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Report

SUBJECT: S/2007/1460 – proposed 8 unit retail warehouse
Off London Road, Salisbury

REPORT TO: Planning and Regulatory Committee

DATE: 18 March 2008

AUTHOR: Richard Hughes, Principal Planning Officer

REASON FOR REPORT TO MEMBERS

1. Councillor McLennan, King and Cardy has requested that this item be determined by Committee due to:
 - the prominent nature of the site
 - the interest shown in the application
 - the controversial nature of the application
2. The application site straddles the boundary of City Area and Southern Area, and the proposal has the potential to affect a wider area.

SITE AND ITS SURROUNDINGS

The proposal site extends to 3.6 hectares, and is bounded to the west by a belt of vegetation planting mature (protected) trees, which flank Green Lane (a narrow public right of way). To the north and east, the site is bounded by Pearce Way and London Road. Adjacent to the southern boundary lies several terraced residential properties.

The wider area around the site is largely residential development to the west, with some commercial development along London Road to the east, including new office development and a Park and Ride site. Further to the east, the site and surrounding area is dominated by, and visible from, the Laverstock Downs.



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London Road itself which skirts the eastern flank of the site is crossed by the main Salisbury to London Railway line, over St Thomas's bridge, a narrow railway bridge from the 19th century.

A major (Esso) oil pipeline and water main crosses the site.

The site has an overgrown unkempt character, partly resulting from disturbance which occurred in the late 1990's when the extant planning permission was commenced. At that time, the existing vehicular access onto London Road roundabout was created.

THE PROPOSAL

The construction of a retail development providing 8,361sqm of retail floorspace on the ground floor with 4,181sqm of retail floorspace at mezzanine level (first floor), comprising 8 non food retail units, 405 car parking spaces, cycle parking, servicing, and landscaping. Vehicular access would be onto the adjacent London Road/Pearce Way Roundabout.

A package of highway and transport improvements are suggested by the application, including a significant contribution to enhance bus transport to the site. Improvements to the cycle and footway system are also indicated on the submitted plans, including a new link between Green Lane and London Road along the southern boundary of the site. An acoustic fence is planned around the southern and western boundary of the site.

The proposal has been submitted with a Transport Assessment, a noise impact assessment, an air quality assessment, a ground investigation, a flood risk assessment, and an ecological appraisal. A retail assessment has also been submitted, as well as a sustainability appraisal document.

Prior to this application being submitted, a public consultation exercise was undertaken by the applicants, and a document related to the results of this has also been attached.

PLANNING HISTORY

There have been a number of planning application which relate to this site.

Most importantly and of most relevance:

a) 1991 - Application S/91/1664 permitted the use of the land subject of this application for use as a motor traders park. This application involved the construction of a new roundabout and the realignment of the A30 London Road. The application was permitted in 1993, subject to a legal agreement related to various highway improvements including works to the railway bridge. (This legal agreement was then apparently amended twice to alter some of the provisions, and interestingly, the later 1994 application for the retail park was made subject to that altered agreement). It appears that this motor traders park was never commenced.

b) Planning application reference S/94/631 was approved on appeal in 1994. This granted outline planning permission for 8,361sqm of non food bulky goods retail development, plus a garden centre of 1,394sqm. The approved scheme comprised four non food units and a garden centre, together with 420 car parking spaces.

The above retail consent was made subject to a legal agreement (as originally attached to the 1991 motor trade application as amended), which provided for improvements to the nearby St Thomas' railway bridge, including the provision of a new pedestrian route under the railway, to be funded by the developer.

c) Planning application S/98/373 permitted reserved matters approval for details of the retail park (as allowed in outline by S/94/631).

It appears that between the 1998 reserved matters approval and 2000, the above retail park consent was implemented by site clearance and excavation of reduced levels for the access roads within the site.

In 2000, an application to alter the terms of the 1993 legal agreement (and now also relating to the retail park development) was submitted, and was finally determined on appeal. The appeal inspector chose to modify some of the terms and clauses of the 1993 agreement. As part of his appeal decision, it is also clear that it had been confirmed formally at that time that the 1994 & 1998 planning consents relating to the retail park had been commenced (see para 11).

In conclusion, the application site benefits from an "extant" planning permission for a retail park, which is subject to various conditions, and subject to a legal agreement relating to the undertaking of highway improvements. As far as the LPA can ascertain, the clauses referring to the lowering of the road under the railway bridge was retained by the inspector. Members should however note that even this 1993 requirement did not insist that the works to the railway bridge occur prior to the development occurring. Instead the terms of the legal agreement indicate that before development commenced, a financial Bond be provided by the applicants to the County Council towards the carrying out of the railway bridge works. The various clauses make it clear that the amount of the Bond payable to the County could be altered/varied subject to discussions and agreements between the parties concerned.

c) Other applications include several for food retail outlets, namely S/1998/1602 for 7153sqm of floorspace (withdrawn), and S/2002/2117, which related to a smaller foodstore, with office accommodation and car parking. This application was refused in 2003, both on policy and design grounds and a subsequent appeal was later withdrawn.

CONSULTATIONS

WCC Highways - (summarised) The applicant submitted a 3 dimensional computer modelling scheme showing the traffic flow data related to the proposed scheme and the impact on the surrounding highway system and roundabouts adjacent the site including the bridge. The computer model indicated likely traffic flows up to the year 2017. The results of the data has been viewed, and shows that traffic movement at all junctions will be satisfactory in all peak periods. The junction of the A30 with the A338 and Church Road, Laverstock, shows the highest level of queues and delays, but this does not indicate that a serious capacity or safety deficiency in the network arises from the development. The data also submitted also indicates that the signal junction of Barrington Road with London Road, and the A30/A338 St Marks Junction continue to operate satisfactorily.

The applicant undertook analysis of the public transport, cycling and walking implications for the development. The Transport Assessment indicated that:

- a) The applicant is willing to fund public transport to increase the frequency of the daytime bus service to Bishopdown housing area and divert the route to pass the main entrance of the retail park. This will cost £100k per annum and the applicant has offered to support the changes for a three year period, amounting to £300k which should be obtained via S106.
- b) The applicant has expressed a willingness to enter into a Travel Plan, and this also needs to be adequately conditioned and agreed in conjunction with the LPA and HA.
- c) Improvements to the existing bus stop, to upgrade to a shelter and raised kerbs, located within an existing lay-by adjacent to the site access on London Road has been offered.
- d) The inclusion of a new shared use footway/cycleway along the site frontage to Pearce Way to meet the existing shared use route.
- e) Further improvements are required to widen the existing footway fronting the site along London Road to a 3m wide shared use footway/cycleway.
- f) A new cycle/footway link has also recently been added to the scheme along the southern edge of the site, so as to link London Road with Green Lane.
- g) A contribution is also required to provide signage along the cycle/footway route which is being enhanced to Laverstock.

The level of proposed parking is acceptable when taking into account the contribution which will facilitate an improved bus service together with a targeted and monitored travel plan, both of which should encourage modal change.

St Thomas Bridge – The necessity for lowering of the road level at the nearby railway bridge is a major consideration of this application. Significant investigation of this issue was undertaken at a public inquiry in 2000, which led to the inspector maintaining the view that the road level should be lowered. The inspector was persuaded of the need to increase the available height to road traffic by 200mm, so allowing some high sided vehicles to pass without crossing to the centre of the carriageway, and concluded that the obligation should prevail. It should also be considered that policy S7 includes a requirement for local highway improvements including the lowering of the road level at the bridge.

The applicant's highway modelling data includes the additional high sided vehicular movements likely to be generated by the proposed scheme, indicates that some delays may occur at peak times when high sided vehicles have to use the centre of the carriageway under the railway bridge, and indicates that one additional high sided vehicle will pass under the bridge in both directions in the evening peak, representing an 8 percent increase in these movements in the peak hour.

The applicants believe that the works to the road are unnecessary, and indicate that such works may turn out to be prohibitively expensive, given the possibilities of needing to undertake works to an old bridge structure, and the need for road closures and indeed track closures to undertake such works. They estimate that such works could be as much as £2million, although it is understood that no fully detailed estimate has actually been prepared.

The Highway Authority has chosen a pragmatic solution. As the problems associated with the bridge are not going to go away, particularly as growth continues around the city, your members may consider that that it would be fairer if this current proposal made a contribution towards the necessary works, rather than bearing the full cost. This seems to have two distinct advantages in that it reduces the financial impact on the proposal and perhaps more importantly, removes any risk. In policy terms, it continues to satisfy local policy and offers the opportunity to renegotiate the legal agreement as advocated by the inspector.

On that basis, it is recommended that a sum of £500, 000 should be bonded by the applicant via a S106 as a future contribution towards the cost of lowering the road level under the railway bridge. In the event that the HA implement a scheme to lower the road level under the railway bridge in the interest of road and bridge safety at any future date but for the avoidance of doubt, within 10 years of the opening of the development to retail trade, the HA will be able to call upon the bond sum to fund or part fund the scheme. In the event that the scheme costs are less than £ 500,000, the actual costs will be paid by the developer and the remaining funds returned.

In addition, regards the recently amended plan, a satisfactory design for the cycleway/footpath has been provided. This route is considered to be essential for this development as further encouragement for cycling and walking access to and from the site and will also enable cyclists from the city centre or Laverstock to access the site with minimal conflict with other vehicular traffic. However, following further consideration of this important link, it is now considered necessary to require a contribution from the developer to further encourage use of this route, a contribution of £5000 is considered necessary to support a signing scheme between the development, Laverstock and the city centre.

Therefore subject to the developer entering into a Section 106 agreement to secure the following:

- £300,000 public transport contribution.
- £500,000 bonding for future lowering of the carriageway at the Railway bridge.
- £5,000 contribution towards a cycle route signing scheme to be implemented by Wilts CC.

No highway objection to the development is raised subject to the following conditions:-

1. Full details of the construction of a shared cycleway/footway along Pearce Way and London Road together with a new link between London Road and Green Lane, including new bus shelter, raised kerbs, any additional street lighting and all works contained within the existing public highway at the proposed access point, all as indicated on drawing number 1780/P/32S, shall be submitted for the approval of the Local Planning Authority; and the works shall be constructed in accordance with the approved details prior to first use of the development. Reason: in the interests of highway safety

2. Before the start of development, a comprehensive travel plan relating to staff and customer travel options shall be submitted for the approval of the LPA and the travel plan shall be implemented in accordance with the approved plan from the date of the first use of the development. Reason: in the interests of sustainable development.

Informative: The applicant will be invited to enter into a Section 278 Agreement with the Highway Authority to ensure the works identified in condition 1 above are constructed to the appropriate standards and specifications and become maintained at public expense. As part of this Agreement, commuted sums are charged for new/additional works within the existing or proposed highway.

Highways Agency - No objections. The estimations of trip distribution, and traffic generation are considered reasonable. The Agency has concluded that the submissions by SBA accurately reflect the likely impact of the proposed development over and above the impact of the extant planning consent, and that such an impact is likely to have no discernable impact upon the operation of the highway network. Previous concerns have been satisfied and therefore no objection to scheme.

WCC Planning - Object, due to harm caused to city centre (based on original applicant data).

WCC Library/ Museum - No objections, watching brief condition needed.

Environmental Services - No objections subject to conditions. However, due to the impacts of the scheme on air quality, a financial contribution towards the air quality management is requested.

Wessex Water Authority - No objections, subject to a number of caveats (which have been addressed by the applicants as part of the design process).

Environment Agency - No objections subject to conditions related to surface water run-off, water efficiency, and contamination

Natural England - No objections. No significant effect on the SAC/SSSI.

Wiltshire Wildlife Trust - No objections subject to mitigating conditions protecting wildlife and flora.

Esso - No objections

Parish Council response Residents within this area have expressed concerns over the retail unit proposal and would rather see proposals for a hotel with conference suite or housing. This view is supported by the PC who object because the London Road will be as big an embarrassment as Southampton Road.

Salisbury Transport 2000 – This proposal will make this route the same as Southampton road, and increase traffic in the area. The bus frequency is not good enough, and cannot P&R buses be diverted. The new bicycle spaces are welcomed – could a developer contribution be made to extend the local cycle network. How will the Travel Plan work in practice ?.

Wiltshire Police – New footway/cycleway should be appropriately lit, with lower level lighting if possible given proximity of adjacent housing.

Wiltshire Fire and Rescue Service – General advice provided. No objections on planning related matters.

Design Forum - Views of the roof are a very important consideration because they are likely to be very visible in such an open landscape setting. They would be particularly visible from approaches to Salisbury such as the A30 London Road and the surrounding uplands around the City. With this in

mind, a green roof solution would be preferable to the metal cladding proposed and would also mean that the building would be much more environmentally- and ecologically-friendly as well helping to create a more distinctive building in the round. We suggest that views of the development from some of the nearby elevated positions/approaches should be produced to show how it would appear in the landscape.

The proposal's contribution towards reducing carbon dioxide emissions would appear to be minimal and this is very disappointing when one considers the clear potential for enhanced energy efficiency and renewable energy technology on a development of this type and scale.

We consider that the frontage of the development could and should be made more open and welcoming, rather than what appears to be a continuous flat front elevation with a standardised and rather uninteresting repetition of solid and glazed (void) sections.

We welcome the fact that the proposed pedestrian/cycle path which would have linked the existing public footpath running along the site's eastern boundary to the car park has now been removed in the interest of designing out a potential crime spot. The more generous landscaping scheme is also noted as an improvement from previous plans.

We feel that the signage could be more subtly integrated into the architecture of the building and would hopefully be less overbearing if this were successfully achieved. We would also have expected to see a lighting strategy for the proposal.

Overall however, the design and appearance of the proposal is considered to be un-aspirational and un-imaginative. We feel that this building could be found anywhere and as such would fail to deliver or contribute towards an image of innovative and high-quality contextual design for Salisbury. The proposal requires some spark of individuality and difference to set it apart from similar standard developments and the unconstrained nature of the site should provide impetus for a high-quality design solution.

SDC Forward Planning/Transportation - Site History

There has been a relatively long planning site history that is relevant to this site. There are 2 main applicants relevant to this application. Outline consent was allowed on appeal for a non-food retail park in 1998 (S/1998/373). This was for 90,000ft² of non-food bulky goods retail plus a garden centre of 15,000ft². The Reserved Matters was subsequently approved.

The site and the bridge works were also discussed at the Local Plan Inquiry in 2001. Due to the result of the appeal held in for S/1998/373, the inspector concluded that an individual policy regarding St Thomas's Bridge was not necessary but included wording within the policy regarding the retail allocation at London Road. He recommended that that the site should be allocated 'subject to local highway improvements including road lowering to increase the headroom at St Thomas's Railway Bridge and public transport provision'.

The inspectors report also recommended that S4 (that has now been deleted from the local plan) should be amended to suggest that 'there is no further qualitative or quantitative need for additional retail warehousing floorspace in Salisbury over and above the extant permissions and that any further proposals for comparison goods shopping should be directed towards city centre or edge of centre sites'.

Key Policies

- Salisbury District Local Plan Adopted 30th June 2003: S7, G1, G2, G9, D1, D8, C13, C17, TR11 and TR12.
- Planning Policy Statement 6

Retail Issues

The proposal comprises of 90,000 ft² (8,361 sqm) of retail warehouse floorspace and 45,000 ft² (4,182 sqm) mezzanine level floorspace, comprising a total of 135,000 ft² (12,542 sqm). It has the same footprint as the extant scheme, however the mezzanine's increase the floorspace proposed.

The site is allocated under policy S7 of the adopted Salisbury District Local Plan. It was allocated primarily to acknowledge the extant consent which exists on the site. The policy states that

'A 3.6ha area of undeveloped land between Green Lane and London Road is allocated for comparison retailing and employment use, subject to local highway improvements including road lowering to increase the headroom at St Thomas's Railway Bridge and public transport provision'.

Supporting paragraph 9.17 to policy S7, identifies that the range of goods to be sold from the site is limited through the extant planning permission to bulky goods. It also advises that the Local Authority wishes to avoid the profusion of advertising found elsewhere in the city and for this reason a high quality development, in terms of building design, layout and landscaping is envisaged. Paragraph 9.17 also states that 'The Local Planning Authority may seek a retail impact assessment study for other applications for retail warehouse development on this site'.

To support this statement PPS6 also requires applicants for retail proposals in locations that are not in the town centre to demonstrate the following tests.

- The need for development
- The appropriate scale of development
- The sequential approach to site selection
- The impact of development on existing centres
- That locations are accessible and well served by a choice of means of transport

As such, a retail assessment was requested from the applicant several times. That originally submitted by the applicant was deemed to be insufficient by the council's retail specialist, GVA Grimley, who has been employed to comment upon the application. As a result more information was requested and a further Retail Report has been submitted by the applicant.

The Supplementary Retail Report submitted by the applicant, used the Retail Study undertaken by GVA Grimley in 2006 and the figures within it as their base figures.

With respect to comparison goods, the 2006 GVA Grimley study identified the following floorspace and expenditure projections:

Comparison goods Baseline Capacity Projections (sq m net)

Area	2011 (sq m net)	2016 (sq m net)	2021 (sq m net)
Total District	9,181	22,488	38,115
Salisbury City Centre	5,031	13,346	22,970

Comparison goods baseline projections (sq m net)

Area	2011 (£000)	2016 (£000)	2021 (£000)
Total District	9,181	22,488	38,115
Salisbury City Centre	5,031	13,346	22,970

The retail study additionally shows the extant scheme on this site as a commitment (8,361 sqm), and allows a turnover at 2011 of £14.8m per annum. The applicant believe that this is an underestimation of the likely turnover of a scheme.

Within the Supplementary retail report submitted by the applicant a preferred retail scheme is detailed which comprises eight non-food retail warehouse units, 405 car parking spaces, cycle parking, servicing, landscaping and access. Specifically the eight retail units consist of:

Unit 1 – Sports World, taking 929sq m at ground and 650 sqm at mezzanine level

Unit 2 – DFS, taking 2,322sqm at ground at 557sqm at mezzanine level
Unit 3 – TK Maxx home, taking 929sqm at ground and 650 sqm at mezzanine level
Unit 4 – Mamas & Papas, taking 465sqm at ground and 465 at mezzanine level
Unit 5 – Empire Electrics, taking 929sqm at ground and 233 sqm at mezzanine level
Unit 6 – SCS Upholstery, taking 696 sqm at ground at 233 sqm at mezzanine level
Unit 7 and 8 – Asda Living, taking 2089sqm at ground and 1393 sqm at mezzanine level

The applicant has further shown through their Supplementary Retail Report that even with an increased turnover level there would still be residual capacity to support new floorspace elsewhere in Salisbury at both 2011 and rising further by 2016. The applicant have additionally shown that their preferred scheme not only meets retail need in both quantitative and qualitative terms but also meets the other requirements of PPS6 in terms of scale, sequential approach, impact (5%) and accessibility.

GVA Grimley have again analysed the information provided by the applicant and GVA Grimley's report is appended to this consultation. GVA Grimley confirm that the applicant have indeed now met the needs of PPS6. The consultants conclude that:

'we recommend that there are no sound reasons for refusal of the current proposals based on retail policy grounds, provided they are substantially restricted to the sale of bulky goods or at the very least, to the 'preferred scheme' tested by the Applicant, and subject to the suggested minimum unit size condition of 929 sqm'.

As a result of these comments there seems to be few retail reasons to refuse this application, so long as it is strongly conditioned to ensure that units that may harm the town centre are not allowed into perpetuity and that this retail park remains a retail warehouse scheme and does not become a 'fashion park'.

Conditions

As detailed above the local planning authority within this scheme needs to ensure that conditions imposed on the scheme are tight and do not allow retail uses that could undermine the vitality and viability of the town centre, especially any proposed more centrally located retail space such as the Maltings and Central Car Park.

Other Policy Issues

Other relevant local plan policies which the application should take account of are: G1, G2, G9, D1, D8, C13, C17, TR11 and TR12. These policies deal with issues such as access, planning obligations, design, car parking cycle parking, ecology, protection of water courses. The issues raised by the policies appear to have been addressed by the application.

Transport

Transport issues have been dealt with through the consultation response provided by Wiltshire County Council Highways. However it should be noted that Highways have indicated that they are happy to accept a commuted sum or Bond in lieu of the works to St Thomas's Railway Bridge. We are advised from legal that this is satisfactory to meet the requirements of policy S7 of the local plan. Furthermore due to the size of the development it should be ensured that all occupiers into perpetuity produce and agree a Travel Plan with the Local Planning Authority, this should be ensured through the Section 106 agreement.

Shopping Directive

Due to the number of retail applications that have been received within a 10 mile radius of this site the Shopping Directive has been triggered. This is detailed within Circular15/93 and applies for:

- Gross shopping floorspace of not less than 20,000 sq m or
- Gross shopping floorspace of not less than 2,500 sq m but of less than 20,000 sq m which will exceed 20,000 sq m when aggregated with gross shopping floorspace of not less than 2,500 which is comprised or include any other development of land –

- In respect of which an application for planning permission has been made but not finally determined on the date an application to which this direction applies is made
- In respect of which planning permission has been granted within the period of 5 years immediately preceding that date:
- Substantially completed within the period of 5 years immediately preceding that date
- Before granting planning permission on any application to which this direction applies, a local planning authority shall, in England consult the Secretary of State for the Environment, and, in Wales, consult the Secretary of State for Wales.

The retail applications submitted to the local planning authority include:

Planning Application Number	Address	Proposal	Gross area
S/2007/1460	Salisbury Retail Park	8 unit retail warehouse development providing 8,361m ² of retail floorspace on the ground floor with 4,182m ² of retail floorspace at mezzanine level, together with associated car parking, cycle parking, servicing, access and landscaping	12543 sq m
S/2007/2226	Plot C1, Solstice Park, Amesbury, Salisbury, SP4 7SQ	Development of a 6131sqm 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.	6131 sq m
S/2007/1865	140 London Road & Land & Buildings To Rear, Amesbury, Salisbury, SP4 7EQ	Demolition of all buildings & redevelopment to form a class a1 foodstore with associated parking & landscaping and alterations to access	5564 sq m
Total Area			24238 sq m

As this clearly triggers the Shopping Directive, the LPA needs to as soon as reasonably practicable send a copy of the following material to the Secretary of State at the appropriate office:

- A copy of the application (including copies of any accompanying plans or drawings)
- A copy of any representations made to the authority
- A statement of the issues involved in the decision and of any views expressed on the application by a government department or another local planning authority.

In such instances the LPA shall not grant planning permission on the application until the expiry of a period of 21 day from the date on which the material was sent to the Secretary of State.

Recommendation

It is recommended that the application can be approved subject to, amongst other areas, the retail uses being strongly conditioned and the transport issues being secured through a section 106 agreement.”

REPRESENTATIONS

Advertisement	Yes. Expiry 23/8/07
Site Notice displayed	Yes. Expiry 23/8/07
Departure	No
Neighbour notification	Yes. Expiry 13/08/07
Third Party responses	50 raising the following concerns

- i) Proposal will cause on street parking around the site
- ii) Traffic problems in area will significantly increase
- iii) The scheme will cause noise, fumes and disturbance
- iv) Acoustic fence should be at least 3 metres in height
- v) Previous supermarket scheme was better for local people
- vi) There should be strict opening hours and the car park should not be accessible outside the hours
- vii) Concern about disabled access to and from site due to narrow width of existing pavements
- viii) Design of the scheme is too modern for this site, signage needs to be low key
- ix) Retail on this site is against the spirit of Salisbury Vision
- x) Scheme will affect emergency vehicles accessing the area
- xi) Will attract mobile catering vans and hence litter
- xii) Scheme will encourage the use of private cars
- xiii) Housing or a garden centre would be better use of site
- xiv) Scheme would not provide a high level of jobs
- xv) A hotel on the site would provide better tourism facilities
- xvi) There is no economic need for these units – empty units in city area already
- xvii) New cycle and pedestrian path should not be used by motorcycles

And one letter from the owner of the Old George Mall shopping centre, stating that:

- i) The new development should be reconsidered against current government guidance within PPS6, and of structure plan policies DP5 and DP6
- ii) Consideration should be given to the need for the additional floorspace, its impact on existing centres and the sequential approach
- iii) Whether the scale of development could be split up and placed in the city centre needs to be explored – there are units in the city centre
- iv) The scheme as proposed could affect vitality and viability of the city centre
- v) The range of goods to be sold should not be relaxed

MAIN ISSUES

Principles and retail impact issues
 Design/ Impact on character of area
 Impact on residential amenities
 Impact on highway system/highway safety
 Ecological issues/Impact on SAC
 Public Art issues

POLICY CONTEXT

With such a large strategic style application most of the national planning guidance and local plan policies are in some way relevant. However, the most relevant to this proposal are:

PPS1 PPS6, PPG13 PPG23 PPG 24 PPS25

Regional Spatial Strategy

DP1 WSP

G1 G2 D1 S7 C7 TR11 SDLP saved policies

PLANNING CONSIDERATIONS

Principle

In considering the use of the site for a retail park in 1994, the planning inspector stated in his decision notice (para 25) quite clearly that:

“The site also adjoins existing built development. It cannot therefore in my opinion be described as being in open countryside. As planning permission has already been granted for its use as a motor traders park I do not consider that its use for retail warehousing and a garden centre would have a noticeably greater impact upon the physical or visual characteristic of the area, the amenities of adjoining land uses or the adjacent landscape or townscape.”

Whilst this statement is now 14 years old, it is considered to be of relevance to the determination of this application, and is a material consideration.

The site was allocated in the 2003 Local Plan. Policy S7 states that:

“A 3.6Ha area of undeveloped land between Green Lane and London Road is allocated for comparison retailing and employment use, subject to local highway improvements including road lowering to the headroom at St Thomas’s Railway Bridge and public transport provision”.

The supporting text associated with the above policy states that:

“Planning permission has been granted for a non food retail development on approximately 3.6ha of land at London Road. The range of goods to be sold from the site is limited by the permission to bulky goods. The Local Planning Authority wishes to maintain the visual attractiveness of this route and therefore wishes to avoid the profusion of advertising found elsewhere along the approaches to the city. For similar reasons, a high quality development in terms of building design, layout, and landscaping is envisaged on the site. The Local Planning Authority may seek a retail impact assessment study for other applications for retail warehouse development on this site”.

Members therefore need to consider to what extent this current proposal adheres to the aims and spirit of the policy/allocation, as well as other local plan policies and national guidance. Notwithstanding the above, a material consideration is that the site benefits from an extant planning permission for a similar proposal. Members also need to consider the material harm caused by the new proposal, compared to the possible “fall back” position of the extant consent.

The “fall back” position

The extant scheme which already benefits from planning permission is very similar in footprint and general design and massing to the scheme currently subject of this application. However, the design of the scheme is a number of years old, and in the interim, various legislation has altered which may affect aspects of the scheme as originally designed (Building, Fire regulations for example).

The applicants have acknowledged that, due to the passage of time and the updating of legislation requirements, the existing extant planning permission scheme would need some alterations in order to be built out. However, according the applicant, most of the changes required would be of a minor nature, and involve changes to the approved buildings and layout which would not be significant. In summary, the changes as highlighted by the applicant are:

1. The approved ramp to Green Lane would be modified to meet current guidelines
2. The disabled parking spaces would need to be enlarged, and require a reduction from 420 parking spaces to 406 spaces
3. The 6m easement between the retail units would need to be enlarged to 7.5m, requiring adjustment of the location of the units as approved.
4. The permitted landscaping scheme would need to be adjusted regards several trees which were shown impinging on the oil pipeline and surface water sewer areas which cross the site.

As a fresh planning application would be required before the site could be developed, it seems that the extant planning permission cannot be completed in its approved form. Therefore, a “fall back” position, whereby an old permission could be carried out without requiring further planning consent, does not exist in the opinion of the Local Planning Authority.

However, in officers opinion, provided the information and evidence supplied by the applicant is accurate, whilst a new planning application would be required to address the physical changes required to the already permitted scheme, those changes would cause no more tangible harm to the surrounding environs than the permitted scheme design.

Retail impact issues

With any large retail proposal of this type, particularly those outside the main shopping centres, the impact of the proposal on those other existing major shopping centres must be assessed.

Since the deletion of Policy S4 of the local plan by GOSW, central government guidance in PPS6 is now of primary relevance to this proposal, the aim of which is to promote the vitality and viability of town and city centres. Applicants need to demonstrate that:

- a) An identified need for the development exists
- b) The proposed development is of an appropriate scale
- c) The sequential approach to site selection has been adopted
- d) The impact of development on existing centres has been assessed; and
- e) Location of the site is accessible by a choice of means of transport

The current proposals are for a materially different scale and form of development to that for which planning permission already exists, and the applicants preferred scheme includes both bulky and non bulky comparison goods retailers.

To this end, the Council employed a specialist retail consultant to advise the LPA. Following his critique of the applicants original retail assessment, the applicants have since submitted a fuller retail impact assessment document, and this revised document has been assessed by the specialist retail consultant to the LPA. He concludes that (summarised) :

'We are satisfied that the applicants have demonstrated a clear quantitative and qualitative need for a significant scale of additional comparison retail floorspace in the Salisbury Area, and that there is likely to be sufficient capacity for larger development at London Road whilst still leaving significant capacity for additional development within the city centre up to 2011. We are satisfied there is also a qualitative case for additional retail warehouse type development as permitted at London Road to contribute to meeting the needs of bulky goods retailers which may find it difficult to locate within the constrained historic City Centre.

The applicant's have now undertaken a thorough sequential site assessment , incorporating a degree of flexibility as required by PPS6. This identifies that there are no suitable sites or units likely to be capable of accommodating the scale of comparison floorspace needs identified by 2011, and in particular there are no vacant units or sites likely to be suitable to accommodate a bulky goods retail warehouse type development.

There are key opportunities coming forward in Salisbury City Centre, notably on the central car park/Maltings site which would be expected to accommodate a significant level of additional convenience and comparison good floorspace, although this development is unlikely to come forward from the period up to 2011 and is unlikely to be appropriate to accommodate significant bulky goods retail warehouse type development. In these circumstances we do not consider these sites could be regarded as being suitable, viable or available within a reasonable timescale to meet the identified need up to 2011 and in particular the needs of bulky goods retail warehouse type operators.

.....The (applicants) latest analysis includes an assessment of the overall impact of the proposals which suggests an impact of circa 5 percent on Salisbury City Centre. We consider there is a reasonable estimate for a bulky goods development. We do not consider the impact of a restricted bulky goods development is likely to seriously undermine the vitality and viability of the City Centre which would still be expected to experience significant growth in its turnover in real terms. However we consider an unrestricted open A1 retail park type development would have a materially different character and be likely to impact more directly on existing retailers and planned new developments in the city centre. In these circumstances, we recommend that there are no sound reasons for refusal of the current proposals based on retail policy grounds, provided they are substantially restricted to the sale of bulky goods, or at the very least, to the preferred scheme tested by the applicant, and subject to the suggested minimum unit size condition of 929sq metres’.

Further to the above comments, the applicants also offered to the LPA what they considered to be a suitable “bulky goods” condition, which allows for up to 50 percent of the floorspace being proposed to be utilised for non bulky (smaller scale) items for sale. The LPA retail consultant was asked for his views on this suggestion, and has indicated that in his view, and consent should either be restricted with a bulky goods condition, or at the very least, a condition restricting the permission in accordance with the preferred option supplied by the applicants.

In officers opinion, based on the expert advice of GVA Grimley, it would therefore be difficult to argue that the scheme as proposed would have an adverse impact on the vitality and viability of the city centre, provided any such scheme could be suitably conditioned and restricted.

At the time of writing, the exact content and form of the restrictive goods condition is still being worked out by the LPA, to ensure that it reflects the advice of the Council’s retail consult, as well as meeting all the relevant central government tests for such conditions. Similarly, members will note at this time that at this time, in response to GVA Grimleys suggestion that unit size be restricted to above 929sqm, officers are in fact suggesting that any approval is tied directly to the physical size of the scheme as applied for, ie 8 retail units of the dimensions and floor space provided (all units are in fact above the minimum figure of 929sq m as suggested by the Council’s retail consultant and therefore such a restriction would achieve the same aim).

Officers will report further to members at the meeting, and therefore wish to indicate clearly that the form and wording of suggested conditions is subject to change.

Members should however note that in accordance with the Shopping Direction 1993, due to the scale of this scheme, this scheme needs to be referred to the Secretary of State (the Government Office of the South West), should members wish to approve the application.

Design/sustainability/ Impact on character of area

The site is located in a prominent location at the entrance/exit of the city, and being visible from the wider countryside, particularly from surrounding elevated ground, including the Laverstock downs. Any development on this site would therefore be readily visible, and subject to scale and materials, have an impact on the wider countryside around the site.

In general design terms, this revised proposal is similar in terms of general bulk and height to the extant scheme, with a large car park provided to the east of the L shaped building, and rear service yard to the west.

The Design Forum felt strongly that the scheme is unimaginative, lacks focus or a “concept” for its design (see full comments elsewhere). Whilst this point of view is understood, this current must be assessed against the design of the previous extant scheme. Furthermore the applicants have

undertaken a local consultation regards the scheme, and the current scheme has been finalised following comments from local people.

In officers opinion, the site is highly sensitive, being located and visible at the entrance to the city. The previous (extant) design is of a very simple architectural form, and this was intended, so that the building would not be overly visible in the surrounding area, and would overtime, be softened by surrounding landscaping and retained trees. It was intended that any large scheme on this site would be understated, and not detract from the main focus of this arterial entrance which is the surrounding landscape and the cathedral spire. Whilst not identical to the extant permission design, it is considered that the revised design subject of this application still achieves these objectives.

The materials suggested by the extant consent scheme, have been altered to be more sympathetic and regressive, utilising a darker roof covering so that the building is made less obvious from the adjacent higher land. The applicants have also listed the following criteria, which would improve the “sustainability” of the design compared to the extant consent:

- a) higher standard of thermal insulation
- b) improved airtightness standards to reduce air leakage
- c) a higher energy efficiency/lower carbon rating
- d) an aspiration to achieve BREEAM very good rating
- e) Rooflights included to reduce artificial lighting during day
- f) A Sustainable Drainage System is provided
- g) A reduction in the earthworks necessary, thus reducing waste and spoil removal traffic

Furthermore, since the launch of the companion supplement on climate change to PPS1, the applicants have also submitted a fuller sustainability appraisal document. This contains 8 criteria:

Site Management – Applicant intends to sign up for the government backed considerate constructors scheme. This will protect residents located adjacent to the site. Further, construction site impacts such as water consumption, construction waste and emissions will be continually monitored. Site hoardings and timber will be procured from sustainable sources. As part of the BREEAM guidelines the applicant will commit to the appointment of an individual who will have environmental responsibility during construction, and implement a specific environmental policy.

Health and Wellbeing – For all sales and common floor area, windows and internal layout will provide sufficient natural daylight in order to reduce use of artificial lighting. A thermal study will be conducted to minimise heat loss . Fresh air will be provided at rates in line with industry best practice guidelines. The car park has been designed to operate as safely as possible.

Energy efficiency – Solar panels for heating water have been included. Rooflights and windows will be positioned so as to minimise the requirement for artificial lighting. Energy consumption can be monitored at unit level, with sub-metering provided for each unit. The development as whole has been designed to minimise energy consumption.

Transport – Various improvements to the highway and transport infrastructure are planned (see else where in this report).

Water efficiency – Water efficient appliances will be used. A water meter with a pulsed output will be installed, to allow easy monitoring. A leak detection system will be provided, and a Sanitary supply shut off system. The drainage system utilises elements of Sustainable Urban Drainage System, which aim to store the rainwater on site during periods of heavy rain and then slowly release the water when the storm has passed, greatly reducing run off. Porous paving will be provided, and drainage from sections of the roof will also discharge into the porous paving.

Materials and waste – “A” rated materials will be used, and efforts will be made to source local suppliers.

Land use and ecology – (details covered elsewhere in this report)

Pollution (noise/air/water) – (details covered elsewhere in this report)

Whilst officers welcome a general upgrading of the original design concept compared to the 1998 extant scheme, and the inclusion of solar panels for heating water, many of the features suggested by the applicant would be needed to comply with current building and other regulations.

As a more explicit “eco-friendly” addition, the applicant does not explain why such features such as photovoltaic cells and wind turbines for electricity production are unable to be used on the building, although it is admitted that such features could have a visual impact. Officers have also suggested that the new building be fitted with a green (alpine sedum) roof. In officers opinion, not only would this have significantly improved the long term “green” credentials of the development (in terms of drainage and ecology), but may also have reduced further the visual impact of the development when view from adjacent higher land. The applicant has however discounted the use of a Green roof as it would require significantly more construction materials to be utilised throughout the process in order to allow the resultant building to take the weight of the green roof. Additional supports may also be needed inside the buildings which would also affect the way the retail units operate, as they normally insist on a clear, uninterrupted floor area.

Overall, it is considered that the design of the revised scheme is an improvement over the permitted extant scheme, and would be more sympathetic in visual terms at the gateway to Salisbury.

Impact on residential amenities

The site is located directly adjacent to the large housing development of Bishopdown Farm, although is separated visually from the housing estate by Green Lane and its mature screening. Numerous concerns have been received from third parties living adjacent to this site regards the impacts of this scheme on existing residential amenities (summarised elsewhere in this report).

Members should however assess the likely impacts of this revised scheme against the impacts likely to be caused by the extant planning permission (as allocation) which exists on the site. This is a material consideration.

The extant planning permission scheme is of a similar layout and orientation as the currently proposed scheme, with its service yard area located on the western flank of the site, adjacent to Green Lane. The previous scheme contained plans for an acoustic barrier along the western boundary. Given the nature of the units, it is obviously likely that any plant (air conditioning units and the like) will also be positioned along the west facing façade of the buildings.

A Noise Assessment has been submitted with the application, which outlines the likely impacts of the development, and mitigation measures proposed.

In particular, the noise report suggests that due to the planned acoustic barrier along the western boundary, and due to the shielding affect of the massing of the proposed building itself which would reduce existing traffic noise from London Road, the noise disturbance experienced by dwellings to the west of the site would be less than that experienced currently. Other dwellings would experience an “imperceptible increase” in traffic noise. Otherwise, the report indicates that matters such as hours of operation/use, construction works, and service vehicles, should be carefully controlled to avoid any undue noise problems.

The impacts of this amended scheme on residential amenity is likely to be broadly similar to that of the extant scheme, given the similarity between the two schemes.

However, it is considered that some of the sustainable transport initiatives to be employed would to a certain extent result in a generalised improvement to amenities, in that traffic using the highway system around the site may be more limited than that likely to result from the extant scheme.

More noticeably, an acoustic fence/wall is now proposed along the western edge of the site, which has been designed so that there would be less impact on existing vegetation and the existing mature trees than the previous scheme, which involved the construction of a wall in a manner which would potentially could have harmed the longevity of the trees, and resulted in the removal of vegetation features.

The relocation of the original pedestrian/cycle link away from the western boundary means that the acoustic boundary treatment can be unbroken, and therefore more affective in baffling noise. Users of Green Lane, and the dwellings of adjacent houses, will not therefore be so affected by this scheme as they would have been by the extant proposal.

The Council's EHO has been fully consulted regards this application, and subject to conditions to mitigate any impacts, considers that the proposal is acceptable. (issues of air quality and traffic impacts are discussed elsewhere in this report).

Impact on highway system/highway safety

The assessment of the highway impact of the currently proposed scheme must be assessed against the context of the planning history of the site.

As explained elsewhere in this report, the extant planning permission relating to the development of the application site was originally subject to a legal agreement, which required the following highway works to be undertaken (summary):

- a) Railway works – widen the railway bridge opening to 5.1m in height, and the creation of a pedestrian passageway under the railway bridge, or
- b) If neither the above proceed, then a financial contribution was to be paid by the developer towards the provision of the then planned Northern Link Road, or
- c) If the works described in a) or b) above do not proceed, then the developer was to make a financial contribution towards off site highway or railway improvements.

However, as modified in the year 2000 by the appeal inspector, the revised legal agreement deleted the clauses and requirements related to the points a) and b) above, and now more simply requires the road level below the railway bridge to be lowered, and a contribution being made to off site highway works, as point c) above.

A Transport Assessment has been submitted with the application, which outlines the likely impacts of the development, and mitigation measures proposed. A draft travel plan is incorporated within the TA.

a) St Thomas's Bridge

In the year 2000, the previous inspector also raised similar issues, stating in para 27 of this decision that:

“While the extant permission relates to non food retail use.....these uses can be served by articulated box vans not exceeding 4.0m in height.....As I witnessed during my site visits, these can pass under the present arch within the marked 4.04m..central zone, but they cause pauses in traffic movements under the bridge to allow them use of the central passage”

However, after appearing to agree (with the current applicants ascertains) that lorries serving the retail would be likely to be able to negotiate the bridge (first section of his para 29), the inspector carries on later in that paragraph, that:

“However, the appellants survey revealed that about 32 percent of vehicles passing under the bridge used the centre of the road, but I noted that many of these were small lorries and vans whose drivers err on the side of caution. With a reduction in road level creating a wider area available for headroom, I

take the view that this figure is likely to reduce because more small lorries and vans would be encouraged to pass side by side under the bridge”

He continues in para 30:

“In my opinion, this is the only alteration to St Thomas’ Bridge under policy TR10 that the appellant can reasonably be expected to implement. In making a material improvement to the available headroom, it will enable more vehicles to pass under the bridge in both directions, reduce the number of occasions when traffic has to stop to allow a high sided lorry to pass and significantly reduce the risk of “bridge bashing”. Although I recognise that traffic flows are bound to increase in the future, I do not consider it fair and reasonable to continue to impose the total responsibility of the Railway works on only one of the many sites which will contribute to that increase. I conclude that Clause 1.1.22(2) still serves a useful purpose and should be retained to ensure that the lowering of the A30 road profiles carried out,

Hence, given the planning history of the site and the inspectors comments, Policy S7 of the Local Plan indicates that as part of any development related to this site, works would be carried out to improve St Thomas’s Bridge. Effectively, it was envisaged that the road level at the bridge would be lowered, to allow suitable clearance for HGV’s and similar sized traffic using the A30 and the bridge.

The applicants have indicated that they do not feel that such works need to be undertaken to St Thomas’s Bridge, based largely on the fact that the development proposed will generate only a small number of HGV’s. Their TA document indicates that the current road layout, including the road markings more recently undertaken at the bridge, (which guide high sided vehicles into the centre of the roadway), appears to work satisfactorily.

It is the case that the applicants submitted traffic data indicates that the proposed scheme will only generate a small number of additional HGV movements through the surrounding highway system, and this has been generally accepted by the highway authorities.

However, WCC Highways have maintained their stance that given the previous inspectors comments in 2000 (based on the extant , smaller retail park scheme), and given the fact that the scheme will by definition increase the number of high sided vehicles passing under the existing bridge, that some works may be necessary to resolve the highway situation.

Whilst the applicants dispute that major improvements to St Thomas Bridge are required, they have now agreed with WCC to offer a commuted sum towards the undertaking of such works.

Members should note that even the 1993 legal agreement (and as amended) which first required works to the railway bridge in association with the development of this application site did not insist that the works to the railway bridge occur prior to the development occurring. Instead the terms of the legal agreement indicate that before development commenced, a financial Bond be provided by the applicants to the County Council towards the carrying out of the railway bridge works. The various clauses make it clear that the amount of the Bond payable to the County could be altered/varied subject to discussions and agreements between the parties concerned.

The current request of the WCC Highways therefore seems in accordance with the original requirements.

b) Car Parking and layout

The extant scheme envisaged a total of 420 parking spaces, to serve a smaller retail scheme. Other than the proposed works to St Thomas Bridge, the extant scheme offered little in the way of contributions or improvements to reduce the reliance on car use. Furthermore, no restrictions were imposed on the use of the car parking spaces by staff. Therefore, in general sustainability terms, the extant scheme would have not been likely to discourage the accessing of the site by private car.

The extant planning permission also had quite an awkward internal layout with respect to its car parking and the entrance organisation, which is it considered may in practice have led to conflict between vehicular and pedestrian traffic, and possibly at times queuing out of the access onto the A30. As part of this application, the access and parking arrangements have been reworked, and it is considered that the general safety and legibility of the facilities has been improved.

The current application scheme would provide a total of 405 car parking spaces, which equates to 1 parking space for every 30.7sqm of floorspace created. This figure is well below the Council's maximum car parking ratio of 1 space per 20 square metres of retail floor space.

The TA indicates that it is the intention that staff would be allowed to utilise these parking spaces as well as customers (as well as the 34 dedicated parking spaces for staff to the southern edge of the application site).

In reality, the 405 parking spaces would consist of 34 dedicated staff parking spaces, and 371 parking spaces provided on site between the building and the A30, which could be used by staff and shoppers.

However, Members should note that if the maximum ratio were to be enforced, this would result in a requirement for approximately 617 spaces on site. This would require a significant reduction in the amount of landscaping proposed and/or result in a requirement to reduce the floorspace provided. Such parking provision would also not be in the spirit of current national or local planning guidance, which encourages a more sustainable approach to travel. There would also be adverse visual issues with regards the provision of a "sea" of car parking.

Consequently, in order to attempt to limit the impact of the development on surrounding amenities in terms of possible off site parking in surrounding residential streets, and given that additional parking provision on site is not desirable in general planning terms or even achievable in design terms, it is considered by officers that measures should perhaps be introduced to maximise the amount of car parking available at the front of the retail development for customers.

Therefore, if members are concerned about this issue, it is suggested that restrictions be imposed that prohibit staff from utilising the main car park, and also, that new members of staff be encouraged to access their place of work by non-car modes of transport. Such issues can be addressed by the submission and agreement of a travel plan. (Members should however note that it would not be possible in planning terms to restrict or otherwise enforce the parking of private cars within the surrounding highway network).

Cycle parking

The extant scheme makes little reference to the provision of significant amounts of cycle facilities.

A total of 48 cycle spaces for customer use have been provided on site, and an additional 30 spaces for staff. Together with the improvements offered to surrounding cycle infrastructure, these proposals are welcomed and will hopefully reduce the accessing of the site by car.

Other highway improvements

The previous extant scheme had a footway leading from Green Lane to the site, through the north western part of the boundary of the site. However, in retrospect, it is likely that as designed, such a route may have had an adverse impact on the protected trees along this boundary, and may also have raised several safety issues for users, particularly at night. Furthermore, the applicants indicate that the removal of this route was one of the matters raised by local people during the pre application public consultation.

A new section of footpath/cycleway is proposed between the existing footpath along the southern side of Pearce Way and the proposed vehicular access to the scheme. A new pedestrian and cycle access

has also been provided into the site off this new section of footway /cycleway. In addition, a new cycle/footway linking Green Lane with London Road has been introduced. New signage along the route would be secured via a S106 agreement.

A significant financial contribution (currently estimated at £300,000) has also be offered. This will pay for the diversion/extension of the existing bus services currently operating in the area around the area of the site for 3 years after the development opens for business.

A new bus stop is to be provided adjacent the vehicular access off London Road.

Summary of highways issues

Both the Highways Agency and WCC Highways are happy with the scheme as submitted, subject to the various contributions and improvements mentioned above. Consequently, provided such contributions and improvements are secured via a suitable legal agreement, it is considered that there would be no grounds for refusing this application scheme in terms of the impacts on highway safety. The highway improvements suggested are far superior to those secured as part of the previously extant planning permission.

Environmental Issues

The site is located above the Major aquifer, and within close proximity to the river system. The site is also located adjacent one the main road arteries serving the city. Therefore, an Assessment of the air quality impacts, flood risk, and contamination issues, has been submitted with the application, which outlines the likely impacts of the development, and mitigation measures proposed.

i)Air Quality

The report concludes that during construction, the normal levels of dust and similar pollutants would be created, and goes on to advise that such problems could be significantly reduced with suitable mitigation measures. Following construction and during the operation of the retail scheme, the report states that due to additional traffic created by the scheme, general pollution levels in the immediate area and along London Road would be marginally increased. The report does however indicate that the impact of future traffic pollution should be reduced by sustainable transport initiatives which cut down the use of the private car.

Members are therefore advised that if they wish to approve this scheme, suitable conditions should be imposed to reduce the likelihood of pollution during construction. Furthermore, the sustainable transport initiatives suggested by the highway authority should be similarly conditioned and implemented in order to reduce pollution around the site and its highway system.

The Council's EHO has raised no objections to the proposal subject to suitable conditions. He has however also indicated that as the development would affect the recently designated Air quality Management area around St Marks roundabout, he has requested that a commuted sum of approximately £42, 525 pounds be requested of the applicants, which would aid the monitoring of future air quality in the area. This figure has apparently been calculated using an existing similar scheme related to Hounslow Borough Council.

ii)Flooding issues

The report concludes that the site is outside the main floodplain and within the designated zone 1, where there is minimal risk of flood events. In addition the site is some 130 metres from the nearest main river, and at least 5metres above the area where flooding occurs. The railway embankment to the east of the site also acts a form of flood barrier. Therefore, there is little to no risk of flooding from main watercourses.

A detailed assessment has been made of surface water drainage, the other potential source of flooding problems. The report concludes that existing sewers are either at a considerable depth and of large diameter, and/or are laid to steep gradients away from residential properties so surcharging of public sewers is deemed of very low risk. Furthermore, the new development will incorporate methods to drain large impermeable areas by infiltration, and sustainable urban drainage systems will be used. Overall, the report concludes that should a future flood occur due to surface water surcharges, the flood waters would be contained on site, and not affect surrounding residential properties.

The Environment Agency has raised no objections to the proposal subject to conditions.

iii) Impact on River Avon SAC/Ecological issues

The site lies close to the River Avon Special Area of Conservation, and above the major aquifer. The likely impacts of the development on these two matters therefore needs to be thoroughly assessed as part of this application.

A major Esso oil pipeline crosses the site. However, the development has been carefully designed to avoid this pipeline, and Esso has no objections to the development. Likewise, the EHO has raised no objections.

The site also lies directly above the Aquifer, will drain into land which is adjacent to the River Avon SAC system. No objections have been raised from Wessex Water, the EA or the EHO regards this matter. Therefore, it is considered that there will be no significant impacts in terms of contamination.

An Ecological Assessment has been submitted with the application, which outlines the likely impacts of the development, and mitigation measures proposed.

In particular, the report concludes that the botanical interest of the site is limited, but contains suitable habitats for common species of reptiles. The trees along Green Lane offer suitable habitat for roosting bats, although the report does not indicate that any evidence of bats was found. No evidence of badger activity was found. The report does however indicate that a number of mitigation measures will/needs to be included in the final scheme, including:

- a) Before the clearance of the site for development, a search should be carried out for reptiles
- b) New habitat for the common reptiles found and collected shall be incorporated into the proposed landscaping areas
- c) That site clearance works are not undertaken between march and mid august (bird nesting season). Ten bird boxes of varying designs will be installed within the peripheral landscaping
- d) A permanent Nature Conservation Management Plan should be in place before development commences to manage the proposed landscaped areas
- e) Lighting of the scheme will be constrain light spillage

Natural England have raised no objections to the proposal, subject to suitable conditions.

Under the 1994 Habitats Regulations, the Local Planning Authority has undertaken an appropriate assessment of the likely impacts of the development, as it is considered that without mitigation, the proposal may be likely to have a significant impact on the River Avon SAC, and the aquifer.

The application has been submitted with a contamination report and flood risk assessment which covers the likely impacts of the proposal in terms of drainage and contamination. The reports conclude that subject to a suitable drainage and contamination removal scheme, the proposal would be unlikely to cause pollution or contamination of the aquifer or the river system.

As a result, with mitigation, it is considered that the scheme would cause no significant effect to the River Avon SAC/SSSI.

Public Art issues

As part of the extant planning permission scheme, a sum of monies was secured for a piece of public art within the body of the development. The monies secured are still retained by this Authority, and the applicants supporting statement and plans indicates that it is happy for such monies to be utilised for public art as part of this amended scheme. The applicants have indicated on their plans that the public art could be placed on the roundabout adjacent the application site entrance.

Officers welcome members opinion on this issue. In officers opinion, public art on the roundabout would be likely to add some visual interest to what is a rather plain roundabout, and therefore enhance to some degree the gateway to Salisbury. If located elsewhere within the development site, any public art would be less likely to improve the public domain.

However, no details of the public art to be provided has been submitted, and no details of the maintenance of the artwork has been worked out. As a result, the provision of the art will need to be secured via a S106 agreement.

CONCLUSIONS

The site is allocated for the intended use in the SDLP, and an extant planning permission exists on the site for a similar, if smaller scheme. Whilst it is the opinion of the LPA that based on the applicants submitted data, a fresh application would be needed to update the extant scheme before it could be built out, in environmental terms, the proposed scheme would have similar impacts to those likely to result from the extant planning permission scheme, and subject to suitable conditions and the delivery of various highway and other improvements as part of the scheme, the development would not cause such significant harm to the surrounding environs, highway system or residential amenities to warrant refusal.

Further more, following the submission of retail evidence from the applicant, and following expert advice from a retail consultant, it is considered that the scheme would not have an adverse impact on the city centre and would address the aims of PPS6, subject to suitably restrictive conditions

Members should however note that in accordance with the Shopping Direction 1993, due to the scale of this scheme, this scheme needs to be referred to the Secretary of State (the Government Office of the South West), should members wish to approve the application.

RECOMMENDATION: THAT THE GOVERNMENT OFFICE OF THE SOUTH WEST BE INFORMED THAT THE LPA IS MINDED TO APPROVE THE APPLICATION for the following reasons

And subject to all parties entering into a legal agreement under S106 of the Act, that:

- i) A scheme for the provision and future maintenance of Public Art in connection with the proposal**
- ii) Payment of a commuted sum towards enhancement works to the St Thomas Railway Bridge**
- iii) A scheme for the provision of footway and cycleway signage enhancements to the highway network around the site**
- iv) A scheme for the provision of an improved bus service to the site, including the funding of an extended services for 3 years following first operation of the development, a new bus stop and any ancillary infrastructure,**
- v) A travel plan shall be submitted which encourages the accessing of the site and retail outlets by staff and other users by means other than the private car;**
- vi) Provision of waste and recycling centre on site to serve the retail units**
- vii) the purchase, installation, operation and maintenance of air quality monitoring equipment or provision of other assistance or support to enable authorities to implement any necessary monitoring or other actions in pursuit of the air quality action plan.**

and subject to the following conditions:

01 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (A07A)

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended. (0004)

02 The development shall be carried out in accordance with the submitted materials details unless otherwise agreed in writing by the Local Planning Authority.

REASON:0014 To secure a harmonious form of development.

03 Before development commences, large scale (1:10) details of the windows/doors/entrance canopies shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out as agreed.

REASON: To secure a harmonious form of development.

04 Before development commences, large scale details of the bicycle parking shall be submitted to and approved in writing by the Local Planning Authority. The proposed staff and users car parking and bike spaces as so agreed shall be made available prior to any of the retail units first coming into operation.

REASON: In the interests of sustainable travel patterns and the discourage car parking off site.

05 The acoustic barrier shall be designed with a minimum superficial density of 10kg/m² and of minimum 3 metres in height. The barrier shall be fully erected prior to any of the retail units first coming into use, and shall thereafter be retained and maintained in accordance with a scheme of repair and maintenance to be submitted to and agreed in writing by the Local Planning Authority prior to the barrier being erected.

REASON: In order to ensure that the acoustic barrier is erected and maintained thereafter in a manner which protects the amenities of adjacent residential properties.

06 Before erection of any equipment on the buildings, there shall be submitted to and approved by the Local Planning Authority a scheme for the insulation against noise emissions from extractor fans, compressor motors and all similar equipment. Such scheme as is approved shall be implemented to the satisfaction of the Local Planning Authority before any part of the development opens for trading. Any equipment proposed must be able to achieve a 35decibel (A) rating as outlined in the noise assessment report submitted with the application, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of adjacent residential amenities

07 A scheme to restrict the removal of customer trolleys from the retail park site shall be submitted to and approved in writing by the Local Planning Authority prior to the retail units first coming into operation. Development shall be carried out in accordance with the agreed scheme.

REASON: In the interests of adjacent residential amenities and the visual appearance of the area

08 No development shall commence, including site clearance, until a Construction Environmental Management Plan, and Nature Conservation Management Plan has been submitted to and agreed in writing by the Local Planning Authority which covers the following points:

a) Tree protection and retention along Green Lane and southern boundary

- b) A scheme for the assessment, protection and translocation of existing reptiles
- c) the provision of bird boxes on the proposed landscaping areas
- d) lighting on site during construction and the control of light pollution
- e) the parking of all vehicles associated with construction within the confines of the site
- f) the protection of the aquifer, river system, ecology and adjacent residential uses from pollution during construction
- g) the detailed management and maintenance of the enhanced landscaping areas

The scheme shall be carried out as agreed.

09 A scheme for the lighting of the car park, cycle/footway, and the buildings shall be submitted to and agreed in writing by the Local Planning Authority prior to the erection of any lighting on site. Development shall be carried out in accordance with the agreed details.

REASON: In the interests of adjacent residential amenities

10 There shall be no site vegetation clearance between march and august inclusive, unless otherwise agreed in writing by the Local Planning Authority upon submission of a suitable wildlife survey of the site.

REASON: In order to protect nesting wildlife which may be present on the site.

11 The retail units hereby approved shall not be open to the public (hours of operation) outside the following times:

Mondays to Saturdays – 7am to 9pm
Sundays and Public Holidays – 8am to 6pm.

REASON: In the interests of adjacent residential amenities

12 The scheme shall be carried out in full accordance with the internal layout of the 8 retail units shown on the approved plans, and the floor space provided as described in paragraph 4.19 of the applicants supplementary retail report dated January 2007, the “Preferred Scheme”. There shall be no subdivision of any of the units or any additional internal floor space created (including any insertion of mezzanine flooring) not covered by this consent.

REASON: In order to prohibit the creation of small retail units below a minimum of 929 sq metres in the interests of the vitality and viability of the city centre in accordance with PPS6.

13 BULKY GOODS CONDITION TBC

REASON: In the interests of the vitality and viability of the city centre in accordance with PPS6.

14 Before the units hereby approved are first brought into use, a scheme for the erection of working and operational solar panels on the building shall be submitted to and approved in writing to the Local Planning Authority. The features so agreed shall be erected prior to the units first being occupied, and shall be retained in the agreed location thereafter.

REASON: In the interests of encouraging sustainable development

15 No development shall commence until a scheme of landscaping for the application site, including planting around the proposed cycle/footway along the southern boundary, and the screening of the acoustic fence, shall be submitted to and approved in writing by the Local Planning Authority, including times of planting, species and size, and long term maintenance scheme. The landscaping shall be carried out and maintained in accordance with the agreed scheme.

REASON: In the interests of the long term visual amenities of the site and the area

16 No development shall commence until details of the hard landscaping/surfacing have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out as agreed.

REASON: In the interest of the visual appearance of the site

16 Before development commences, full details of the construction of a shared cycleway/footway along Pearce Way and London Road together with a new link between London Road and Green Lane, including new bus shelter, raised kerbs, any additional street lighting and all works contained within the existing public highway at the proposed access point, all as indicated on drawing number 1780/P/32S, shall be submitted for the approval of the Local Planning Authority; and the works shall be constructed in accordance with the approved details prior to first use of the development.

Reason: In the interests of highway safety

17. Delivery of goods to the units shall be limited to the following times:

Monday to Friday - 7am to 8pm
Saturday - 8am to 2 pm
Sundays & Bank holidays – No deliveries

REASON: In the interests of adjacent residential amenities

18 The hours of construction for the development hereby approved shall be limited to the following:

Monday to Friday 7am to 6pm
Saturday - 8am to 1pm
No working Sundays and bank holidays.

REASON: In the interests of adjacent residential amenities

19 Before development commences, a scheme for the discharge of surface water from the building(s) hereby permitted shall be submitted to and approved by the Local Planning Authority, and the drainage scheme shall be carried out and retained as approved. The scheme submitted shall limit surface water run-off, and shall involve safe management and on site storage of surface water in excess of the design capacity of the drainage system.

REASON:0064 To ensure that the development is provided with a satisfactory means of surface water disposal to prevent the increased risk of flooding, in accordance with current water management guidance in PPS25.

20 No development 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.

21 Notwithstanding the provisions of Class B of Part 4 of Schedule 2 to the General Permitted Development Order 1995, the areas set aside for car parking and servicing ancillary to the associated retail units shall be used for that purpose only.

REASON:To restrict the use of the car parking and servicing areas to that ancillary to the main retail use so as to limit the impact of the use of the site in the interests of adjacent residential amenities

22 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in

accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. (X03A)

REASON: In order to secure an archaeological watching brief during development.

Informative:

1. The applicant will be invited to enter into a Section 278 Agreement with the Highway Authority to ensure the works identified in condition 1 above are constructed to the appropriate standards and specifications and become maintained at public expense. As part of this Agreement, commuted sums are charged for new/additional works within the existing or proposed highway.

2. 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 and white goods. Grey water recycling and rainwater harvesting should be considered. For further details, please contact the Environment Agency, or see details at www.savewatersavemoney.co.uk.

3. With regards condition above the applicant will need to demonstrate that both the development and other property will not be placed at increased risk, and the scheme needs to incorporate climate change and a 1 in 100 year event as indicated in PPS25.

And with regards to the following policy/policies of the adopted Salisbury District Local Plan:

Policy G1	Purpose: Sustainable development
Policy G2	Purpose: General impacts
Policy D1	Purpose: Overall design issues
Policy D8	Purpose: Public Art
Policy S7	Purpose: Site allocation
Policy C7	Purpose: Landscape impact
Policy C13	Purpose: Nature conservation issues
Policy C17	Purpose: Nature conservation issues
Policy TR11	Purpose: Traffic issues
Policy TR12	Purpose: Transport issues