

INDEX OF APPLICATIONS ON 28.05.2009

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBERS
1	S/2007/2223	NEW BARN FARM STABLES, ANSTY SP3 5PX	CONVERSION OF REDUNDANT FORMER STABLES AND GROOMS ACCOMODATION INTO 4NO RESIDENTIAL UNITS	APPROVE SUBJECT TO S106	CLLR DRAPER (County Councillor)
2	S/2008/1635	UNIT 2 BOURNE RETAIL PARK, BOURNE WAY, SALISBURY	VARIATION OF CONDITION 3 OF PLANNING CONSENT S/2008/0965 TO PERMIT A FOOD RETAIL USE OF UNIT 2	UNDETERMINED	CLLR SAMPLE (County Councillor)

Date of Meeting	28/05/09		
Application Number:	S/2007/2223		
Site Address:	NEW BARN FARM STABLES ANSTY SALISBURY SP3 5PX		
Proposal:	CONVERSION OF REDUNDANT FORMER STABLES AND GROOMS ACCOMODATION INTO 4NO RESIDENTIAL UNITS		
Applicant/ Agent:	WILLIAMS LESTER ARCHITECTS (ATTN S JOHNSON)		
Parish:	ANSTY		
Grid Reference:	395 043 125 730		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr A Bidwell	Contact Number:	01722 434381

Application Number	S/2007/2223
Proposed Development	Conversion of Redundant Former Stables & Accommodation into 4 Residential Units
Officer Report	

Reason for the application being considered by Committee

The Director EDPH does not consider it prudent to exercise delegated powers
Recommendation is not considered to be in accordance with the "Letter" of policy C22 of the Adopted Salisbury District Local Plan.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions and;

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) The cessation of the use of land as Polo Ground, approved with conditions 01.02.95 under planning reference number 94/1822 and the return to agriculture
- (ii) The cessation of the use of land to the rear of the existing stables for the storage of Portable Club House and return to agriculture
- (iii) The provision of an off site recreational contribution in accordance with policy R2 of the adopted Salisbury District Local Plan

following completion of which, the Area Team Manager (Development Control and Heritage) be authorised to GRANT Planning Permission subject to conditions.

2. Main Issues

The main issues to consider are :

1. Principle of the development
2. Sustainability
3. Acceptability of the design / conversion of the building /AONB setting
4. Justification of use / policy presumption
5. Highway safety
6. Protected Species
7. Drainage / Flood Risk

3. Site Description

The Site is located on the southern side of the A30 at Ansty and is accessed directly off the west bound carriageway. The vehicular entrance leads onto a substantial area of concrete hard standing to the front of the buildings and carries through to a courtyard area enclosed by the buildings.

The site comprises a courtyard complex of single storey farm buildings of mixed size and character principally of stone construction with tiled roofs. The site area extends to approximately 0.38 ha, and is completely enclosed by existing fencing and the buildings themselves and stone walling.

4. Planning History

Application number	Proposal	Decision	
82/272	Change of use of farm complex for agricultural repairs and alteration of existing access	WD	18.05.83
88/329	Change of use of redundant barn from agriculture to residential	R	18.05.88
92/194	Change of use of redundant agricultural buildings to stables and alteration of access	AC	20.05.92
93/304		AC	14.04.93
93/313	Erection of 12 stables and alteration of access	AC	23.04.93

93/1081	Portable clubhouse to be stored in area to rear of existing stables	AC	18.10.93
94/1012	Stationing of caravan	R	21.09.04
		Appeal	
94/1726	Variation of condition 02 attached to planning permission S/93/313/TP to allow the portable Clubhouse to be sited in the field from 1 April to 10 Oct each year	AC	01.02.95
94/1822		AC	01.02.95
94/1823	Proposed stables & groom accommodation Change of use from agricultural land to polo ground	AC	01.02.95
95/651	Variation of condition No. 2 of planning permission S/93/0313 to allow clubhouse to be sited in the field 1st April - 10th October each year	R	19.07.95
		Appeal	
95/1613	Variation of condition No. S02 & 03 attached to planning permission S/94/1823/TP	AC	22.01.96
95/1702	Variation of condition No.2 attached to planning permission S/94/1823 to allow for the fencing to be erected around the clubhouse from 1st April to 10th October	AC	13.02.96
98/484		WD	08/10/98
	New archway and works to main barn. New groom accommodation		
	Permanent siting of clubhouse in polo field		

5.The Proposal

The conversion of redundant former stables and grooms accommodation into 4 residential units to include that the existing stable ranges forming the southeast and south west boundaries of the site form work / office and storage space ancillary to the residential units.

6. Planning Policy

The following policies are considered relevant to this proposal

Adopted Salisbury District Local Plan, saved policies

C2 Rural economy and maintain / enhance the environment

C4 Natural beauty of landscape within AONB

C5 Scale and design standards for development within the AONB

C22 Conversion of buildings in the countryside

National Planning policy

Planning Policy Statement 1, Delivering Sustainable Developments.

Planning Policy Statement 7, Sustainable Development in Rural Areas.

Planning Policy Statement 9 Biodiversity and Geological Conservation

Planning Policy Guidance Note 13 Transport

Planning Policy guidance Note 16 Archaeology

Planning Policy Statement 25, Development and Flood Risk.

Circular 03 / 99, Planning Requirements in respect of the Use of Non Mains Sewerage incorporating Septic Tanks in New Development.

7. Consultations

Parish Council

No comments have been received to date.

Highways

No objection on the bases that the development is acceptable in the context of the Local Plan and its general presumption in favour of the retention of traditional rural buildings, otherwise I recommend refusal on the grounds that the proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length of motorised journeys.

WCC Archaeology

There are no known archaeological sites directly affected by the proposal however I note that the development will involve the conversion of a number of farm buildings of probable 19th century in date and worthy of being recorded before demolition I therefore recommend that the historic structures be recorded before demolition and the following condition is placed on the application to ensure this takes place.

No site works development shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed in writing with the local planning authority to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written brief and specification.

Conservation

The stable complex is situated across the lane from the Grade II listed New Barn Farmhouse. The complex which includes within it a rectangular stone - built building which appears to date from at least the middle of the C19, was probably at one time associated with the farmhouse, and the wider Wardour Estate. A number of alterations have taken place over the years, and there is little historic fabric remaining.

The alterations being proposed in conjunction with the conversion would have relatively little impact on the adjacent listed building, being self contained within the stable complex, and with vehicular access being retained at the east end of the site, away from the listed building. Therefore, it is not considered that there would be any adverse effect on the setting of the listed building.

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 to a septic tank. The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangement for the disposal of foul and surface water flows generated by the development.

Turning to water supply there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage.

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

AONB

The AONB have commented extensively and have concluded that they would strongly object to this proposal. However should the LPA approve the proposal the AONB would strongly recommend that a Section 106 agreement tightly controls the following matters:

- The storage / works units to be operated only in conjunction with the approved residential units.
- The storage / work units not to be used / converted to accommodation.
- No vehicles to be stored outside the courtyard other than the private cars in the places indicated on the appropriate plan.
- Permitted development rights removed.
- The provision of polo, assorted uses and the stationing of a pavilion on the adjacent field be revoked and the field be returned to agricultural use.
- Control of light pollution and in particular external lights limited to those that are absolutely essential for security and such lights should be fully shrouded to ensure no light is emitted sideways or upwards and that the light unit can only be seen from the area being lit.

Wiltshire Fire & Rescue

Having studied the proposals the following comment relating to necessary and appropriate fire safety measures is forwarded to you for consideration and inclusion within the proposed development.

Fire Appliance Fire fighting Access:

Consideration is to be given to ensure that access to the site for the purpose of fire fighting is adequate for the size of the development and the nature of the proposed use.

Reference should be sought from guidance given in Building Regulation Approved Document B

B5

Access and facilities for the Fire Service.

CPRE

Welcomes and agrees with the concluding paragraph 9.9 of the Design and Access Statement that “a pleasing group of former agricultural buildings can be discreetly refurbished and converted enabling them to once more fulfil a valued function within this rural area”. The buildings are visually very important within the AONB and the plans appear to provide a sustainable way of ensuring they remain so and are enhanced.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification
Expiry date 15/11/07 site notice, and 6/11/07 Neighbours

2 letters of objection have been received.
Summary of key points raised:

Proposal triples residential presence at the site

Marketing for commercial use is week

Residential dwelling refused in the past

Access is on fast stretch of road

Commercial development would be more in keeping with situation

9. Planning Considerations

9.1 Principle of development

This proposal will affect a site upon which collections of predominantly stone built traditional agricultural buildings sit. The site has for many years been subject to planning applications which overall have resulted in little change to the physical characteristic of the built form. Outwardly the buildings appear to be in good overall condition making a positive contribution to the visual amenity of the wider countryside, which in this case forms part of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

As a result of the planning history clearly confirming that the site and the buildings, having long since ceased to be agricultural, the site is considered to constitute previously developed land as set out in Annex B of PPS 3 in that it has been and remains to be occupied by permanent fixed structures (amongst other things). It is considered therefore that the principle of development of this site is acceptable.

9.2 Sustainability

Whilst it is noted that the site is itself physically outside of the nearest settlement, it is expected that this is considered alongside the general thrust of national planning policy as set out in PPS

7. PPS 7 is also supportive of the re- use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re -use for economic development purposes will usually be preferable but residential conversions may be more appropriate in some locations and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re -use of buildings in the countryside for economic residential and any other purposes including mixed uses.

It is considered that this proposal in that it will utilise existing built form whilst also providing work space / storage ancillary to the proposed residential use of the buildings, will result in a development the use of which could be expected to reduce the need to travel. In addition it is difficult to establish how this proposal would be more unsustainable than the existing approved uses particularly as the existing uses allow for different activities to be carried out on and adjacent to this site concurrently. These uses themselves attract people to the site from the surrounding areas thus encouraging unsustainable travel to take place. It is considered therefore that this proposal will not result in a form of development any more unsustainable than can currently be carried out on the site, but, should improve upon the existing situation significantly. This consideration coupled with the sustainable objective of re-use of existing buildings in the countryside are considered to outweigh concerns related to this countryside location and its otherwise unsustainable location.

9.3 Acceptability of the design / conversion of the building / setting of AONB

The proposal has been subject to extensive pre-application consultation resulting in a proposal that alters the existing buildings to a limited extent. The design and access statement makes clear that the character of the stables is to be retained through designing courtyard facing walls to be weather boarded and set back behind the existing “colonnade” of timber posts, which support the eaves. The external doors will be split “stable doors” thus continuing the existing design characteristic.

The design has been developed to ensure that no additional fenestration within the walls particularly the southeast elevation to avoid compromising the agricultural character when viewed from the wider AONB. Where minimal additional windows and roof lights are added they are located mostly to face inward within the court - yard thus avoiding new fenestration on the principle elevation likely to be viewed from the surrounding countryside. However, 5 new window openings are proposed within the northeast elevation together with a small link building. Whilst this is potentially an elevation that could be easily viewed from the wider area and in particular, the road, and the elevation is well screened by the existing tree line along the boundary. In addition the elevation is set well back from the boundary separated by the full width of the existing access road to the site and the fields beyond. As such ample space exists for further planting to be carried out resulting in improved screening of the elevation and of some of the proposed parking.

Whilst the comments of the AONB office clearly identify that the proposal raises concerns to them, it is considered that this proposal will not result in detriment to the external appearance of the buildings and as such will not result in any demonstrable harm to their setting particularly in relation to the AONB and to the nearby listed buildings. The comments also indicate (inter alia) that the preferred use of the site should be for the keeping of horses and that the AONB is not convinced that the extant polo use is unviable stating that other such uses in other areas are successful. Whilst polo may be successful in other areas this is not a weighty material planning consideration in this case. This case must be judged on its own merits as to whether it is “itself” demonstrably harmful in relation to the site history and extant implemented planning

permissions and when assessed against the policy of the local plan and Government Guidance. However, it is considered that the AONB comments regarding the need and contents of a Section 106 Agreements are reasonable from a planning standpoint. As such an appropriate Section 106 agreement will be agreed as part of this decision.

It is clearly evident from visiting and inspecting the site that these building are in good overall condition and appear to have been maintained in a reasonably good state of repair. These buildings are also relatively large, have been constructed in a permanent manner and are clearly capable of conversion without the need for substantial reconstruction.

Whilst this proposal is considered to be generally compliant with the overall aims and objectives of local plan policy in particular the criteria set out in policy C22, the proposal will result in additional building. This will be in the form of the small link building in the east elevation providing a kitchen for house 3. However, this building is small in scale and it is considered that its existence in this case, will make no notable material difference to the appearance of these buildings. The primary reason for this is that the link will be formed to infill the east elevation at the same ridge level as existing, but will adjoin the internal side elevation of house 2, which is significantly higher at both the eaves level and the ridge. House 2 is also at right-angles to house 3 and from the road and adjacent countryside, its existing “gable end” form, appears the dominant feature. As such the link will be at most very subservient to the original / existing buildings forming this elevation.

With the exception of the small link building in the east elevation (as described above), the buildings require no extensions to provide the desired accommodation and home office / storage space and will result in acceptable additions in terms of fenestration.

It is considered therefore that these buildings are appropriate for conversion without the need for alterations that might otherwise adversely affect the intrinsic rural character overall.

Furthermore this proposal will also result in the demolition of a number of existing structures on the site that are not considered to be of any notable merit or visual quality. Therefore their removal from the site coupled with proposed works to rebuild elements of the stone walling (particularly where the walling fronts the road), are considered to be significant visual enhancements that outweigh the local plan policy criteria which seeks to restrict or prevent proposals for conversion that involves additional development.

Members attention is drawn to the fact that this proposal has been amended to show a revised boundary treatment on the North East/South East elevations substituting stone garden walls, with timber post and wire fencing. This amendment is considered to be an improvement over the previous boundary treatment felt to be too domestic in appearance.

Criteria (IV) of policy C22 additionally clarifies that proposal would not be acceptable if they would require future extension. This is consistent with the wider national land use planning objectives, which consider that AONB designation infers that the site is on Article 1.5 land for the purposes of the GPDO. Restrictions of permitted development are therefore reasonably expected and as such a condition will be imposed withdrawing permitted development rights to extend.

9.4 Justification of use / policy presumption

Local plan policy C22 clearly expects that proposal for mixed residential and business use must be fully justified and that a clear and robust attempt at business or community re-use is evident in the application. The principle question that needs to be addressed under the policy is whether every reasonable attempt has been made to secure a suitable business or

community re-use. For this purpose, the application contains two separate reports.

The first of the report by Greenward Associates appraised the condition of the buildings and the costs of converting them to a standard suitable for a commercial use. In this case the report concludes that the projected return from a commercial use would not justify the level of costs required to enable such use in the first place. The applicants state that "Whilst the report does not specifically address a potential community use it can reasonably be concluded without fear of controversy that a community use even if there were demand for such a use in this location would generate significantly less of a return than would a commercial use"

A second report by Symonds and Sampson considers whether the market was suitable for an equestrian use to again take place at this site. The report sets out the efforts that were made to find such a use during a year long period of marketing of the site in 2000/01. The report concludes that the accommodation is not appropriate for a livery yard and that a polo enterprise without a major sponsor has been shown to be commercially unviable.

However, it is clear from the evidence that the premises have only been marketed as stables and notably not for B1 Light Industrial or, B8 Storage and Distribution. As such it can not be said that the marketing had proven that business re-use could not in fact take place at the site.

Also the location of the site alongside the main road could be considered as a benefit for commercial type uses. It is not unusual for commercial businesses to operate from isolated rural locations and many examples can be sited, for example, Berwick Court Yard and East Cliffe Farm.

A further point is that the buildings have only been offered for rent and not for sale. Furthermore, the evidence does not provide any financial information on the rental making it difficult to assess whether the rent was set at an appropriate level likely to encourage take up.

In addition the plans submitted clearly illustrate that the buildings are capable of providing good sized family homes. This together with the stables could arguably result in the development of attractive equestrian properties provided sufficient land was available with them. This arrangement could have resulted in a potentially successful development more appropriate to this rural location but, it has not been considered.

A further point to raise is that the marketing is several years old. Whilst this does not assist the case for the application, it is difficult to foresee that in the present economic climate, in the event of a further marketing exercise being carried out now, that a different result would be achieved. It is therefore considered unnecessary to request that a further marketing exercise be carried out in this case.

For the reasons set out above, it can be concluded that the application does not provide evidence that every reasonable attempt has been made to secure a business re-use. As such the proposal is not considered to comply with the letter of policy C22. It is clear from the marketing evidence and from the application itself, that this proposal will result in a residential development with very little opportunity to include any form of viable commercial use. The proposal does however; provide elements of storage / office accommodation through the utilisation of the existing stables. Each property will include some of the stables as storage / home offices thus introducing an opportunity for home working should this be required. As such the proposal can be considered as being a limited mixed use development that whilst not complying with the letter of the policy, is generally in accordance with the spirit of the policy.

The application has provided a “Development Appraisal Report” which includes a condition survey and development appraisal. It is clear from this that the buildings are capable of conversion without the need for substantial rebuilding and that the property has been marketed for at least a year regarding its use as stabling. The report advises that the existing design of small individual compartments (the stables) do not lend themselves to commercial use and would need to be dramatically altered to accommodate a commercial occupant. Whilst these iterations of the report are not necessarily overriding, in this case they are considered to be very weighty given the policy presumption to avoid substantial alterations in applications for conversion.

Whilst it is not considered that the report and the marketing that has taken place is not sufficiently robust to satisfy the “letter” of planning policy C22, in this case, it is considered that the following list of benefits are material planning considerations that are considered in this case, to outweigh the concerns related to the robustness of the marketing exercise. the benefits of the cessation of the polo use and the storage of the club house affecting the site and land to the rear particularly in relation to the wider AONB setting , the fact that there is already a lawful residential presents at the site in the form of two units (albeit tied to the stables) (refer planning history), that a commercial use would be at least as unsustainable as a residential one, the resulting re-use of a collection of attractive rural building preventing their potential decay would occur, the reduction in traffic to and from the site over all in comparison to the existing uses and potential commercial use, and the overall compliance of the proposal with the spirit and wider objectives of policy.

Furthermore, PPS 7 clarifies that the Government s policy is to support the re use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re -use for economic development purposes will usually be preferable but residential conversions may be more appropriate in some locations and for some types of building. Planning authorities should set out their policy criteria for permitting the conversion and re- use of buildings in the countryside for economic residential and any other purposes including mixed uses.

9.5 Highway Safety

The comments of the WCC Highway officer as set out above object to the location of the proposal being unsustainable. Their comments do not consider the issue of highway safety specifically as the vehicular access to the site will be unaltered. The existing access was approved previously under an earlier application and does not require alteration to make it safe in relation to this proposal. However, WCC highways have also advised no objection on the basis that it is matter for the LPA to consider the proposal in the context of the local plan and its general presumption in favour of the retention of traditional rural buildings. This report has set out previously under “Sustainability” why it is considers that the proposal is appropriate within the context of the adopted local plan and why in this case the proposed use would be no less sustainable than the existing uses approved for the site and uses adjoining it.

9.6 Protected Species

Planning Policy Statement 9 “Biodiversity” requires that planning authorities ensure that protected species are protected from the adverse affects of developments, where appropriate, by the use of planning conditions or obligations. Government circular: Biodiversity and Geological Conservation further require that the presence of protected species and how they would be affected by a proposal should be established before planning permission is granted.

In this case the applicants have included within the application a Bat and Barn Owl Survey that considers the presence of protected species and mitigation measures to secure their protection. The survey identified that limited “past” presence of bats had occurred but that no evidence of Barn Owls was found. However, due to the fact that the buildings had been used by bats in the past and that the buildings are likely to provide habitat for bats and other protected species in the future, the mitigations set out in the survey report covering bats and nesting birds, will be subject to planning conditions.

9.7 Drainage / Flood Risk

Circular 03 /99 provides advice on the exercise of controls on non- mains sewerage and associated sewage disposal aspects of future developments so as to avoid environmental, amenity or public health problems which could arise from the inappropriate use of non – mains sewerage systems, particularly those incorporating septic tanks. Consideration of the suitability of the proposed drainage is a material planning consideration and in the case the proposal includes a septic tank.

However, the Circular does clarify that LPA s should consider any information provided by the applicant, comments provided by other appropriate bodies and the LPA s own considerations. In this case the application had not provided information other than the indication within the application form, that a septic tank will be used for the disposal of Foul water. This will be via an existing septic tank and a proposed tank.

A consultation reply from Wessex Water was received as part of this application (as above), which does not consider this proposal to be unacceptable. However, these comments do advise that LPA should be satisfied with any arrangements for the disposal of foul and surface water flows generated by the development. Wessex Water are one such “appropriate body” who’s comments together with the fact that this site is not within any defined Flood Zone area where flooding is likely to occur from any source, would indicate that in this case, the LPA should assess this issue. However, to ensure compliance with Circular 03 of 1999 (as above), this matter was raised with the applicants who have since carried out percolation test via several boreholes on the site.

The result of this testing is that the proposal will include a sewerage treatment plant Whilst this will satisfy the requirements of the Circular, the applicant reserves the right to carry out further testing in order to satisfy the requirements of the Environment Agency as he would prefer to install a new septic tank. Either way, the final solution to the type of foul drainage system to be installed, is a matter for agreement between the EA and the applicants and is controlled by separate legislation. Planning conditions will however, be imposed in order that details can be agreed regarding all drainage of the site before the development is commenced.

10. Conclusion

This proposal would result in minimal visual alteration to this cluster of rural buildings situated within the wider Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Where alterations and additional building is to be carried out, the overall design approach adopted is considered to be appropriate respecting the intrinsic characteristics of the buildings themselves, the setting of the AONB and the nearby listed buildings.

As a consequence of the location of the buildings alongside the main A30, where satisfactory vehicular access exists onto the site without the need for alteration, and as a result of the

extant planning permissions affecting the site that can be carried out, the proposal is not considered to be wholly unsustainable. Whilst this site is remote from the nearest settlement and local facilities with limited public transport links, the proposal is for homes with a mixed use providing home offices and storage. As such the need to travel to and from the site is reduced and overall, the proposal would not unreasonably increase the need to access and use the site over and above that which could already occur lawfully.

On balance for the reasons set out in this report this proposal is considered to be acceptable subject to conditions and to the applicants undertaking through a Section 106 Agreement to agree to the cessation of the extant planning permissions that affect this site and in particular the Polo use affecting the site and the land adjacent to the site, without compensation in the applicants ownership. This is considered to be reasonable and necessary, as the proposal if carried out in conjunction with the extant uses, would encourage a significant level of conflict of uses and activity at the site likely to be accessed by means other than public transport. As such an unsustainable use of the site would occur contrary to the aims and objectives of both central and local plan policy.

Recommendation

It is recommended that : -

Following completion of a legal agreement to:

- (i) The cessation of the use of land as Polo Ground, approved with conditions 01.02.95 under planning reference number 94/1822 and the return to agriculture
- (ii) The cessation of the use of land to the rear of the existing stables for the storage of Portable Club House and return to agriculture
- (iii) The provision of an off site recreational contribution in accordance with policy R2 of the adopted Salisbury District Local Plan

It is recommended that planning permission be granted, for the following reasons:

This proposal would result in minimal visual alteration to this cluster of rural buildings situated within the wider Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Where alterations and additional building is to be carried out the overall design approach adopted is considered to be appropriate respecting the intrinsic characteristics of the buildings themselves, the setting of the AONB and the adjacent listed buildings.

And subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

(1) 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 (0004 AMENDED)

(2) Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning

Authority. Development shall be carried out in accordance with the approved details. (D05A)

(2) To secure a visually harmonious form of development

(3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first use of the development. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant]. (G01A)

(3) To enable the Local planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development, in the interest of visual amenity.

(4) Measures shall be submitted to and approved in writing by the Local Planning Authority, to prevent mud being deposited on the public highway by vehicles leaving the site and must be implemented during the whole of the construction period. No vehicle shall leave the site unless its wheels have been sufficiently cleaned to prevent mud being deposited on the highway.

(4) In the interest of the cleanliness and safety of the surrounding highway network.

(5) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied]in accordance with a timetable agreed in writing with the Local Planning Authority]. Development shall be carried out in accordance with the approved details. (G06A)

(5) To enable the Local Planning Authority to secure the satisfactory treatment of the boundary(ies) in the interests of visual amenity/securing adequate standards of privacy for occupants of the proposed dwelling(s) and/or neighbouring premises.

(6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed. (V20A)

(6) To ensure adequate standards of privacy for the neighbouring dwelling(s) through the avoidance of overlooking from dormer windows or rooflights.

(7) Notwithstanding the provisions of Classes B&C of Schedule 2 (23) to the Town and Country Planning (General Permitted Development) Order 1995, (or, any other Order revoking and re-enacting that order with or without modification), there shall be no extensions nor alterations to the roofs of the dwellings unless otherwise agreed in writing the Local Planning Authority upon submission of a planning application in that behalf.

(7) To enable the Local Planning Authority to maintain control over the development in the

interest of amenity.

(8) Notwithstanding the provisions of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

(8) To enable the Local Planning Authority to retain control over the development in the interests of amenity.

(9) There shall be no external lighting of the site or buildings without the prior written permission of the Local Planning Authority. (N01A)

(9) To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and/or the level of illumination in the interests of visual amenity and/ or highway safety for the users of the adjoining road.

(10) Any external lighting shall be installed and operated in accordance with details to be submitted to and approved by the Local Planning Authority before development commences. (N02A)

(10) To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and/or the level of illumination in the interests of visual amenity within the wider AONB

(11) The development hereby approved shall not be commenced until details of the means of achieving satisfactory foul and surface water drainage of the site, including details of all points of connection to existing infrastructure and /or, water courses where applicable, and details of flow rates / calculations, and measures for the protection of any existing watercourses and water infrastructure within the site, has been approved in writing by the LPA.

(11) In the interest of the water environment and existing infrastructure.

(12) No development shall commence until a scheme of energy and water efficiency measures to reduce the energy and water consumption of the dwellings hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation prior to the first occupation of the dwellings and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.

(12) In the interest of the water and energy efficiency of the development

(13) The Home Office / Storage areas of the buildings as illustrated on the approved plans, shall be ancillary to the respective residential units and shall not be used for habitable accommodation at any time.

(13) In the interest of maintaining an acceptable level of sustainability within the development.

(14) Notwithstanding the provisions of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no walls or fencing of any kind erected

anywhere on the site unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

(14) To enable the Local Planning Authority to maintain control over the development in the interest of amenity.

The applicant is advised that should planning permission be applied for, any future garaging should be formed by using / altering the existing stable buildings

Appendices:

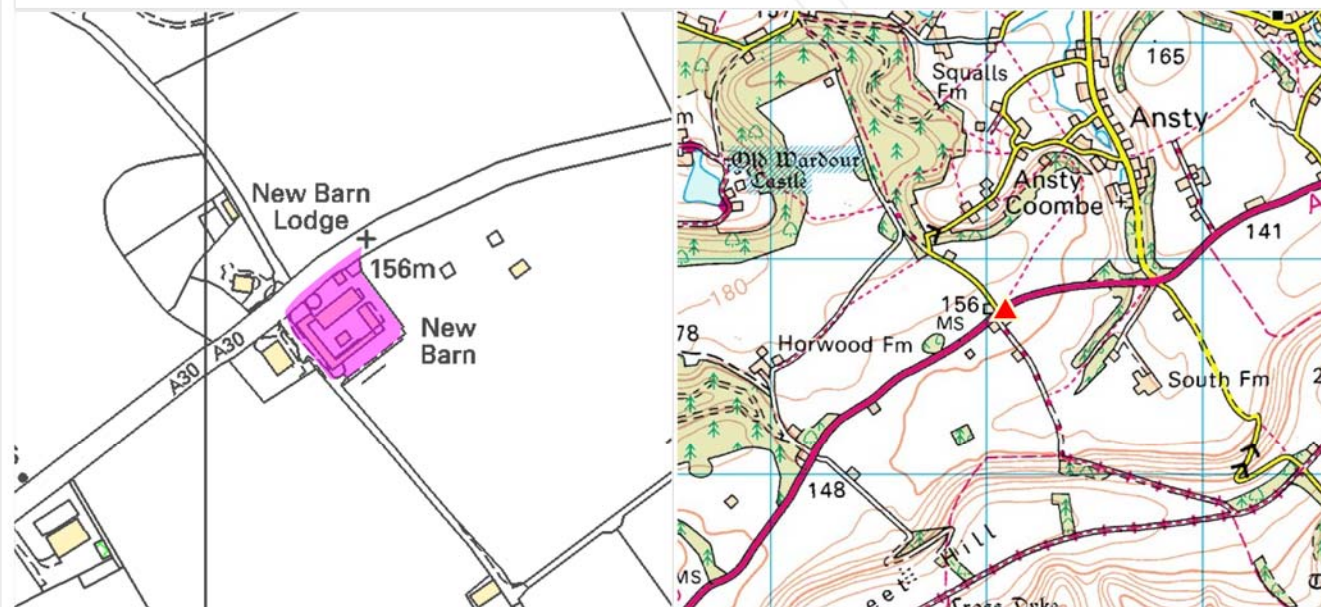
None

Background Documents Used in the Preparation of this Report:

Plan No:
(amended plans):
3092-PL-006 Existing and Proposed North West / South West Elevations (Exterior), Rev A
3092-PL-005 Existing and Proposed North East / South East Elevations (Exterior), Rev A
3092-PL-001 Site Layout ,Rev A
Development Appraisal Report (Greenward Associates)
Market Appraisal Report (Symonds & Sampson)
Bat & Barn Owl Report (Lindsay Carrington Ecological Services LTD)

S/2007/2223

Site Visit:



Date of Meeting	28/05/09		
Application Number:	S/2008/1635		
Site Address:	UNIT 2 BOURNE RETAIL PARK BOURNE WAY SALISBURY SP1 2QQ		
Proposal:	VARIATION OF CONDITION 3 OF PLANNING CONSENT S/2008/0965 TO PERMIT A FOOD RETAIL USE OF UNIT 2		
Applicant/ Agent:	SAVILLS COMMERCIAL PLANNING		
Parish:	ST MARTIN & MIL		
Grid Reference:	415 914 129 378		
Type of Application:	S73		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

Reason for the application being considered by Committee

The Director of EDPH does not consider it prudent to exercise delegated powers due to the potential retail impact of the proposal upon the wider area, including the vitality and viability of Salisbury city centre.

1. Purpose of Report

The applicant has appealed to the Planning Inspectorate on the grounds that the Council have not determined the application within the statutory eight week period. Delays have arisen in determining the application due to a Direction issued by the Highways Agency preventing the application being determined, as well as further complications which have resulted in the Council requesting additional information from the applicant before a recommendation could be made.

Of significance is that once an appeal on the grounds of non determination is made, it is not possible for the Council to approve or refuse the application, and the final decision lies with the Planning Inspectorate. However, it is necessary for the Council to prepare a statement of case that it will be putting forward at the appeal, and Councillors will therefore be considering, and whether to endorse, the reasons given by officers for contesting the appeal.

Councillors should be aware, however, that the applicant also has an identical application (S/2008/1389) which is currently being considered by the Council, and is attempting to address the concerns of officers which are detailed below. If the applicant can satisfactorily address these concerns, this concurrent application will be brought to a subsequent committee for a final decision, and in the event that approval is resolved, the appeal application could possibly be withdrawn by the applicant. However, for the time being it is necessary to carry on with the timetabled appeal proceedings required by the Planning Inspectorate.

2. Main Issues

1. Principle of development

2. Impact upon the vitality and viability of Salisbury town centre;
3. Access / Highway considerations.

3. Site Description

The site relates to one third of an existing retail warehouse at Bourne Retail Park, situated off Southampton Road, Salisbury. Currently the retail warehouse is occupied by *Sturtons & Tappers* furniture retailer and the office retail supplier *Staples*.

4. Planning History

<i>Application number</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
95/0992	Retail warehouse space arranged in 2 buildings capable of various sub-divisions to suit individual operator's requirements & construction of vehicular & pedestrian access	A	30.10.95
98/1285	Application for a certificate of a proposed Lawful use for the sale of office furniture, Computers and other office equipment from Units 5 and 6 Bourne Retail Park in compliance with condition 11 of planning permission reference S/95/0992	A	10.03.99
03/2235	Internally illuminated static free standing gantry sign at Staples, Unit 1	R	17.12.03
05/0905	Subdivision of the Staples unit 5 & 6 and new mezzanine floor in each new unit	A	03.08.05
08/0965	External alterations to elevations and internal works to create two retail units	A	18.07.08
08/1389	Variation of condition 3 to planning consent S/2008/0965 To permit a food retail use of unit 2	Undetermined	

5. The Proposal

Planning application S/2008/0965 granted consent for the subdivision of Unit 1 Bourne Retail Park, currently occupied by *Staples*, to two smaller units. A bulky goods condition was applied to this consent, similar to how the existing units are controlled, in order to ensure that the type of retailers occupying the unit would not be those most likely to directly compete with shops in the city centre. This condition stated:

The range and type of goods to be sold from the two retail units hereby permitted shall be restricted to the following: DIY and/or garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; office equipment

and bulky electrical goods. Goods falling outside this range may be sold only where they form a minor and ancillary part of the operation of any of the proposed stores.

The applicants now wish to allow one of the subdivided units (referred to as "Unit 2") to be occupied by a discount food retailer. No end user for the unit is specified, but potential occupiers could include stores such as *Aldi*, *Lidl*, or *Netto*. The intention would be for *Staples* to then downsize and occupy the other subdivided unit. Consent is therefore sought to vary the bulky goods condition of consent S/2008/0965 in order to include a food retail use.

6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

Local Plan policies G1, G2, TR1, TR11, TR14

Structure Plan policies DP1, DP2, DP5, DP6, TR11

PPS1: *Sustainable Development*; PPS6: *Planning for Town Centres*; PPG13: *Transport*

Other planning documents of relevance include:

SDC Retail & Leisure Needs Study (October 2006)

The Salisbury Vision, including aspirations for the Southampton Road area

7. Consultations

**Wiltshire
Council
Highways**

No objection to affect on the county highway.

**Highways
Agency**

No objection subject to securing the implementation of the applicant's travel plan.

**Environmental
Health**

No objection.

8. Publicity

The application was advertised by site notice / neighbour notification

Expiry date 23/10/08

1 letter of objection was received on the grounds that a food retail use in the proposed location would have a significant impact upon the vitality and viability of the town centre.

9. Planning Considerations

9.1. Principle of development

The site is not specifically allocated for a food retail use within the Local Plan, and therefore the proposal should be considered on its merits in relation to guidance contained within PPS6. Section 3 of PPS6 sets out the relevant policy considerations which apply to the application. Applicants are required to demonstrate the following:

- The need for development, having regard to quantitative and qualitative factors;
- That the development is of an appropriate scale, having regard to the catchment area it is to serve;
- That there are no more central sites, within the existing town centre for the development, i.e. the “sequential approach”;
- That there are no unacceptable impacts on existing centres; and
- That locations are accessible to their intended catchment by sustainable transport modes.

9.2. Impact upon vitality and viability of town centre

Whilst the above criteria contained within PPS6 provide clear guidelines for assessing retail developments, matters are complicated in this case by several concurrent retail proposals and future development which require cumulative affects to be considered.

Other concurrent proposals and future developments include:

- The Tesco and Asda food store planning applications at Amesbury (Asda and Tesco), currently being considered by the Planning Inspectorate following a recent public inquiry, with a decision not expected until later in the year;
- The Lidl food store planning application at Hatches Lane, off Southampton Road, currently being considered by the Council;
- The future planned redevelopment of the Maltings, which includes the provisions of a larger food store, as provided for within the Local Plan and plans for the forthcoming LDF and Salisbury Vision

Consequently, officers have employed consultants *GVA Grimley* to provide specialist retail advice on the potential impacts of the Bourne Retail Park and Lidl Hatches Lane planning applications, including their relationship with the proposed Amesbury and Maltings food store developments. A copy of their advice is included in full as an appendix to this report.

Taking into account this advice from *GVA Grimley*, the PPS6 criteria are examined below:

A) Assessing the Need for Development

“Need” must be demonstrated for the proposal as it is sited within an out of town location. Need is considered in both “quantitative” terms (i.e. is there sufficient demand expenditure in the catchment for the proposal?) and “qualitative” terms (i.e. will the proposal contribute to the overall retail offer of the catchment?).

Dealing first with quantitative need, although the applicant has demonstrated that there would be sufficient capacity at the *present time* for the store's projected sales figures, their analysis takes no account of the cumulative impact of other current proposals. *GVA Grimley* note that "If one or both of the current food store proposals proposed in Amesbury were to be permitted... we would question whether there would be any significant convenience goods capacity arising in Salisbury in quantitative terms." This is because residents in the Amesbury catchment who currently shop in Salisbury would be more likely to be drawn to a new Tesco and/or Asda in Amesbury, thereby reducing the turnover of the main Salisbury stores.

Given that the decisions over the Amesbury food stores are now outside of the Council's control, it is therefore imperative that the applicant fully analyses the implications of the cumulative affects to ensure that there would be sufficient capacity in this scenario. Without this information the Council has no reassurance that the stores within Salisbury town centre would not be undermined if this application were approved and the Amesbury food stores subsequently permitted. This is therefore considered to be a sufficient reason to withhold the grant of planning permission at this time.

As for qualitative need, it is noted that there are currently no such national multiple discount food retailers in the urban area of Salisbury, with the nearest being the Lidl store in Amesbury. The proposal would therefore meet this need, although *GVA Grimley* question the need for two discount food stores in the Southampton Road area, which would occur if both this and the Lidl Hatches Lane developments were approved. However, *GVA Grimley* advise that this is probably not a strong enough reason on its own to refuse the proposal.

B) Securing the Appropriate Scale of Development

The size of the food retail area of the proposed store would be reasonably small for a multiple food store operator and is not considered to be out of scale for the Salisbury urban area and its catchment. However, when taken with the concurrent proposal for a Lidl store at nearby Hatches Lane, the scale of discount retail floorspace in the Southampton Road area would be relatively large, resulting in a less than ideal distribution across the urban area. However, as above, on its own it is not considered that this would be a strong reason to not permit the proposal.

C) Applying the Sequential Approach to Site Selection

The applicant has undertaken a sequential test to identify whether there are any available sites within Salisbury city centre to accommodate the food store. However, since undertaking this assessment, the economic climate has altered and a number of stores have become vacant. Of significance includes the former *Woolworth's* store. The applicant has subsequently assessed this store and dismissed it, merely stating that it is too large.

However, the guidance contained within PPS6 states that developers should be "flexible" when exploring the possibility of more central sites and that all options in the centre should be "thoroughly assessed" [paras. 3.14 and 3.15]. It is not considered that the applicant has adequately demonstrated the reasons why the Woolworths store would not be appropriate, since they have not analysed solutions to their apparent concerns over its size, such as through subdividing the store.

Consequently, it is not considered that the applicants have undertaken an appropriate

sequential assessment, to demonstrate why a discount retailer could not practically operate from within the town centre.

D) Assessing Impact

The applicant has not attempted to consider the cumulative impact of both its own application for a discount food store and the concurrent application for a Lidl discount food store on Hatches Lane. Neither has the applicant attempted to consider the implications of new food stores in Amesbury or the impact of the recent Tesco extension and potential redevelopment of the Maltings, which includes the provisions of a larger food store.

GVA Grimley state that “In these circumstances, we consider there is a potential concern at the cumulative impact of Amesbury proposals, Tesco extension and one or more discount retailers which could cumulatively affect the position of one of the existing food supermarket anchors in the town centre”.

The guidance contained within PPS6 is clear that cumulative effects are an important consideration within the assessment of out of town development proposals upon the vitality and viability of existing centres [para. 3.21]. Since the applicant has not analysed the cumulative effect of other proposals, and the Council’s retail consultants have expressed concerns over potential impacts upon existing town centre stores, the local planning authority are not satisfied that nil detriment to the vitality and viability of the town centre can be demonstrated at this time.

9.3. Access / Highway considerations

E) Ensuring Locations are Accessible

PPS6 describes two factors which should be considered in terms of accessibility, first in terms of a choice means of transport, and second in terms of the impact on car use, traffic and congestion.

The site would be accessible on foot and bicycle from the town centre and adjoining residential areas. There are bus stops situated on Southampton Road with regular trips from surrounding areas. It is noted that the proposal also presents opportunities to link trips given the site’s proximity to other nearby retail uses. The applicants have also provided a travel plan to promote the use of such sustainable transport modes.

With regards to the impact of the development on car use, traffic and congestion, this is a key consideration within the determination of this application due to the potentially controversial nature of additional traffic on Southampton Road. The Highways Agency initially issued a Direction of non determination, whilst they requested further information from the applicant, which prevented the Council from progressing the application.

The applicant subsequently undertook detailed work to predict traffic generation from the proposed use, including new traffic flow counts and queue surveys at the Southampton Road / Bourne Way roundabout, and use of Highways Agency data to determine future traffic flow growth.

The results showed a net development trip generation of 16 additional two way trips during the Friday PM peak and 12 additional two way trips during the Saturday peak (which was found to be the busiest period during the week). This equates to a maximum increase in

queue lengths on the A36 arms of Bourne Roundabout of 0.2 vehicles during the Friday PM peak and 2.4 and 0.1 vehicles during the Saturday Peak (A36 East and A36 West respectively). The Highways Agency have confirmed that they are satisfied with how this data was derived.

Based upon the forecasted traffic generation from a proposed food use, together with the submitted travel plan and recent traffic modelling, the Highways Agency do not consider that the proposal would have a materially harmful impact upon the strategic road network, and have removed the Direction. Securing the implementation of the travel plan by appropriate means would be essential were the application to be permitted.

With regards to parking matters, it is considered that appropriate levels of parking would be provided by the existing Bourne Retail Park car park, as per guidelines contained within Appendix VI of the Local Plan.

10. Conclusion

PPS6 seeks to promote town centres as the favoured location for retail developments, and provides five criteria in the assessment of such proposals. Due to failure of the applicant to consider the cumulative impacts of other proposed retail developments, the local planning authority are not satisfied that the applicant has demonstrated a sufficient quantitative need for the development or that there would be no detrimental impact to the vitality and viability of Salisbury town centre. Furthermore, the local planning authority are not satisfied that the applicant has undertaken a sufficient sequential assessment to thoroughly assess the appropriateness of retail units which have since become vacant, which notably include a former Woolworth's store in the town centre. The proposal, in its current form, would therefore be contrary to the aims and objectives of PPS6 and saved policy DP6 of the adopted Wiltshire & Swindon Structure Plan.

Recommendation

That the Council, in its statement of case to the Planning Inspectorate, contest the appeal on the grounds that the applicant has not at this time demonstrated the following:

- a quantitative need for a discount food store, bearing in mind the potentially limited capacity as a result of other food store proposals;
- that a sequentially preferable site is not available within the town centre, notably why the former Woolworth's store would not be suitable for a discount food retailer;
- nil detriment to the town centre, bearing in mind the potential cumulative impact of other food store proposals in harming the viability of existing town centre stores.

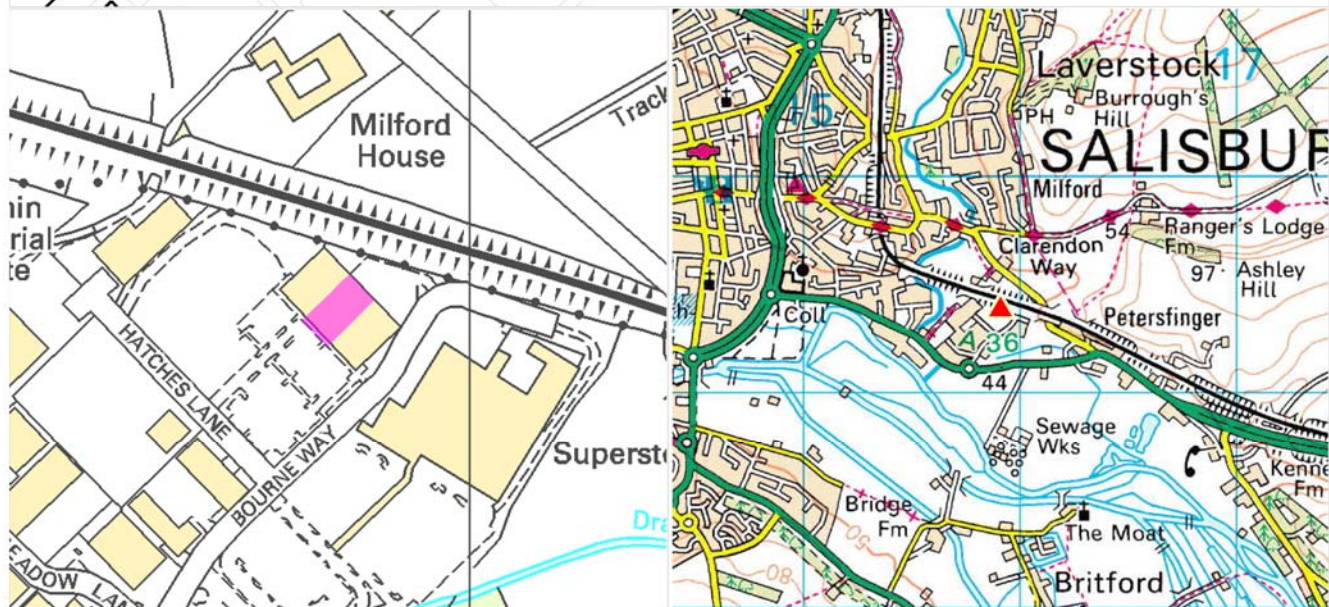
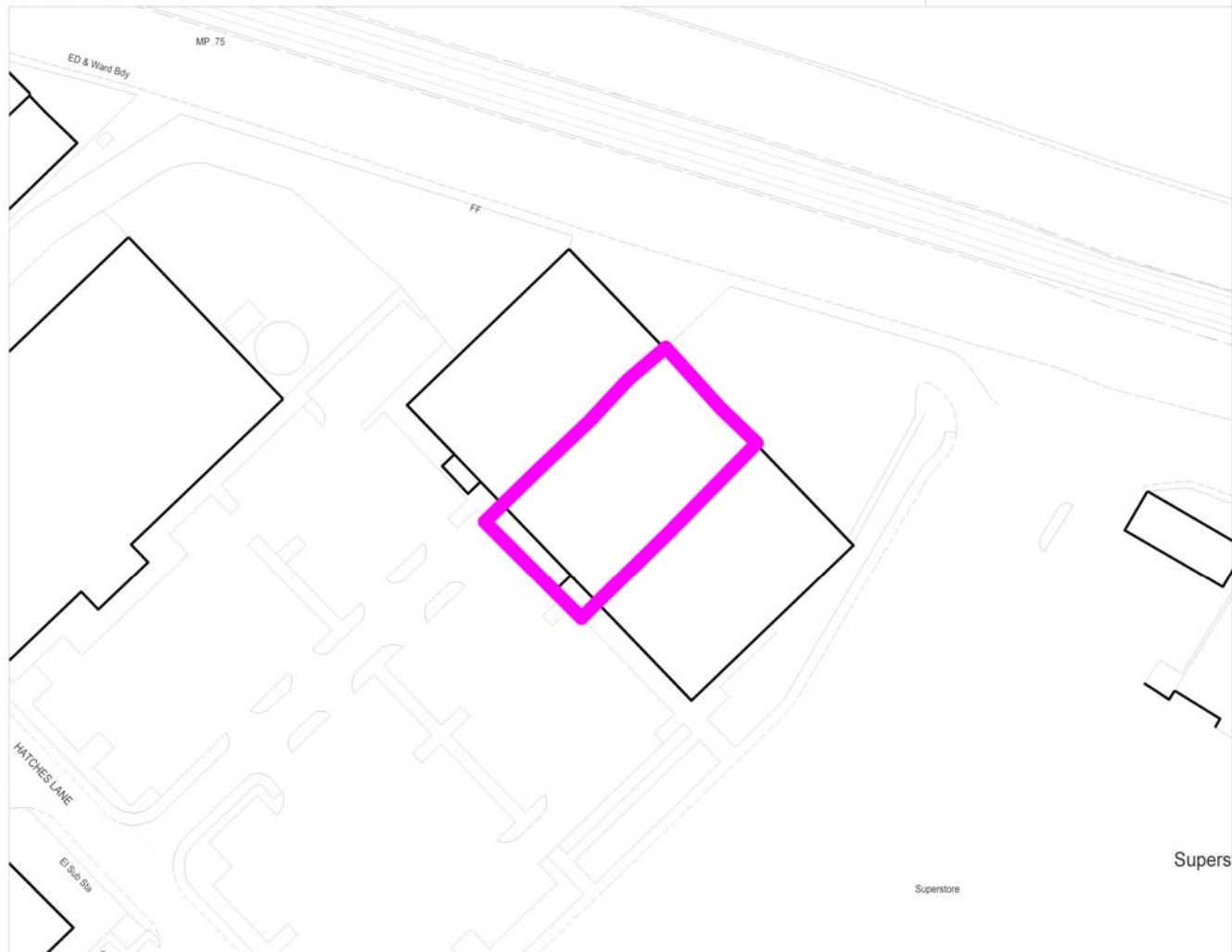
Appendices:	As below
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Background	Letter of advice from <i>GVA Grimley</i> (appended in full)
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Documents Used in the Preparation of this Report:	
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S/2008/1635

Site Visit:



APPENDIX

Our Ref : CJBG/smr

24 April 2009

Ms N Styles
Wiltshire Council
61 Wyndham Road
SALISBURY
Wiltshire
SP1 3AH

Dear Natasha

FOODSTORE PROPOSALS, HATCHES LANE/BOURNE RETAIL PARK, SALISBURY

You have asked us to consider the retail planning implications of two current applications involving foodstores on land at Hatches Lane and Bourne Retail Park in Salisbury. Specifically, we have been requested to consider the inter-related matters of need, sequential approach and impact, and any other retail planning policy issues raised by the proposals individually or cumulatively.

The Proposal

i) Lidl, Hatches Lane

The first proposal, submitted by Lidl (UK) GmbH, involves land at Hatches Lane, currently occupied as a haulage business. The proposal is for a new foodstore comprising 1,640 sq m gross, 1,286 sq m net, to be occupied by Lidl as a discount foodstore. The site comprises .48 hectares and provides for a total of 91 car parking spaces. Lidl estimate that the store will provide up to 40 jobs, and the scheme provides for the existing haulage business to relocate to part of the site.

ii) Unit 2, Bourne Retail Park

The proposals for Unit 2, Bourne Retail Park, are submitted by Aberdeen Property Investors. We understand that consent has already been granted for external alterations and works to create two new retail units at Unit 1&2 Bourne Retail Park of 929 sq m each. The applicant is seeking a variation of condition to broaden the range of goods to be sold to include a food retailer, and comparison goods falling outside the currently permitted range where they form a minor and ancillary part of the operation of the proposed stores. No named occupier is indicated, although in the supporting material reference is made to Aldi.

Savills' supporting material refers to Unit 2 having a 929 sq m gross internal area, but elsewhere assumes that the scheme would have a net sales area of

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929 sq m. Savills estimate the convenience goods turnover of the store at 2013 at £2.6m assuming the entire net sales area is devoted to convenience goods. However, they also indicate that up to 20% of the turnover of the store could be accounted for by comparison goods, equating to circa £0.5m. Clearly if the unit only comprises 929 sq m gross, the estimated convenience and comparison turnovers assessed by Savills should be regarded as maxima. Savills estimate that the store would create circa 39-49 additional jobs and could bring an increase in economic growth ie earnings of circa £0.59m per annum to what they indicate is the most deprived ward in South Wiltshire in terms of employment and income.

Policy Considerations

Both proposals are for discount foodstores; in the case of the Hatches Lane scheme this is confirmed as Lidl, but in practice based on the size of units involved we anticipate that either or both would be likely to attract discount retailers of the likes of Lidl/Aldi. As both applicants indicate, there are a substantial number of appeals/call in decisions which establish that the particular characteristics of deep discount retailers, selling a limited range of heavily discounted, predominantly convenience goods, with a more limited ancillary comparison offer should be taken into account when judging the retail policy implications of such proposals.

While the Bourne Retail Park application involves a variation of condition, and the Hatches Lane proposals involve development of a new store, having regard to the advice in PPS6 the same policy tests apply to both proposals ie:-

Demonstration of a need for the scale and form of floorspace proposed, having regard to quantitative and qualitative factors.

The appropriateness of the scale of the development, having regard to catchment that it is intended to serve.

The availability of alternative more central sites ie the “sequential approach”.

The impact of the proposals, including their impact on planned investment in any nearby town centre and the vitality and viability of the town centre; and

The accessibility of the proposals to their intended catchment by alternative means of transport.

As the proposals are close to each other and likely to serve a similar catchment area, we anticipate that the overall level of accessibility by alternative means of transport to each is likely to be similar, although localised differences in accessibility and linkages may be material to the Council's consideration. Other planning considerations, including design, sustainability, and traffic and transport issues will also be relevant in judging the acceptability of each, and the relative merits of the proposals, but again these issues are outside our terms of reference.

Finally, we have not considered whether the Hatches Lane proposals raise any employment land issues, or whether any weight should be attached to the

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proposals for the existing haulage business, which also are matters the Council will judge in its consideration of the proposals.

We consider the key retail policy issues in turn:

Quantitative and Qualitative Need

RPS refer to the previous GVA Salisbury Retail Study which identified circa £2.6m of convenience goods capacity in the Salisbury urban area by 2011, rising to £11.78m by 2016. RPS has re-worked the Retail Study, taking into account the now completed Tesco extension and making an allowance for an increase in turnover attributable to the potential redevelopment of Sainsbury's. RPS has also made a number of minor adjustments to the Retail Study, including re-basing the survey results to factor in where respondents indicated they "don't know" where they do their convenience shopping, on the basis that RPS consider this understates the amount of available expenditure.

Savills has also undertaken its own assessment of convenience shopping needs, based on the Retail Study. Savills suggest a more conservative estimate of £7.99m of capacity at 2013 after taking into account the recent Tesco extension, and have not factored in the effects of a new Sainsbury store in the city centre.

In terms of quantitative needs, the GVA Study and the RPS/Savills assessments all identify more than sufficient capacity for one of the proposed stores by 2011, and both by 2016. The RPS capacity projections are the highest, and we would suggest they should be treated with a degree of caution. This baseline analysis takes no account of the potential implications of a major new foodstore in Amesbury, which would have the effect of reducing the turnover of the main Salisbury stores, and reducing the identified capacity arising within the Salisbury urban area. If one or both of the current food superstore proposals proposed in Amesbury were to be permitted, therefore, we would question whether there would be any significant convenience goods capacity arising in Salisbury in quantitative terms.

We consider there is a qualitative need for a discount foodstore in the Salisbury urban area. A deep discounter such as Lidl or Aldi would provide additional choice and competition, and would provide additional benefits including local employment. In these circumstances, having regard to both the quantitative and qualitative considerations, we consider there is a sound case to support a new discount foodstore in this area.

The case for supporting both proposals at the current time is more marginal in our view and while there would be some additional benefits of further choice and competition between discount foodstores, these would be relatively limited. The quantitative case for two foodstores would be likely to be undermined by approval of a large foodstore in Amesbury and the potential redevelopment of Sainsbury's to provide a large store in the city centre.

The locational benefits of providing a modern deep discount foodstore to serve local needs would also be duplicated by two stores, and would not result in a good distribution of such facilities relative to the local population. In these circumstances, we are not convinced that there is a need for both proposals in such close proximity to each other. However, as you will be aware, DCLG has stated the intention is to drop the needs test. On this basis, while this may constitute a valid reason for refusal at this time, we would not recommend reliance on this reason for refusal.

Scale

We consider that individually, either proposal would be regarded as being of an appropriate scale to this location and the wider needs of this part of Salisbury. We would question whether it would be appropriate to support two discount foodstores in close proximity in this part of Salisbury, and as outlined above, would suggest there would be material advantages from securing a more sustainable distribution of local convenience shopping facilities in order to better serve the needs of Salisbury residents. However, we do not consider this in itself provides a valid reason for refusal.

Sequential Approach

Both applicants have addressed the requirements of the sequential approach, and have considered the availability of sites and vacant units in Salisbury city centre. RPS has confined its search to sites of .48 hectares or more, having regard to the guidance in PPS6 and experience of other planning inquiries, based on a required minimum sales area of 1,063 sq m net. Savills has confined its search to units of not less than 929 sq m net, and both applicants highlight the importance of a regular sized single level unit with adequate servicing and some adjacent car parking to cater for shoppers undertaking "bulk" purchases. We consider this approach is reasonable having regard to the guidance in PPS6 which acknowledges the relevance of the applicants business model.

Both applicants have considered and rejected the sites identified in Salisbury city centre. Clearly there is significant potential within the city centre, and we recommend that the Council considers the steps needed to bring forward the identified development opportunities, and adopt a proactive approach to bringing sites forward to accommodate retail development within and on the edge of the existing primary shopping area as a key priority. However, based on the issues which need to be addressed and overcome, and the timescales involved in complex town centre developments, we anticipate that none of the sites identified would realistically be available within the short term 2/3 years.

Both applicants have reviewed the availability of vacant units in the town centre. RPS indicate there are no vacant units in the centre which would meet the requirements stipulated in their approach. Savills have also considered vacancies and identified 42 vacant units in the city centre ranging from 20 to 610 sq m which they consider are too small, even when displaying a significant degree of flexibility, to accommodate a national multiple discount food retailer.

We are aware that the former Woolworth's store has become vacant since completion of the applicant's supporting statements, and having made investigations understand this comprises circa 2,908 sq m gross. Whilst this unit is significantly larger than either proposal, the option of sub-division should be explained. We understand that the store does not have dedicated customer parking, which we consider may be a significant issue having regard to the requirements of bulk food shopping.

Whilst we understand that the unit is currently available, given the length of time that the unit has been vacant, an alternative operator may have been secured.

However, we would expect the applicants to consider this and any other options which may have become available since completing their assessments, and to set out clearly why they consider this option would not be capable of accommodating the requirements of a discount food retailer.

Impact

Both applicants have considered impact having regard to the guidance in PPS6. Savills have not carried out a quantitative impact assessment, but instead rely on a commentary on what they consider to be the likely impact implications of the proposals. RPS has undertaken a quantitative assessment, and estimates the proposed Lidl store would have an impact of circa 1% on each of the town centre foodstores and other town centre retailers, which would not be a cause for concern. Neither applicant has attempted to consider the cumulative impact of both proposals, or to take into account the implications of a new large foodstore in Amesbury and/or the cumulative impact of the recent Tesco extension and potential Sainsbury's redevelopment in the city centre.

We consider the impact of a new discount foodstore in this general location would be unlikely to give cause for concern having regard to the guidance in PPS6. Based on the convenience goods turnover of the proposals, which are estimated at between £2.6-2.8m, we anticipate the majority of impact would fall on the nearby out of centre Tesco, and the impact on retailers in the city centre would be limited. We do not expect this level of impact would be likely to prejudice investment in the town centre (subject to consideration of the vacant Woolworth's unit as above) nor do we consider this level of trade diversion would in itself lead to any significant adverse effect on the turnover or vitality and viability of Salisbury city centre.

Any adverse impact should also be weighed in the balance, having regard to the beneficial effects of new investment in a deprived area, the creation of new employment, and the additional contribution to choice, competition and productivity which a discount foodstore would bring in this location.

We consider the cumulative impact of both discount stores being permitted would, in itself, also be unlikely to be a cause for concern. Inevitably if two discount operators located in such close proximity there would be a significant "mutual impact" and the turnover expectations of both stores would be materially reduced. The majority of the additional impact would still be likely to fall on the nearby Tesco is a large success out of centre store and is not in any event "protected" by policy. The additional incremental impact on Salisbury city centre

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would be limited, but would be higher than one, and this factor should be weighted in the balance when considering the merits of supporting two stores in this location.

If one or both of the current food superstores currently proposed in Amesbury was permitted, we consider there is a more significant concern at the cumulative impact of new development in Amesbury and the recent extension of Tesco in Salisbury. The combined effect of these proposals could be to lead to a reasonably significant impact on existing town centre foodstores, notably the city centre Tesco which the Salisbury Retail Study identified to be one of the less well performing stores in the centre. Any adverse impacts arising from these stores could be compensated by the positive effects of a new extended Sainsbury's store as part of The Maltings development although the timescale and viability of this development appears uncertain.

In these circumstances, we consider there is a potential concern at the cumulative impact of Amesbury proposals, Tesco extension and one or more discount retailers which could cumulatively affect the position of one of the existing food supermarket anchors in the town centre. In these circumstances, the levels of impact involved could bring into question the viability of one or more of the current city centre foodstores, which would be a cause for concern.

Clearly it is difficult at the current time to assess the implications of every possible permutation of new development. Our overall view is that even taking into these factors, the impact of a single discount foodstore would be limited, and would be unlikely to constitute a sound reason for refusal. However, allied to the points outlined above, we would question whether it would be appropriate to support two similar discount foodstores in such close proximity where the additional benefits generated would be more limited, and where the potential for additional cumulative impact, over and above other proposals in the area, would be more pronounced.

Conclusions

Both proposals are likely to be occupied by deep discount food retailers and both are required to satisfy the key policy tests ie need, scale, sequential approach, impact and accessibility. There are no clear retail policy reasons for favouring one application over the other.

There is identified quantitative and qualitative need for a discount foodstore. There may be sufficient quantitative capacity to support both proposals over the next 3-4 years, although this is to some extent subject to the scale of development permitted at Amesbury. While two stores would provide additional employment and local regeneration, the qualitative case for a second store in this location is less compelling.

A discount foodstore as proposed is of an appropriate scale in this location. However, the provision of two similar stores in such close proximity would not provide a particularly sustainable distribution of convenience facilities serving the Salisbury catchment. In these circumstances, even if there was sufficient quantitative capacity to support both, we consider it would be more appropriate

in terms of scale to seek a better distribution of stores relative to local needs. However, we are not convinced that this represents a reason for refusal.

Both applicants have applied a sequential approach, and we are satisfied that there are no sites which could be regarded as currently available, suitable and viable within the city centre on the edge of the centre to accommodate a discount foodstore at the current time. Neither applicant has considered the vacant Woolworth's unit in Salisbury which is potentially large enough to accommodate the requirements of a discount food retailer, and both applicants should be requested to consider this option.

We do not consider either proposal is likely to have any adverse impact on the vitality and viability of the city centre in itself. If both applications were permitted and able to secure operators, we consider they would impact on each other and on the nearby Tesco, and their combined impact on the city centre would not be likely to undermine its vitality and viability.

However, both the need for, and impact of the proposals will be to some extent influenced by the outcome of the call in inquiry into current proposals for Amesbury. A new food superstore in Amesbury would materially reduce the capacity identified in the Salisbury area, by recapturing trade currently lost from Amesbury, and will lead to an impact on the city centre which would be compounded by the recently completed Tesco extension and the current application proposals. Neither applicant has considered the cumulative impact of those proposals which should be tested prior to the grant of planning permission.

If your Council decides to approve one or both proposals, we would recommend the imposition of planning conditions relating to the net sales floorspace, stipulating that the stores are to be occupied by discount retailers, and specifying that any comparison goods sales should be ancillary to the proposed foodstore.

Please do not hesitate to contact me if you would like to discuss.

With best wishes,

Yours sincerely
CHRIS GODDARD
Executive Director
APPROVED

Conditions and Reasons: