or injure any wild bird or to take, damage, or destroy any nest (while in use or being built) or egg of any wild bird under Part 1 of the Wildlife and Countryside Act 1981 (as amended). To reduce the likelihood of harm to breeding birds, clearance of trees and areas of scrub should avoid the bird breeding season (March to August inclusive). If this cannot be done, an ecologist should keep a watching brief during all works to ensure that no harm is caused to these species. This should be a condition of planning permission.

Measures to enhance biodiversity

The Trust understands that as well as a small area of grassland being lost through the new car park, the boundary hedge will be severed in one place and reduced in height significantly. The hedgerow works represent adverse impacts on biodiversity, and as such should be mitigated for. Wildlife corridors, such as rivers and hedgerows, ensure that the landscape remains connected. Linear features such as these are very important, and are used by species to migrate to new areas and for foraging. For example, bats utilise hedgerows extensively for feeding.

All public bodies including the Council have a Biodiversity Duty under the Natural Environment and Rural Communities Act NERC 2006 to have due regard for conserving biodiversity. This includes restoring or enhancing a population or habitat. Simple measures could be incorporated into the proposal such as installing bird and bat boxes and the planting of native locally sourced species in order to fulfil the Duty of the Act.

Measures to enhance the site for biodiversity and as part of the mitigation for habitat loss, should be a condition of planning permission.

Measures to increase sustainability

It is unclear whether the site is already equipped with a sustainable form of drainage, though from the site survey there appear to be several interceptors and a possible soakaway. The applicant should ensure that a Sustainable Drainage Scheme (SuDS) will be included for the development, to reduce runoff effects from impermeable surfaces and improve water quality, but also to provide new habitats for aquatic species.

We are pleased with Lidl's commitment to reducing its ecological footprint through the use of energy efficient appliances, and waste minimisation procedures.

Wiltshire Fire and Rescue Service

Have submitted a letter of recommendations with regard to fire safety measures. This information could be added as an informative to any consent.

REPRESENTATIONS

Advertisement	Yes, expiry date 13 th September 2007
Site Notice displayed	Yes, expiry date 13 th September 2007
Departure	No
Neighbour notification	Yes, expiry date 3 rd September 2007
Third Party responses	

1 response supporting the application

4 responses objecting to the application, summarised as follows:

Access/highways

- Safety of access – on the apex of a blind bend in both directions
- 40 mph speed limit is ignored by high percentage of traffic
- Congestion – traffic flow will increase from the A345 through Parsonage Way up through Antrobus Road as a 'rat run' and additional traffic calming measures will be required
- Conflict between customer cars/pedestrians and delivery vehicles all using the same entrance
- Closure of the access road to units 7, 6C and 6D by way of fencing to the site boundaries with unit 7 Minton Park will restrict access and manoeuvring of lorries delivering cargo of a fragile nature to the adjacent business premises (Avient warehouse) – no details of the fencing have been provided which may also compromise security

Sustainability

- The Lidl store will have a high carbon footprint – import up to 95% of products from Europe

Sequential test (PPS6) – objection submitted by Nathaniel Lichfield and Partners (NLP)

- The application fails to satisfy the sequential test set out in PPS 6. There is a sequentially preferable site available at the former Co-op store offering 1,063 sq metre net sales floorspace, vacated in autumn 2006.
- The Salisbury Street site fronts onto the Primary shopping frontage within Amesbury town centre suitable and viable for the 1,063 square metre net of retail floorspace proposed by Lidl.
- The Co-op have been in discussions with potential operators, including Aldi, with regards to letting the premises, the site currently remains available.

1 third party letter removing a previous objection:

- Objection in respect of the loss of security barrier separating Unit 10 (occupied by CAE) from the development site has been removed following the landlord confirming that they will install full height lockable gates to maintain the current security levels. (Lidl's have confirmed in writing "that Lidl will provide the aforementioned security as requested by CAE).

1 letter from Minton Industrial Properties (freehold owners of the site), summarised as follows:

- Note the correspondence from Avient Ltd (tenants in Unit 7) adjoining the application site and the concerns that access to this unit and security may be compromised.
- The access to unit 7 and the proposed changes to the boundary are a commercial matter between the landlord and tenant (not a material planning consideration)
- The landlord intends to accommodate the access requirements of the tenants of unit 7 within the remainder of the site.
- The landlord provides 24 hour manned security and will be reviewing security arrangements including new fencing if necessary to ensure existing security standard is maintained.

Further letter received from Avient (tenant of unit 7 Minton Industrial Park) 15th January 2008 acknowledging a meeting with their Landlord (Minton Industrial Properties) on 13th November 2007 at which they were assured that an alternative suitable access arrangement to unit 7 would be suggested. They have not yet received the proposal and are unable to comment on its suitability.

With regards to security, the full fencing of the site would be provided by the landlord but the concern is whether this will inhibit access to unit 7.

They look forward to receiving some further information from Minton Industrial Properties so they can advise whether the suggestions alleviate their concerns and permit them to withdraw their objection.

One letter received from Amesbury Taxi Associates Ltd (ATA) 14th January 2008 objecting to the application on the grounds that the proposed entrance and exit will impede the operation of ATA as a coach and taxi operator (property is opposite the entrance; the boiler and electrics room is only 25 metres away from the entrance; oil tanks need to have access to be filled or serviced). Also objecting on highway safety grounds – the entrance is on a bend in the road in a 40 mph zone

Applicants have failed to attend 2 appointments to discuss these issues with ATA

Further letter received from the Minton Group (landlord of the property) 17th January 2008 noting the correspondence from Avient and ATA:

Alterations will need to be made to the internal access arrangements within the site for Avient (Minton are engaging consultants to come up with proposals for Avient to consider). This is a landlord and tenant matter, and is not a matter to be considered in relation to the planning application.

ATA leased their site from Minton after Minton had entered into an agreement with Lidl and they were made aware of Minton's intentions to sell this part of the site. They were made fully aware of where the new boundary line would fall and how this would impact on their premises. As one of their tenants, Minton wish to work with ATA to alleviate any issues arising from changes to the site boundaries and again consider this to be a private landlord and tenant matter outside the scope of the planning application.

1 letter from Aldi, summarised as follows:

Confirming Aldi's intentions with regard to the adaptation and re-occupation of the Co-op store to provide a new supermarket in Amesbury Town Centre

"Aldi have now reached an in-principle agreement with Co-op regarding Aldi's occupation of the former Co-op premises at Salisbury Street. Heads of terms have been produced and these provide for Aldi to occupy the building as a supermarket on a leasehold basis for a period of 25 years."

Intention to re-occupy the former Co-op premises is fully in accordance with national and local planning policy and in particular with the sequential approach to retail site selection.

The applications for out-of-centre development around Amesbury should not be permitted when a sequentially preferable site is available.

If the Council was to grant permission for alternative supermarket development Aldi would not proceed with its proposed and much needed investment in Amesbury Town Centre.

One letter from Turley Associates, summarised as follows:

The written confirmation from the Co-op confirms that the former Co-op premises are suitable viable for a discount food retailer and that the site is available for such a use)

The former Co-op premises are sequentially preferable to the Lidl application site at Minton Park, which is out of centre in planning policy terms.

The Council is in receipt of statements of intent from Aldi and Co-op regarding Aldi's intended occupation of the building, and on the basis of GVA Grimley's advice this is sufficient for the site to be regarded as sequentially preferable.

Aldi's occupation of the former Co-op is in accordance with PPS6 to promote and enhance existing centres – the lidl proposal is not

Aldi will be flexible to re-use the existing store in accordance with PPS6, Lidl is not

Should Lidl's proposal be permitted, Lidl would be directly competing with Aldi in the discount food sector of the grocery retail market.

PPS6 advises that when considering the impact of development authorities should consider the effect on future investment necessary to safeguard the vitality and viability of centres. The free standing purpose built Lidl store would undermine Aldi's proposed store in the town centre to the extent that Aldi would not proceed with their development should permission be granted.

1 letter from Atisreal in response to objection raised by Nathaniel Lichfield and Partners (NLP), summarised as follows:

- NLP have stated that the formed Co-op store is both suitable and viable for the retail floorspace proposed by Lidl. This view contradicts NLP's retail statement submitted in support of the application for the new Co-op store, which relied heavily on the qualitative need for a new Co-op store based primarily on the inadequacies of the old store, which was not considered suitable for modern retailing:

"It should be stressed that the layout of the existing Co-op store is not ideal. It is a long and thin store with a limited street frontage which constrains the quality of the accommodation and the overall retail offer. This store is cramped with a limited number of checkouts due to the width of the store that means at busy periods there is considerable queuing".

- The Retail Assessment submitted in support of the Lidl application details the reasons why the former Co-op store is unsuitable and unviable for occupation by a deep discount food retailer, summarised:
 - Prohibitively expensive refurbishment/refit costs. The unit is in a poor state of repair and will require considerable works to fit the store to an acceptable standard.
 - Unsuitable internal layout. The columns distributed in two lines in the sales area of the unit restrict the internal product aisles which will hinder the operation of Lidl who require standard layouts in order to facilitate an efficient no-frills approach to product display and re-stocking.
 - Limited car parking. There is a 22 space car park immediately adjacent, all the other car parks operate at high capacity despite the former Co-op being vacant,

- the service yard area is not considerable suitable with potential for conflict with delivery vehicles, trolley collection control and the long term availability of these car parks is uncertain and beyond the control of any retailer.
- Servicing. The service access to the unit requires daily servicing by HGV's entering the site from Salisbury Street. The encouragement of such movements along the street is incongruous with the highway improvements being undertaken (pavement widening to enhance pedestrian access and safety).
 - Surplus first floor accommodation. The unit has surplus first floor office accommodation, which will increase the operational costs of the store.
- NLP states that the Co-op have been in discussions with potential operators including Aldi. The Council should be sceptical until there is firm evidence of a legally binding agreement.
 - Question motives and timings of objections raised by Co-op
 - The former Co-op remains vacant despite a thorough marketing exercise for over 12 months and continues to be marketed by King Sturge with a preference for letting as two units. Query whether the Co-op would enter into a lease for the whole store with a competing food retailer.
 - The application should be determined promptly to not unduly frustrate development for which GVA Grimley have accepted that there is a need for, have not raised concerns regarding impact on town centres and have not identified any sequentially preferable sites.
 - In the absence of a signed lease confirming the occupation by Aldi, we do not consider that the Council have any firm evidence upon which to refuse the application on sequential grounds.
 - Notwithstanding the above, even if the vacant Co-op store were occupied by Aldi, we consider that there is still demonstrable quantitative capacity to support the proposed development:
 - The original retail assessment audited by GVA Grimley concludes that there would be a surplus expenditure of £11.23 million in 2011 based on existing market shares which would more than sufficient to accommodate the proposed Lidl convenience goods turnover of around £2million.
 - Assuming reoccupation of the whole of the Co-op store by Aldi, the turnover is likely to be in the region of £2.5 million to £3.2 million.
 - We have updated table 8 of our Retail Assessment to demonstrate that there is a quantitative capacity to support 2 deep discount food retailers based on existing market shares. This demonstrates that there would still be around £6 million of available expenditure even after allowance for a potential Aldi store and the proposed Lidl store.
 - There are material differences between a deep discounter and a main stream superstore.
 - In relation to the two major foodstore applications for Tesco and Asda stores currently under consideration, we consider that there is sufficient capacity to support one of these developments and the proposed Lidl store (both the Tesco and Asda retail assessments indicate that the required increase in market share to justify the quantitative need for these stores is not unreasonable based on the high levels of outflow from Amesbury to other large food stores (most notably those in Salisbury) and the proposed convenience turnover of the Lidl store could also be accommodated by 2011). PPS6 allows 'need' to be assessed 5 years ahead. It is legitimate to therefore consider the position in relation to 2012 and possibly 2013. The growth in available expenditure increases the potential for further floorspace provision.

Further letter from Atisreal, summarised as follows:

We consider that there has been more than sufficient time to allow a vendor and tenant to sign a lease agreement, particularly given the fact that the unit has been available and actively marketed for over a year. As a result we respectfully request that the committee determine the application at the February meeting in order to avoid the potential of a lease which may ultimately not be forthcoming, to continually frustrate investment in Amesbury, which will meet a widely accepted need.

Given the comments by Aldi's consultants we give further consideration to the potential to threaten the viability of the Aldi store and wider town centre.

We do not consider that the proposed Aldi or Lidl stores will either individually or cumulatively have a material impact on the Co-op and other town centre retailers. The majority of trade is likely to come from stores outside of Amesbury, but even if all the impact was born on town centre stores there would be no material impact given the level of existing over-trading. GVA's consultants were concerned on the impact of the Tesco and Asda applications on the small shops but not on the Co-op, leading to the conclusion that two deep discount stores with a fraction of the turnover will clearly not be harmful. The Lidl store will not have an in-store meat/fish counter, bakery etc which removes the potential for material impact on small independent stores. The introduction of Aldi into the town centre will only slightly affect the considerable levels of overtrading (only reducing the Co-op overtrading to 85% above average). There is an identified need for further foodstore provision in Amesbury in 2011 of £11.2m In the event that Aldi occupy the former Co-op, there is still capacity in the region of £7.4m for further provision (based on existing market shares in the town). Without provision beyond Co-op and Aldi, it is highly probable that both stores will over trade above normal levels – the town centre as a whole will trade at 61% above normal levels There is no reasonable prospect of the closure of any store trading at company average levels Conditions for investment will remain favourable. There is ample and uncontested evidence demonstrating sufficient capacity to support both an Aldi and Lidl store in Amesbury. Neither Co-op, Aldi or their advisors have submitted any evidence to refute this position and substantiate their claims that the viability of any investment in the town centre would be threatened. Based on the evidence before the council, there is no basis to substantiate a refusal. The retail viability position for food retail in Amesbury is far from precarious, and the proposed Aldi store could not reasonably be considered to be threatened by Lidl. There is ample capacity to support both stores.

Lidl have also submitted a summary of a business survey undertaken by Lidl on Thursday 6th September and Tuesday 2nd October of traders in Amesbury including a copy of the answered questionnaires. In summary, Lidl state that 83% of the traders questioned supported the proposal (to include Butchers, Newsagents, Bakery, Florists and Dry Cleaners) and considered the proposed Lidl foodstore would be a positive addition to the town and 86% considered that Lidl would either have a positive or no impact on their business. Lidl speculate that the support for the proposal "is mainly due to the fact that Lidl do not have a butchers or bakery counter in store. We sell a very limited range of flowers and we do not sell single item confectionary or tobacco."

They also submitted a summary of a business survey undertaken in Devizes to demonstrate that a Lidl food store in an out of town location would not impact on local traders. In summary, Lidl state that 91% of traders stated that the Lidl foodstore had not affected their business and 88% of traders thought that Lidl had either been a positive addition to the town or had made little impact.

One letter received from The Stonehenge Chamber of Trade (representing businesses from Amesbury, Bulford, Durrington, Larkhill, Netheravon & Shrewton) 16th January 2008 objecting to the application on the grounds that the proposal to site a retail store in a fully occupied business park is a misuse of the area. The employment land is for commercial businesses. The application involves the demolition of a warehouse/workshop that is suitable for a number of uses (two local businesses would be interested in occupying). Increase in traffic on the London Road. The access would involve opening locked gates in a 40mph zone and on a bend when they are trying to improve road conditions and slow traffic down. The applicant has not seriously considered using the vacant old Co-op store in town, which should be pressed further along with the current government guidelines, regarding out of town planning.

*One letter received from the Salisbury & District Chamber of Commerce and Industry, summarised as follows:
Lidl should identify if there are more suitable areas for them to locate their store in the town. The current site is zoned for employment land and we would like to see this remain in that particular area.*

Amesbury Town Council response No objection. We welcome this development as it will add to the rejuvenation of the town.

MAIN ISSUES

Principle of development, Impact on the vitality and viability of the city centre
Sustainability
Scale, design and Landscaping
Highways / Transportation
Noise/air pollution/ contaminated land
Environmental Impact
Nature Conservation
Surface Water Drainage
Appropriate Assessment

POLICY CONTEXT

Salisbury District Local Plan 'saved' policies:

G1 (Sustainable development)
G2 (General development criteria)
G5 (Drainage)
D1 (Design)
TR11 (Parking standard guidelines)
TR12 (New development)
TR14 (bicycle parking spaces)
C12 (Protected species)

Wiltshire Structure Plan 2016 'saved' policies:

DP1 (Sustainable development)
DP2 (Infrastructure)
DP5 & DP6 (Shopping development)
T5 & T6 (Sustainable transport modes/alternatives to private car use)

Government Guidance:

PPS1 Delivering Sustainable Development
PPS1 Planning & Climate Change Supplement to PPS1
PPS6 Planning for Town Centres
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPG16 Archaeology
PPG25 Flood Risk

PLANNING CONSIDERATIONS

1 PRINCIPLE, IMPACT ON THE VITALITY AND VIABILITY OF AMESBURY TOWN CENTRE

Policy S4 of the Salisbury District local plan included impact criteria to safeguard the vitality and viability of town centres, introducing the concept of need and sequential approach. However, the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Act 2004 has directed that paragraph 1(2)(a) of Schedule 8 applies to policy S4 which does not become a 'saved' policy and therefore does not continue to have statutory effect as a development plan policy.

The relevant 'shopping' policy in the Development Plan for the principle of new retail development in this location is therefore policies DP5 and DP6 of the Wiltshire Structure Plan 2016. These policies support growth and development in existing centres in response to 'widespread concern about the impact of out-of-centre superstores' (para 4.50) and are in

accordance with Central Government Policy objectives, which place an emphasis on the need to enhance the vitality and viability of existing centres, now encompassed in PPS6.

In order to deliver the Government's objective of promoting vital and viable town centres, development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them.

In selecting sites for development, local planning authorities should:

- a) assess the need for development (paragraphs 2.32–2.40);
- b) identify the appropriate scale of development (paragraphs 2.41–2.43);
- c) apply the sequential approach to site selection (paragraphs 2.44–2.47);
- d) assess the impact of development on existing centres (paragraph 2.48); and
- e) ensure that locations are accessible and well served by a choice of means of transport (paragraphs 2.49–2.50).

Guidance in PPG13 is also consistent with the key objectives of PPS6. It endorses the broad principles of the sequential approach and the need to ensure that wherever possible new shopping is promoted in existing centres, which are more likely to offer a choice of access, particularly for those without a car.

GVA Grimley was instructed to carry out an independent review of the retail policy issues raised by the planning application. This review was based on the information submitted by the applicant and also drawing on the Salisbury Retail and Leisure Needs Study (RLNS) 2006.

This important assessment is discussed in more detail below with other relevant material planning considerations.

Paragraph 8.21 of the RLNS set out GVA Grimley's conclusions that the existing convenience shopping provision in Amesbury, including both the former Co-op store and other local shopping provision, were expected to be trading at significantly higher sales densities than the expected average. This was reflected in their assessment of capacity, which took £7.9m as a benchmark 'sales from existing floorspace' in Amesbury in 2011 giving rise to a notional surplus of £11.7m. GVA Grimley has since reviewed the Amesbury convenience capacity modelling set out in the RLNS and now suggest that the study over stated the potential available turnover in Amesbury (£19.6m in 2011 in the RLNS) which they now estimate to be £15.6m in 2011, reducing the notional surplus to £7.7m.

On this basis, taking the average turnover of the new Co-op store at circa £7.3m, GVA Grimley advise that if the former Co-op store were reoccupied for convenience retailing, it would largely accommodate the identified capacity.

The GVA Grimley's review of the proposed Lidl store report concludes (Paragraph 5.8): 'Our overall conclusion is that in the event that the former Co-op unit is not regarded as being suitable, viable and available in its entirety to accommodate a convenience retailer capable of providing effective choice and competition to the Co-op we consider there is a sound basis for approving the current Lidl proposals. Conversely, if on further investigation there is a prospect that the former Co-op store could become available in its entirety for a significant convenience operator we consider this would be likely to largely meet the defined need, provide a sequentially preferable site and give rise to more significant concerns in respect of its potential impact/effect on retailer confidence in the centre. In these circumstances we strongly recommend the Council clarifies the current position in respect of this unit before determining the application.'

Atisreal (the agents acting for Lidl's) consider that the former Co-op building is unsuitable for modern food retail needs and is in particular unsuitable and unviable for occupation by a deep discount food retailer. They also consider that in the absence of a legally binding lease, the Council should be sceptical over the proposal for Aldi (also a discount food retailer) to occupy the former Co-op store. However, regardless of whether or not Aldi occupy the existing Co-op building; or whether either the main stream Tesco or Asda planning applications are successful, Atisreal consider that there remains a demonstrable quantitative and qualitative need for the proposed deep discounter Lidl store.

Atisreal also consider that the proposed development would have only a modest impact on the town centre should the co-op be reoccupied by Aldi and in this situation both the Co-op and Aldi would not be materially harmed by the proposed Lidl store as Atisreal consider that the majority of the trade from the Lidl store will be derived from claw back from outside of Amesbury.

The GVA Grimley report concurs with Atisreal that there are no other sites identified within or on the edge of Amesbury Town Centre (as defined by PPS6), which could be regarded as being suitable, viable and available within a reasonable timescale and while the former Co-op store remains vacant, the Co-op store is currently overtrading and there is limited choice and competition in Amesbury Town Centre. However, the GVA Grimley report advises that should the entire former Co-op unit become available and provide attractive to a replacement supermarket operator or an alternative discount retailer (paragraph 5.5), they advise that this would go a significant way to meeting the identified quantitative/qualitative need within the town centre, and would clearly represent a sequentially preferable option to the out of centre proposal. Paragraph 4.23 of the report goes on to state 'if the former Co-op unit proved attractive to a leading discount food retailer this would not only reduce the indicated levels of overtrading at the Co-op but also suggest that the impact of a further out of centre discount foodstore as proposed by Lidl would be far more significant, by providing a more directly competing retail offer within the town centre.'

We have received a letter of intent from Aldi Stores Limited stating that they have reached an in-principle agreement with Co-op regarding Aldi's occupation of the former Co-op premises and that heads of terms have been produced which provide for Aldi to occupy the building as a supermarket on a leasehold basis for a period of 25 years.

GVA Grimley have advised that the former Co-op site is a sequentially preferable site which can accommodate the need and a statement of intent would suffice to be satisfied that the Co-op is to be occupied by Aldi. *We have received a letter from the Co-op, confirming that they are currently in advanced stages of negotiation with Aldi, and requesting deferral of the decision for one month while issues are being resolved. The letter states that should the current Lidl application be granted, Aldi have indicated that they would withdraw their interest in the former Co-op premises.*

At the time of writing this report no further correspondence from the Co-op had been received.

The Town and Country Planning (Shopping) Development) (England and Wales) (No.2) Direction 1993) requires shopping developments over a specified size to be referred to the Secretary of State before granting planning permission. In this case the proposal remains below the 2,500m² gross floor area threshold to which the Direction applies and, therefore, consultation with the Secretary of State is not necessary.

2 SUSTAINABILITY

"Planning and Climate Change Supplement to Planning Policy Statement 1" was published on 17th December 2007. It supplements PPS1 by setting out how planning should contribute to reducing emissions and stabilising climate change and requires planning authorities to have regard to the PPS as a material consideration. Paragraph 30 states that planning authorities should encourage the delivery of sustainable buildings.

The proposal will involve demolishing the existing mechanical workshop on the site. The applicants have confirmed in correspondence received during the application process that the materials that can be reused will be and in the majority of cases suitable materials are crushed and re-used as fill elsewhere on the site.

The Design and Access Statement accompanying the planning application also states that 'Lidl utilises the Enhanced Capital Allowance Scheme to ensure the refrigeration plant it uses confirmed to the highest energy efficient standards' and a list of principles and initiatives that enable Lidl to be as efficient as possible are provided including waste minimisation procedures.

Wiltshire County Council Highways has raised concern that the old Co-op in the centre of Amesbury is vacant and would be a more sustainable site, providing much better potential for reducing the proportion of car journeys than the proposed site. They have advised that the

applicants need to have sufficiently considered this site and given robust reasons why it is not appropriate for their needs. This is considered in section 1 above.

3 SCALE, DESIGN AND LANDSCAPING

The scheme was considered at the Design Forum and amended plans have been received in response to the comments received. The Forum recommended that the appearance of the frontage of the building could be improved by upgrading the materials from the standard pilasters and white panels and that the building could take cues from the Solstice Park development opposite. They also recommended that the front row of parking bays could be set further back from London Road allowing more substantial and higher quality soft landscaping within the site; the verges on the London Road could be upgraded with structural tree planting and the car parking bays could accommodate trees/soft landscaping.

The amended plans propose to change the materials and colours of the original scheme (from walls finished with a limestone cement render painted white with the columns and plinths in agate grey to columns and plinth being in buff coloured brickwork). The proposed changes are considered to suitably reflect the appearance of the adjacent solstice park development.

The site is dominated by the two storey existing Minton Distribution Centre buildings to the west of the proposed store, which are single storey and set at a lower level to the existing buildings to remain.

It is not considered that the proposals would be objectionable on design grounds.

The amended plans also change the car parking and landscaping of the site. Low level planting has been added to the front of the site and between and around parking bays.

The applicants are also proposing to replace the existing shrub planting to the front of the site with new planting. They have offered to undertake this work and to manage and maintain the land on behalf of the highways authority.

4 HIGHWAYS AND TRANSPORTATION

A Transport Assessment was submitted as part of the application to which the Highways Agency and WCC Highways originally objected. Notwithstanding the comments with regard to sustainability and the need to consider the old Co-op site as a preferential site to the proposed out of centre site; the applicants have provided additional information to which both Wiltshire County Council Highways Department and the Highways Agency have raised no objections subject to conditions.

Amended plans have also been received revising the sight line to the east of the entrance and relocating the cycle parking closer to the store entrance (in accordance with WCC Highway recommendations).

Wiltshire County Council Highways are satisfied that the impact of the development on the surrounding road network is acceptable and could be accommodated without causing major problems and do not consider that the impact of the development on the London Road A345 signal junction is sufficiently significant to have a serious impact on capacity and safety at the junction.

5 NOISE/AIR POLLUTION/ CONTAMINATED LAND

The Council's Environmental Health Officer originally raised an objection to the application on the grounds that insufficient information had been submitted to assess the impact to air quality, noise and light pollution and contaminated land. Further information has been submitted from RPS acting on behalf of the applicants, which is sufficient to withdraw the objection from environmental health subject to conditions.

6 ENVIRONMENTAL IMPACT

Following the receipt of additional information, the Environment Agency withdrew their original environmental objections to the application on the grounds that insufficient information had been

provided to show that the risk of pollution to controlled waters had been addressed, subject to conditions and informatives listed above.

English Nature required Wessex Water would need to confirm whether they could accommodate the likely foul water inputs and surface runoff within the sewerage network and potential long-term demand for water within their abstraction licences. This has been confirmed.

7 NATURE CONSERVATION

The presence of a protected species is a material consideration when a local planning authority is considering a development proposal, which if carried out would be likely to result in harm to the species or its habitat. English Nature recommended that a protected species was carried out. A protected species survey was undertaken and report submitted for consideration. The site has no statutory nature conservation designation and in summary no ecological constraints to the site were discovered during the survey other than avoiding the bird-breeding season between March and September.

8 SURFACE WATER DRAINAGE

The existing roof and surface water is currently disposed of in part via gulleys to the ditch that skirts the site frontage. Other surface and roof water is disposed of via 'soakaway' directly into the ground. Lidl are proposing to take all roof and surface water through a petrol interceptor before disposing of similarly via soakaway. They are proposing to also introduce a retention tank to restrict flow to the soakaway to Greenfield run off rates in the 1 in 100 year plus climate change storm event.

9 APPROPRIATE ASSESSMENT

An appropriate assessment is not required because Wessex Water can accommodate the likely foul water inputs and surface runoff within the sewerage network, and also provide the potential long-term demand for water within their abstraction licenses. The proposal is not, therefore, either alone or in combination with other plans or projects, likely to have a significant effect on the important interest features of the River Avon Special Area of Conservation (SAC), or any of the features of special scientific interest of the River Avon System Site of Special Scientific interest (SSSI).

The Environment Agency informative is standard good practice relevant to all development and does not suggest any specific measures are required on the site to mitigate impact on the SSSI and SAC.

CONCLUSION

Section 54A of the 1990 Act and S38 of the 2004 Act requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless other material considerations indicate otherwise. This application should first be considered against the policies referred to above. In particular Policies DP5 and DP6 of the Structure Plan 2016, which reflects government advice on, retail developments in PPS6 and PPG13.

We have received a letter of intent from Aldi Stores Limited stating that they have reached an in-principle agreement with Co-op regarding Aldi's occupation of the former Co-op premises and that heads of terms have been produced which provide for Aldi to occupy the building as a supermarket on a leasehold basis for a period of 25 years. However, at the time of writing this report we have not received a letter from Co-op confirming this arrangement and it is therefore considered that there is insufficient evidence that the former Co-op unit (as a sequentially preferable site) is suitable, viable and available in its entirety to accommodate a convenience retailer capable of providing effective choice and competition to the Co-op, and there is a sound basis for approving the Lidl proposals.

APPROVE SUBJECT TO S106

RECOMMENDATION: Subject to the applicants entering into a legal agreement to include the following:

- 1 A contribution of GBP25 000 towards improving the cycle network in the immediate area
- 2 Installation of new public transport infrastructure as follows:
 - (1) A new bus shelter on the development side of London Road (the type of shelter is to be discussed with Wiltshire County Council before installation)
 - (b) A new pedestrian refuge between the proposed bus stops footway to link the existing bus stop to the refuge and associated dropped kerbs with tactile paving.
- 3 Restrictions on the range and type of goods to be sold from the premises (to enable the Local Planning Authority to exercise adequate control over the range of goods sold from the premises in the interests of maintaining the vitality and viability of the town centre).

APPROVE for the following reasons:

There are no 'saved' policies in the adopted Salisbury District Local Plan, which relate to the location of retail development in Amesbury. The relevant 'shopping' policy in the Development Plan for the principle of new retail development in this location is therefore policies DP5 and DP6 of the Wiltshire Structure Plan 2016. These policies support growth and development in existing centres and are in accordance with Central Government Policy objectives, which place an emphasis on the need to enhance the vitality and viability of existing centres, now encompassed in PPS6.

The guidance within PPS6 states that in order to deliver the Government's objective of promoting vital and viable town centres, retail development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them. In selecting sites for development, local planning authorities should, assess the need for development, identify the appropriate scale of development, apply the sequential approach to site selection, assess the impact of development on existing centres, and ensure that locations are accessible and well served by a choice of means of transport.

Guidance in PPG13 is also consistent with the key objectives of PPS6, endorsing the broad principles of the sequential approach and the need to ensure that wherever possible new shopping is promoted in existing centres, which are more likely to offer a choice of access, particularly for those without a car.

It is considered that there is quantitative capacity for the development and in particular a qualitative need for a deep discount food retailer in Amesbury. The former Co-op building is considered unsuitable for modern food retail needs and due to the expensive refurbishment/refit costs is in particular unsuitable and unviable for occupation by a deep discount food retailer. It is considered that the development is of an appropriate scale; that the projected levels of impact on Amesbury town centre are acceptable and there are no sequentially preferable sites.

The development is considered to be in compliance with the relevant design policies and guidance and appropriate to the overall appearance of the site and area by reason of the design and materials, and the proposed additional landscaping.

It is considered that adequate car parking is proposed and subject to the agreement of a travel plan to seek to promote alternative modes of transport and include the provision of cycle parking, it is considered that the proposal will be able to promote sustainable modes of travel to and from the site and is an accessible location well served by a choice of a means of transport.

Due to the extent of existing development in the catchment and the existing land use on the subject site, the site has a low level of interest for nature conservation and biodiversity.

Wessex Water can accommodate the likely foul water inputs and surface runoff within the sewerage network, and also provide the potential long-term demand for water within their abstraction licenses. It is therefore considered that the proposal will not (either alone or in combination with other plans or projects) be likely to have a significant effect on the important interest features of the River Avon Special Area of Conservation (SAC), or any of the features of special scientific interest of the River Avon System Site of Special Scientific interest (SSSI).

For the reasons stated above it is considered that the proposal is in accordance with development plan policy and in particular Policies DP5 and DP6 of the Structure Plan 2016, which reflects government advice on retail developments in PPS6 and PPG13.

And subject to the recommended conditions and informatives as follows:

- (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 section 51 (1) of the Planning and Compulsory Purchase Act 2004

- (2) The net retail floor space shall be restricted to that shown in the approved plans and no additional retail floorspace shall be created whatsoever, whether by insertion of a mezzanine, by use of the ground floor or mezzanine storage areas hereby approved or otherwise, without written permission of the Local planning Authority upon submission of a planning application on that behalf.

Reason: To enable the Local Planning Authority to exercise adequate control over the creation of additional retail floorspace, in the interests of maintaining the vitality and viability of the town centre and to restrict the adverse implications of store generated traffic.

- (3) The development shall be implemented in accordance with the following amended plans: (Plan refs SK02 RevC, SK05 and SK04 received by this office on the 4th January 2007) unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

- (4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to secure the satisfactory implementation of all approved landscaping works, in the interests of visual amenity.

- (5) If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the satisfactory establishment of the approved scheme for the landscaping of the site.

- (6) The development shall be implemented in full accordance with the approved details and drawings for the car parking spaces layout and shall be made available at all times, and used for no other purpose

Reason: To ensure adequate off-road parking is available for customers and staff.

- (7) Before the start of development the detailed design for the main access junction and the proposed island near the bus stops shall be approved in writing by the planning authority and the main access Junction and additional works shall be constructed in accordance with the approved drawings before the first use of the development.

Reason: In the interests of highway safety

- (8) No development shall commence until a Travel Plan has been submitted to and approved by the Local Planning Authority. No part of the development shall be occupied prior to the implementation of the approved travel plan (or those parts identified in the approved travel plan as capable of being implemented prior to occupation). Those parts of the approved travel plan that are identified as being capable of being implemented

after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. The records of the implementation shall be made available to the Local Planning Authority if requested.

Reason: In order to promote sustainable modes of travel to and from the site, and to reduce reliance on the private car.

- (9) No development shall commence until a construction management plan is submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the agreed plan.

Reason: In order to mitigate the impact of construction traffic on the Strategic Road Network.

- (10) Before commencement of the development hereby permitted there shall be submitted to and approved by the Local Planning Authority a scheme for the control of noise arising from compressors, refrigeration plant, extractors and any other similar equipment. Such scheme as is approved in writing by the local planning authority shall be implemented to the satisfaction of the Local Planning Authority before any part of the development is brought into use.

Reason: To minimise the potential for noise disturbance from the proposed development.

- (11) No works of construction or demolition shall be carried out outside of the following hours:
Monday to Friday: 7am- 6pm
Saturday: 8am-1pm
No work Sundays or bank holidays
This condition shall not apply to works of fitting out and decoration.

Reason: To minimise the potential for noise disturbance from the proposed development.

- (12) There shall be no burning of demolition or construction waste on the site at any time.

Reason: In the interests of the environment.

- (13) There shall be no deliveries between the hours of 10.30pm and 6am.

Reason: In the interests of amenity.

- (14) Before commencement of the development hereby permitted there shall be submitted to and approved by the Local Planning Authority a scheme for the lighting of external areas of the development site. Such scheme as is approved in writing by the Local Planning Authority shall be implemented to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and the level of illumination in the interests of visual amenity and highway safety.

- (15) Prior to commencement of development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority:

1) A full desktop survey of historic land use data, identifying all previous uses potential contaminants associated with those uses a conceptual model of the site indicating

sources pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme based on (1) to provide information for an assessment of the risk to all receptors that may be affected including those off site

3) The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4) A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance and further monitoring and reporting.

The remediation programme shall be fully implemented and the validation report shall be forwarded to the Local planning authority prior to use of the premises.

Reason: The site overlies a Major Aquifer therefore groundwater is considered to be a potentially sensitive receptor and the site should be subject to appropriate assessment in order to determine the risks. Activities carried out at this site may have caused contamination of soil subsoil and groundwater present beneath the site and may present a threat to nearby surface waters especially as a result of the proposed development. The above condition will enable the local planning authority to ensure that appropriate measures are taken to avoid any threat, which the proposed development might pose to health and safety and the environment.

- (16) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details

Reason: In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.

- (17) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roof of the proposed development shall be 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 a harmonious form of development.

- (18) Before development commences, full details of the cycle storage provision to include the design, siting, numbers of and timing for provision and the allocation to users shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall subsequently accord with the approved scheme.

Reason: To ensure that adequate and suitable cycle parking spaces are available in accordance with the requirements of policy TR14 of the Adopted Salisbury District Local Plan.

- (19) Before development commences a scheme to restrict shopping trolleys leaving the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building and shall thereafter be retained in relation to the development hereby permitted.

Reason: In the interests of visual amenity.

INFORMATIVE: Policy

This decision has been taken in accordance with the following 'saved' policies of the Salisbury District Local Plan:

- G1 (Sustainable development)
- G2 (General development criteria)
- G5 (Drainage)
- D1 (Design)
- TR11 (Parking standard guidelines)
- TR12 (New development)
- TR14 (bicycle parking spaces)
- C12 (Protected species)

INFORMATIVE: Environment Agency

Contaminated Land

Although generic remedial options are available to deal with the risks to controlled waters posed by contamination at this site further details will be required to ensure that risks are appropriately addressed. The historic activity and assessment of the associated potential contamination should have been assessed in the Factual and Interpretative Report. It would be prudent to assess the condition of the subsurface in the area identified as a vehicle repair workshop and/or any associated infrastructure (2) in order to better understand the contamination condition of the site. The Site Investigation has thus far not examined the condition of the site in the area where a previously potentially contaminative activity (workshop) was undertaken.

The above practice is considered important so that the site operator owner the regulatory authorities and other parties such as the general public potential purchasers or investors can have confidence in the outcome and any subsequent decisions made about the need for action to deal with any contamination at the site.

We recommend that developers follow the risk management framework provided in CLR11 Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision making regarding land contamination. It is available from www.environment-agency.gov.uk

We also recommend that developers use BS 10175 2001 Investigation of potentially contaminated sites Code of Practice as a guide to undertaking the desk study and site investigation scheme

Water efficiency

The development should include water efficient appliances fittings and systems in order to contribute to reduced water demand in the area. These should include as a minimum dual flush toilets, water butts, spray taps, low flow showers, no power showers, and white goods where installed with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description including capacities water consumption rates etc where applicable of water saving measures to be employed within the development. Applicants should visit <http://www.environment-agency.gov.uk> Subjects Water Resources How We Help To Save Water Publications Conserving Water in Buildings for detailed

information on water saving measures A scheme of water efficiency should be submitted in accordance with the information supplied on the website The following may also be helpful <http://www.savewatersavemoney.co.uk>

Surface Water Drainage

Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved by pass type of interceptors flows generated by rainfall rates in excess of 5mm hour may be allowed to by pass the interceptor provided the overflow device is designed so that oily matter is retained. Segregation of roof water should be

carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils, chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes. We recommend referring to our Pollution Prevention Guidelines found at www.environment.agency.gov.uk/business/444251_444731_ppg_version_1_lang_e

Sustainable Construction

We strongly recommend that the proposed development includes sustainable design and construction measures. In a sustainable building, minimal natural resources and renewables are used during construction and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced.

INFORMATIVE: Wiltshire Fire and Rescue Service

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed at the planning office between the hours of 09:00 and 17:00 Monday to Friday.

INFORMATIVE: Protected Species

Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation. The protected species legislation applied independently of planning permission, and the developer has legal obligations towards any protected species that may be present. Planning permission if granted does not absolve applicant's from complying with the relevant law including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06 2005.

INFORMATIVE:- Travel Plan

For more information about setting up a travel plan you are advised to contact Wiltshire County Council's Travelwise Team by email at: travelwise@wiltshire.gov.uk or by telephone on 01225 713388.

APPENDIX B

Supplementary advice on retail matters from GVA Grimley

CJBG/smr/02A729630

13 March 2008

Ms Sarah Hughes
Salisbury District Council
The Council House
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Salisbury
Wiltshire
SP1 3UZ

DRAFT

chris.goddard@gvagrimley.co.uk
Direct Line 020 7911 2202

Dear Sarah

AMESBURY – SUPPLEMENTARY ADVICE ON RETAIL MATTERS

Further to our review of the proposed Lidl Foodstore dated November 2007, and subsequent review of the Tesco/Asda Food Superstore proposals which we completed in January 2008 you have requested our supplementary views on a number of further matters which have arisen since then, in order to inform your recommendation and deliberations in respect of the current Amesbury proposals.

Specifically, you have requested clarification of the implications of the current application received to redevelop the former Co-op Store in Amesbury Town Centre, which we understand is to comprise a development of a new foodstore for Sainsbury's comprising 3,082 sq.m gross (1,858 sq.m net), and the deliverability of this option. You also requested clarification of the cumulative effects of the Council permitting all or a combination of the current out of centre proposals and, in the event that the Council resolved to approve more than one of the current out of centre stores and these were not 'called in', the probability of two stores actually being built.

The context for this advice is well rehearsed and on the basis of our review of the various Applicants' supporting statements, there is a degree of consensus emerging in respect of the baseline and impact issues emerging to date. Specifically, it is broadly common ground that the new Co-Op Store in Amesbury is trading very strongly and on current market shares there is expenditure capacity for reoccupation of the former Co-Op Store if this was a viable/available option.

We have previously concluded that if this store is only partially reoccupied by a smaller convenience operator or a retailer achieving a low turnover there is likely to be sufficient capacity based on constant market shares for a discount foodstore type operation such as Lidl in the Amesbury area, and have concluded that the impact of such a store is unlikely to materially affect the vitality and viability of Amesbury. If the former Co-Op Store was to be reoccupied or redeveloped for a similar size store capable of accommodating the requirements of a discount type food operator, this would go some way to meeting an identified need and provide choice/competition to the Co-op within the town centre, which is the preferred option in national policy terms.

As far as the current proposals for large out-of-centre food superstores are concerned, it is common ground that a store of this size is not supportable based on Amesbury's current market share, but there is a realistic expectation of a new large food superstore being able to increase the amount of trade retained in the Amesbury area, with the attendant benefits of increased choice/competition. The issue is the impact of such a development and, in the light of the latest proposals for the former Co-Op Store, whether a large quality foodstore could be accommodated in the town centre in line with policy guidance.

In common with the Applicants, we estimate the impact of a large food superstore outside Amesbury is likely to be circa 40% although the estimates vary depending on the turnover of the new store, the assumed turnover of the existing retailers in Amesbury and detailed trading assumptions. Assuming the impact of a single store is of this order of magnitude, our overall conclusion is that such a development would lead to a significant adverse impact on Amesbury Town Centre, but would be unlikely in itself to lead to the closure of the Co-Op Store. Failure to do so would potentially leave a decision to allow an out-of-centre proposal open to a 'call in' by the Secretary of State.

It follows from our analysis that in order to reach a decision on the current out-of-centre proposals, the Council needs to consider carefully the suitability, viability and availability of the former Co-Op Store and potentially adjoining properties and the potential to contribute to meeting identified needs within Amesbury Town Centre in accordance with national planning policy guidance. There is a clear requirement for both the Applicants promoting out-of-centre stores, and the Council to consider carefully the potential of this option before supporting less central options.

To date, there appears to have been little progress made towards securing a replacement convenience operator for the former Co-Op Store. We understand the original intention was to subdivide the unit and secure a replacement convenience operator for part of the unit which for the reasons outlined above would in our view still leave some surplus capacity even based on Amesbury's current market share, and would not provide effective choice and competition to the new Co-Op Store. There have been discussions between the Co-Op and Aldi in respect of the potential reoccupation of this unit for a discount foodstore. More recently an application has been submitted for a foodstore comprising 1,858 sq.m net sales floorspace, which would be likely to comprise circa 1,600 sq.m net convenience goods floorspace. We understand that this proposal would involve the acquisition of adjoining land, including a Council owned car park although we do not have full details of the proposals.

We have previously advised that the Council needs to have thoroughly examined the potential of this town centre opportunity to accommodate a replacement foodstore, or redevelopment for a larger store, before supporting any of the current out-of-centre proposals. We have reviewed the comments submitted by Lidl dated 8th February 2008 and the previous comments of Atisreal which consider the suitability, viability and availability of this unit for their requirements, and their views on the likelihood of the reoccupation of the unit by Aldi, or redevelopment for Sainsbury's. We understand that indications have been given by Co-Op at the unit and/or site could be available for an alternative convenience retail occupier, although from the evidence available to us there appears to be a significant degree of uncertainty as to the genuine availability and suitability of this unit for a discount foodstore.

In our view the examples provided elsewhere where the Co-Op appears to have sought to oppose the development of competing foodstores in similar situations, and the apparent contradictory evidence as to its intentions for the Amesbury Store do not in themselves justify discounting this option at the current time. However, we consider the Council needs to seek a clear commitment from the Co-Op as to its intentions for this unit in order to reach a decision as to whether this unit or wider site is likely to be suitable, viable and available to either an alternative discount foodstore, or to a larger quality supermarket, before it is able to support any of the current out-of-centre proposals.

If, on further investigation, the Council concludes that the former Co-Op Store would be suitable, viable and available for occupation by Aldi or another alternative discount foodstore this would meet the qualitative need for choice and competition and provide the benefits of a discount foodstore identified by Lidl. It would also go some way to meeting the identified capacity in Amesbury, based on current market shares, and reduce the level of over trading in the new Co-Op Store. In these circumstances, we consider the case for supporting an out-of-centre discount foodstore as proposed by Lidl would be significantly reduced.

In the case of a proposal for redevelopment of the former Co-Op Store, as part of a larger scheme to provide a store to accommodate a Sainsbury's, we have reviewed the comments of Atisreal in their letter dated 19th February 2008 and concur with their conclusion that, if viable, such a store would be likely to increase Amesbury's market share by changing the perception of

Amesbury and providing a significant quantitative and qualitative improvement in the town's retail offer. This would substantially address the overtrading of the new Co-Op Store, but would be unlikely to seriously undermine its vitality and viability. The overall consequence of this option, if the Sainsbury's proposals are concluded to be suitable, viable and available, would be to provide materially improved convenience shopping facilities in Amesbury Town Centre, provide choice and competition, and to help to claw back into the town centre trade lost to competing large foodstores.

Subject to the realism of this option, and the Council's satisfying itself that it could genuinely be regarded as suitable, viable and available, we consider that such an option would largely meet a quantitative and qualitative need in Amesbury, and would materially reduce the justification for supporting any further out-of-centre convenience shopping provision in the area, in the current time. We are not able to comment on the realism of this option without undertaking a detailed audit of the planning/highways issues involved and the owners/developers/retailers intentions and commitments. However, such a proposal would inevitably be complex and problematical in planning/implementation terms.

While we consider the potential redevelopment of the former Co-Op Store for a Sainsbury's supermarket would meet an identified need, this option would still potentially leave a role for a discount foodstore operator in Amesbury. The Sainsbury's proposals would meet any identified quantitative need, but we acknowledge that a discount foodstore would provide additional choice and would to some extent be complementary to the roles of the new Co-Op and a new Sainsbury's store. In the context of the likely performance of the town centre Co-Op and new Sainsbury's store in this scenario, we consider the impact of an out-of-centre discount superstore as proposed by Lidl would be unlikely in itself to seriously undermine the viability of either store.

In the context of the significant improvement to the performance of the town centre as a whole, we consider the impact of the proposal would be relatively modest.

In the case of the current out-of-centre food superstore proposals, submitted by Tesco and Asda, we have previously advised that the impact of either proposal is likely to be in the region of 40% on the convenience retail sector of Amesbury Town Centre. At these levels of impact, we anticipate that the new Co-Op Store in the town centre would still be likely to trade at or about company average and would not expect the store to close, although we still remain concerned about the consequence of this level of impact for the vitality and viability of Amesbury Town Centre. The consequence of the partial or total reoccupation of the former Co-Op unit in Amesbury Town Centre would be to reduce, to some extent, the current strong turnover of the Co-Op Store and as a consequence the impact of a large out-of-town centre on this town centre anchor store would be more pronounced although we still anticipate the store would be unlikely to close or be seriously affected in these circumstances.

In the event that the proposal to redevelop the former Co-Op Store to provide a larger unit for a quality foodstore operator like Sainsbury's was approved and implemented, for reasons outlined previously we consider this option would meet the quantitative and qualitative need and would be likely to secure an increase in market share and claw back trade into Amesbury Town Centre in line with national policy guidance. In these circumstances, the policy justification for supporting an out-of-centre large new superstore would be significantly diminished, based on the absence of need and the potential availability of a sequentially preferable site.

We also consider that in the event that the Council concludes the 'Sainsbury's' proposal can be regarded as suitable, viable and available, there must be a significant prospect that the grant of planning permission for a large out-of-centre superstore would be likely to prejudice this investment. We consider that it is extremely unlikely that a retailer like Sainsbury's would be prepared to commit to this development with the prospect of a large out-of-centre food superstore remaining. The prospect of prejudice to such a significant new town centre investment would further undermine the case for an out-of-centre food superstore in this scenario.

Finally, we have been asked to consider the issue of cumulative impact, and implications of the Council deciding to permit more than one of the current out-of-centre foodstore proposals. For reasons outlined above, we consider it is impossible to divorce this issue from the question of

the potential re-occupation or redevelopment of the former Co-Op Store as this fundamentally affects the need and policy justification for any out-of-centre store, and also has a material bearing on the impact arguments.

If the Council concludes that there are no realistic options for re-occupation of the former Co-Op Store in its entirety, or redevelopment for a larger foodstore, we consider the impact of an out-of-centre discount foodstore as proposed by Lidl would be relatively insignificant. The Co-Op Store would be likely to continue to trade above average and the impact on other convenience retailers in the centre would be extremely limited. The impact of a large out-of-centre food superstore, as proposed by Tesco and Asda, would be circa 40%, and while the new Co-Op Store would still be likely to trade at or above company average in this scenario we consider the level of impact would be likely to lead to a pronounced adverse affect on Amesbury's vitality and viability.

We have not previously considered the cumulative impact of permitting both large out-of-centre food superstore proposals, and/or the Lidl proposal. Dealing first with the cumulative impact of allowing one out-of-centre foodstore and the Lidl proposals, this would clearly lead to a level of impact above the circa 40% projected in the case of the food superstore proposals alone. There would be some element of "mutual impact" between the new food superstore and discount foodstore and for the reasons outlined previously, we consider the impact of the discount foodstore itself is unlikely to be significant. If a non food superstore and discount foodstore were permitted and developed this would compound our concern about the overall impact on the convenience retail sector of Amesbury based on its current representation (i.e. the new Co-op store) and could prejudice securing new investment in a replacement operator or wider redevelopment of the former Co-Op Store (if this proves a realistic option).

If the Council was minded to approve both the current out-of-centre food superstore proposals, and assuming the applications were not "called in" and both operators proceeded to build and open new stores, there would be a significant "mutual impact" between the stores themselves. Both stores would be likely to trade significantly below the retailers normal expectations, and in practice in our view the prospects of both operators building and opening new stores in the circumstances would be remote. However, in the unlikely event of both proposals being permitted and not called in by the Secretary of State, and ultimately being built and occupied, their cumulative impact on Amesbury Town Centre would be significantly above the 40% figure estimated for a single store.

At this level of impact, we consider the impact on the Co-Op, and 'knock on' effects on other retailers in Amesbury would be very significant, and would be likely to seriously undermine the vitality and viability of the town centre. In these circumstances, if the Council was minded to support an out-of-centre superstore, we would strongly advise against resolving to permit both.

I trust this clarifies our advice on this issue, but please do not hesitate to contact me if you need to discuss.

With best wishes,

Yours sincerely
CHRIS GODDARD
Executive Director
For and On Behalf of GVA Grimley Ltd

Application Number:	S/2008/0241		
Applicant/ Agent:	CONSERVATORY SALES LTD		
Location:	HAZELHEAD ROBIN HILL LANE DURRINGTON SALISBURY SP4 8DN		
Proposal:	SINGLE STOREY CONSERVATORY TO SIDE ELEVATION WITH BRICK GABLE END AND PARAPET WALL (RETROSPECTIVE)		
Parish/ Ward	DURRINGTON		
Conservation Area:	LB Grade:		
Date Valid:	6 February 2008	Expiry Date	2 April 2008
Case Officer:	Mr T Wippell	Contact Number:	01722 434554

REASON FOR REPORT TO MEMBERS

Cllr Broom has called the application to committee due to:

The interest shown in the application

SITE AND ITS SURROUNDINGS

Hazelhead is a detached bungalow situated at the end of a small lane within the Housing Policy Boundary of Durrington. Although the entrance to the property is secluded and set back, the side of the plot adjoins Cygnet Drive and is set up by 2 metres higher. Its side elevation is visible from the road and properties below.

THE PROPOSAL

The proposal (now retrospective) is to amend the design of a conservatory approved in 2007 (S/2007/1904).

The scale and siting will remain as previously agreed, but the northern gable of the conservatory has been 'bricked-in', a parapet wall has been added to the gable-end, and a decorative white 'crest' has been added to the ridgeline.

A high-level window has also been omitted from the side elevation of the conservatory.

PLANNING HISTORY

S/07/1904 Single storey PVC white conservatory to side elevation AC 14/11/07

CONSULTATIONS

None

REPRESENTATIONS

Advertisement	No
Site Notice displayed	No
Departure	No
Neighbour notification	Yes- Expired 29/02/08
Third Party responses	Yes- 3 letters received, objecting to the scheme due to the overdominating and imposing design of the development, which includes large amounts of brickwork. The development looks more like an industrial unit than a conservatory, is not in keeping with the bungalow, and materials are inappropriate. Concerns have also been raised that the extension may be used for business or commercial uses.

Parish Council response No comments received
Northern Area Committee 10/04/2008

MAIN ISSUES

Principle of Development
Overshadowing and over dominance
Scale, Design, Siting

POLICY CONTEXT

G2, D3, H16

PLANNING CONSIDERATIONS

The siting of the extension has not been changed from the previously approved scheme. Members should now consider the proposal in light of the previously approved design, and critically examine whether the additional brickwork, new parapet wall, and the omission of the side window have had an adverse impact on visual/ residential amenity.

Principle of Development

G2 ensures developments do not have any significant adverse impacts on the amenities of neighbouring properties.

D3 The proposal should also comply with policy D3 of the Local Plan. This design policy states that extensions should be of a scale and design that is appropriate to the overall appearance of the existing dwelling, using complementary materials. This policy also states that extensions should be carefully integrated in relation to other properties and the overall landscape framework.

H16 This detached property is located within a Housing Policy Boundary. As a result, small-scale developments will be allowed provided they comply with the relevant design policy. In this case, the design policy relevant is D3, which states that extensions should be of a scale and design that is appropriate to the overall appearance of the property using complementary materials.

Overshadowing and Overdominance

When viewed from No. 33, the extension appears higher and more 'industrial' in appearance than the previously approved scheme. However, whilst the revisions are highly noticeable from this viewpoint, the demonstrable harm caused to the residential amenity of No. 33 is not considered significant enough to warrant refusal. The extension is some 15 metres away from this property, and although set up higher in actual terms, its single storey nature ensures that additional overshadowing and overdominance will not occur to this property. The expanse of brickwork facing No. 33 has certainly altered the appearance of the extension. However, the scheme is not considered to be overly oppressive, given its distance away, and its single storey nature.

When viewed from No. 32 Cygnet Drive, the extension is sited close to the boundary and is set up 2 metres higher than the neighbouring property. Whilst the omission of the side-facing window and the addition of a parapet wall are noticeable from this property, additional overdominance and overshadowing is not considered to occur to a demonstrable degree to warrant refusal. The additional loss of light from the omitted window will be minimal when compared to the previously approved scheme, and the parapet wall will not overshadow or overdominate the front-facing windows or gardens of the neighbouring property significantly.

No part of the development will overhang the neighbouring boundary.

Design of Extension

The original scheme for the conservatory was considered to be sympathetic in design and appearance to the character of the bungalow, as it would not have detracted from the appearance of the property or wider area.

The objection letters state that the conservatory is now more 'industrial' in appearance, and it now looks more like a garage conversion than a light and airy conservatory. Objection letters also state that materials do not match existing, and the use of the extension may not be for residential purposes.

Notwithstanding these objections, which have been fully considered, in the case-officer's opinion, the revisions are considered acceptable in design terms. Although the additional brickwork and parapet wall have altered the appearance of the development, the scheme does not overwhelm the scale of the existing bungalow, and the demonstrable harm caused to the character of the area is not significant enough to warrant refusal.

The scale and siting of the extension have not changed, and whilst the appearance of the scheme is no-longer judged to be 'light and airy', this in itself is not a reason to refuse the scheme, and the design is still considered to be in-keeping with the appearance of the bungalow.

Materials are considered appropriate (despite the bricks not matching exactly in colour), and the use of the extension is clearly used for residential purposes.

Conclusion

It is judged that the additional harm caused to visual/ residential amenity is not significant enough to warrant refusal, and the revised scheme is in compliance with Policies G2, D3 and H16 of the Salisbury District Local Plan.

Members must now consider the proposal in light of the previous scheme, and critically examine whether the additional brickwork, new parapet wall, new decorative 'crest' and the omission of the side window have caused sufficient harm to visual or residential amenity to warrant enforcement action to be started against the applicant.

RECOMMENDATION: Approve

For the following reasons:-

The scale, design, siting and materials proposed are appropriate to the general development criteria, in accordance with the adopted SDLP policies.

INFORMATIVE:

This decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

G2 - **General Criteria for Development**
D3 - **Good Design**
H16 - ***Housing Policy Boundary***