

Schedule Of Planning Applications For Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

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

ABBREVIATIONS USED THROUGHOUT THE TEXT

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING
COMMITTEE
WESTERN AREA COMMITTEE – 08/11/07

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

Item Page	Application No	Parish/Ward Officer Recommendation Ward Councillors
	S/2007/1270	WILTON
1 SV 15:30	Mr A Bidwell	APPROVED WITH CONDITIONS
Pages 3-14	THE AVENUE WILTON SALISBURY SP2 0BX BUSINESS UNITS & RAPID FIT AUTO CENTRE	WILTON WARD Councillor Edge Councillor Holt
	S/2007/1942	MERE
2	Mr O Marigold	APPROVED
Pages 15-17	THE CHAPEL BOAR STREET MERE WARMINSTER BA126DD CHANGE OF USE FROM FURNITURE DEPOSITORY TO PRE-SCHOOL USE (RETROSPECTIVE)	WESTON & MERE WARD Councillor Jeans Councillor Mrs Spencer

Part 2

Applications recommended for Approval

1

Application Number:	S/2007/1270		
Applicant/ Agent:	ROBIN ASHLEY ARCHITECTS LLP		
Location:	THE AVENUE WILTON SALISBURY SP2 0BX		
Proposal:	BUSINESS UNITS & RAPID FIT AUTO CENTRE		
Parish/ Ward	WILTON		
Conservation Area:		LB Grade:	
Date Valid:	21 June 2007	Expiry Date	20 September 2007
Case Officer:	Mr A Bidwell	Contact Number:	01722 434381

S/2007/1270

REASON FOR REPORT TO MEMBERS

The ward member has requested that this item be determined by Committee due to: the controversial nature of the application

SITE AND ITS SURROUNDINGS

This site is located at the southwesterly edge of the Wilton Park and Ride site immediately adjacent to the railway line. To the east the site is bounded by Kingsway and to the east, The Avenue. The site is an area of allocated land / grassland TR8 (iii) left over following the development of the park and ride site and also includes a small area of recreational land R13, also allocated within the adopted local plan.

THE PROPOSAL

This application is for the erection of 16 business units and a rapid fit auto centre with associated parking and vehicular access extending off the existing park and ride access road.

PLANNING HISTORY

The site is allocated within the adopted SDLP Policy TR8 Park and Ride, and also policy R13 Recreation.

The site has also been considered in the past as a route for the Wylve Valley Relief road.

CONSULTATIONS

WCC Highways:

The site is unusual in that it is accessed from the access road, which serves the Wilton Park, and Ride facility. The Park and Ride access road, as far as the proposed new link to the application site, was dedicated as public highway when the Park and Ride was constructed some two years ago. The land is also shown on the allocations map of the Local Plan as part of the future Park and Ride facility, but I can confirm that there are no current plans to extend the Park and Ride into this area. However, it must be borne in mind that there will be no future opportunity to do so if the land is developed for other purposes. I also confirm that the Wylve Relief Road proposal is now not being proceeded with and this land had been identified as one possible option for the route.

The size of the development is not significant enough to require further transport analysis of the off-site impact of traffic and movement, but I have undertaken a study to identify the likely impact at the nearby junction of The Avenue with the A36 Trunk Road. I am of the view that the impact will not be material, with some 30 vehicles associated with the development likely to be using the southerly part of The Avenue during the morning peak period. There is therefore likely to be no detriment to highway safety or capacity resulting from the development.

I have no knowledge as to why the applicant has indicated a new footbridge over the main railway line and note that the applicant refers to a "future pedestrian access to new railway station" but confirm that there are no current proposals under consideration by this Authority for a new railway station.

I have some concern that the access is shared with the Park and Ride site, which should be an attractive facility for high levels of public use. However, in view of the public status of the shared section of access, the position of the junction and the obtainable visibility (with a condition to improve the visibility to the roundabout), there are no technical reasons on which to refuse this development.

The parking level is acceptable on the basis that the proposal is mainly consisting of starter type units where 2-3 spaces per unit would be acceptable. Low but acceptable parking is provided for the auto centre and cycle parking is satisfactory. A turning head is shown which meets this Authority's standard. Parking outside some of the service hatches by servicing vehicles could obstruct the internal access road, but this would be a matter for the site management to control. I note that limited use of footways is made within the development, but, as the site will remain private, I do not consider that there are sufficient grounds to object or require changes. I do feel that an alternative pedestrian and cycle access should be provided via the route shown dashed on the site plan (drawing 03-025-21), but that the route should link directly to The Avenue and will recommend accordingly.

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

1. Visibility splay of 2.4m x 33m shall be provided in the easterly direction (with no obstruction above 1 metre above adjacent road level) at the access point with the Park and Ride access road in accordance with further details which shall be submitted for approval by the LPA; and the visibility splay shall be set out in accordance with the approved details before first use of the development.
2. The access junction with the Park and Ride access road shall be constructed in accordance with full details which shall be submitted for the further approval of the LPA and shall include the use of give way markings; and the access junction shall be constructed in accordance with the approved details before first use of the development.
3. A shared use footpath and cycle link shall be provided between the site and The Avenue to include any necessary barriers in accordance with further details which shall be submitted for the approval of the LPA; and the footpath and cycle link shall be provided in accordance with the approved details before first use of the development.

Reasons: all in the interests of highway safety.

Environmental Health:

No objections though if vehicle refinishing were to take place in the auto centre building, a permit will be required under the pollution prevention and control regulations depending on the annual use of solvents. However, there is nothing in the application to suggest this use.

Wessex Water Authority:

Foul Drainage

There is no public foul sewer in the vicinity of the site. The nearest foul drainage system is in The Avenue 130m to the South of the site. The foul sewerage system should have adequate capacity to serve the proposals. Flow calculations to be submitted in due course.

Surface Water

There is no public surface water sewer in the vicinity of the site. The use of soakaways or SUDS system will be required.

Sewage Treatment

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

Water Supply

There is no public water main in the vicinity of the site. The most suitable point of connection is 440m to the north east of the site to an existing 4-inch diameter PVC main.

Environment Agency:

The agency has no objection to the proposed development subject to conditions and informatives being included in any planning permission granted covering

Surface Water Drainage:

Discharge of foul or contaminated drainage or trade effluent

Details of an Oil receptor for parking areas and roof water

Highways Agency:

We have no comments to make on this application

At the time of receipt of the above comment the A36 was a "virtually de trunked route" however, this de trunking has since been abandoned. The Highways Agency comments were as follows: The Highways Agency will still comment advise and direct on planning applications However it is appropriate that the inheriting highway authority should comment and advise on all non safety matters and we confirm that the Highways Agency has not received any non-safety comments or advice from Wiltshire County Council.

Natural England

Based on the information provided Natural England has no objection to the proposed development in respect of legally protected species provided that the recommendations (particularly paragraphs 4.2 - 4.3 relating to nesting birds and reptiles) of the protected species survey are taken into account and where appropriate conditioned

Natural England notes that one of the recommendations in the report is to mow the area of longer grass close to the sites eastern southern boundaries to ensure that the site remains unattractive as habitat to reptiles Natural England requests that prior to this area of grass being mown a search for reptiles is conducted and in the event of any

reptiles being found they must be safely removed to a suitable habitat outside the site in question.

If any other information such as representations from other parties highlights the possible presence of a protected or Biodiversity Action Plan species the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of Circular 06 2005. If the application is amended with this additional information Natural England should be re consulted for a further 21 days in accordance with Circular 08 2005.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06 2005 to PPS9 Biodiversity and Geological Conservation. Statutory Obligations and their Impact within the Planning System Paragraph 98 of the Circular states that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that if carried out would be likely to result in harm to the species or its habitat. The applicants should be informed that planning permission if granted does not absolve them from complying with the relevant law including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06 2005.

Wiltshire Fire and Rescue Service

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.

Water supplies for fire fighting

Adequate consultation is to be undertaken between the Fire Authority and the developer to ensure that the site is provided with adequate water supplies for use by the fire service in the event of an outbreak of fire. Such arrangements may include a water supply infrastructure suitable siting of hydrants and or access to appropriate open water. Consideration should be given to the National Guidance Document on the Provision of Water for Fire fighting and specific advice of the Fire Authority on location of fire hydrants.

Sprinkler protection to Commercial premises

The nature of the proposal gives reason for the Wiltshire Fire Rescue Service to strongly advise the consideration of appropriate sprinkler system protection for these premises.

The advantages of automatic sprinkler systems are listed below:

10 GOOD REASONS TO INSTALL SPRINKLERS

- 1 In the UK there has never been a fire death in a building fully fitted out with sprinklers
- 2 They cost around 2.5% of the total cost of a new build
- 3 Ongoing maintenance costs are low and sprinkler systems are designed to last in excess of 50 years

- 4 Fire damage is usually only 1 10th of that is an unprotected building
- 5 Chances of accidental discharge are 1 in 500 000 Heads all causes
- 6 Chances of an accidental discharge due to factory defect is 1 in 14 000 000 factory defects
- 7 Inclusion of sprinklers can allow relaxation of other traditional passive fire safety measures
- 8 Insurance costs can be drastically reduced
- 9 They use significantly less water to control a fire than the Fire Service
- 10 Greatly reduced business disruption due to the effect of fire

Therefore we strongly urge you to include sprinklers in this project

The above-mentioned recommendations are made without prejudice to the requirements or other standards proposed by the Planning or Building Regulations Authority

Network Rail:

Letter to applicants dated 4th October 2007:

Confirm that there is *no* rail industry plans to reopen either of the old stations, or indeed to open a new station in the Wilton junction area.

Network Rails Route Utilisation Strategy for the South West main line (published in March 2006) set out the strategy for the line as a whole, but explicitly avoided assessing stakeholders aspirations for individual stations where that aspiration did not meet a gap identified within the RUS (which was the case in relation to Wilton).

We are aware, through the consultation response to the RUS, that organisations such as Salisbury District council and Wiltshire County Council do have an aspiration to see a reopened station, but we have had no discussions with them on any specific proposals they may have.

Salisbury Transport 2000:

Concerned regarding (amongst other things) that the amount of parking is inadequate for unexpected visitors to the site. Parking for bicycles is inadequate.

Forward Planning

No objections to the proposal on policy grounds

Economic Development and Tourism:

We would like to support the planning application from an Economic Development perspective. According to the South Wiltshire Economic Assessment, Salisbury has a high percentage of small businesses (under 50 employees) and a high percentage of the total workforce is employed in these small businesses. Both of these rated are above the regional and national average. The development of high quality office and light industrial units of suitable size to meet this demand is therefore vital in safeguarding these businesses and the local economy. The construction of the units will help to support Wilton as a local employment centre in the district, reducing the need for commuting. The impending relocation of the Army Land Command from Wilton will also bring additional demand for employment opportunities in this area.

REPRESENTATIONS

Advertisement	Yes, expires 26/07/07
Site Notice displayed	Yes, expires 26/07/07
Departure	No
Neighbour notification	Yes, expires 16/07/07
Third Party responses	Yes, a letter has been received from a resident and business owner on the Kingsway, raising the following concerns:

Why build more business units when low cost housing is needed?

There are many business units empty already

Upper part of the Kingsway is predominantly residential and these properties will be sandwiched

Restrictions should be imposed to prevent noise and pollution and working hours to prevent disputes between businesses and residents.

Parish Council response. Yes, No objections: members note that access to a future railway platform remains in the Salisbury Vision plan & Wilton Action Plan

MAIN ISSUES

The main planning issues in this case centre on compliance with the policies of the SDLP and Government guidance and impact on the adjacent road network and the general surrounding area.

POLICY CONTEXT

TR8 (iii) Park and Ride site allocation
R13 Recreational site allocation
G1 Sustainable principles
G2 Development criteria / amenity
E17 Employment development adjoining settlements

PLANNING CONSIDERATIONS

Members attention is drawn to the fact that this proposal has been amended from that originally submitted to secure additional details requested by the case officer following initial consultation responses. The amendments set out on plan No: 03-025-33, are as follows:

Additional covered cycle parking comprising more parking places in each location and additional locations

Details of proposed covered cycle shelters

Pedestrian access direct from the Avenue

The proposed future access footbridge to the disused station has been omitted

The context of the adjacent roundabouts shown at a smaller scale

Comparative layouts of previous schemes to demonstrate improved access

HGVs shown indicatively passing to illustrate the effectiveness of the measures to ensure practical circulation

In respect of traffic generation we have taken the advice of Upton McGougan Limited consulting engineers who have recently been involved in the traffic generation aspects at Kingsway. On the basis of our current proposals they have advised as follows:

Based on a mixed employment use development of around 2200sqm 2167sqm GFA that the traffic levels are in the order of 20 & 36 during 8 – 9 am and 4:30 – 5:30 pm peaks respectively, or around 180 vehicles per day (2 way) with around 14 HGVs per day.

PRINCIPLE OF DEVELOPMENT

This site is adjacent to the development boundary of Wilton and is surrounded by an area defined as the Landscape Setting of Salisbury and Wilton. The site is allocated for park and ride and recreation forming a finger of land left vacant following the construction of the park and ride site. The land itself is relatively steep sloping down to the railway and existing boundary planting. The site although originally intended as part of the park and ride development was safeguarded as a route for the Wylde Valley Relief road.

This site as acknowledged in the design and access statement submitted with the application, recognises that this linear site has remained vacant partly through being an option for the previously scheduled relief road. Members will recall this proposal and the controversy surrounding it, which on balance was seen as beneficial by many. However, the relief road has not materialised and the WCC has clarified in their comments that the relief road proposals are not being proceeded with at this time.

Planning application should centre on the aims of Section 38 of the 1990 Town and Country Planning Act. Section 38 (6) updated the previous Section 54 (a) by placing greater emphases on the need to accord with the plan. The Section reads as follows “Where in making a determination under the Planning Acts, regard is to be had to the development plan, the determination must be made in accordance with the development plan unless material considerations indicate otherwise”. In this case material planning considerations besides relevant policies, will include the fact that the relief road is no longer programmed as clarified by WCC. As such it is clear therefore that the issues surrounding the relief road now have little weight as a material planning consideration.

The application as originally submitted proposed a future pedestrian access to a new railway station. However WCC has commented that they have no knowledge as to why this link was proposed, as no current proposal exist for a new railway station. Furthermore, Network Rail has also commented similarly and has stated that there is no rail industry plans to reopen the station or to build a new one.

It is considered however that this “pedestrian Link” element of the application was not fundamental to the proposal and need not be part of the planning consideration. Members attention is drawn to this fact and that as a result the applicants have deleted this element from the proposal illustrated in the amended plans as above.

The site is not allocated for any purpose other than park and ride and recreational facilities and it is not previously developed land as defined in Planning policy Statement 3, Housing

The SDLP provides through policy E17 that new business developments should be allowed provided that the proposals satisfy the following criteria:

Services, access and the local highway network are satisfactory

The scale of the proposal is appropriate for the size of the settlement

The scale and design of the buildings are compatible with the character of the area

The development is easily accessible to the local work force by a range of transport modes

The proposal will not detract from the amenities and character of the settlement

The environment of any nearby dwellings will not be adversely affected

There will be no significant adverse impact on the surrounding landscape or nature conservation of the area.

Whilst it is evident that this proposal provides a modest quantity of new employment space for Wilton, the proposal is considered to be compatible overall with the above policy criteria. The scale of the proposal is considered to reflect the needs of the intended end uses whilst retaining a limited visual bulk particularly with regard to height and a simple plan form. The proposed materials and overall design is also simple and appropriate whilst being reflective of modern business requirements for small scale units such as this for which topic page 9 of the Local Development Framework document under Key Issues and Spatial Patterns, identifies that there is a need in the locality. The design and access statement submitted with the application makes clear that extensive research carried out prior to submitting this proposal also indicated that there is a strong demand in the locality for commercial space capable of supporting small enterprises in a variety of formats and that this is underlined by the quick take up of the units at the nearby Wilton Business Centre.

As the site adjoins the landscape setting of Salisbury and Wiltshire a consideration of policy E15 of the SDLP is relevant. This requires that the proposal does not result in detriment to the visual quality of the landscape setting of the town. The site whilst being in itself open land, it is considered that due to the proximity of the site to the nearby land command developments the adjoining park and ride site, the railway line and the existing industrial buildings off Kingsway, the proposal would mostly be assimilated against the backdrop of built form and as such it is considered would not have a demonstrable adverse impact on the landscape setting.

The site is separated from nearby residential properties by the railway and generally it is considered that no unreasonable impacts will result from this proposal that would impact on residential amenity over and above those that may have resulted from the land being incorporated within the park and ride site.

The proposal would result in range of uses for the site including those within Use Classes B1, B2 and B8. Due to the potential range of uses and practices that can occur on site such as this, the issue of environmental impact / environmental health is very important. As such an extensive consultation has taken place with both the Environment Agency and SDCs environmental Health Officers. This consultation has resulted in no objections being raised subject to the imposition of restrictive conditions and the requirement for licensing for some practises should they occur. Furthermore Policy E17 of the SDLP also requires that there be no environmental nuisance as a result of new business developments. As such the issues centering on the prevention of undesirable environmental and health impacts, whilst having been addressed in the applicants Design and Access statement, will be further controlled via planning policy and conditions as well as under other legislation.

In addition Local plan policy E17 allows for the development of employment sites on the edge of settlements provided that access and highways arrangements are satisfactory (amongst other things). The issue of the highways access and immediate road infrastructure has been a significant one in this case. Emphases has been placed on in particular the additional load that this proposal may place on the roundabout at Salisbury Street / Warminster road. The Highways agency has commented that the roads in question are detrunked and that the comments of the county council should be sought. Having sought the appropriate comments it is clear that WCC has no objections to the proposal and have sated that the proposal would not result in a material impact at the junctions with the A36.

WCC have also commented on the issue of the loss of this land to any future expansion of the park and ride facility itself. WCC has commented that it should be borne in mind that there would be no future opportunity to expand the park and ride should this proposal go ahead. Whilst this point is very important as a future proposal to expand may be considered depending on local demand for the Park and ride, this is speculation and in the absence of evidence to support a future expansion of the facility, this point does not carry any significant weight as a material planning consideration.

With regard to policy G1 of the SLP the proposal as submitted supports the delivery of new economic development close to an existing main settlement. As such from a planning standpoint this proposal will make affective use of an urban fringe site whilst it is considered, it will not result in detriment to access and turning, respect for the surroundings or detriment to neighbours.

EXISTING DESIGNATIONS

The proposal will result in the development of a site that is covered primarily by policy TR8 (Wilton Park and Ride) of the adopted local plan. The park and ride has been completed and as such the aims and objectives of policy TR8 have been satisfied and are not overriding in this case. However, the eastern corner of the site covers a very small part of the adjacent recreational allocation site covered under policy R13. This policy sets aside the site for recreational purposes, which so far has not come to fruition. However, members will recall that this land whilst being allocated for recreation has a dual purpose as a buffer between the park and ride site, and The Avenue. It could be argued that as such the allocation already serves an important purpose, as it is which the development of the part south of the access road would not erode.

It is considered therefore that as this proposal would utilise a very small part of the recreation land, the existing and future purpose of the allocation is not materially affected and the proportion of land remaining should be able to accommodate adequate recreational development should any such development proposals be forthcoming.

FUTURE / RELIEF ROAD

The site in question as acknowledged in the design and access statement submitted with the application, recognises that this linear site has remained vacant partly through being an option for the previously scheduled relief road for the Wylve Valley. Members will recall this proposal and the controversy surrounding it, which on balance was seen as beneficial by many. However, the relief road has not materialised and the WCC has clarified in their comments that the relief road proposals are not being preceded at this time. It is clear therefore that the issues surrounding the relief road cannot form the basis of a materially weighty planning argument in favour of the retention of the land as it now exists.

ECOLOGY

With reference to the comments of Natural England the "Protected Species Assessment" submitted with this application it is clear that the applicants assessment is based on a site visit and the following was reported under "METHODOLOGY":

The site was assessed on 15th May 2007 by an experienced ecologist who carried out a search for signs of protected species and visual assessment of the sites habitat in terms of its likelihood to support any protected species, the search was for the following:

- Badgers setts or signs
- Potential bat roost sites
- Bird nests and nesting habitat
- Potential reptile habitat
- Potential great crested newt habitat
- Any other protected species

The Wiltshire and Swindon Biological Records carried out a data search Centre for records of protected and notable species within 0.5 km of the site

3 RESULTS

3.1 Habitat

The site as defined by the supplied site plan was approximately 260m long by 20- 25m wide 0.75ha. It consisted of a long strip of land between the railway cuttings to the south and the existing Park and Ride site to the north.

The majority of the site consisted of mown grassland with an area of mainly mature beach with a few immature sycamore trees at the eastern end of the site. The southern boundary was overhung with hawthorn scrub from the railway land with patches of hawthorn starting to establish within the site.

Whilst it is acknowledged that the presence of a protected species is a material planning consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, in this case it is clear that the applicants through their Methodology (as set out in the Protected Species Assessment), have taken measures that have identified that some limited potential for reptile habitat exists on the site. Thus, the assessment recommends (amongst other things) that the grass over the entire site be kept mown short between the assessment date and the development commencement. This would ensure that the site's habitat was maintained as unattractive to reptiles.

It is therefore concluded that the assessment in its methodology and its findings, is sufficiently clear to allow the application to be determined. However, a condition will be imposed to secure that in the event that protected species are found either between the dates since the survey 15th May 2007, and the commencement of the development. Or at any time thereafter, the applicants or their heirs and successors must re-consult Natural England who will require a further survey in accordance with Circular 08 /2005.

APPROPRIATE ASSESSMENT:

“Need for Appropriate Assessment”

Under the Habitat Regulations 1994, any development with the potential to affect a Special Area of Conservation and its designated species must be subject to strict scrutiny by the decision maker, in this case the LPA. The Authority should not permit any development, which would have an adverse effect on the integrity of the River Avon SAC, alone or in combination with other developments, unless certain rigorous tests are met.

Having regard to Natural England (English Nature) advice, other consultation responses and any other information available, we need to decide whether the plan or project, as proposed, alone or in-combination would adversely affect the integrity of the site, in the light of its conservation objectives. That is, whether the plan or project would adversely affect the coherence of the site's ecological structure and function, across its whole area or the habitats, complex of habitats and/or populations of species for which the site is or will be classified.

Impact of scheme on Special Area of Conservation (SAC)

The River Avon Special Area of Conservation (SAC) is underpinned by component SSSI's, including the River Avon system SSSI. The Site is designated because of the 6 habitats and species it contains, namely:

- a) Floating vegetation,
- b) Sea lamprey, (fish)
- c) Brook lamprey, (fish)
- d) Atlantic salmon, (fish)
- e) Bullhead, (fish)
- f) Desmoulins whorl snail.

Natural England has recommended no objections to the proposed development in respect of legally protected species subject to conditions.

The Environment Agency has recommended no objections to the application subject to conditions and informatives that are important in protecting the SAC.

Conclusion

In light of Natural England's and the Environment Agency's advice, whilst there is a potential for the development to have a limited affect on the SAC, their advice subject to the conditions they have recommended, it is considered, would result in a development that will not adversely affect the integrity of the European Site / SAC.

Due to the limited scale of development and as the public have been given notification on the application through the normal planning consultation process, it is not considered appropriate to consult the public separately on the appropriate assessment.

CONSIDERATION OF DEPARTURE FROM LOCAL PLAN?

This proposal has been subject to careful consideration as to whether it would result in a material departure from the adopted SDLP. The Town & Country Planning (General Development Procedure) Order 1995, is clear that local planning authorities can in certain cases and subject to conditions as advised by the Secretary of State, grant permission for development which does not strictly accord with the provisions of the development plan. However, in deciding whether an application is a material departure or not, the LPA should consider whether and factors of the proposal would be prejudicial to the plan and its policies. Among the factors the LPA should take in to consideration is the size of the proposal, its impact on the area and the type of development.

The report above has, whilst having full regard to the comments of consultees as set out above, presented a planning case that this proposal is acceptable overall and that in the main, the proposal accords with the relevant policies of the SDLP and of Government guidance. Notwithstanding that policies TR8 and R13 remain part of the adopted local plan, in the case of TR8 the aims of the policy has already been satisfied as the park and ride is complete and operational. With regard to policy R13 the parcel of land utilised by this proposal is very small and the remaining site still available for recreational purposes is large. As such it considered that this proposal would not result in a development that would be prejudicial to the aims and objectives as set out in the policies of the SDC adopted local plan. It is therefore considered that it would not result in a material departure in this case.

Members attention is drawn to the fact that the "South West Regional Development Agency", (SWRDA), have been consulted regarding this proposal but, no reply has been received to date. The comments of SWRDA will be significant and will form a material planning consideration in determining this application. This is primarily due to the issue of departure related to the allocation of the land in the adopted local plan. Whilst the report has set out the reasoning behind why this proposal is not considered to be a material departure from the adopted local plan from a town and country planning standpoint, SWRDA may submit comments or directions, that may alter the processing of this application. It could be that SDC has to consider this proposal as a departure and as such further advertisements will be required and the decision would need to be considered by the Planning and Regulatory Committee following the resolution of the Western area Committee. Members will be orally updated of the SWRDA comments at the WAC.

CONCLUSION

As stated above this land is relatively steep. It is expected that within applications for developments on steep sloping sites the applicants provide sectional drawings in order that a proper assessment of the relationship the proposal will have with the immediate environment can be made. This is particularly important when the site is in affect an open site as the heights of surrounding buildings and features must be considered to properly assimilate scale into the surroundings. Whilst these sectional drawings will be sought prior to the meeting and an oral update will be given, the report clearly identifies that this proposal is considered to be acceptable for the reasons set out above.

It is further considered that the proposal as amended will provide the elements that were previously considered as lacking in the proposal including ample cycle parking and related shower facilities for users further assuring the developments sustainable credentials. On balance for the reasons set out in this report and subject to the comments of SWRDA, and conditions, this proposal will deliver a well designed proposal with acceptable impacts on the surrounding environment and highway infrastructure whilst delivering business units, for which there is a demonstrable proven need in the area. As such the proposal is considered to be acceptable from a Town and Country Planning Standpoint.

RECOMMENDATION:

Subject to the implementation of the amended plans, which it is considered, have satisfactorily addresses the issues of concern raised during the application:

Approve for the following reason:

The development will result in an appropriately designed development for which there is an identified need in the locality, on a parcel of land, the development of which would not be prejudicial to the well being of protected species, the SAC, the safety of the surrounding highway network and to the implementation of / the aims and objectives and policies of the adopted Salisbury District Local Plan and current government guidance and statements.

And in accordance with the following policies of the SDLP

TR8 (iii) Park and Ride site allocation
R13 recreational site allocation
G1 Sustainable principles
G2 development criteria / amenity
C7 Special Landscape Area for Salisbury and Wilton

Application Number:	S/2007/1942		
Applicant/ Agent:	VICTORIA ORAM		
Location:	THE CHAPEL BOAR STREET MERE WARMINSTER BA12 6DD		
Proposal:	CHANGE OF USE FROM FURNITURE DEPOSITORY TO PRE-SCHOOL USE (RETROSPECTIVE)		
Parish/ Ward	MERE		
Conservation Area:	MERE	LB Grade:	
Date Valid:	25 September 2007	Expiry Date	20 November 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

The land is within the ownership of a District Councillor

SITE AND ITS SURROUNDINGS

The site consists of a former chapel, subsequently used as a furniture depository. The site was granted permission in 1999 for part B8 use and part-residential use, with a s106 legal agreement requiring that two car parking spaces would be provided, and that only B8 use would be undertaken. This appears to be the last lawful use.

It is now being used as a pre-school nursery, for which retrospective consent is sought. The 'Leaping Frog' previously occupied a nearby building in the Square.

THE PROPOSAL

Retrospective consent as a pre-school nursery.

PLANNING HISTORY

S/1974/1237	Change of use from church school to community centre and licensed club, approved 30 th April 1974
S/1976/0774	Change of use from church school to furniture repository, approved 10 th November 1976
S/1999/1054	Change of use from part-business to residential, approved 9 th April 2001
S/2006/496	Ramp for disabled access, approved with conditions on 26 th April 2006
S/2007/1231	Change of use from furniture depository to pre-school use (retrospective), application invalid due to land ownership certification error

CONSULTATIONS

Highway Authority – no objection

Environmental Health – no objection but recommend informative in relation to food and health and safety regulations

REPRESENTATIONS

Advertisement Yes – expired 25/10/07
Western Area Committee 08/11/2007

Site Notice displayed	Yes – expires 01/11/07
Departure	No
Neighbour notification	Yes – expires 01/11/07
Third Party responses	No
Parish Council response	Yes – recommend approval

MAIN ISSUES

Principle and Impact on character and appearance of Conservation Area
 Impact on highway safety
 Impact on amenities of nearby properties

POLICY CONTEXT

PS1	Community facilities in settlements
G2	General Development Criteria
CN8	Development in Conservation Areas

PLANNING CONSIDERATIONS

Principle and Impact on character and appearance of Conservation Area

The site lies in the centre of Mere, within the Conservation Area. Policy PS1 permits the development of new community facilities within settlements. Therefore, although the change of use has resulted in the loss of the previous B8 employment use (the furniture depository – which is unlikely to have generated a significant level of employment), and the part residential use, it is not unacceptable in principle.

The change of use itself has resulted in little change to the character and appearance of the Conservation Area. However a disabled access ramp has been erected, and was approved by planning permission S/2006/0496. This was judged to be acceptable in terms of its impact on the Conservation Area and Highway safety.

Impact on highway safety

Consideration has been given to the impact on highway safety. In terms of car parking public facilities are available nearby. The Highway Authority did not object to the earlier withdrawn application and are not expected to object to this application. Members will be updated on this at Committee. Subject to conformation of this, the proposal is considered acceptable in terms of highway safety.

Impact on amenities of nearby properties

Consideration has been given to the impact on the living conditions of nearby properties. Environmental Health officers have not objected to the use and it is considered that the impact on neighbours' amenities would not be unacceptable in this case.

CONCLUSION

Subject to no new material representations being made before 1st November 2007:

The change of use, as has taken place, is not unacceptable in principle and does not harm the character and appearance of the Conservation Area, the amenities of nearby properties, highway safety, or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan

APPROVED

Conditions and Reasons:

- 1 :- The change of use, as has taken place, is not unacceptable in principle and does not harm the character and appearance of the Conservation Area, the amenities of

nearby properties, highway safety, or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan

2 :- INFORMATIVE:

The applicant is advised to contact Environmental Services Food and Commercial Team for advice on compliance with food and Health & Safety legislation. The can be contacted on 01722 434319 or 434320

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

PS1	Community facilities in settlements
G2	General Development Criteria
CN8	Development in Conservation Areas

