

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite, City Hall, Salisbury
Date: Thursday 18 February 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Pam Denton, Senior Democratic Services Officer, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Brian Dalton	Cllr G Jeans
Cllr Tony Deane	Cllr Ian McLennan
Cllr Christopher Devine	Cllr Ian West
Cllr Mary Douglas	Cllr Fred Westmoreland
Cllr Jose Green	Cllr Graham Wright
Cllr Mike Hewitt	

Substitutes:

Cllr Ernie Clark	Cllr Leo Randall
Cllr Russell Hawker	Cllr Paul Sample
Cllr Bill Moss	Cllr John Smale
Cllr Christopher Newbury	

AGENDA

Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 28 January 2010 (copy herewith).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an issue or application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an issue or application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

6. **Planning Appeals** (*Pages 21 - 22*)

To receive details of completed and pending appeals (copy herewith).

7. **Planning Applications** (*Pages 23 - 108*)

To consider and determine planning applications in the attached schedule.

8. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 28 JANUARY 2010 AT ALAMEIN SUITE, CITY HALL, SALISBURY.

Present:

Cllr Tony Deane, Cllr Christopher Devine, Cllr Mary Douglas, Cllr Jose Green, Cllr G Jeans, Cllr John Smale (Reserve), Cllr Fred Westmoreland and Cllr Graham Wright

Also Present:

Cllr Christopher Cochrane and Cllr Leo Randall

1. Apologies for Absence

Apologies were received from Councillor B Dalton, M Hewitt, I McLennan and I West.

2. Minutes

The minutes of the meeting held on 10 December were confirmed as a correct record and signed by the Chairman

3. Declarations of Interest

Councillors C Devine, J Smale and F Westmorland declared a personal interest in application no. S/2009/1539 as they are acquainted with the applicant.

Councillor M Douglas declared a prejudicial interest in application no. S/2009/1539 and left the meeting for the duration of this item and did not speak or vote on the application.

Councillor J Green declared a prejudicial interest in application no. S/2009/1784 and spoke on the matter as a member of the public.

4. Chairman's Announcements

The Chairman announced that if the business was not completed by 10pm and there was still a substantial amount of business left to consider then he would move to adjourn the meeting.

There was one item of urgent business to be considered, the amendment of the section 106 agreement, Downside Close, Mere.

Agenda Item no. 6 – Proposed diversion of Tisbury footpaths 65 and 69 at New Wardour Castle had been withdrawn.

Application S/2009/0900 Hazeldene, Giles Lane, Landford would be deferred for a site visit and for further consideration of New Forest and other comments and concerns.

5. **Public Participation**

Mr J Hooper spoke in respect of withdrawn Agenda Item no. 6 – Proposed diversion of Tisbury footpaths 65 and 69 at New Wardour Castle.

6. **Proposed Diversion of Tisbury Footpaths 65 and 69 at New Wardour Castle**

This item was withdrawn

7. **The Wiltshire Council [Sheet SU 13 SE] Parish of Winterbourne Rights Of Way Modification Order No. 14 2009 - Winterbourne 30 and 18 (Part)**

Public participation - Ms Caroline Bingham spoke in support of the proposal.

The Rights of Way Officer presented the paper which requested the committee to consider and comment on objections received to the making of a new Bridleway and record part of an existing footpath as Bridleway and to recommend that an Order be submitted to the Secretary of State for the Environment, Food and Rural Affairs.

Resolved:

That the Wiltshire County Council Sheet SU 13 SE Rights of Way Modification Order No. 14, 2009 to upgrade part of footway 18 at Winterbourne to status of bridleway and to add a new bridleway, No. 30 at Winterbourne to the Definitive Map and Statement for the Amesbury Rural District Council area 1952 be submitted to the Secretary of State for Environment, Food and Rural Affairs, together with the objection letters and representations with the recommendation that the Order be confirmed as made

8. **Planning Applications**

8.1 S/2009/0307 - Cross Keys, Fovant Salisbury

Public Participation:

Mr Barrett spoke in objection to the application

Mrs P Storey (applicant) spoke in support of the application

Mr Knowles (Fovant Parish Council) spoke in objection to the application

Resolved

That planning permission be **GRANTED** for the following reasons:

The proposed development is considered to be well designed resulting in a significant visual improvement to the existing building whilst providing a community use against which no demonstrable harm is evident. The proposal is considered to be in accordance with the aims and objectives of policies G1 Sustainable development, G2 Criteria for development, D3 Extensions, CN3 Character and setting of listed buildings, CN4 Change of use of listed buildings, CN8 development in conservation areas.

(1) The change of use hereby permitted and the construction of the extension hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

(2) No construction of the extension hereby permitted shall commence until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY- G2 General Development Control Criteria D3 Design of Extensions

(3) No construction of the extension shall commence on site until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

POLICY-G2 General Development Control Criteria D3 Design of Extensions

(4) No external construction works shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use

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

POLICY-G2 General Development Control Criteria

(5) No external construction works shall commence on site until details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

POLICY-CN5 Preservation of character and setting of Listed Buildings

(6) The external flue(s) shall be finished in a matt black colour and maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

POLICY-CN5 Preservation of character and setting of Listed Buildings

(7) Upon the public house hereby permitted being brought into use, the residential accommodation provided on the first floor of the public house premises (illustrated on the plans DB901 Floor Plans Proposed First Floor), shall be occupied ancillary to the use of the building as a public house as a single planning unit and shall not be occupied at any time by any persons unconnected with the public house.

Reason; The Local planning Authority wish to ensure that the accommodation remains available for the approved use and in the interest of the amenity of the occupiers of the accommodation.

Policy -G2 General Development Control Criteria to avoid conflict between adjoining uses .

(8) Within 1 month of the date of this permission the access situated immediately to the east of the building shall be permanently stopped up for

vehicular use in accordance with a scheme which shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Policy -G2 General Development Control Criteria

(9) The use as a public house, hereby permitted, shall not take place until details of the treatment of the boundaries with Cross Keys Cottage have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected in strict accordance with the approved details

Reason: in the interests of amenity and to avoid conflict with adjoining users of the car park.

Policy -G2 General Development Control Criteria

(10) No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 8.00am to 6.00pm weekdays and 8.00 am to 1.00pm on Saturdays.

Reason: in the interests of the amenities of nearby residents.

Policy - G2 General Development Control Criteria

(11) The use as a public house, hereby permitted, shall not take place until measures to protect the adjoining residential property against noise from the public bar, and any ventilation plant, refrigeration motors, air conditioning or similar equipment have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority

Reason in the interests of the amenities of adjoining residents.

Policy G2 General Development Control Criteria

(12) The use as a public house, hereby permitted, shall not take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the control of odour and fumes from extractor fans, ventilation equipment or similar plant. Such a scheme as is approved shall be implemented to the satisfaction of the Local Planning Authority before any part of the public house development is brought into use.

Reason in the interests of the amenities of adjoining residents.

Policy G2 General Development Control Criteria

(13) The dwelling (identified on the plans as Cross Keys Cottage) shall not be occupied other than for purposes ancillary to the use of the site hereby permitted as a public house; as such its occupation shall be limited to a person solely or mainly employed in the said public house and any resident dependants and there shall be no subdivision of the single planning unit occupying the plot edged red on the plan hereby approved.

Reason: The proximity and configuration of the public house and the adjacent residential unit are such that if occupied independently, the occupiers of the dwelling would be liable to suffer an unacceptable level of noise and disturbance

Policy G2: General Development Control Criteria

INFORMATIVE

The applicant should be under no illusion that if statutory nuisance were to be shown to exist, The Department of Public Protection would be required by law to take action. The premise that because someone lives next to a pub they should accept unwarranted levels of disturbance is invalid.

INFORMATIVE:

The Developer is reminded of the requirement to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. This should be agreed as early as possible and certainly before the developer submits to the council any building regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of Wessex infrastructure crossing the site.

8.2 S/2009/1539 - 78 St. Marks Avenue Salisbury

Public Participation:

Mr Munns spoke in objection to the application
Mr Carrell spoke in objection to the application
Mr Browning spoke in objection to the application
Mr Bizzey (agent) spoke in support of the application

Resolved

That planning permission be **GRANTED** for the following reasons:

That SUBJECT TO

a) the applicant and any other relevant parties undertaking, under Section 106 of the principal act to pay a commuted sum towards open space; then this authority is minded to grant planning permission to the above application for the following reasons and subject to the following conditions:

b) If the applicant does not comply with (a) above the application is delegated to the Director of Development Services to refuse the proposal on non-compliance with Policy R2.

The principle of new residential development is acceptable within the Housing Policy Boundary and as the construction of four new dwellings would have no adverse impact on the character of the street scene and there would be no significant detrimental impact on surrounding amenities on balance the proposal is considered to be acceptable in accordance with the Salisbury District Local Plan.

And subject to the following conditions

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

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

(2) Other than those approved by this permission, there shall be no other windows inserted in the dwellings hereby permitted.

REASON To ensure adequate privacy for the occupants of neighbouring premises.

POLICY G2 General criteria for development

(3) No development shall commence on site until the trees on the site which are to be retained have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction and the recommendations of the Arboricultural Impact and Method Statement report prepared by Barrell Tree Consultancy dated 29 September 2009. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

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

POLICY G2 General criteria for development

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

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;
- (g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY-G2 General criteria for development:

(5) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY G2 General criteria for development: CN17 Trees protected by Tree Preservation Orders

(6) During demolition and construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from

the site outside the following time 0800 to 1800 on Mondays to Saturdays and there shall be no activities/working on Sundays, Bank and Public Holidays.

REASON To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

POLICY G2 General criteria for development

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

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

POLICY G5 Protection of water supplies

(8). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-C and Class E (extensions/enlargements/outbuildings) shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

POLICY G2 and D2 Criteria for development

(9)The development hereby permitted shall not be first occupied until the first five metres of the access measured from the edge of the carriageway has been consolidated and surfaced not loose stone or gravel. The access shall be maintained as such thereafter

REASON In the interests of highway safety

POLICY G2 Criteria for development

(10) The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway

REASON In the interests of highway safety

POLICY G2 Criteria for development

(11)The proposed new access is directly affected by a residents parking scheme in St Marks Avenue The construction of the new access shall not take place until the relevant traffic regulation order has been revoked and remade to omit the new access width and the remade order implemented and completed

REASON In order to provide a safe access to the development

POLICY G2 Criteria for development

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

POLICY G2 Criteria for development

INFORMATIVE 1

DOCUMENT/PLANS SUBMITTED WITH THE APPLICATION

This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing reference 2397/7 received on 15 October 2009.

Drawing reference 2397/8 received on 15 October 2009.

Drawing reference 2397/9 received on 15 October 2009.

Drawing reference 2397/10 received on 15 October 2009.

INFORMATIVE 2

HIGHWAYS

The applicant should be advised to contact Paul Shaddock of the Salisbury Transportation Team on 01722 434671, who will design and co ordinate the traffic regulation order work, the cost of which will be borne by the applicant. The cost includes advertising the order changes, staff time, signs and road markings.

INFORMATIVE 3 ENVIRONMENTAL HEALTH

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc)

Radio noise should not be audible at the boundary of the nearest neighbouring property.

Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Services Department on (01722) 434333 prior to commencement.)

8.3 S/2009/1343 - Lowenva Shrippl Lane Winterslow Salisbury

Public Participation:

Mr T Allen spoke in objection to the application
Mr R Henderson (agent) spoke in support of the application

Resolved

That planning permission be **GRANTED** against officer recommendation for the following reasons:

Members considered that due to the low traffic speeds and limited traffic numbers in this area, which mainly consists of local drivers accustomed to the road network, the scheme would be acceptable in highway terms. Members also reiterated the conclusions of the officer report that the scheme was acceptable in amenity terms and would not be harmful to the character of the area.

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

4. No development shall take place until details of provision for recreational open space in accordance with Policy R2 of the Adopted Replacement Salisbury District Local Plan (June 2003) have been submitted to, and approved in writing by, the Local Planning Authority

Reason -

In order to comply with the requirements of Policy R2 of the Adopted Replacement Salisbury District Local Plan (June 2003).

POLICY: R2

5. Prior to the first occupation of the dwelling the proposed passing layby shall be constructed as shown on plan 08/1490/100 and maintained thereafter.

REASON: To ensure adequate vehicular passing along The Shrippe

INFORMATIVE:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

08/1490/100

8.4 S/2009/0900 - Hazeldene Giles Lane Landford Salisbury

This item was deferred for a site visit and for further consideration of the New Forest and other comments and concerns.

8.5/8.6 S/2009/1704 and S/2009/1705 - High House, Lower Chicks Grove,

These applications were considered as one item.

Public Participation:

Mr P Proctor (agent) spoke in objection to the application

Mr R Cordle spoke in objection to the application

Mr D Vigors spoke in objection to the application

Resolved

That planning permission be **GRANTED** against officer recommendation for the following reasons:

S/2009/1704

The proposed development would enhance the listed building, particularly as the works relate to the more modern parts of the building. The design is therefore acceptable in accordance with policy CN3 (listed buildings), and would not have an adverse impact on the surrounding Housing Restraint Area of the landscape of the AONB.

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

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

2. No development shall commence on site until a schedule of details and samples of the external materials to be used in the walls and roofs of the proposed development, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the listed building and surrounding area.

POLICY- CN3 (Listed Buildings), H19 (Housing Restraint Areas) & C5 (Landscape Conservation)

3. Development shall be carried out in strict accordance with the Mitigation and Method Statement provided in the Biodiversity Survey/Assessment report produced by Fieldwork Ecological Services Ltd (section 10), dated 30.11.09 as updated by the additional report dated 08.01.2010.

Reason - To mitigate against adverse impacts on protected species (bats)

Policy - C12 (Nature Conservation)

INFORMATIVE

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref 4408/5B. Date Received 13.11.09

Plan Ref 4408/2B. Date Received 13.11.09

Plan Ref 4408/3. Date Received 13.11.09

Plan Ref 4408/6. Date Received 13.11.09

Document Ref Biodiversity Survey/Assessment Report produced by Fieldwork Ecology Services Ltd (updated report). Dated 08.01.2010

S/2009/1705

The proposed development would enhance the listed building, particularly as the works relate to the more modern parts of the building. The design is therefore acceptable in accordance with policy CN3 (listed buildings).

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until a schedule of details and samples of the external materials to be used in the walls and roofs of the proposed development, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the listed building and surrounding area.

POLICY- CN3 (Listed Buildings)

3. No development shall commence on site until large scale drawn details (to include horizontal and vertical sections for the oriel window) of the proposed eaves and oriel window, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the listed building.

POLICY- CN3 (Listed Buildings)

INFORMATIVE

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref 4408/5B. Date Received 13.11.09

Plan Ref 4408/2B. Date Received 13.11.09

Plan Ref 4408/3. Date Received 13.11.09

Plan Ref 4408/6. Date Received 13.11.09

8.7 S/2009/1537 - Ware Farm, Benn Lane, Farley

Public Participation:

Mr N Lilley (Farley parish Council) spoke in objection to the application

Resolved

That planning permission be **GRANTED** for the following reasons:

The proposed development accords with the provisions of the Development Plan, and in particular policies G1 & G2 (General Criteria), CN8 & CN11 (Conservation Areas), C2 (The Rural Environment) & C6 (Landscape Conservation) of the saved policies of the adopted local plan, insofar as the proposed polytunnel is considered appropriate in terms of its scale, design and materials, would not unduly affect the amenity of neighbours, and would not adversely affect the existing character of the conservation area or the landscape of the surrounding Special landscape Area.

1. The development hereby permitted shall not be used for any industrial, business or other commercial use/purpose.

REASON: To allow the local planning authority to retain control over the use of the site in the interests of the appearance of the site and the amenities of the area.

POLICY- G1 & G2 (General Criteria), C2 (The Rural Environment), C8 (Conservation Areas) & C6 (Landscape Conservation)

2. The polytunnel and hardstanding/base hereby permitted shall be removed, and the land restored to its former condition, on or before 01.02.2013 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity, in order to secure the restoration of the land upon removal/extinguishment of a building/use for which permission can be justified only on temporary basis.

POLICY - CN8 (Conservation Areas) & C6 (Special Landscape Area)

Officer Note: An agreed note showing the condition of the site should be attached to a permission granted subject to this condition.

INFORMATIVE

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref Side Elevations. Date Received 12.10.09

Plan Ref Floor Plan. Date Received 12.10.09

Plan Ref End Elevations. Date Received 12.10.09

Plan Ref Block Plan. Date Received 12.10.09

8.8 S/2009/1784 - Frickers Barn Sutton Mandeville Salisbury

Resolved

That planning permission be **GRANTED** for the following reasons:

REASONS FOR APPROVAL:

The proposed loose boxes and store/tack room is considered on balance to be acceptable in terms of scale design and impact on amenities for the reasons outlined above and as such in accordance with the provisions of the Development Plan, and in particular Policies G2, D3, C5 of the adopted Salisbury District Local Plan.

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

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

2. The keeping of horses shall be restricted to the red line of the application site only. The surrounding land shall remain as agricultural use.

REASON: To retain the agricultural unit to which the agricultural dwelling relates

INFORMATIVE:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Elevations received on 30/11/09

Floor plan received on 30/11/09

Site location plan received on 30/11/09

9. **Land off Hindon Lane, Tisbury - Outline Application S/2008/0779 for Mixed Use Development of Land to Comprise Around 90 Dwellings and 3,800 Square Metres of B1 Business Floorspace (Including Associated Highway Infrastructure) and Landscaping**

The committee considered a report in relation to the decision to grant planning consent, subject to a legal agreement under s106 of the Town and Country planning Act, resolved at the meeting of Southern Area Planning Committee on 27 August 2009.

The report considered a variation to that resolution, to allow a further period of time to complete the legal agreement, beyond the previously agreed time period. Members had two options presented to them, to refuse permission or to extend the deadline.

Resolved

That the resolution approved on 27 August 2009 in respect of this application be varied so that the s106 agreement has to be completed before a further three months from 16 January 2010, but that delegated authority be given to the Area Development Manager to extend this period, or to refuse permission for the reasons stated in the original resolution

10. **Planning Appeals**

The committee received details of the following appeals:-

Decision

S/2009/0684 - 136 Station House, London Road, Amesbury –delegated decision – dismissed

S/2009/1515 - Little Ridge, Southampton Road, Alderbury - Enforcement Appeal - withdrawn

11. **Urgent Item - Amendment of Section 106 Agreement at Downside Close Mere**

The Chairman agreed to accept consideration of this item as urgent business in order to determine the matter prior to the next scheduled meeting so as not to compromise the progress of the scheme.

The committee considered the report which sought permission to complete an amended S106 in respect of Downside Close, Mere.

Resolved

That in the light of the wording of sub paragraph (e) of the report, authority be given to complete the amended S106 agreement.

18.00 – 21.05

The Officer who has produced these minutes is Pam Denton, Senior Democratic Services Officer, of Democratic & Members' Services, direct line (01225) 718371, e-mail pam.denton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2009/1137	New Bower, Hindon Road, Dinton	HH	Delegated	Dismissed	No	No
S/2009/0943	Hillstreet Cottage, Hindon Lane, Tisbury	WR	Delegated	Allowed	No	No

* Copy of Appeal Decision attached

New Appeals

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs Applied for?
2009/1314	Mobile Catering Van – layby, A338 West Gomeldon	WR	Delegated			

WR Written Representations
HH Fastrack Householder Appeal
H Hearing Local Inquiry

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Agenda Item 7

INDEX OF APPLICATIONS ON 18 February 2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBER
1	S/2009/0900	HAZELDENE, GILES LANE, LANDFORD, SALISBURY, SP5 2BG	ERECTION OF 2 X HOLIDAY CABINS	APPROVE SITE VISIT 4:00	CLLR RANDALL
2	S/2008/2065	SOUTHAMPTON ROAD RETAIL PARK AND DOLPHIN INDUSTRIAL ESTATE, SOUTHAMPTON ROAD, SALISBURY, SP1 2LB	DEMOLITION OF EXISTING RETAIL AND COMMERCIAL UNITS TOTALLING 9,939 SQ.M. AND REDEVELOPMENT TO PROVIDE FOUR A1 RETAIL UNITS TOTALLING 6,764 SQ.M., ONE MIXED A1 RETAIL AND D2 LEISURE USE TOTALLING 4,378 SQ.M., AND TWO RESTAURANTS A3 TOTALLING 587 SQ.M. ALONG WITH ALTERATIONS TO CAR PARKING, CYCLE PARKING AND LANDSCAPING THROUGHOUT THE SITE.	REFUSE	CLLR BRADY
3	S/2009/1903	THE CORN MILL, CROUCHESTON, BISHOPSTONE, SALISBURY, SP5 4BU	REDEVELOPMENT OF SITE TO PROVIDE ONE NEW HOUSE INCORPORATING OFFICE WORKSHOP	APPROVE	CLLR GREEN
4	S/2009/1934	LAND ADJACENT ROSE COTTAGE, THE STREET, TEFFONT, SALISBURY, SP3 5QY	PROPOSED DWELLING	REFUSE	CLLR WAYMAN

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Application Number:	S/2009/0900		
Deadline	19/08/10		
Site Address:	HAZELDENE GILES LANE LANDFORD SALISBURY SP5 2BG		
Proposal:	ERECTION OF 2 X HOLIDAY CABINS		
Applicant/ Agent:	MR MICHAEL HAYWARD NEW FOREST LAVENDER		
Parish:	LANDFORDREDL/LANDFORD		
Grid Reference:	427257 119890		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

Reason for the application being considered by Committee

Councillor Leo Randall has requested that this item be determined by Committee due to:

- Environmental/highway impact

1. Purpose of Report

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

2. Main Issues

The main issues to consider are :

- History and use
- Compliance with policy
- Impact on the Special Landscape Area/NFHA/New Forest National Park
- Highways

3. Site Description

The agricultural holding is approximately 7ha in area and is set back from the main road, behind trees and hedges and whilst the farm buildings which are largely set together along with the existing dwelling may be intermittently visible from the A36, the views are at some distance.

The proposed two chalets are to be located alongside the existing agricultural buildings, close to the existing dwelling and on the edge of the site; alongside which there is a public footpath.

To the immediate north of the holding is the Giles Lane Industrial site and opposite that, there is another small industrial site.

4. Planning History

78/1312	O/A agricultural dwelling for market gardening.	R Appeal Withdrawn
79/595	O/A erection of dwelling and garage in connection with horticulture.	R
80/354	O/L erection of an agricultural dwelling.	Withdrawn
80/950	Erection of glass houses and O/L for one agricultural dwelling.	AC
80/1490	Approval of matters reserved. Agricultural dwelling house.	A
00/434	Erection of horticultural work/store building	R
01/1564	Horticultural workshop/storage building	A
02/2533	PN – Pole barn for use as a tractor store and bulk compost.	NOBJ
PN/06/0012	Agricultural workshop/store	Prior approval not required;
PN/2006/16	Erection of agricultural building for production of lavender products	Prior Approval not required
PN/07/0016	Polytunnel	Prior approval not required
PN/08/0010	Greenhouse, shelter and polytunnel in connection with lavender production	NOBJ

5. The Proposal.

It is proposed to erect two timber cabins for holiday letting in support of the existing agricultural enterprise. The holding has in recent years been largely converted from market gardening to the growing of lavender and the two chalets are intended to be closely linked and support this business.

6. Planning Policy

G1 and G2	Aims, objectives and criteria for development
G7	Development Restraint Area
C2 and C6	Development in the countryside
C20	Development to meet the needs of agriculture etc
C21	Farm diversification
H23	Applicability of Housing Policy Boundaries
HA16	Holiday accommodation in the New Forest Heritage Area
HA13	Tourist attractions in the New Forest Heritage Area
T7 and T9	Holiday accommodation

Deletion of NFHA and SLA policies	Emerging Core Strategy
SDC	Salisbury and Stonehenge Tourism Strategy
Minerals Local Plan	MDC4: Safeguarding mineral resources
PPS4	Planning for prosperous economies
PPS7	Sustainable development in rural areas
PPG13	Transport

7. Consultations

New Forest National Park

“The National Park Authority objects to the application which would be contrary to policy HA16 of the Salisbury District Local Plan which states that

‘any proposal which would result in a net increase in holiday chalet accommodation will not be permitted in the new Forest. The introduction of holiday accommodation would intensify the existing use at the site and would increase human pressure on the New Forest.’

Given the location of the development close to the boundary with the National Park, it could also give rise to issues of light pollution which would affect the setting of the National Park.

The development would also be contrary to Policy EC7 of PPS4, specifically paragraph b. which refers to new tourist and visitor facilities being located within existing or replacement buildings, particularly where they are located away from service centres or villages.”

Environment Agency

Proposal is to use non-mains drainage. This is only acceptable if connection to the main sewer is not feasible. If non-mains drainage is the only option, a Consent to Discharge will be required.

Parish Council:

Object: The Council is concerned by several aspects of this application.

Not all existing buildings are shown on the plan:

The cafe building was granted planning permission because it was required as a “drying room” No application to widen the access from Giles Lane can be remembered – the general consensus is that it used to be a single gate.

The “Visitor” side of the enterprise already attracts a very large number of visitors (and hence cars) down Giles Lane. As far as the Council is aware no planning consent has been granted for this “Visitor centre”.

The cafe was originally assumed to be an adjunct to the lavender growing/processing business

and as such it was assumed by the Parish Council that it did not need planning consent. The current application appears to be a diversification of what seems to be a rapidly developing retail/visitor centre, rather than of the lavender farm itself. The proposal is not for a conversion of redundant farm buildings but for the new development of two residential units (who occupies them seems somewhat academic, as it might in any case be difficult to monitor, but the suggestion is that it could be for eleven months in the year) in an area where additional permanent residential units are not permitted. The chalets and associated car-parking would be clearly visible from the footpath, certainly until any screening had grown.

It seems to the Parish Council that this would be an opportune moment to consider the planning implications of all the current activities which have evolved on this site as well as the proposed chalets. The Supporting Statement certainly suggests that the visitor element could be significant in the long term, even though the various elements may develop in stages. The Parish Council considers it inappropriate to grant consent for the chalets when the over-arching scheme itself does not have planning consent.

Highways

Refuse as the proposal is remote from services and will encourage motorised journeys

Wiltshire Fire and Rescue Services

Comments relating to need for satisfactory access for fire engines and adequate water supplies.

Environmental Health

No objection but consider that the Applicant's proposal to enter into a S106 Agreement should be accepted and occupation should be limited to holiday use only

Southern Water

No response received

Wessex Water

Not in the area served by Wessex Water

Tourism Officer

Support. The Tourism strategy has identified a shortage of self-catering bed spaces. Would support offer of Applicant to enter into a S106 Agreement to limit occupation to holiday use. The encouragement for visitors to walk, cycle, fish and buy locally is encouraging, though the estimates of employment are considered optimistic

Minerals and Waste

The proposed development at Lavender Farms falls within a Mineral Safeguarding Area as defined in the Minerals Core Strategy 2009. However, the application appears to be of a relatively small scale in proximity to existing buildings and therefore does not in my view prevent or adversely affect current or possible future mineral extraction and/or associated ancillary operations. Therefore confirm that there is no minerals policy

objection to application S/2009/0900.

8. Publicity

The application was advertised by site notice/neighbour notification with an expiry date of 23 July 2009

No letters of support/objection have been received.

9. Planning Considerations

9.1 History and use

The small holding has gradually evolved from primarily market gardening to primarily the growing of lavender. Since 2000, various buildings in association with the business have been permitted/erected following the Prior Notification procedure. They include a tractor store, workshop and drying area shelter.

Concerns have been raised regarding the use of the building referred to as a 'visitor centre'. Prior approval was granted in 2006 for the erection of this agricultural building for the production of lavender products and the applicants maintain that the building is used for the drying, storing and preparing of field grown lavender, throughout the year.

However, the lavender business also offers refreshments for visitors (individuals and groups) to the farm and the nursery. A small area of the building is used for the preparation of the food, which includes lavender cakes, scones & shortbread and homemade soup (using home grown vegetables) Refreshments, though are offered for only 7 months of the year. From the same building, bunched lavender, dried lavender & lavender bags are prepared and displayed for sale.

The use of the building has apparently extended beyond that of drying, storing and preparing of field grown lavender, however, the additional uses do appear at present to be ancillary to the main use of the building. It will be a matter of fact and degree as to when or whether the uses of this building have changed sufficiently for planning permission to be required for a change of use.

Notwithstanding the comments of the Parish Council regarding unauthorised 'visitor' activities, this proposal has been considered solely in the context of the agricultural use of the land and the support for farm diversification which is expressed in both national and local policies. Therefore this report relates only to the proposed holiday cabins and recreational store building within the area outlined in red on the drawing accompanying the application and does not relate to any other building on the site outlined in blue.

9.2 Compliance with policy

The site is located within the New Forest Heritage Area where the development of tourist attractions and the expansion of holiday chalet accommodation is not permitted **by Local Plan policy HA16**. The supporting text of the Local Plan explains that the reason for this stance is because of the increasing pressures on the New Forest from visitors. **However, whilst most of the New Forest Heritage Area (NFHA) was included within the confirmed boundaries of**

the New Forest National Park, this small area around Giles Lane was omitted from the designated Park. The NFHA designation was originally conceived to recognise the uniqueness of the New Forest prior to its recognition as a National Park. As this area was not considered to merit recognition as part of the national Park, the Local Development Framework(LDF) proposes to remove the designation from this area. As a result it is likely that by the end of 2010 the NFHA designation will cease to exist.

The recently published government guidance PPS 4 (Planning for sustainable economic growth) suggests in policy EC7 that to help deliver the Government's tourism strategy; Local Planning Authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features.

The advice in paragraph b) states that ' wherever possible, tourist and visitor facilities should be located in existing or replacement buildings, particularly where they are located outside existing settlements'

However, the paragraph goes on to state that - 'Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use'

**In this case, the tourism facilities are required in conjunction with a farm diversification project based on converting the former horticultural unit to the production of lavender and lavender products and as there are no suitable existing buildings or developed sites available for re-use, new buildings are required and in the officer's opinion the development would not be contrary to policy EC7para (b) of PPS4.
site .**

Government guidelines as expressed in PPS 7 suggests that tourism and leisure activities are vital to many rural economies and helps support the prosperity of country towns and villages. PPS7 recommends supporting sustainable rural tourism and leisure developments that benefit rural businesses and which utilise and enrich, but do not harm the character of the countryside. PPS7 recognises that even in areas that are statutorily designated for their landscape there will be scope for tourist and leisure developments. The Government's long term strategy for farming is to support increasingly diversification into non agricultural activities as this can be vital to the continuing viability of farm businesses.

The Salisbury and Stonehenge Tourism Strategy prepared by the former Salisbury District Council identified the shortage of self-catering facilities and the need to support the visitor economy in the local area and like PPS7 supports the provision of self catering holiday accommodation in rural areas where this would accord with sustainable development objectives.

The project (short term holiday lets) also fits broadly with the New Forest LEADER objectives and is eligible for grant aid although as the application process is competitive, not all eligible projects receive grant aid. The LEADER project is a partnership of New Forest DC, New Forest National Park and New Forest Local Action Group and is part of the Rural Development Programme for England (RDPE) which is jointly funded by the EU and the UK government. The funding is to support certain types of capital investment in farming, forestry and horticultural businesses as well as small

rural businesses (fewer than 10 members of staff) which are land based or use/add value to local produce. The New Forest RDPE (Leader) project boundary is based on the National Park but also incorporates a number of surrounding rural parishes such as Landford

The Salisbury District Local Plan also supports the provision of small scale holiday accommodation where it can be demonstrated that there would be no adverse effect on the quality of the landscape and the proposal would comply with the criteria of the Local Plan policies. In principle therefore, as the site does not have direct access from the trunk road, would be well screened from most vantage points (with new screening proposed adjacent to the existing public footpath), would not affect the amenities of neighbours and no conservation interest would be harmed; the proposal would appear to comply with this aspect of the Local Plan.

The site is also on the edge of a Development Restraint Area. The relates to proximity to sewage treatment works where development is liable to suffer occasional odour nuisance. In order to minimize the risk of environmental problems, an area of Development Restraint was defined by the Water Authority. This proposal would be on the edge of the Development Restraint Area. A permanent dwelling and a large industrial estate already exists in this area, and as no objection to the proposal has been received from the Water Authority, and the policy relates to the regular occupation of premises; it is considered that the provision of short term holiday letting accommodation would be in accordance with the overall aims of policy G7.

Other policies in the Local Plan, support the diversification of employment opportunities and traditional farming activities and in this case, the justification for the provision of holiday accommodation is the support that the proposal will give to the farming activities on the holding. The farm was traditionally an intensive horticultural unit, but the unit has diversified to include the production of containerised and field grown lavender, which is then sold as plants or dried and processed into other products. Additionally as an ancillary activity, educational courses are held, whose purpose is to provide an educational agricultural experience for visitors, this supports and helps sustain the core activity on the holding. This proposal to have two holiday units is also to support the diversification of the farming enterprise. Part of the tourist attraction of the accommodation will be the opportunity to stay on a working farm, to take part in farm activities as well as to use the well defined local network of footpaths/bridleways to explore the local countryside. The Salisbury and Stonehenge tourism strategy has identified a need for further self-catering accommodation in rural areas and it is considered that as the proposal would aid the viability of the holding, that it would be in accordance with the aims of government policy which are to support the rural economy.

However, it is considered that because these are the reasons for the provision of this additional residential accommodation in the open countryside, and because there are clear policy objections to the provision of permanent residential accommodation in the countryside outside of a Housing Policy Boundary; that the proposed accommodation should be clearly identified as being for holiday letting purposes only, with visitors length of stay controlled so that the accommodation is clearly a diversification from the farm activities and is supportive of the holding's agricultural activities.

9.3 Visual impact on the Special Landscape Area/NFHA/New Forest National Park.

Hazeldene is on Giles Lane, adjacent to the Giles Lane industrial site. The proposed two holiday chalets are to be constructed close to the existing buildings on the holding and visually

will form part of the existing farm complex. It is considered that visually the two chalets will have no detrimental impact on the surrounding countryside which is currently designated as a Special Landscape Area within the New Forest Heritage Area. **Although this designation will however, be deleted when the Core Strategy is adopted.** The provision of further gates and hard surfaced areas are considered acceptable within a farm complex and the provision of additional screening particularly adjacent to the public footpath can be conditioned. Whilst the chalets/cabins would be located close to the existing farm dwelling, it is considered that the creation of the two residential units, even in the revised location, which is slightly closer to the other buildings on the site, is not considered to adversely affect the amenities of the residents of the farmhouse. In this case, the area around the holiday lets is to be physically separated from the existing farm buildings, though visually still part of the farm complex as part of the tourist attraction of the accommodation will be the opportunity to stay on a working farm.. However, in order to control the impact of the buildings on the open countryside and in order to ensure that the holiday accommodation is used for rural tourism in support the viability of the farm enterprise, it is proposed that any consent be conditioned so that any additions or extensions to the buildings would require planning permission.

9.4 Highways

The Highway Authority does not support this proposal as in its view the holiday accommodation would be located in an area which was remote from services and its use would encourage motorised journeys and so would be contrary to the aims of PPG13.

By its very nature, the majority of agricultural enterprises will be at a distance from sustainable settlements and any diversification into non agricultural activities will encourage the use of the private car in locations where there is no public transport available. PPS7 moreover, recommends that Local Planning Authorities support sustainable rural tourism which benefit rural businesses. In this case, the scheme is for visitors to stay on a working farm and participate in activities on the farm as well as use the local footpaths and bridleways. Therefore whilst there may be some small increase in traffic when tourists arrive at the start of their holiday and leave at the end, this is not considered to be so great as to warrant being a reason for refusal.

10. Conclusion

Whilst the site is located within the NFHA and the SLA, the NFHA designation will be deleted with the adoption of the Core Strategy and therefore any conflict with these policies may be difficult to defend on any future appeal. The proposed development is moreover, in accordance with local tourism guidance and Government guidance as expressed in PPS7 and PPS4. Overall, as it is considered that this proposal will benefit a rural business by permitting a diversification of activities on the holding and in view of its very small scale is unlikely to have any detrimental impact on the countryside and the surrounding environment, and therefore providing it is conditioned so that the accommodation is solely for use of visitors; the proposal is considered acceptable.

Recommendation

APPROVE subject to conditions

Reasons for approval

The proposed development is in accordance with local tourism guidance, the policies in the Local Plan and Government guidance as expressed in PPS7 and PPS4. Overall, as it is considered that this proposal will benefit a rural business and in view of its very small scale is unlikely to have any detrimental impact on the countryside and the surrounding environment, the proposal is considered acceptable.

Subject to the following conditions

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

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

2 No development shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the building[s].

REASON In the interests of the amenity and the environment of the development.

POLICY G2, C2 and C6 general and countryside policies

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY- C2 and C6 protection of the Special Landscape Area

4 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the accommodation/cabins hereby permitted shall be used for holiday accommodation only and for no other purpose.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY C2 and C6 Countryside policies, H23 Housing policy boundaries, C21 Farm diversification

5 No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than 21 days in any calendar year and it shall not be reoccupied by the same person/s within 28 days following the end of that period.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY: C2 and C6 countryside policies, H23 Housing policy boundaries, C21 Farm diversification

6 The owners/ operators of the site shall maintain an up -to -date register of the names of all owners/occupiers of individual cabins on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY C2 and C6 countryside policies, H23 Housing policy boundaries, C21 Farm diversification

7 The holiday accommodation/cabins hereby permitted shall not be occupied as a persons' sole or main place or residence.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY C2 and C6 countryside policies, H23 Housing policy boundaries, C21 Farm diversification.

8 No external security lighting shall be used to illuminate the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

REASON In order to restrict the impact of light pollution on the surrounding open countryside and the New Forest National Park

POLICY: HA1 and C6 Protection of Special Landscape Area and New Forest Heritage Area

INFORMATIVE 1

DOCUMENT/PLANS SUBMITTED WITH THE APPLICATION

This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Block plan, site for cabins and store received on 24 June 2009

Location plan and elevations of two cabins and store received on 24 June 2009.

Additional plan revising location of holiday cabins received on 2 November 2009

Amended plan revising design of cabins received on 27 January 2010

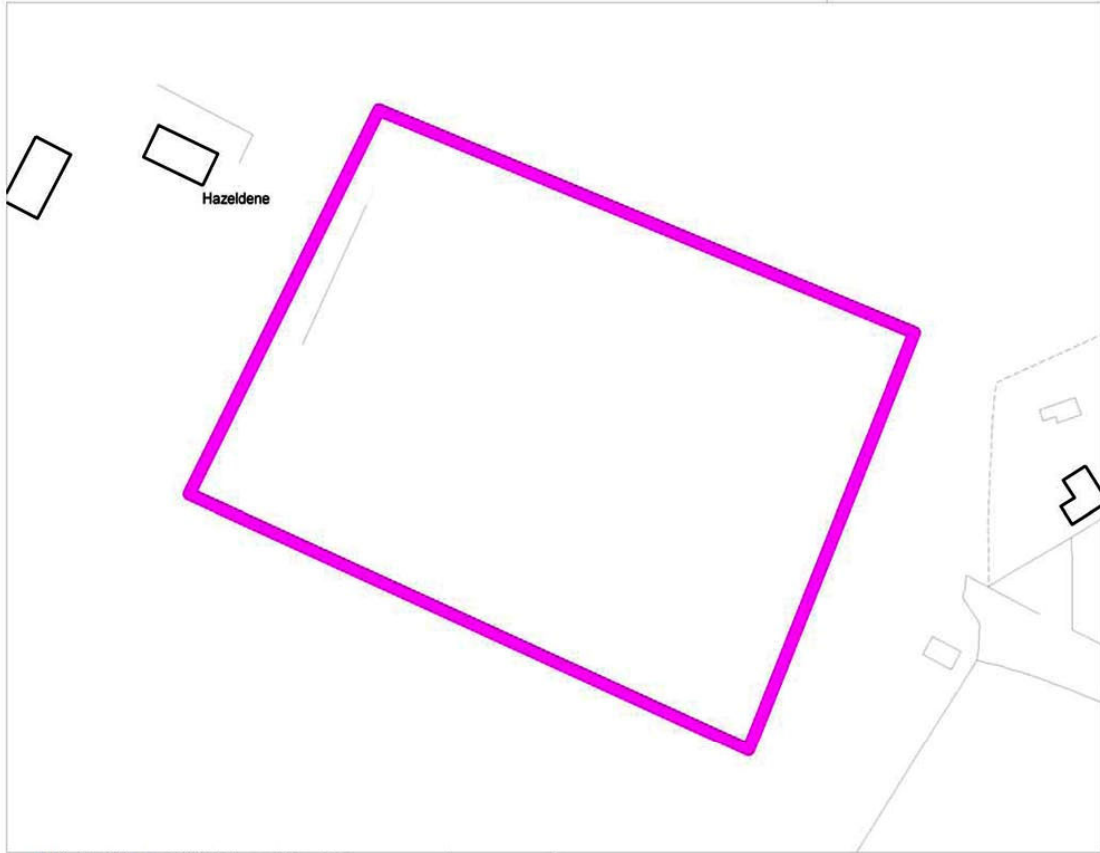
Appendices:	NONE.
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Background Documents Used in the Preparation of this Report:	Block plan showing site for cabins and store received on 24 June 2009 Location plan and elevations of two cabins and store received on 24 June 2009. Additional Plan revising location of holiday cabin received on 2 November 2009
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ERECTION OF 2 X HOLIDAY CABINS

S/2009/900

Site Visit:



Wiltshire Council
Where everybody matters

HAZELDENE GILES LANE LANDFORD SALISBURY

SCALE NTS DATE: 21/12/2009 16:13:49
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Application Number:	S/2008/2065		
Deadline	13/03/2009		
Site Address:	SOUTHAMPTON ROAD RETAIL PARK AND DOLPHIN INDUSTRIAL ESTATE SOUTHAMPTON ROAD SALISBURY SP1 2LB		
Proposal:	DEMOLITION OF EXISTING RETAIL AND COMMERCIAL UNITS TOTALLING 9,939 SQ.M. AND REDEVELOPMENT TO PROVIDE FOUR A1 RETAIL UNITS TOTALLING 6,764 SQ.M., ONE MIXED A1 RETAIL AND D2 LEISURE USE TOTALLING 4,378 SQ.M., AND TWO RESTAURANTS A3 TOTALLING 587 SQ.M. ALONG WITH ALTERATIONS TO CAR PARKING, CYCLE PARKING AND LANDSCAPING THROUGHOUT THE SITE.		
Applicant/ Agent:	MR MERVYN MCFARLAND - TURLEY ASSOCIATES		
Parish:	CITY		
Grid Reference:	415489 129404		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

Reason for the application being considered by Committee

The Director of Development Services does not consider it prudent to exercise delegated powers due to the scale of the proposal and the likely impact on the surrounding area including the strategic road network, the river system, and the vitality and viability of the city centre.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED

2. Main Issues

The main issues to consider are :

- Loss of industrial/office buildings
- Impact of vitality and viability of city centre/accessibility
- Impact of scheme on highway safety/traffic flows
- Impact on SSSI/SAC river system/AHEV
- Impact of design on Eastern Gateway area

3. Site Description

The site lies approximately 1.5km to the east of the City Centre and comprises the Southampton Road Retail Park and the Dolphin Industrial Estate. The site outlined in red (3.73 ha) currently accommodates various uses on the site including Class A, and industrial uses, (including the existing Homebase, Argos, Next, Currys, Sleepmasters, and Lifestyle Furnishings stores). The site contains several areas of parking.

To the immediate south of the site runs the main A36 road, one of the major road arteries serving Salisbury and the surrounding area. The existing site is currently accessed off this road, as are the adjacent industrial and commercial units which characterise the immediate area.

To the immediate east, the site is bounded by the protected river corridor, which is classified as a Site of Special Scientific Interest (SSSI), and a Special Area of Conservation (SAC), (and is also currently designated as an AHEV in the Local Plan).

To the immediate north of the site is situated a number of commercial/industrial units, which are currently accessed through the application site, off the A36. Beyond these units runs the main railway line between Salisbury and Southampton. To the north west is located an area of housing (with some commercial/industrial uses), and to the north east, across the river, is located a traveller/gypsy site.

4. Planning History

The application site itself has been the subject of numerous applications for various development over the years. Given the proposal involves the removal of many of the existing buildings, it is considered that much of the historic planning history (advert application and other physical works etc) is not particularly relevant to the proposal, and thus is not repeated here.

However, the historic /existing uses of the buildings within the site is of relevance. In general terms, the site subject of this application was subject of a number of applications in the 1970's and 1980's, which permitted the various industrial units, which are subject of restrictive planning permissions restricting the use of those units to industrial type uses within Class B1, B2 and B8.

However, the existing retail units on the site benefit from historic open Class A1 planning consents which were approved many years ago, often through appeal. As a result, it is important to note that the retail units currently on the site are not restricted by a bulky goods type condition.

The applications on the site or related to sites elsewhere which are considered directly relevant are:

S/05/0736 – new front façade etc, S/2006/0784 – Revisions of shopfront etc , & S/2006/1397 – Formation of new entrance and new entrance and new roof covering.

These applications related to the alteration to the façade of the unit now occupied by Next and Argos (and Carphone Warehouse), given that the façade design of the proposed scheme is based on the façade design permitted for these existing units.

S/2008/0550 – Lidl Discount foodstore, Hatches Lane.

Also of particular relevance is the recent planning approval for the Lidl discount foodstore, particularly as the S106 related to this proposal involves the creation of a Transport Management Strategy, which seeks to limit the traffic along the A36 corridor. The Highways Agency appears to be suggesting that the applicants for this current application also enter into a similar Strategy scheme.

S/2007/1460 - London Road

This recent planning application and appeal related to a new retail park at London Road, Salisbury. Whilst this scheme was approved on appeal in 2009, the use of the proposed retail units were restricted to bulky good type uses, and the Inspector raise several matters related to the impact of the scheme on the city centre and the future Maltings redevelopment, which are relevant to this application. These issues are brought out in the following report.

5. The Proposal

Of the six existing retail units on the site, three of these (occupied by Homebase, Argos and Next) will be retained in their current form as part of the proposals, with three units (occupied by Currys, Lifestyle Furnishings (currently not trading) and Sleepmasters) being demolished. The current retail floor space amounts to approx 9943SQM.

The 6 units occupied by industrial uses within Use Class B1-B8 will also be demolished.

The proposed scheme envisages an “L” shaped building situated to the immediate east of the retained retail buildings, which will comprise a total of 15,715 sq.m net of open A1 retail floorspace, which including the replacement of existing retail floorspace, represents an increase of 5,772 sq.m net A1 space. One of these new units (unit 4) would also contain an additional approx 2189 sqm of leisure use (proposed gymnasium class D2 type use).

The proposed retail units and the retained retail units will front onto a new car parking area, which would consist of 467 vehicular parking spaces, including 26 disabled spaces and 9 parent and child spaces. This involves a new internal road alignment and an alteration to the shape of the Homebase Car park area.

Furthermore, on the approximate site of the existing Currys building, it is proposed to construct two single storey buildings, which are intended to be restaurant (class A3) uses. The buildings would account for an additional 587sqm on top of the new retail floor space and gymnasium use.

The scheme would involve the removal of a number of existing trees in the Homebase Car Park, in front of the existing Argos store, and a large tree to the north of the Currys unit and adjacent the river, but also proposes landscaping and habitat enhancement works along the river bank, with new tree planting throughout the scheme, including a “tree lined avenue” adjacent to the main A36. The existing dwarf walling and planting fronting onto the A36 would be removed.

6. Planning Policy

The following policies are considered relevant to this proposal

National guidance

PPS1	Sustainable development and climate change
PPS4	Sustainable Economic Growth
PPS 9	Biodiversity and protected species
PPG13	Sustainable Transport
PPS25	Flood issues
SWSP	DP1, DP6, C1, C2,C3
Local Plan policy	G1,G2,D1, Creating places SPG, E16, TR1, TR12,S1, S2,S3,S6, C11,C12, C15, C17, C18, R1B
Draft RSS	
South Wilts Core Strategy – Submission Draft	Policy 7
Salisbury Vision	Eastern Gateway Enhancement Project 10
Employment Land Review	

7. Consultations

Natural England

Object. The proposals either alone or in combination with other plans or projects, may have a significant effect of the important features of the River Avon SSSI/SAC.
Wiltshire Fire and Rescue – General comments. No objections stated.

City Council

No response

Highways Agency

The applicants have indicated that they intend to demonstrate that they can satisfactorily mitigate their impact on the Strategic Road Network through a Transport Demand Management Strategy. We have yet to receive this evidence. As such, the applicant has not yet satisfactorily met all of the Highways Agency requirements and we are therefore extending the Direction of Non approval for a further six months . Once all SRN highway matters have been agreed between the applicant and the highways agency and any S106 agreement is signed, the Direction will be removed immediately.

Environment Agency

No objections subject to conditions/legal agreement to secure various measures. The EA encourages the inclusion of the suggested enhancements, including the green walling and roofing, the clean up program to remove rubbish dumped by the river, the 5 year biodiversity management plan to ensure the long term protection and management of the river and its corridor. Light spill should be restricted, and should not affect the river system. Operational access is required along the river. Safe egress during flood events and a net gain in flood storage has been achieved.

Laverstock and Ford PC

A fine idea should certainly improve the site but once concern, they are trying to increase the attractiveness of the area with the restaurant and other amenities, to increase numbers, will this cause even more congestion along the A36. With the park and ride in the pipeline, Tesco's, Wicks and others at the Bourne Retail Park, Argos, Next, and Homebase all on the same side of the road, will drivers join the queue at the Tesco Roundabout to go back to Salisbury or may they be tempted to return to the Petersfinger Road ? Is the A36 going to be improved ?

Wessex Water

General comments regards drainage. No objections.

WC Highways

No comments, as highways agency are responsible for the A36 and surrounding road network.

WC Regeneration/special planning team

The site lies approximately 1.5km to the east of Salisbury City Centre along Southampton Road and outside the boundary of the city centre as broadly defined by the A36 Churchill Way – a 40mph urban dual carriageway. The site is an out-of-town location.

Southampton Road forms part of the A36 trunk road between Southampton and Bristol. Background traffic flows are therefore relatively high. The out-of-town nature of the Southampton Road development means that the predominate transport mode to and from the retail/business area is the private car.

If approved, the scheme would result in a total of 15,715m² open A1 retail, 2,189m² leisure, and 587m² restaurant floorspace. These collectively represent 18,491m² of uses that are, in central government policy terms, town centre uses. The proposed scheme is therefore contrary to policy.

Overall the additional floorspace provided would be 5,772m² of open retail floorspace plus the leisure and restaurant uses. National planning guidance requires consideration of the overall impact to the development - not just the additional floorspace.

Salisbury city centre holds a strong position regionally within the 'retail hierarchy' and manages to maintain this largely due the niche retailing it offers in the city centre. But the city is in a

vulnerable position due to lack of main retail attractors – shops like Gap, Hobbs, Zara, French Connection, Mango etc. Without strengthening the city centre, Salisbury will undoubtedly experience further decline.

There is an acknowledged need to develop the Maltings and Central Car Park (MCCP) as a retail led mixed use scheme, and this is identified within the South Wiltshire Core Strategy proposed submission document. The MCCP scheme will respond to the retail capacity / demand in the area and, being centrally located, would significantly enhance the vibrancy and vitality of the city. The MCCP scheme is therefore expected to significantly contribute to the economic prosperity of the area in a sustainable manner. The Economy and Enterprise directorate are actively working towards the delivery of the MCCP scheme which forms a key and fundamental component of the Salisbury Vision. The development of the MCCP site will meet the identified qualitative and quantitative need for the next 10-15 years, and its city centre location makes it suitable for open A1 retail, leisure and restaurant uses.

The Churchfields scheme, which also forms an integral part of the South Wiltshire Core Strategy and is being actively progressed by Salisbury Vision and the Economy & Enterprise Directorate, requires suitable 'decant' sites for existing businesses at Churchfields. The existing allocated B1, B2 and B8 land use at the application site could play a role in this regard. In summary, we consider that the proposed Southampton Road Retail Park and Dolphin Industrial Estate development is not appropriate for a number of reasons:-

PPS4 Planning for Sustainable Economic Growth places emphasis on the sequential approach i.e. is there a more central site that is more appropriate?
The scheme will have a negative impact upon the viability of the MCCP scheme;
The scheme has the potential to draw custom away from the existing city centre;
The provision of new out-of-town open A1 retail units could result in existing businesses relocating from the city centre;
The loss of B1, B2 and B8 land use is inconsistent with the desire to redevelop the Churchfields area of the city;
The scheme is likely to increase traffic flows along the already busy Southampton Road, and thereby exacerbate the current difficult transport situation. I note that the Highways Agency recently re-confirmed their 'Direction of Non-Approval' as the applicant had not satisfactorily met with the Highways Agency's requirements.

Any retail need should, in the first instance, be met in the City Centre. There is no evidence to suggest any specific localised need, or evidence that this scale of development is required or appropriate for Southampton Road which is an out-of-town location. A proper sequential test has not been applied - indeed there is approximately 3.500 sq m of available retail floorspace at the former Woolworths store within the city centre.

The applicants indicate that they are looking to bring forward a substantial amount of investment in Salisbury. In addition, it is understood that the proposed scheme would have the potential to create a number of new jobs, principally in the retail sector. Both of these aspects would be generally welcomed with regards to economic development in the area.

However, taking into account the issues discussed above, on balance we have concluded that this type of investment is not appropriate for this location. Put simply, at this critical time ahead of the MCCP coming forward, this is the wrong type of scheme in the wrong location. Accordingly, the Economy and Enterprise team, which includes the Economic Development, Regeneration and Spatial Planning services, is unable to offer our support for this application.

WC Archaeology

It is possible that there is Saxon or Mesolithic settlement in the area, and therefore recommend that a suitable condition is imposed to ensure that an archaeological investigation is undertaken during development.

Wiltshire Police

I commend the applicant for their early consultation with regard to security and the addressing of crime reduction issues within this development. I look forward to working with them with regard to the Safer parking award and applying Secured by Design principles to the rest of the site.

Health and Safety Executive

No adverse comments

Design Forum

The design of the new L-shaped shed will reflect the current design of Argos and Next. The applicant has suggested an element of green-walling on the front façade. The applicant is also proposing to plant an avenue of trees along the edge of the site, and to install new lighting and additional trees in the newly enlarged car park.

The Panel did not object to the design of the proposed buildings or the choice of materials (they felt that it was best to steer away from brick which has a greater sense of permanence). They felt that the existing site was of little architectural merit and that the replacement of the existing 'sheds' would not do any further visual damage.

They welcomed the proposal to plant additional trees on the site, particularly along the front edge of the site and encouraged the officer to obtain further details on the landscaping elements for the scheme.

The Panel felt that the green-wall element could work well and the 'greening' of the building would help 'soften' the immediate environment as the front elevation would be facing a large car park. The Panel also thought that the applicants should consider green walling on the elevation facing the river to create more of a wildlife corridor.

More generally, the Panel recommended that the officer refer the applicant to the Vision document for the Southampton Road so that any landscaping elements accord with suggestions contained therein.

Network Rail

No objection in principle, general comments made regards drainage/safety/ground levels/construction pollution/ protection of railway during construction.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification

Expiry date 23/01/09

7 letters (including several from the same source retracting earlier comments), which state:

- River Bourne seems neglected, where are the walkways and seats so that it can be appreciated
- Concerns raised regards the impact of future advertisements
- (from an adjacent commercial unit) – have received reassurances regards excessive noise and vibration during the construction process, and request that suitable conditions should be placed on approval to limit such impacts
- (from the agents representing the Harvest Partnership) the proposal fails the tests within PPS6, and would have a significant impact on the vitality and viability of the city centre and would be prejudicial to the key regeneration proposals planned for the Maltings and Central Car Park. Confirmation that the MCCP redevelopment proposals can be achieved in the medium term, and confirmation that the future MCCP scheme could accommodate the types of goods envisioned by the applicants proposals. Also concerns raised regards the loss of the industrial buildings and floorspace
- retraction of objection, and statement that unit 5 has existing access rights across the site.
- (from the agents representing the Old George Mall) the proposal fails the tests within PPS6, and would have a significant impact on the vitality and viability of the city centre and would be prejudicial to the key regeneration proposals planned for the Maltings and Central Car Park. The proposal should be restricted with a bulky goods only condition
- (Campaign for Better Transport) –object due to the impact on vitality and viability of the city centre. Will place an additional traffic burden on the A36. However, welcome increase in number of disabled and cycle spaces. General criticisms of the applicants highway evidence, and suggests for highway improvements.

9. Planning Considerations

9.1 Loss of existing industrial/office units

The application site is located within the Eastern Gateway area as defined within the Vision document. The project description also envisages a residential-led redevelopment of the area, which contains a mix of uses. Project 10 of the Vision aims to provide a bulky goods retail area which complements the city centre shopping area, and any redevelopment needs to comply with the Council's policy for out of town development. The Employment Land review highlights Southampton Road as an area which has significant scope for development and intensification of employment uses.

The development proposes to remove the existing 6 industrial and office units on the site, and these would not be replaced. The applicants evidence was assessed by special planning officers, and based on previous national guidance and the requirements of local plan and other development plan policies and emerging policies, an objection was raised to the loss of the

existing industrial units. Previously, employment and economic development considered uses falling only within the industrial use classes (B1 to B8) to constitute proper employment generating use.

The applicants have submitted an employment land review and economic statement in support of its scheme.

Since the submission of this application scheme in late 2008, the new PPS4 guidance has been introduced. Whilst the applicant has not yet submitted any evidence indicating how it considers its proposal meets the objectives of this new guidance, officers must now assess this scheme in light of this new guidance.

The new PPS4 guidance makes it clear that economic development can be defined not only as traditional industrial and commercial uses, but also as any other use which would typically be operated within a town centre. The definition has now therefore been significantly broadened to include retail, leisure and other town centre uses.

As a result, in officers opinion, it is now less clear cut that the simple removal of employment generating industrial units as proposed by this application would be objectionable in employment and economic terms. Due to the refreshed emphasis of PPS4, and due to the fact that the applicants evidence indicates that the number of jobs created would be slightly higher than that notionally offered by the existing buildings on the site, it seems likely that the applicant would be able to argue that the employment generation offered by the existing industrial units on the application site would be similar to that offered by the proposed retail, restaurant, and leisure units. A refusal of the scheme in terms of the criteria of policy E16 of the Local Plan would, therefore, be more difficult to support, as the local plan policy E16 is somewhat superseded by the guidance within PPS4.

It is noted that the Council's Regeneration and Spacial planning team has also objected due to the loss of the industrial buildings, as the site could be used to decant industrial uses from Churchfields Industrial Estate. However, the emerging Core Strategy highlights several sites which could be suitable to decant the industrial uses to, and the application site does not form one of those sites. As a result, it would be difficult to defend a reason for refusal which was based on safeguarding the industrial land from retail development.

However, in officers opinion, this does not counteract any objections there may be in terms of locating retail and other uses in this out of centre location. This mater is covered elsewhere in this report.

9.2 Impact on vitality and viability of the city centre and accessibility

Principle and policy

Policy DP1 emphasises the need to improve accessibility and sustainability of development, and DP6 of the South Wiltshire Structure Plan emphasises the role of each of the town centre shopping areas and indicates that:

“.....the provision of out of centre shopping should be made only if provision is needed and cannot be made in a centre or, failing that, adjoining a centre, if it would not affect the vitality and viability of nearby centres...and access is readily available or can be provided for means of transport other than the private car..”

The application site is located within the Eastern Gateway area as defined within the Vision document. Project 10 of the Vision aims to provide a bulky goods retail area which complements the city centre shopping area, and any redevelopment needs to comply with the Council's policy for out of town development. The project description also envisages a residential-led redevelopment of the area, which contains a mix of uses.

Since the deletion of Salisbury District Local Plan policy S4 a few years ago, (and at the time of the submission of this application), government guidance as stipulated in Planning Policy Statement 6 was the most relevant guidance, and the applicants submitted information sought to assess the application in accordance with that guidance. The Council sought the advice of its retail consultants, GVA Grimley, and they supplied a critique of the applicants submitted evidence. In summary, the opinion of GVA Grimley was that the applicant had failed to address a number of the stipulation contained within PPS6, and that hence, the application should be refused. Subsequently, the applicant sought to address the comments of GVA Grimley, and submitted a supplementary retail statement, which the Council then passed onto GVA Grimley for its final comments.

However, Central Government decided to replace the PPS6 document with a new document PPS4. This document is a refreshed version of the former PPS6 and other government guidance documents, and also deals with economic development issues. In particular, the development proposal no longer has to be assessed in terms of the need for the development, and the emphasis has switched to a more thorough assessment of the impacts of the development, including a greater emphasis on undertaking a thorough sequential test. The other significant change is the inclusion of retail uses and other town centre uses within the definition of "employment" uses, discussed elsewhere in this report.

The LPA therefore needs to assess the information currently submitted by the applicant against the new stipulations of PPS4. The following assessment is based on the revised critique offered by GVA Grimley. In planning policy terms the site would be appropriately defined as out-of-centre. When considering planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan, PPS4 requires the proposals to be assessed against a number "policies" within the new document.

In the case of these proposals, involving the development of new retail floorspace in an out-of-centre location, Policy EC15 of PPS4 requires the applicant to consider the degree to which the proposals could be accommodated on more centrally located sites that would be sequentially preferable.

In applying the sequential approach, developers should be able to demonstrate in seeking to find a site, in or on the edge of the existing centre, that they have been flexible about their proposed business model, giving consideration to, inter alia, scale, reducing the floorspace of the development in terms of format, more innovative site layouts and floor configurations with smaller footprints, and car parking. However, local authorities should also take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating its business model from sequentially preferable sites. However, PPS4 (para EC15.2) states that in considering whether flexibility has been demonstrated (Policy EC15.1.d) it should not be acceptable to consider evidence that claims that the class of goods proposed to be sold cannot be sold from the town centre. The scope for disaggregating specific parts of a retail or leisure development onto separate sequentially separate sites should also be explored.

PPS4 advises that where it is argued that otherwise sequentially preferable sites are not

appropriate for the particular development, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of availability, suitability and viability.

Policy EC16 of PPS4 requires applicants to undertake impact assessments to consider the effects of this proposal on the vitality and viability of existing centres. This should include a consideration of the likely cumulative effect of recent permissions, and consider the impact on local consumer choice and the range and quality of the comparison and convenience retail offer. EC16 also directs local authorities to consider the effects of the proposals on, inter alia; the spatial planning strategy for the area; future public or private sector investment; impact on trade/turnover, taking into account current and future consumer expenditure up to five years from the time the application is made; and any locally important impact on centres defined by the local planning authority.

PPS4 directs local authorities to assess applications for economic development¹ against a number of additional considerations including effect on CO2 emissions and climate change, accessibility by a range of transport means, high quality, inclusive design, regenerative benefits and the impact on local employment.

Under the provisions of Policy EC17 of PPS4 the guidance is very clear that planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permissions where the applicant has not demonstrated compliance with the sequential approach (Policy EC15 of PPS4) or there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any on of impacts set out in Policy EC10.2 and EC16 of PPS4 (impact issues).

Sequential test issues

In support of the planning application the applicants have provided an updated Sequential Assessment.

The applicants have also considered the potential availability of vacant units and sites capable of accommodating smaller units in order to demonstrate flexibility as required by PPS4 (policy EC15d). The following summarises these issues:

i) Maltings Central Car Park

The Maltings site is currently allocated in the adopted Local Plan (Policy S6) for retail use including the redevelopment and enlargement of the existing Sainsbury's foodstore. The site is regarded as the primary retail development site for Salisbury. The site is also the subject of a planning brief which was adopted as Supplementary Planning Guidance in January 2001.

Core Policy 7 of the South Wilts Core Strategy submission document states that:

"The area around the Maltings, Central Car Park, and Library is allocated for a retail-led mixed-use development to enhance Salisbury city centre's position as a sub-regional shopping and cultural centre".

The matter of the suitability/availability of the Maltings/Car park site was fully considered as part of the recent London Road appeal. That site currently benefits from an allocation within the current local plan (Policy S7) for bulky goods retailing and employment use (although Members

should note that that this policy is to be deleted and site de- allocated in the upcoming Core Strategy). Following the appeal, the site benefits from a recent planning permission for bulky goods retail warehouse, including over 400 car parking spaces.

During the London Road appeal, it was revealed that the Harvest Partnership – a consortium between Land Securities and Sainsbury's, had already resolved many of the issues. Furthermore, it was explained that a draft scheme had been commissioned, which was addressing the broader strategic design and other impacts matters of any development on the site. Since the appeal was decided in mid 2009, the Maltings has been included within the Core Strategy by Members. Furthermore, the Council's Regeneration team has also confirmed that the Maltings redevelopment is vital to the future success of the city centre, and has confirmed that the redevelopment and enhancement of the site is being pursued. They have also confirmed that they believe that the scheme is contrary to the guidance in PPS4.

The London Road appeal decision the Inspector considered the proposals for the redevelopment of the Maltings and Central Car Park (MCCP) through a major mixed-use retail-led scheme comprising approximately 32,516 sqm to be 'crucial to the viability and vitality of the city centre'. With specific reference to the London Road scheme versus the MCCP site, the Inspector found that the MCCP site was suitable, available and viable for the development proposed. The Inspector also commented that the range of goods proposed within the London Road scheme would be likely to lead to delays in the delivery of MCCP.

Therefore, whilst the applicant appears to question the deliverability of this scheme in the short term, this seems contrary to the Council's own specialist retail advice, the views of a planning inspector, and the organizations involved in bring the MCCP site forward.

Former Woolworths site and other central sites

In addition to sites included within the original assessment, the applicant has provided consideration of other sites within the city centre. Most notable amongst these sites is the former Woolworths unit at 22/30 High Street, which would provide a considerable ground floor sales area of 2,908 sqm with ancillary space on the first floor and basement level. This site has sufficient area to accommodate a significant element of the proposals, and whilst the applicant is concerned with constraints associated with the site, the applicant confirms that there have been several expressions of interest for either re-occupation or redevelopment of the site; suggesting that the site is attractive to commercial operators. Therefore, it is considered that insufficient evidence is provided to discount this site as unavailable or unsuitable to accommodate a disaggregated element of the proposals. On the contrary, the applicant's submission seems to accept the site is sequentially preferable, suitable for comparison (A1 retail), viable and available.

The applicant's consideration of other smaller sites (between approx 20sqm –220sqm) within the town centre seem acceptable, and it is agreed that these sites would be unsuitable to accommodate the application proposals by virtue of being too small. However this is still based on the premise of a proposed minimum unit size at Southampton Road of 929 sqm, even though there is no clearly defined need for units of this size. The applicants propose a condition restricting the minimum unit size to 929 sq.m gross, whilst the minimum size of any of the currently proposed units is 1,509 sq.m. It is considered that the applicants have not provided sufficient information on which to base their assertions that these proposals could not be accommodated within smaller unit sizes (ie confirmed tenants unable to trade from smaller premises), and on that basis it is considered to represent speculative proposals for open A1 floorspace potentially capable of being provided within smaller unit formats.

In support of their application, the applicant has also provided evidence stating that the shoe sales chain “Brantano” would only locate within an out of centre store. However, this is contrary to PPS4, which stipulates that it is not acceptable to claim that the class of goods proposed to be sold cannot be sold from town centre sites. Indeed, it is clear that there are smaller stores in the city centre that are capable of selling shoes from this location. Indeed, a large store of this chain already operates just outside the main town centre in Trowbridge. Therefore, whilst this indicates a preference for one operator to trade from out of centre stores, this does not represent a valid consideration for discounting town/city centre locations. As a result, the applicants have failed to adequately demonstrate compliance with the sequential approach as required by PPS4 Policy EC15.

Impact on city centre

The applicant states that their impact assessment is appropriate to the proposals as this considers the uplift in turnover as a result of the incremental additional sales generated by the additional floorspace proposed. It is maintained that it is considered that the relevant test within policy is to consider the overall impact of the planned redevelopment of the existing retail park, which should also have regard to the overall qualitative and quantitative uplift in the performance of the Park arising from the proposed development.

On this basis, it is considered that the applicant’s submission may underestimate the potential significant turnover of what would be a very major out of centre open A1 comparison retail destination.

Secondly, the applicant states that the proposed floorspace is intended to act in competition principally with existing out-of-centre retail warehouse facilities and floorspace in competing centres. The applicant’s analysis assumes that only 50% of the incremental increase in turnover arising from the development will be diverted from the city centre, with the remainder coming from existing out of centre facilities or “elsewhere”. Given that the proposals are for open A1 floorspace, and therefore capable of attracting a directly competing range of comparison retailers of the type which would conventionally be found in a city centre like Salisbury, it is considered the potential overlap in this case may be understated.

Furthermore, the applicants state that the impact assumptions used are consistent with those put forward at the London Road appeal inquiry. However, the London Road proposals sought permission for a mixture of bulky and non-bulky comparison floorspace, with the consented scheme comprising bulky goods only retailing. Therefore, these assumptions are more consistent with consideration of a bulky goods scheme, and not that seeking consent for open A1 floorspace.

The applicant’s impact assessment is based on updated expenditure projections from more recently published data, which they assert provides sufficient capacity to enable the application scheme, London Road and the MCCP scheme to trade. The updated assessment estimates a minor reduction in the turnover of the City Centre. However, the applicant has not provided a consideration of the future tenants or goods categories, and subsequently has not provided a consideration of the qualitative impact of the proposals on the future MCCP scheme, which is a significant omission in light of Policy EC16 of PPS4.

Finally, the applicant’s analysis focuses exclusively on a quantitative assessment of trade

diversion, but does not address the considerations highlighted in PPS4. Specifically, the analysis does not have proper regard to the implications of the proposals on investment in the city centre and potential increases in the level of vacancies, or other impacts on the vitality and viability of Salisbury city centre. Equally, the assessment does not include any update of the current vitality and viability of the centre, having regard to, for example, increases in vacancies or other changes in circumstances since then.

In these circumstances, there remains concerns at the potential impact of the proposals on the vitality and viability of Salisbury city centre, and their potential to prejudice planned investment in the centre.

Again the conclusions of the Inspector and the recent London Road Inquiry are particularly relevant to this issue. She concluded that:

“MCCP does not yet form part of an adopted core strategy but there can be very little doubt about its major importance for the future wellbeing of the wider area. In the light of the policy background I consider that it should be treated as part of the spatial planning strategy for the purposes of this appeal (para 25). It would be difficult to argue that the appeal scheme would, if permitted, completely undermine the MCCP scheme but in my view it would be likely to have a number of harmful effects. In particular there is a real and significant danger that it would cause unacceptable delay in the implementation of MCCP by deterring potential occupiers, providing a competing attraction for retailers who might otherwise take up units MCCP ... particularly for the medium to large floor plate units that are a key part of MCCP’s concept (para 27). Moreover, in difficult economic circumstances this is likely to be an even more significant factor and there is a real danger that the delivery of MCCP will be set back by the soft option of the appeal scheme. For these reasons I consider that the appeal scheme would put the planning strategy for Salisbury city centre at significant risk (para 28).”

It is of course relevant to note that the London Road scheme was supported on appeal, but only subject to strict use restrictions. It is consider that the London Road scheme would be unlikely to impact on town centre trading, given the bulky nature of goods permitted by the consent. Also, given the bulky goods nature of the consent this would provide the opportunity to accommodate any genuinely bulky, large format retailers if these are not able to be accommodated within the MCCP scheme.

The Southampton Road proposals can be differentiated on two grounds. First, it would compound the effects of the London Road proposals now permitted; and second, it would relate to a significant scale of open A1 floorspace of the type, which the London Road Inspector concluded would prejudice the MCCP scheme.

It should also be noted that any approval of open, unfettered A1 retail uses along the Southampton Road would be contrary to the advice and opinion of the Inspector in relation to the recent London Road retail park scheme and hence, likely to set a dangerous precedent in relation to the future approval of non bulky goods type uses on the London Road site, (and other edge of centre and out of centre sites around Salisbury). Such precedents, if created, could ultimately lead to the relocation to many significant retailers and other associated uses

out of the city centre.

In these circumstances, it is considered the proposals give rise to serious concerns about their impact on the vitality and viability of Salisbury city centre, and there is a distinct risk that the proposals, if permitted, could prejudice investment needed to maintain and enhance its vitality and viability. On these grounds, it is considered that the application proposals are contrary to several objectives within PPS4, namely Policy EC17 by virtue of the non-compliance with the sequential approach (EC15) and the clear evidence that the proposal would be likely to lead to significant adverse impact on Salisbury City Centre (policy EC16).

Scale

Following the publication of PPS4, the specific test relative to appropriate scale of proposals for town centre uses is subsumed within the impact test, and relates to in-centre or edge-of-centre proposals.

The scale of development as proposed is appropriate to the role of Salisbury within the wider hierarchy. However, as previously mentioned this should, in the first instance, be located within the city centre.

The additional information provided by the applicant seeks to justify the scale of the proposals at the application site as this is capable of accommodating larger format developments. However, the newly published guidance (PPS4) supports the identification of appropriate sites to accommodate identified need, ensuring sites are capable of accommodating a range of business models in terms of scale, format, car parking provision and scope for disaggregation.

To this end, the MCCP site is allocated within the existing Local Plan and the emerging Core Strategy, and is allocated for a range of retail unit sizes, which are still to be determined. Considering the sequential preferability of this site, it is considered that the scale of the proposals are consistent with the role of Salisbury, but should be located, in the first instance, within the City Centre.

Need

Whilst there remain shortcomings within the information provided with regard to retail need, the specific needs test is removed from PPS4, therefore there can be little consideration of this within the assessment of the application.

Accessibility

PPS4 (Policy EC10) encompasses all planning applications for economic development, and seeks to ensure that sustainable economic growth is promoted within new development. This policy directs that the accessibility of the proposals by a choice of means of transport including walking, cycling, public transport and the car, taking into consideration the effect on local traffic levels and congestion. Policy DP1 of the Structure Plan also supports this stance, as does policy G1 of the Salisbury District Local Plan.

The application site is not well integrated with the City Centre, being separated from the city centre by well over 300m walking distance, residential areas, and the A36 ring road. There are very few active links across this "barrier", namely a very indirect pedestrian route through St Anns Street via a narrow and unwelcoming underpass and via Milford Street, where pedestrians have to navigate a busy traffic light junction and an indirect route either past the

College, or via Tollgate Road.

Further, the MCCP scheme has been identified as a sequentially preferable location, which is within Salisbury city centre and is much better located to serve the retail needs of Salisbury's catchment and is more accessible by a range of alternative means of transport. In these circumstances, it is considered that the proposals would fail against this consideration having regard to the alternative options available

Leisure and restaurant uses

The scheme also proposes a leisure use (indicated as a gymnasium use), and contains 2 Class A3 restaurant buildings. The applicant offer little evidence that a sequential test has been undertaken for either of these uses, simply stating that, in regards the former, that the eastern side of Salisbury city is not served by such a leisure use. However, this information is now out of date, as a small gymnasium has opened in a former office building at Blakey Road, located to the north west of the application site. It is considered that there is ample opportunity within or on the edge of Salisbury for a leisure use as proposed, and that Salisbury is already well served by existing uses, including the Council's own leisure centre, and LA Fitness, both located in or on the edge of the city.

Similarly, regards the proposed A3 restaurant uses, the applicant offers little evidence, apart from indicating that such A3 uses are normally considered ancillary to retail parks. No evidence has been provided of a sequential test being undertaken, and indeed, it is officers opinion, that there is ample supply and opportunity within the city centre for such uses.

To permit such uses in an out of centre location, without any justification, would create a dangerous precedent for future relocation of other similar town centre uses. As the site is located within walking distance for only a modest number of properties (ie those located in the Waterloo Road/Tollgate Road area to the immediate west, the Travellers site to the east), it is also likely that the inclusion of such uses will lead to additional car borne trips)

Summary

The Inspector at the recent London Road Inquiry concluded that a retail warehouse type development at London Road, if not properly restricted to genuine bulky goods, would be likely to undermine the vitality and viability of Salisbury city centre, and in particular could prejudice the delivery of the MCCP site. It is considered that the current proposals for open A1 retail floorspace would be likely to have a significant adverse impact on the vitality and viability of the centre, and on the investment potential of the MCCP site. The applicant has also offered no sequential test in relation to the proposed restaurant uses or the leisure use.

The guidance in PPS4 (policy EC17) states that where planning applications for main town centre uses that are not in accordance with an up to date development plan should be refused planning permission where the applicant has not demonstrated compliance with the requirements of the sequential approach, or there is clear evidence that the proposal is likely to lead to significant adverse impacts. In these circumstances, based on the information provided, it is considered that the current proposals fails to comply with the sequential approach (PPS4: EC15) and on their potential impact on the vitality and viability of Salisbury city centre (PPS4: EC16).

9.3 Impact of scheme on highway system and accessibility

With regards project 10 of the Vision, this indicates that the rationale for the Eastern Gateway area should be to improve vehicle flows by introducing major improvements to the highway infrastructure, and to rationalise the access roads onto Southampton Road, but retain and include cycle and pedestrian links.

The application scheme would be located within the Eastern Gateway area, and served via an access onto the busy A36 road, and envisages more than 400 car parking spaces as part of the scheme.

The applicants have submitted a Transport Assessment in support of their application. This concludes that in traffic generation terms, there will be a neutral impact during commuted periods compared to the existing use of the site, and that the proposals will result in a more even distribution of traffic movements throughout the day and will therefore not compound levels of congestion on the A36. The TA also highlights that improvements will be made to pedestrian access and safety arrangements, including improvements to the existing pedestrian crossing facilities, and improved cycle parking. The TA indicates also that the proposals are expected to encourage linked trips to existing retail outlets at Bourne Retail park and other retail units in the vicinity.

However, since the submission of the TA document, the Highways Agency has served a Direction of Non approval on the LPA, indicating that it did not agree with many of the original assessments and assumptions within the TA. Since the Direction was served, the applicants have been in discussions with the Highways Agency, in order to overcome its objections and concerns. At the time of writing, those negotiations are ongoing, and the Direction remains in force. It appears that the Highways Agency wish the applicants to prove that their scheme would have a "nil detriment" to the A36, and that some form of Transport Management Strategy needs to be entered into, similar to that mooted as part of the recent approval of the Lidl foodstore. Such a strategy would involve the setting up of a Transport Management Organisation to coordinate the delivery of a targeted transport demand management for the A36 corridor. The TMO would consist of businesses on Southampton Road with a TMO manager responsible for overall coordination.

The applicant has indicated to the LPA that in their opinion, it is likely that agreement will be reached regards a similar document/scheme in relation to this current application, and it is assumed that the highways agency may be of a similar point of view given the fact that they have continued negotiations with the applicant. The applicants traffic consultant has also indicated that in its opinion, the traffic forecasts associated with the development have been agreed with the HA, and these are 28 vehicles in, 24 vehicles out (at Friday peak hour 14:00-15:00), and 98 vehicles in, and 99 vehicles out on Saturday peak hour (15:00 –16:00).

Admittedly, the existing application site has been developed in a rather ad hoc manner, resulting in the previous industrial units being occupied by other, more retail focussed activities over a number of years. The larger retail units are all of a differing design, and the existing car park arrangements are rather haphazard. The LPA acknowledges that the proposed redevelopment proposals would make the site more coherent than at present.

However, any scheme would presumably require such substantial investment, and in the creation of additional 5000sqm of retail floorspace, plus other restaurant and leisure uses, has been designed to make the retail offer of the whole of the site more attractive. Consequently, it seems likely that the scheme will increase vehicular traffic to the application site. Furthermore, given the provision of a 467 space car park, together with the creation of a larger retail park, it seems likely that vehicular traffic would increase to the site, and hence, also increase in the

highway system around the site.

Given that the A36 is already heavily congested at most times of the day, particularly between 8.30am through to 6pm, and given that this congestion already affects other parts of the adjacent road network, it therefore seems likely that the proposed scheme would, without suitable mitigation, exacerbate the existing traffic problem. The current stance of the Highways Agency in maintaining their Direction of non approval would appear to support this view. As the A36 road system falls within the remit of the Highways Agency, the opinion of the Agency is crucial to the assessment of this application scheme.

Further, PPS4 (Policy EC10) encompasses all planning applications for economic development, and seeks to ensure that sustainable economic growth is promoted within new development. This policy directs that the accessibility of the proposals by a choice of means of transport including walking, cycling, public transport and the car, taking into consideration the effect on local traffic levels and congestion.

The application site is not well integrated with the City Centre and the MCCP scheme has been identified as a sequentially preferable location, which is within Salisbury city centre and is much better located to serve the retail needs of Salisbury's catchment and is more accessible by a range of alternative means of transport. In these circumstances, without suitable mitigation, it is considered that the proposals would fail against this consideration having regard to the alternative options available.

As a result, at the time of writing, based on the lack of any agreement with the highways agency, or any mitigation scheme being agreed, officers can only logically conclude that if the application were to be approved as it currently stands without mitigation measures being put in place, then the proposal would exacerbate existing congestion issues to the detriment of the road network and its users. As the Direction does not prohibit the LPA refusing the scheme, and the applicant has not yet proven that their scheme would have a "nil detriment", or provided mitigation for the impact of its scheme in terms of a Traffic Management scheme or similar, it is considered that at this time, a refusal of the scheme on highways ground would be procedurally possible.

9.4 Impact on SSSI/SAC river system

The site lies directly adjacent to the river corridor, which is a designated Site of Special Scientific Interest and a Special Area of Conservation. As outlined in PPS9 and the Habitat Regulations, the LPA must therefore assess the scheme for its likely significant impacts on the designated protected area.

The applicants have submitted an Ecological assessment/Bio Diversity survey and Report, together with a contamination assessment.

The applicant indicates that the scheme seeks to create a better visual relationship within the river system, and the scheme seeks to enhance the river corridor, by removing existing hard surfacing areas, and by reinforcing native species, by creating a green corridor for the full length of the river frontage. The scheme would also include low level lighting, bird boxes, bat boxes, and insect housing, as well as the green walling and green roofing. Overall, an 8M buffer zone would be created between the scheme and the river bank.

The Environment Agency has no objections subject to conditions/legal agreement to secure various measures. The EA encourages the inclusion of the suggested enhancements, including

the green walling and roofing, the clean up program to remove rubbish dumped by the river, the 5 year biodiversity management plan to ensure the long term protection and management of the river and its corridor. They have however indicated that light spill should be restricted, and should not affect the river system. Operational access is required along the river. The EA has also indicated that safe egress during flood events and a net gain in flood storage has been achieved.

However, Natural England object to the scheme, and requested that a working method statement should be provided to identify and address potential risks to the River Avon SSSI/SAC during the construction of the development. It is understood that a method statement has been undertaken by the applicants, and has been submitted to Natural England for comment.

In officers opinion, the existing development on the site turns its back on the adjacent river corridor, and has resulted in a poor visual and ecological environment in this area. However, whilst improvements to the river corridor would be in line with the aspirations of the Vision, and officers welcome schemes which would improve the existing river corridor and in principle support the suggestions made by the application scheme, at the time of writing, Natural England has not yet withdrawn its objection to this scheme, and has indicated that in its opinion, the development scheme is likely to have a significant effect on the SAC/SSSI. As a result, and based on the information submitted, officers at this stage must conclude on the evidence before them that the scheme is likely to have a significant effect on the river system SSSI/SAC, and therefore based on the evidence submitted, the LPA is unable to conclude at this stage that the scheme would improve the river system.

9.5 Impact on Eastern Gateway -Design and accessibility issues

Project 10 of the Salisbury Vision seeks to bring about significant transport, aesthetic and economic changes to the Southampton Road area through the development of a residential-led scheme with other uses to include offices, community and local retail, retail/bulk goods alongside the existing uses. The rationale (in design terms) is to improve the visual appearance of this major route into Salisbury, and to regenerate the Eastern Gateway area. It suggests that development should be divided into blocks that allow frequent visual, pedestrian and servicing connections particularly St Martins Church and adjacent housing. Furthermore, the Vision also indicates that the redevelopment of the area should provide a greater quality and quantity of open space around the River Bourne, including childrens play provision, adequate lighting, seating and interpretive/way finding signage, and rationalise the access roads onto Southampton Road but retail and include cycle/pedestrian links.

The application site falls within the Eastern Gateway area, and is located directly adjacent to, and readily visible from, the main A36 road, which serves as one of the main arteries into and out of Salisbury. The existing commercial/employment units which form part of this site are of a fairly mundane and functional design, with fairly ad hoc parking arrangements, which does not benefit from any significant planting to soften its appearance.

Consequently, in terms of visual appearance, the removal of some of the existing units and existing parking areas, is welcomed by the LPA. The inclusion of a small childrens play area is also generally in line with the Vision, as would be the creation of some breathing space around the river system, particular around the proposed restaurant buildings.

The ethos behind the applicants scheme is contained within the submitted Design and Access statement, as well as within the other supporting documentation, including the planning support

statement. The applicants view is that this scheme is in accordance with the emerging policies of the Council to enhance the eastern gateway into the City.

Policies EC8 & EC10 of the new PPS4 state that all new applications should be assessed against whether the proposal secures a high quality, inclusive, and accessible design which takes the opportunities available for improving the character and quality of the area and the way it functions.

The enhancement of this area is also supported by the Salisbury Vision, which envisages the eastern gateway area being improved through better transport links and a mix of uses being located in this general area. As a result, in principle, any proposal to redevelop and enhance this area would be in line with emerging local policy. However, any proposals have to be considered against the aims of the Vision, and whether they achieve the goals of enhancing the area in visual terms, transport terms, and use terms.

The application was considered by the Design Forum, which in summary, indicated that as in its opinion, given the site was relatively secluded, and that the retail park development would likely to be replaced in future (and therefore not a permanent feature of the urban environment), the design of the retail park would be acceptable in that context.

However, in officers opinion, the application site is prominent, being highly visible from the A36. The emerging Salisbury Vision includes the site within the “eastern gateway” area, precisely because of the sites location on the gateway into and out of the historic city of Salisbury. It is therefore difficult to agree with the views of the Forum that this site is not prominent or important.

With regards to the Forums view that the scheme should be seen simply as retail sheds which will be replaced, it is also difficult to agree with this point of view, as the existing buildings on the site are as much as 30 years old, having been modified over time. The Forum’s stance that the LPA should permit such simple buildings simply on the premise that they will someday soon be replaced is therefore difficult to substantiate. Equally, when such buildings are replaced, it is surely the role of the LPA to ensure that the replacement buildings and built form lead to an enhancement of the site and the area. The current scheme must therefore be analysed, to ensure that a positive enhancement is offered.

Visual impact of the buildings

The proposed replacement retail units, applicants have chosen to mirror the visual appearance of the façade of the existing (retained) units occupied currently by Next and Argos. These are treated in a grey metal cladding, with a large area of glazing, with the façade allowing for a large area of signage. This façade treatment was allowed by the LPA some years ago, following the division of the former (larger) MFI unit into multiple retail units. At the time, the proposed façade was considered to be an improvement over the previous façade treatment, being more regressive in colour than the older, light grey façade. Part of the applicants justification for the design ethos of the current scheme, is that they are simply repeating a façade treatment which has already been considered acceptable by the LPA. The applicants statement also indicates that the buildings have been designed with “..a simple palette of materials to allow retailers to add their own branding and signage in a consistent and controlled way”. This seems to indicate that the primary reasoning behind the design was not the improvement of the general character of the development site or area, but based on a purely functional need of future users.

The proposals also include “green” walling on the south facing facades. As well as an ecological feature, the applicant states that such features will the aesthetic benefit of “..softening the appearance of the buildings...”. This statement appears to indicate that the applicants themselves see the chosen design as rather utilitarian.

In officers opinion, to duplicate a façade treatment which may have simply been considered as a more suitable replacement to an older commercial unit, as the basis for the character and visual appearance of a new retail park is not the correct approach to the proper planning and designing of the large scale scheme. The existing façade treatment on the Next and Argos building is not in officers opinion particularly attractive, and is considered to be even more utilitarian than the design of the adjacent Homebase unit, which at least benefits from some contrasting brickwork, and a large entrance canopy, and shares some common design features with those of other, more recent commercial units in the immediate area (the adjacent PC World building, and the group of buildings adjacent to Tesco’s known as Bourne Retail Park). In contrast, the existing Next and Argos building is at odds with this architectural approach, being more industrial and even more utilitarian in its design. Whilst the living green walling elements are in principle a welcomed addition, the durability of such features could be questionable in a highly trafficked retail area, and the inclusion of such features would further be at odds with the other commercial units in the adjacent area.

Furthermore, given that there will be a future desire for retail occupiers of the proposed units to have advertisements which are clearly visible from a southerly direction, there is also likely to be future pressure to restrict the spread/size of the proposed trees, so that front elevations and adverts can be clearly seen.

As the proposed retail development is intended to be a shopping destination in itself, officers would have expected the overall design ethos of the site to be treated in a more holistic way, with all the units on the application site having common design elements. This was an approach which was successfully adopted on the Waitrose development on the edge of the town centre, and an approach taken by the proposed retail park at London Road in Salisbury. Even the applicants submitted statements indicate at one point that “...In order for the proposals to hold together as a coherent retail development there has to be consistency of appearance with the retained buildings.....”. The applicants final scheme does seem at odds with their own analysis on this point.

Layout of car parking area/accessibility

The inclusion of a large expanse of new car parking is also a rather disappointing design solution. Such a car park would form the setting of the proposed buildings as seen from the southerly directions and the A36 area. Whilst the proposed plans include significant tree planting in this area, the durability of much of this planting must be questioned, as it is considered that much of the tree planting would restrict the width of two of the proposed footpaths (to approx 1.25m) which would be likely to restrict accessibility to and from the development by pedestrians, particularly those with mobility issues and disabilities. The third, central, footpath shown on the submitted plans would only seem to serve adjacent car parking spaces, and would not link into the wider pedestrian footways. Furthermore, with regards to the main pedestrian circulation space immediately in front of the shops, between the disabled parking and the proposed cycle racks/shop facades, the available footpath appears to narrow at several points to approximately 2m. With the inclusion of bollards within this pedestrian circulation space (which appear to be spaced at approx 1m), it seems likely that the pedestrian areas within scheme may become restricted at peak times. The footpath leading southwards towards the proposed restaurant uses from Unit 5 also discharges pedestrians directly onto the

service road adjacent the entrance to the service yard.

Overall, the layout of the car parking area would not seem to encourage pedestrian accessibility to and from the development as a whole.

Furthermore, given that there will be a future desire for retail occupiers of the proposed units to have advertisements which are clearly visible from a southerly direction, there is also likely to be future pressure to restrict the spread/size of the proposed trees, so that front elevations and adverts can be clearly seen. Similarly, it has not been explained by the applicant how the need to meet the requirements of Secure by Design principles (including the likely need for CCTV) would affect the layout of the parking or the planting.

In conclusion, it is considered that an opportunity has been missed to properly enhance this site through a comprehensive redevelopment. Furthermore, with regards the materials suggested and the detailed design, it is considered that there are number of issues which have not be fully resolved. It is therefore considered that the proposal would not address the wider aspirations of the Salisbury Vision or Core Strategy, and be contrary to the aims of the Council's design policies.

9.6 Sustainable design issues

The applicants have submitted an Energy strategy document, and a Sustainability statement, which are also summarised in their planning support statement, which indicate that the scheme will contain a number of "green" design solutions. In particular, green living walling is to be introduced on the south facing facades of the retail units, and both green walls and roofs also on the proposed restaurant buildings. These features will apparently help reduce thermal loading on the building, provide acoustic insulation and reduce reflected noise, provide rainwater attenuation, and increase ecological habitat Furthermore, photovoltaic cells would be included on the retail units, which would apparently provide 100 percent of the landlords anticipated power requirements. Overall, the applicants submitted evidence indicates that the scheme is designed to meet a BREEAM target rating of " Very Good".

In line with the national guidance outlined in PPS1 and PPS4, officers welcome the inclusion of such energy efficient measures and features. Planning conditions should be imposed to secure such features.

However, an opportunity has been missed to retro-fit the retained buildings on the site with some of these sustainable features, and the inclusion of such features would not mitigate the harm caused by other aspects of the scheme, in design terms, and neither do such features outweigh the harm that the scheme may cause as outlined in other sections of this report.

10. Conclusions

10.1 The proposal envisages the creation of a retail park, which includes retail, leisure, and restaurant uses. PPS4 defines The guidance in PPS4 (policy EC17) states that where planning applications for main town centre uses that are not in accordance with an up to date development plan should be refused planning permission where the applicant has not demonstrated compliance with the requirements of the sequential approach, or there is clear evidence that the proposal is likely to lead to significant adverse impacts

Based on the information provided, it is considered that the current proposals fails to comply

with the sequential approach (PPS4: EC15) and would potential have an adverse impact on the vitality and viability of Salisbury city centre (PPS4: EC16). As a result, it is also considered that the proposal would not adequately address the aims of the Council's shopping policies, particularly policies S1, S2, S3 and S6 & R1B, the emerging Core Strategy policy 7, project 10 of the Salisbury Vision, in that it would be likely to resulting in the relocation and loss of town centre uses and investment to a less accessible out of centre site.

10.2 The proposal would be located directly adjacent to the River Avon SSSI/SAC river system, which is also an Area of High Ecological Value. Whilst the application proposes various suggested enhancements to the river bank area, based on the information submitted to date, the scheme is subject of an outstanding objection from Natural England. As a result, in the absence of any information to the contrary, it is therefore considered that the proposal would be likely to have a significant detrimental effect on the protected river system and habitat, contrary to the aims of policies C11, C12, C13, C15, C17 & C18 of the Salisbury District Local Plan, policies C1, C2, & C3 of the South Wiltshire Structure Plan, and the aims of PPS9.

10.3 Based on the information submitted to date, and notwithstanding the discussions between the applicants and the Highways Agency, the Agency's Direction of Non Approval remains in place, and it is understood that the applicants have not yet satisfactorily met all of the Agency's requirements. As a result, and in the absence of any mitigation measures being agreed, it is therefore considered that as currently proposed, the scheme would be likely to result in additional car borne traffic using the road systems around the site, thus exacerbating existing congestion problems on the Strategic Road Network, contrary to the sustainable transport and accessibility aims of policies G2 and TR12 of the Salisbury District Local Plan, and PPS4 & PPG13

10.4 The existing buildings on the application site are of a poor visual quality, and the removal of some of those buildings is welcomed. However, due to a combination of the generally poor quality layout and visual appearance of the proposed scheme, the proposal as submitted is considered to be a missed opportunity to improve in any significant manner the overall visual quality of the area, or to provide a layout which is accessible by pedestrians, particularly those with mobility issues/disabilities. The proposal is therefore considered to be contrary to Salisbury District Local Plan design policy D1 and the guidance contained within the Council SPG "Creating Places", and contrary to the aims of the emerging Core Strategy and Salisbury Vision in relation to the enhancement of the Eastern Gateway area, and the aims of South Wiltshire Structure Plan policy DP1, and policies EC 8 & EC10 of PPS4, and PPG13.

Recommendation:

It is recommended that the scheme is REFUSED for the following reasons:

1. The proposal envisages the creation of a retail park, which includes retail, leisure, and restaurant uses. PPS4 defines The guidance in PPS4 (policy EC17) states that where planning applications for main town centre uses that are not in accordance with an up to date development plan should be refused planning permission where the applicant has not demonstrated compliance with the requirements of the sequential approach, or there is clear evidence that the proposal is likely to lead to significant adverse impacts

Based on the information provided, it is considered that the current proposals fails to comply with the sequential approach (PPS4: EC15) and would potential have an adverse impact on the vitality and viability of Salisbury city centre (PPS4: EC16). As a result, it is also considered that

the proposal would not adequately address the aims of the Council's shopping policies, particularly policies S1, S2, S3 and S6 & R1B, the emerging Core Strategy policy 7, project 10 of the Salisbury Vision, in that it would be likely to resulting in the relocation and loss of town centre uses and investment to a less accessible out of centre site.

2. The proposal would be located directly adjacent to the River Avon SSSI/SAC river system, which is also an Area of High Ecological Value. Whilst the application proposes various suggested enhancements to the river bank area, based on the information submitted to date, the scheme is subject of an outstanding objection from Natural England. As a result, in the absence of any information to the contrary, it is therefore considered that the proposal would be likely to have a significant detrimental effect on the protected river system and habitat, contrary to the aims of policies C11, C12, C13, C15, C17 & C18 of the Salisbury District Local Plan, policies C1,C2, & C3 of the South Wiltshire Structure Plan, and the aims of PPS9.

3. Based on the information submitted to date, and notwithstanding the discussions between the applicants and the Highways Agency, the Agency's Direction of Non Approval remains in place, and it is understood that the applicants have not yet satisfactorily met all of the Agency's requirements. As a result, and in the absence of any mitigation measures being agreed, it is therefore considered that as currently proposed, the scheme would be likely to result in additional car borne traffic using the road systems around the site, thus exacerbating existing congestion problems on the Strategic Road Network, contrary to the sustainable transport and accessibility aims of policies G2 and TR12 of the Salisbury District Local Plan, and PPS4 & PPG13

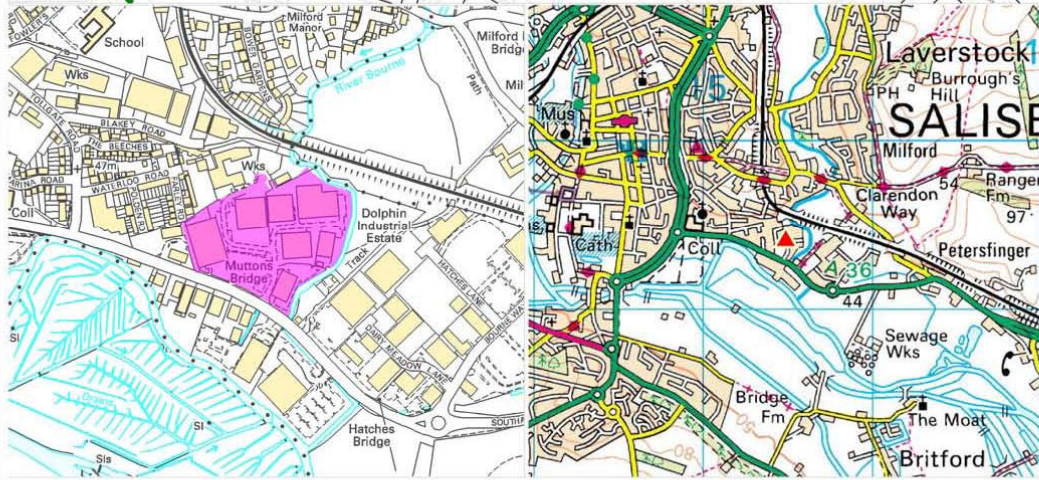
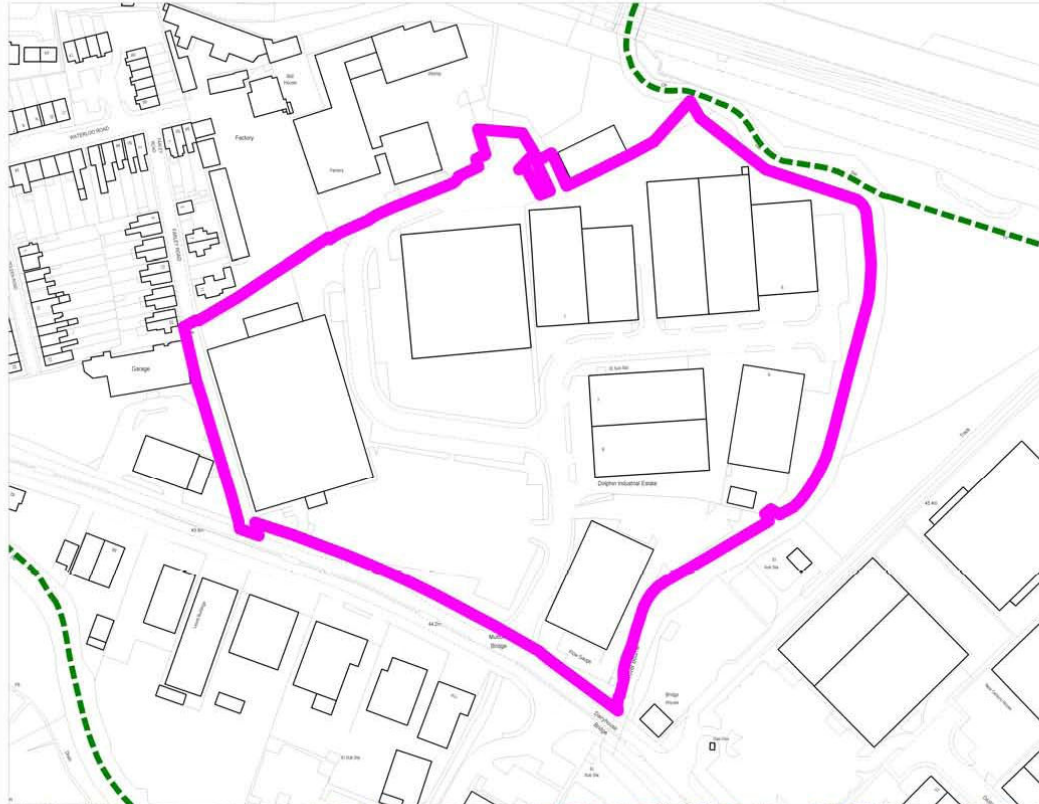
4. The existing buildings on the application site are of a poor visual quality, and the removal of some of those buildings is welcomed. However, due to a combination of the generally poor quality layout and visual appearance of the proposed scheme, the proposal as submitted is considered to be a missed opportunity to improve in any significant manner the overall visual quality of the area, or to provide a layout which is accessible by pedestrians, particularly those with mobility issues/disabilities. The proposal is therefore considered to be contrary to Salisbury District Local Plan design policy D1 and the guidance contained within the Council SPG "Creating Places", and contrary to the aims of the emerging Core Strategy and Salisbury Vision in relation to the enhancement of the Eastern Gateway area, and the aims of South Wiltshire Structure Plan policy DP1, and policies EC 8 & EC10 of PPS4, and PPG13.

Appendices:	Appeal statement for London Road retail park application S/2007/1460
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Background Documents Used in the Preparation of this Report:	None
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S/2008/2065

Site Visit:



Wiltshire Council
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Appeal Decision

Inquiry opened on 24 February 2009

Site Visit held on 27 February 2009

by **Mary Travers BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
7 April 2009

Appeal Ref: APP/T3915/A/08/2074782/NWF

Salisbury Retail Park, London Road, Salisbury, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Cranford (Salisbury) Ltd against the decision of Salisbury District Council.
- The application Ref S/2007/1460 dated 16 July 2007 was refused by notice dated 28 March 2008.
- The development proposed is a retail warehouse development providing 8,361 sq m of retail floorspace on the ground floor with 4,181 sq m of retail floorspace at mezzanine level, together with associated car parking, cycle parking, servicing, access and landscaping.
- The Inquiry sat for four days, 24th-27th February 2009.

Decision

1. I allow the appeal and grant planning permission for a retail warehouse development providing 8,361 sq m of retail floorspace on the ground floor with 4,181 sq m of retail floorspace at mezzanine level, together with associated car parking, cycle parking, servicing, access and landscaping at Salisbury Retail Park, London Road, Salisbury, Wiltshire in accordance with the terms of the planning application Ref S/2007/1460 dated 16 July 2007 and the plans submitted therewith, as amended, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council's reasons for refusal included concerns about the landscape impact of the proposed scheme, whether its design and construction would meet the challenge of climate change, whether it would adequately facilitate the lowering of the A30 road at St Thomas's railway bridge, and the effects of lorry and car movements on the wider highway system and settlements around the site. At the opening of the Inquiry the Council confirmed that it accepted that all of these concerns were capable of being resolved by a legal agreement, the imposition of certain conditions and in the light of the Appellant's evidence on these matters. An executed S106 planning obligation covering some of these matters was submitted at the Inquiry and I am satisfied that it is in accordance with the advice in Circular 05/2005.
3. The site has the benefit of planning permission for a non-food retail warehouse park of 8,361 sq m (comprising four units) and a garden centre of 1,394 sq m.

- 27. Tables of Bulky/Comparison Goods areas
- 28. Drawing No W93768/A/01 dated 23.02.09 showing foot and cycle links
- 29. Appeal decision on land SE of Papworth Bungalow, Wisbech Road, March
- 30. Briefing note on floorspace in Salisbury town centre
- 31. Letter dated 16.12.08 from Ms J Ferguson, Salisbury District Council, to Indigo Planning Ltd
- 32. Statement of Common Ground between Wiltshire County Council and Savell Bird and Axon, February 2009
- 33. Opening and Closing Submissions

This relates to an outline planning permission granted in 1995 and subsequent approval of the reserved matters. Condition 15 of the permission restricts the range of goods that may be sold to a specified list¹ generally comprising what are commonly understood as bulky goods. It is not disputed that this permission has been implemented by the carrying out of certain works but the site as a whole remains undeveloped. The Council made clear at the Inquiry that given local plan Policy S7 to which I refer further below and this planning history, it considers that a "truly bulky goods scheme" would be acceptable on this site.

Main Issues

4. There are two main issues in this case. The first is whether the proposal would be harmful to the role of Salisbury city centre, having regard to the development plan for the area, the extant planning permission on the site and the other material considerations, and secondly, whether safe and sustainable provision would be made for the movement of pedestrians and cyclists in the vicinity of the site.

Reasons

Background

5. The appeal site of about 3.6ha is located close to the north-eastern edge of Salisbury and has frontages to the A30 London Road and Pearce Way in the vicinity of the Hampton Park roundabout. The area to the west of the site is mainly residential in character, while on the south-eastern side of London Road there is commercial development, including new office buildings, and a park and ride site. Further to the east, the site and surrounding area are dominated by and visible from the Laverstock Downs.
6. Eight retail units are to be provided in accordance with the appeal proposal, each with ground floor and mezzanine levels. It is proposed that the smallest size of unit should be restricted by a planning condition to 929 sq m and that the range and type of goods should also be restricted by a bespoke planning condition to the effect that a minimum of 58% of the total gross floorspace would be devoted to bulky goods. Aligned with the proposed condition, the Appellant has provided an updated list of potential occupiers for the units. These are JJB Sports/other sports retailer, DFS, TK Maxx Home, Mamas and Papas, Maplin, Laura Ashley Home, and Asda Living for Units 1 to 7-8 respectively.
7. A total of 405 car parking spaces would be provided together with cycle parking and a package of highways and transport improvements including a financial contribution to enhanced bus services, improvements to the pedestrian and cycle way network, including a new link between Green Lane (a pedestrian and cycleway route along the western boundary of the site) and London Road.

¹ The condition states, "The range and type of goods to be sold from the non-food 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; 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."

Development Plan Context

8. The development plan for the purposes of this appeal is formed by the regional spatial strategy, Regional Planning Guidance for the South West (RPG10) (2001), the Wiltshire and Swindon Structure Plan (WSSP) (2006) and the Salisbury District Local Plan (SDLP) (2003). WSSP Policy DP5 generally reflects national and regional planning policies by seeking to concentrate shopping and service uses in town centres. Policy DP6 defines Salisbury as a sub-regional centre in the retail hierarchy and makes clear that provision for out-of-centre shopping should be made only in specified, limited circumstances.
9. SDLP Policy S7 allocates the appeal site for comparison retailing and employment use, subject to local highway improvements, public transport provision and other matters, while Policy S6 allocates the Maltings site in the city centre (to which I refer in more detail below) for retail use, including the redevelopment and enlargement of the existing foodstore. Policies S6, S7 and others have been 'saved' by the Secretary of State in accordance with the direction issued in September 2007. On the face of it, the appeal proposal for comparison retail development on the subject site appears to be in accordance with Policy S7.
10. However, the reasoned justification for Policy S7, while not itself 'saved', casts doubt on whether the policy allocation is for unrestricted comparison goods development; this doubt arises from its references to the extant planning permission for a bulky goods scheme on the site and that a retail impact assessment may be required for other applications for retail warehouse development on the site. I can find nothing in the evidence about the emergence of Policy S7 that supports its interpretation as an allocation for unrestricted comparison goods retailing. Moreover, Policy S7 pre-dates Planning Policy Statement 6: *Planning for Town Centres* (PPS6) (2005) which sets out a number of criteria for the assessment of retail proposals. As paragraph 3.4 advises, need, scale, sequential approach to site selection, impact on existing centres, and accessibility should be taken into account. Also, Policy S7 should be read in context with Policy S6 which proposed a much more limited scale and type of development on the Maltings² compared with what is now proposed there. So, the context in which Policy S7 was adopted has since changed significantly.
11. In my view the saving of Policy S7 by the Secretary of State does not remove the need to assess the appeal scheme against the PPS6 criteria and in the current planning context. Taking all of these factors into account, only limited weight should be attached to the appeal scheme's apparent accordance with Policy S7, and it is necessary to consider the scheme against PPS6. So far as this case is concerned, the test of scale can be subsumed within the other tests and I deal with the accessibility test as part of the second issue below. It is necessary first however to consider emerging planning policy for Salisbury and in particular the background to the current proposals for the Maltings site.

² This comprises the existing Sainsburys superstore, 27 retail units and a decked car park.

Emerging Policy and the Proposals for the Maltings

12. The Draft Revised Regional Spatial Strategy for the South West, incorporating the Secretary of State's Proposed Changes, notes in regard to this area that the key strategic aim is to extend and enhance Salisbury as an employment and retail centre so it can better serve the surrounding rural area and achieve greater levels of self-containment. It refers to the Salisbury Vision document (SV) which anticipates significant improvements in the retail and cultural offer of the city centre as well as other improvements. The SV has emerged from over two years of extensive research and consultation and includes as a strategic objective the redevelopment of the Maltings and Central Car Park site (MCCP)³ for a major mixed use retail-led scheme. The rationale is to enhance Salisbury as a sub-regional shopping centre by the provision of additional large floorplate retail premises for multiple retailers. This project is considered as "crucial to the viability and vitality of the city centre" and the delivery schedule indicates that it will be completed during 2014.
13. The SV is intended to be as self-financing as possible, and income generated by the MCCP will be used to fund the delivery of projects which have no commercial value of their own such as public realm and road improvements. The Council adopted the Salisbury Vision in June 2008 as a key strategic document for the Local Development Framework (LDF) and in January 2009 the Implementation Executive of the emerging unitary authority, Wiltshire Council, reaffirmed its support for the Vision including MCCP as a priority scheme.
14. The Second Preferred Options document (Sept 2008) for the South Wiltshire Core Strategy identifies that MCCP has support for a major mixed use scheme that delivers an enhanced retail offer. This reflects the work undertaken on the SV, a detailed retail study and further work that concludes that the majority of the identified need can be accommodated on MCCP, and the outcome of a feasibility study of MCCP undertaken in 2008. The feasibility study remains confidential while work to secure the development agreement continues, but evidence was given to the Inquiry that it provides a basis for taking forward proposals for a scheme of up to 32,516 sq m net of new retail accommodation including a new foodstore, department store and a range of other shop units to cater for national, regional and local traders.
15. It has been confirmed that the MCCP scheme will form a strategic proposal in the Core Strategy, due to be submitted to the Secretary of State in September 2009. This approach reflects the advice on strategic sites in revised Planning Policy Statement 12 (2008) and it updates the intention in the SV to bring MCCP forward through an Area Action Plan. The Council is likely to prepare a development brief for the site in the near future and this will be adopted as a local development document.

Retail Need

16. The evidence put to the Inquiry on retail need is based primarily on the Retail and Leisure Needs Study 2006 (RLNS) carried out for the Council by GVA

³ In addition to the existing Maltings shopping centre, MCCP includes the very large surface level public car park owned by the Council.

Grimley in order to provide a context for policies and proposals within the LDF. It indicates a very substantial level of need for additional comparison goods floorspace in the District in the period up to 2021. In meeting this need it is concluded that it will be important for Salisbury city centre to enhance and consolidate its role and to prevent further erosion of its market share as competing centres increase their attractions through planned developments. Reference is made in particular to a need to bring forward development proposals to stimulate demand from higher-order, mainstream and quality comparison goods retailers to fill the gaps in provision. I conclude therefore that the role of the proposed MCCP redevelopment in/on the edge of Salisbury city centre is a very important consideration.

17. If MCCP were to come forward by 2016 there would be insufficient capacity for both it and the appeal scheme, assuming that MCCP provides for a net additional comparison goods floorspace of the order of 23,000-26,000 sq m and that market share remains constant. Once opened and established as a shopping centre, MCCP could be expected to improve Salisbury's market share, but in the interim there is no reason to expect market share to increase and there are grounds for fearing that it will decline as a result of increased competition from centres outside the district. I conclude that there is insufficient evidence of a quantitative need for both the appeal scheme and MCCP over the next five-seven years approximately. Regarding qualitative need, I deal with linked considerations about retail offer and site suitability below but none of the evidence leads me to conclude that the qualitative need for improved comparison shopping in Salisbury favours the appeal scheme over the importance of bringing forward MCCP.
18. The RLNS clearly identifies the growing scale of quantitative need in the period up to 2016 and the Appellant argues that allowing this scheme would bring about sustainability improvements by reducing trade leakage and travel distances for shopping trips. I do not find this argument compelling. Until the MCCP scheme is completed, Salisbury city centre is likely to continue failing to meet demand for higher-order comparison shopping and therefore this scheme should be the priority in planning terms, taking account of sustainability and consumer choice factors. Also, the forecasts of high levels of over-trading on the existing retail warehouse parks in Salisbury do not seem a good argument for permitting further out-of-centre development as in this case.

Sequential Approach

19. It was agreed at the Inquiry that the only sequentially preferable site to the appeal site is the land at MCCP. In regard to its availability and other matters, evidence was given to the Inquiry on behalf of Harvest Ltd Partnership (Harvest), which owns the long leasehold on the Maltings shopping centre. Harvest envisages that the scheme will open in December 2013, a year earlier than indicated in the SV.
20. Compared with other large town centre schemes this is a short timescale that allows little or no margin for slippage and in some respects appears very ambitious. Nonetheless, a number of factors support a shorter timescale in this case. The Council and Harvest own virtually the whole of the site and Harvest is a joint venture company formed by Land Securities Plc and J Sainsburys Plc. It seems unlikely that compulsory purchase procedures will be

required to any significant extent, and there is good reason to expect that one of the key anchors (Sainsburys as the foodstore operator) is almost secured. Detailed technical work is already underway and while design and parking issues in particular will be sensitive, there appears to be no overriding technical reasons why the site cannot be brought forward in a reasonable period of time for the scale of development envisaged. While not pre-judging the outcome of the examination into the submission Core Strategy, it seems to me that based on the public consultation and technical work already undertaken, there can be reasonable confidence in progressing detailed proposals for the scheme in parallel with the examination.

21. On the balance of all the evidence on availability, I conclude that there are reasonable grounds for expecting M CCP to come forward well before the Appellant's suggested opening date in 2017-2019. If the opening date were to slip beyond Harvest's prediction to 2014 (the SV expected date) or 2015, this would still seem to be reasonable availability, given the size of the intended scheme and its importance for Salisbury, and this appears to be achievable.
22. Turning to the issue of suitability, I consider that almost all of the potential occupiers listed by the Appellant could trade from the M CCP site since these retailers either already trade from town centres or could do so even if they chose not to. Furniture, represented by DFS on the Appellant's list may be an exception, although the proposed department store and other large floorplate units in M CCP could sell furniture and other bulky goods such as large electrical items. Therefore, having regard to the advice in paragraphs 3.15-3.18 of PPS6, I consider that M CCP should be regarded as a suitable alternative site for most if not all of the proposed elements of the appeal scheme, and the scale of the latter could readily be accommodated on M CCP.
23. There is no evidence to suggest that the proposed development would not be viable on M CCP. The viability of the M CCP scheme itself is not capable of public scrutiny, and I understand the Appellant's concern about the degree of trust sought on this matter and the basis for the Council's late change of stance on the sequential status of M CCP. However, given the current stage of the scheme, the information available supports a reasonable expectation that a viable redevelopment scheme will be brought forward. I have no reason to doubt the evidence that the feasibility study indicates that there is likely to be sufficient occupier demand to support the scale and content of the scheme. Detailed investigation of asset values, their saleability and availability for release to fund this and other key parts of the SV is underway but lack of such information at this stage is not critical in my view. There are uncertainties as a result of current economic circumstances but these are not unique to M CCP.
24. Overall, I conclude that M CCP is a more central site that is suitable and viable for the nature and scale of the appeal proposal and that it is likely to be available within a reasonable period of time.

Impact on Other Centres

25. There is no dispute that it is the impact on Salisbury city centre that is of concern in this appeal. As PPS6 advises in paragraph 3.22, there are a range of factors that should be taken into account in assessing impact, including the extent to which the spatial planning strategy for the area and for a particular

centre would be put at risk. In my view this requires an element of qualitative judgement, having regard to the particular circumstances of each case. The SV's proposal for MCCP does not yet form part of an adopted Core Strategy, but there can be very little doubt about its major importance for the future well-being of the wider area. In the light of the policy background I consider that it should be treated as part of the spatial planning strategy for the purposes of this appeal.

26. I note firstly that the Council's reason for refusal was about the danger of larger retailers moving out of the city centre to the appeal scheme, but its case and that of Harvest at the Inquiry concentrated on the danger of not attracting larger retailers into the MCCP scheme. This approach seems reasonable, given the small number of large unit retailers already in the city centre and the substantive evidence about the importance of attracting high street multiple retailers in order to claw back trade from strongly competing centres. Also, as the difference between the small Next store in Salisbury city centre and its much larger outlet on a retail warehouse park on Southampton Road illustrates, it is unlikely that retailers would maintain the same level of presence in a town centre scheme and an out-of-centre development.
27. It would be difficult to argue that the appeal scheme would, if permitted, completely undermine the MCCP scheme but in my view it would be likely to have a number of harmful effects. In particular, there is a real and significant danger that it would cause unacceptable delay in the implementation of MCCP by deterring potential occupiers, providing a competing attraction for retailers who might otherwise take up units in MCCP. Pre-lets are likely to be very important for the successful early implementation of MCCP, and there are a limited number of retail tenants available, particularly for the medium to large floorplate units that are a key part of the MCCP's concept.
28. The appeal scheme's non-bulky goods element would account for over 5,000 sq m of floorspace, the estimated equivalent of four or five large units in MCCP. Five of the six potential occupiers listed by the Appellant represent the type of retail offer for which MCCP would be in competition. Moreover, in difficult economic circumstances this is likely to be an even more significant factor and there is a real danger that the delivery of MCCP would be set back by the 'soft option' of the appeal scheme. For these reasons, I consider that the appeal scheme would put the planning strategy for Salisbury city centre at significant risk.
29. With regard to the second bullet point of paragraph 3.22, and given the scale of the MCCP scheme, its importance to Salisbury, and current economic circumstances which are unlikely to assist retail schemes in getting 'off the ground', every effort should be made to support the confidence of private and public sector investors in MCCP. Granting permission for a substantial element of non-bulky comparison goods retailing on the appeal site would not in my view engender such confidence, and Harvest's participation in the Inquiry supports this view. This investment is necessary to safeguard the vitality and viability of the city centre for the reasons set out above. Also, other important public realm improvements to the city centre will be delayed by any material slippage of the MCCP scheme.

30. So far as the other criteria in paragraph 3.22 of PPS6 are concerned, the Appellant has indicated that in a worst case scenario, the appeal scheme would have a 5% impact on Salisbury city centre. Even at this level I accept that in quantitative terms this is unlikely to be harmful, but neither this nor any absence of direct conflict with the other criteria of paragraph 3.22 overcomes my concerns about the particular impacts set out above. Also, PPS6 advises that the identification of need does not necessarily mean that there will be no negative impact; in any event, there is insufficient evidence of a quantitative need for both the appeal scheme and MCCP in the next five-seven years approximately, and the qualitative need will be addressed by MCCP. Overall, I conclude that the appeal scheme would have an unacceptable impact on Salisbury city centre.
31. In reaching this conclusion I have taken into account GVA Grimley's review of the Applicant's Supplementary Retail Report and the extent of its support for the appeal scheme. However, the review focused on the availability of sites to meet the identified need up to 2011 (the design year for the appeal scheme), but the Inquiry evidence leads me to conclude that MCCP should be regarded as 'available' in PPS6 terms and accorded considerable importance in the planning strategy for the area.
32. Also, GVA Grimley's endorsement is qualified, provided that the appeal scheme is "...substantially restricted to the sale of bulky goods or at the very least, to the preferred scheme tested by the Applicant." But for the reasons set out above I am not satisfied that the preferred scheme can be relied upon to protect against adverse impact on the city centre since much of its retail offer would compete with town centre retailing. Also, there is good reason to doubt that the potential occupiers of the relevant units could satisfy the suggested planning condition about the minimum percentage floorspace for bulky goods.
33. Furthermore, there is no evidence that another tenant mix which could comply with the suggested condition is likely to be forthcoming. The fact that the condition has been used for other out-of-centre schemes is not a sufficient endorsement, and given all of the above, it would not be reasonable to apply the condition on the basis that enforcement powers could deal with breaches.
34. I now move on to further material considerations, in particular the extant planning permission on the site, and whether the harm I have identified above could be overcome by imposition of other conditions.

The Fall Back Position

35. As referred to above, the extant planning permission has been implemented but it remains to be considered whether it is likely to be built out and how it would compare with the appeal scheme. The Appellant's evidence indicates that in the current economic climate it may take up to three years to pre-let the scheme and in my judgement it is most unlikely to be built without pre-lets. Also, the permission has not been taken up during a period of favourable trading conditions and it has been accepted that the design of the approved scheme is now dated and unlikely to suit occupiers' requirements. Accordingly, it seems very unlikely that the extant permission will be built out.
36. In any event, there are material differences between the permitted and appeal schemes in retail policy terms. The current appeal seeks permission for a

significantly larger development overall, of which over 5,000 sq m would be available for the sale of non-bulky items, whereas condition 15 of the permitted scheme restricts the range of goods that may be sold from any of the units. Difficulties of interpretation and enforcement may occur in regard to bulky goods conditions, but in my view the range of goods permitted by condition 15 is materially different from that which is now proposed, taking the appeal scheme as a whole into account, and a comparison on any other basis would not be meaningful. For all of these reasons I do not consider that the extant planning permission supports the grant of permission for the appeal scheme in the terms sought.

Conclusion on the First Issue and Scope for Planning Conditions

37. For the reasons set out above I conclude that the appeal scheme would harm Salisbury city centre by damaging the prospects for the MCCP scheme which is seen as a vital element in protecting and enhancing Salisbury's role as a sub-regional shopping centre. It would not accord with Policy DP6 of the WSSP (which is more up-to-date than SDLP) or with the advice in PPS6. Policy S7 of the SDLP, which appears to allocate the site for unrestricted comparison goods retail development, carries only limited weight for the reasons set out above and I do not consider that it overrides the other considerations.
38. The Council has made clear however that in the light of Policy S7 and the planning history of the site it considers that a "truly bulky goods scheme" would be acceptable on this site. No substantive case has been made against this position and, in the light of all the evidence, I consider that the proposed development would be acceptable in retail policy terms if planning conditions were to be imposed that restrict the range of goods to be sold to specified types of bulky goods, and restrict the minimum size of the units in order to secure the bulky goods character of the scheme. Draft conditions on these matters were agreed at the Inquiry.

Provision for Cycle and Pedestrian Access

39. There is no dispute that the proposed development would be generally accessible by a choice of transport modes, having regard to the advice in PPS6, Planning Policy Guidance note 13, *Transport* (PPG13) and the relevant development plan policies. But by the opening of the Inquiry one specific concern remained about the proposed route of the cycle and pedestrian connections with the wider area. The appeal scheme makes provision for a new footway and cycleway on its frontage on the north-western side of London Road and for its continuation onto Green Lane, via a new link along the southern boundary of the site. The existing section of footway on London Road that continues towards Bishopsdown roundabout is very narrow and there are concerns that cyclists would use this route, rather than the new link to Green Lane, thus endangering their own safety and that of others.
40. However, the new route via Green Lane would only be very marginally longer than the existing route on London Road and in my view it would be generally perceived as much more attractive, safe and convenient. Moreover, there are no other alternative routes that would offer the benefits of the appeal scheme's route. Taking all of the detailed proposals for the scheme into account, I

consider that it would meet the objectives of PPS6, PPG13 and the development plan policies for safe and sustainable access to new development.

Other Matters

41. I have taken into account the concerns of the Laverstock and Ford Parish Council, local residents and others about the traffic impact of this scheme and the cumulative effect of other development proposed in this area. These concerns are understandable, especially since the area has already witnessed considerable change and more growth is proposed. However the traffic and transport implications of the appeal scheme have been carefully assessed and the necessary measures and facilities for safe movement will be provided as part of the development. In some respects the appeal scheme will enable improvements, by better integration of cycle and pedestrian networks, enhanced public transport facilities and new traffic calming measures.
42. Concerns about the visual impact of the proposals, the effects on the amenities of local residents, increase in anti-social behaviour and other impacts have been noted fully, but I am not satisfied that the scheme would be harmful, subject to its implementation in accordance with the approved details and compliance with the planning conditions imposed. I have also taken account of Lothbury Property Trust's case about the benefits of its proposed expansion of retail warehouse development on Southampton Road compared with the appeal scheme, but it does not override the determining factors in this case.

Overall Conclusion

43. Taking all of these matters into account I consider that, while the proposed mix of bulky and non-bulky comparison goods retailing would be unacceptably harmful to Salisbury city centre, the development should be allowed subject to a bulky goods condition and one controlling the minimum size of the units. Also a number of other conditions as proposed by the Council and discussed at the Inquiry are necessary. These conditions on the detailed design and finishes of the scheme, hard and soft landscaping, environmental and other conservation measures, sustainable construction, provision of and control over cycle and car parking, servicing and related facilities, an acoustic barrier and other noise insulation measures, lighting, opening hours and delivery times, hours of construction, drainage, and archaeological investigation are necessary in the interests of the proper planning and development of the area. In the light of Circular 11/95 I have amended the wording of the suggested conditions in the interests of precision and relevance to the permission and have deleted the final sentence of the bulky goods condition in the interests of enforceability.
44. All of the other matters raised have been taken into account, but none of them outweigh the considerations that have led to my decision.

Mary Travers

Inspector

Schedule A: Planning Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the submitted details of materials unless otherwise agreed in writing by the Local Planning Authority.
- 3) No development shall take place until large scale (1:10) details of the windows/doors/entrance canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until large scale details of the proposed bicycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved staff and users' car parking and bike spaces shall be made available prior to any of the retail units first coming into operation.
- 5) The acoustic barrier shall be designed with a minimum superficial density of 10kg/m² and of minimum 3 metres in height. The barrier shall be fully erected prior to any of the retail units first coming into use, and shall thereafter be retained and maintained in accordance with a scheme of repair and maintenance to be submitted to and approved in writing by the Local Planning Authority prior to the barrier being erected.
- 6) Before erection of any equipment on the buildings, there shall be submitted to and approved in writing by the Local Planning Authority a scheme for insulation against noise emissions from extractor fans, compressor motors and all similar equipment. The approved scheme shall be implemented before any part of the development opens for trading. Any equipment proposed must be able to achieve a 35decibel (A) rating as outlined in the noise assessment report submitted with the planning application, unless otherwise agreed in writing by the Local Planning Authority.
- 7) A scheme to restrict the removal of customer trolleys from the retail park site shall be submitted to and approved in writing by the Local Planning Authority prior to the retail units first coming into operation. Development shall be carried out in accordance with the approved scheme.
- 8) No development shall take place, including site clearance, until a Construction Environmental Management Plan and Nature Conservation Management Plan have been submitted to and approved in writing by the Local Planning Authority which covers the following points:
 - a) Tree protection and retention along Green Lane and the southern boundary of the site;
 - b) A scheme for the assessment, protection and translocation of existing reptiles;
 - c) The provision of bird boxes on the proposed landscaping areas;
 - d) Lighting on site during construction and the control of light pollution;
 - e) The parking of all vehicles associated with construction within the confines of the site;

- f) The protection of the aquifer, river system, ecology and adjacent residential uses from pollution during construction; and
- g) The detailed management and maintenance of the enhanced landscaping areas.

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

10). There shall be no site vegetation clearance between March-August inclusive, unless otherwise approved in writing by the Local Planning Authority upon submission of a suitable wildlife survey of the site.

11) The retail units hereby permitted shall not be open to the public outside the following times:

Mondays to Saturdays – 07:00 hours to 21:00 hours

Sundays and Public Holidays – 08:00 hours to 18:00 hours

12) The development shall be carried out in full accordance with the internal layout of the 8 retail units shown on the plans hereby permitted, the minimum unit size being 929 sq. metres. There shall be no subdivision of any of the units or any additional internal floor space created (including any insertion of mezzanine floors) not covered by this permission.

13) Before the retail units hereby permitted are first brought into use, a scheme for the erection of operational solar panels on the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

15) No development shall take place until details of the proposed hard landscaping/surfacing have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out as approved.

16) No development shall take place until full details of the construction of a shared cycleway/footway along Pearce Way and London Road together with a new link between London Road and Green Lane, including new bus shelter, raised kerbs, any additional street lighting and all works contained within the existing public highway at the proposed access point, all as indicated on drawing number 1780/P/32S, have been submitted to and approved in writing by the Local Planning Authority; the works shall be constructed in accordance with the approved details prior to first use of the development.

17) Delivery of goods to the retail units shall not take place outside the following hours:

Monday to Friday – 07:00 hours to 20:00 hours

Saturday – 08:00 hours to 14:00 hours.

There shall be no deliveries to the retail units on Sundays and Public Holidays.

18) The hours of construction of the development hereby permitted shall be limited to the following times:

Monday to Friday – 07:00 hours to 18:00 hours

Saturday – 08:00 hours to 13:00 hours.

There shall be no construction work carried out on Sundays and Public Holidays.

19) No development shall take place until a scheme for the discharge of surface water from the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority, and the drainage scheme shall be carried out and retained in accordance with the approved details. The scheme submitted shall limit surface water run-off, and shall involve safe management and on-site storage of surface water in excess of the design capacity of the drainage system.

20) No development shall take place until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

21) Notwithstanding the provisions of Class B of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the areas set aside for car parking and servicing ancillary to the associated retail units shall be used for that purpose only.

22) No development shall take place until the Applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.

23) The development hereby permitted shall achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of 'very good'. No unit shall be occupied until the post-construction stage assessment and subsequent BREEAM Certificate certifying that 'very good' status has been achieved has been issued.

24) The range and type of goods to be sold from the non-food 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; and bulky electrical goods.

APPEARANCES

FOR THE APPELLANT

Mr R Harris, Queen's Counsel - instructed by Indigo Planning Ltd.

He called:

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Ms Z Leventhal of Counsel - instructed by Head of Legal and
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She called:

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INTERESTED PERSONS

Laverstock and Ford Parish Council, represented by Cllr A Markham
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Lothbury Property Trust Company Ltd, represented by Mr M McFarland, Turley
Associates, Brunswick House, Brunswick Place, Southampton SO15 2AP.

DOCUMENTS FROM THE INQUIRY

1. Attendance List
2. Letter of notification of the Inquiry
3. Statement on behalf of Lothbury Property Trust Company Ltd.

Documents put in by Ms Leventhal

4. Chronology of publications, decisions, public consultations etc.
5. Corrected Appendix 4 to Mr Dance's proof of evidence
6. The Salisbury Vision
7. Planning Brief 2001 for the MCCP site
8. Note from Mr E Teagle on the proposed redevelopment of MCCP
9. Extract from the Proposals Map, SDLP
10. Response note from Mr Eves
11. Summary proof of evidence of Mr Charles Russell-Smith
12. Secretary of State's Direction Letter on saved policies.
13. Schedule of proposed saved policies submitted by the Council to the Secretary of State
14. Extract from report by Mr G Gould to the Salisbury Vision Steering Group on public consultation July-October 2007
15. Draft condition on bulky/non bulky goods
16. Draft condition on bulky goods only
17. Opening and Conclusion submissions

Documents put in by Ms Lieven

18. Rebuttal proof of Mr Stephenson
19. Appeal decision on B&Q, Will Adams Way, Gillingham, Kent
20. Extract from Topic Paper 8, Addendum
21. Vision for Salisbury, Area Development Framework, Final Report, April 2007
22. Opening and Closing Submissions

Documents put in by Mr Harris

23. S106 Planning Obligation
24. Agreed Statement on the road lowering works at St Thomas's bridge
25. Extract from Proposed Modifications to the SDLP September 2002
26. Revised Table 4b, GVA Grimley assessment of capacity amended to include increase in market share

Application Number:	S/2009/1903		
Deadline	12/02/10		
Site Address:	THE CORN MILL CROUCHESTON BISHOPSTONE SALISBURY SP5 4BU		
Proposal:	REDEVELOPMENT OF SITE TO PROVIDE ONE NEW HOUSE INCORPORATING OFFICE WORKSHOP		
Applicant/ Agent:	ALEXANDRA MUNDAY		
Parish:	BISHOPSTONEFOV/CHALKEVALLE		
Grid Reference:	406444 125399		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

Reason for the application being considered by Committee

Councillor Green has requested that this item be determined by Committee due to:

- (i) the scale of development
- (ii) design – bulk, height, general appearance, and
- (iii) the public interest shown in the application

1. Purpose of Report

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

2. Main Issues

The main issues to consider are :

1. The principle of the proposed development
2. Loss of the site for employment use
3. Impact on the surrounding AONB
4. Impact on protected species and the adjacent Ecological Area
5. Scale design and materials
6. Impact on neighbour amenity
7. Highway safety and impact on the adjacent Right of Way
8. Flood risk

3. Site Description

The proposal relates to a modern corn mill, situated within a 1600 square metre site, to the western end of Croucheston. An animal feed processing/distribution plant last operated from the site, until 1998. The building has remained disused since, and is now falling into a state of disrepair. It is a significant sized building, occupying the majority of the site area and extending

to over 11 metres in height, and is of a modern industrial appearance with corrugated iron and fibre cement materials. There is a second building on the site, of a much more modest scale, which fronts onto the lane.

The site has historically been used as a corn mill with the original building, apparently demolished in 1944, being sited closer to the river which would have powered a water wheel. The site is accessed from a narrow no-through lane which also serves 5 other dwellings. It is situated on the bank of the River Ebble, although just outside of the higher flood risk zones (2 & 3), and is within the countryside and AONB.

4. Planning History

99/0741	Erect 3 dwellings (O/L)	R	06.09.99
00/0563	Erect 2 detached dwellings (O/L)	R	19.06.00
02/0148	Demolition of mill & erection of two detached dwellings and alterations to access	WD	04.09.03
08/2130	Redevelopment of site to provide one new house integral garage	WD	17.04.09

5. The Proposal

The application proposes the demolition of the main corn mill building and the erection of a single dwelling. The existing smaller building towards the north east of the site is to be retained and used as a garden shed/store.

6. Planning Policy

- Salisbury adopted (saved) local plan policies G1 & G2 (General Criteria for Development)
- Salisbury adopted (saved) local plan policies D1 & D2 (Design)
- Salisbury adopted (saved) local plan policy E16 (Employment)
- Salisbury adopted (saved) local plan policy C11 & C12 (Nature Conservation)
- Salisbury adopted (saved) local plan policies C4 & C5 (Landscape Conservation)
- Salisbury adopted (saved) local plan policy C2 (The Rural Environment)
- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS7 – Sustainable Development in Rural Areas

7. Consultations

Wiltshire Highways

No objection subject to conditions concerning i) height and position of front boundary wall; ii) surface water drainage; iii) provision of consolidated, un-gated access.

Environment Agency

No objection, subject to Conditions in respect of flood risk, contaminated land, pollution control during construction and water efficiency measures

Natural England

No comments

District Ecologist

No objection subject to Barn Owl mitigation Condition

Environmental Health

No response received

Rights of Way

No objection

Wessex Water

Standard advice letter for water supply and foul and surface water disposal

Wilts Fire & Rescue Service

Standard advice letter re fire appliance/fire fighting access, water supplies for fire fighting and domestic sprinkler protection

Bishopstone Parish Council

Objects to the size and design of the proposed building: Too large, excessive height and out of keeping with the village character

8. Publicity

The application was advertised by site notice and neighbour notification letters
Expiry date 08.02.10

Thirteen Third Party responses raising objections/concerns were received. Reasons include:

- Overdevelopment of site
- Excessive scale/height/footprint
- Inappropriate design/out of keeping with village
- Loss of privacy to neighbours/noise from workshop/overshadowing
- Limited amenity space
- Affect on barn owl habitat

- Light pollution
- Limited visibility for vehicles leaving front driveway
- Effect on Right of Way
- Potential for further development on the site, such as subdivision to multiple dwellings, commercial development, industrial use

9. Planning Considerations

9.1 *The principle of the proposed development*

The application site is not designated for housing in the Local Plan and is outside of a Housing Policy Boundary, Housing Restraint Area or Special Restraint Area. Consequently it is not a site where new residential development would normally be permitted.

Policy H22 makes provision for the redevelopment of previously developed land outside a Housing Policy Boundary, but only in the main settlements of the District (which does not include Croucheston or Bishopstone). Neither is the development proposed a replacement dwelling (policy H30), affordable housing (policy H25 & H26) or housing for rural workers (policy H27), which are the other notable exceptions to new residential development in the countryside.

The applicant cites policy E16 to justify the principle of development. However, this is a policy with a protectionist aim, seeking to retain employment, rather than one which permits the principle of housing, although it does permit redevelopment of such sites where there may be environmental and/or conservation benefits.

Consequently the development would only be acceptable in the case that there are significant material considerations which justify the proposal.

Government guidance, in the form of PPGs and PPSs, are one such material consideration. However, the guidance contained within the relevant national policies, namely PPS1, PPS3, PPS7 and PPG13, are generally in line with the development plan, in that they direct development to sustainable settlements which are well served by public transport and accessible to a range of local services and places of employment. Croucheston is not considered to be such a settlement. For instance, para. 1(v) to PPS7 states that:

Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

Furthermore it is made clear at para.20 to PPS7 that:

The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG3 and, where appropriate, paragraph 10 of this PPS.

PPS7 does introduce one additional exception to residential development in the countryside,

beyond those specified within the development plan, relating to exceptionally well designed housing proposals, which is covered in para. 11:

Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area.

The merits of the proposal in design terms shall be examined further into this report, although it is noted that the applicant has not tried to justify the application on the grounds of this exception.

Beyond national planning policy, the other material considerations in this case can be regarded as the benefits of developing the site for residential purposes over the existing situation (and the fall-back authorised industrial use of the site). These potential benefits are considered to be: (i) improvements to the character and appearance of the area; (ii) improvements to the residential amenities of the area; and (iii) a reduction in the size and number of vehicular traffic generated from the site. The significance of such “planning gain”, and whether it amounts to special circumstances to outweigh rural restraint policies, will be examined in detail further at the conclusion of this report.

9.2 The loss of the site for employment use

The site’s former use as a processing/distribution plant for animal feed is understood to have ceased in 1998.

Policy E16 requires applicants to demonstrate the viability of employment uses if their redevelopment for non-employment use is to be permitted. However, the applicant has provided no detailed financial information as to why the former business was no longer viable, or why the site would not be appropriate for re-use on an employment basis.

However, the clearly evident problems concerning the potential for re-establishing the former industrial use of the site are noted, and these include:

- the nature of the surrounding road network in relation to the type (size) and number of vehicles likely to visit the site;
- the nature of activities generated by the site (noise, dust, odour, vehicle movements etc) in relation to immediately surrounding residential properties;
- the limited scope to expand the site for a growing business, by reason of the physical constraints of the site and the nature of the serving road network.

Furthermore, it is noted that the existing buildings on site are unlikely to be practical for re-use by other businesses given their specific design for their original use, and current apparent dilapidated condition.

It is considered that these are issues which could affect the viability of the site for employment purposes, or at least would make the site not particularly appropriate for heavy industrial use. However, there are many businesses which can successfully operate in rural areas without having an adverse impact, and such businesses can provide valuable employment in rural areas. The redevelopment of the site for employment purposes, providing a replacement building of a more appropriate appearance, and providing a less intensive form of business, could constitute a sustainable form of development for the site. It is also noted that government guidance is supportive of mixed use development on the grounds of sustainability and that a live/work unit (such as that proposed) could also be an appropriate, sustainable form of development.

The applicants have provided details of the operations of the mill prior to its closure in 1998. Prior to its closure the mill produced approximately 13,000 tonnes of feed annually and generated a significant amount of activity. The only access to the site is from the east, through the settlement of Crouchstone and the village of Bishopstone which is served by a network of narrow and winding lanes. The applicants state that large, often articulated goods vehicles used these roads to collect feed from the mill on a daily basis. Additionally, 6 staff visited the site daily by car and on average 6 customers also visited daily, often in tractors with trailers. The applicants estimate that the operation of the mill generated in the region of 190 trips per week through the village.

The applicants have stated that it would require a significant increase over the previous levels of feed production to make the mill viable to resume industrial operations at the site. Any such increase in production levels would inevitable result in the resumption of use of the village road network by associated vehicles at a higher level than was previously experienced (i.e. more large goods vehicle movements in the narrow lanes).

Taking into consideration the relatively remote location of the site, being served by only narrow rural lanes, and taking into consideration the increased sustainability of the 'live-work' element of the proposed redevelopment, it is considered the principle of the residential redevelopment of the site can be viewed as acceptable within the context of policy E16 as the previous employment generating use of the site has proved unviable and the proposal for redevelopment would, in its effect in removing the existing large industrial building and creating a residential use that would reduce the impact of vehicle movements associated with the site on the local village roads, bring improvements to the local environment, thereby outweighing the loss of local jobs.

9.3 Scale, design and materials, impact on the character of the area and landscape of the surrounding AONB

The existing redundant mill building has a significant impact within the street scene and local area due to its scale and height, utilitarian design and industrial appearance, and its position immediately next to the lane and public footpath, and consequent relationship with the surrounding open countryside. It is noted, however, that the site's location at the bottom of a valley, where there are a number of trees affording a degree of natural screening, reduces the visual impact of the building in wider landscape views within the landscape of the Area of Outstanding Natural Beauty.

Whilst the existing building is considered unsightly, particularly within its immediate vicinity, it is not an untypical structure within the countryside and is similar in scale, design and materials to agricultural barns and grain plants found in the surrounding rural area.

It is noted that the design of the proposal follows recommendations taken from the Council's Design Forum. Whilst it is considered that the general philosophy of a mill building could produce a high quality building that is appropriate to its context, especially bearing in mind the historical use of the site, the scale and massing of the proposal has been viewed in third party representations and by the Parish Council as excessive. However, the proposed dwelling, whilst substantial in size, is of a lesser footprint, height and mass than the existing corn mill.

The proposed dwelling is set over 2/3 stories with a maximum height of approximately 8.5 metres at its tallest central section, and is constructed using red brick facing elevations (with subservient elements of painted boarding) under clay tile and natural slate roofs. The design of the proposed dwelling is intended to resemble that of a traditional mill building. The eastern end elevation of the proposed building is set back by approximately 7.5 metres compared with the easternmost extent of the existing building, and is set in from the westernmost extent of the existing mill building by approximately 10 metres. The southern facing wall of the proposed dwelling (running parallel to the adjacent Right of Way) is set in from the boundary of the site by approximately 0.6m.

The proposed dwelling therefore constitutes a significant reduction in the scale of the existing built form on the site in respect of footprint, height, massing, length and width.

It is considered the reduction in the scale of the proposed dwelling, when viewed in comparison to the existing building on the site, would result in a significant reduction in the existing adverse impacts on the character of the immediate and wider surrounding area. The proposal would therefore improve the surrounding area in terms of the layout and form of the development, the scale and character of the area in terms of building height, density, elevational design and materials.

The proposed development would enhance the character and appearance of the area in accordance with Design Policies D1 and D2 of the adopted local plan.

9.4 Impact on neighbour amenity

A residential use of the site could potentially improve the residential amenities of the area, through the removal of noise and traffic that could otherwise be generated from the corn mill use. However, given the existing disuse of the site and the doubtful viability over the future re-use of the existing building, the actual benefits of a residential use are difficult to assess.

With regards to the affect of the proposed building, it is considered that its bulk would not have an unacceptable affect upon existing dwellings, and it is noted that the front of the building has been pulled away from the nearest neighbours. With regards to privacy, the following assessment is made on the affect of the proposal on nearby dwellings:

The Stables

This is situated to the south of the site where the side elevation would face onto part of its curtilage. However, loss of privacy would be reasonably limited, with significant overlooking of this neighbour's rear garden being prevented by the distances and angles of overlooking involved.

Ferngrove

The front (east) elevation of the proposal would face onto the front curtilage of this neighbour,

separated by a distance of approximately 15 metres. The distance between the front elevation of the proposed new dwelling and the west elevation of Ferngrove is approximately 38 metres. In between exists the lane and the boundary to Ferngrove which consists of a cobb wall, with planting behind. Some of this planting consists of a dense and high conifer hedge, presumably grown to screen the existing building from view. This would also serve to effectively screen much of the curtilage of Ferngrove from view of first and second floor windows in the east elevation of the proposed dwelling. Some views might still be possible from these windows into part of the front curtilage, although given the distances involved and the lesser weight that might be attached to privacy in this part of the curtilage, it is not considered that such overlooking would be so significant as to warrant refusing the scheme.

With regards to windows in the northern elevation, the conifer hedge would also prevent views of the more private swimming pool and terrace areas. Some overlooking may be possible to the rearmost part of the garden, although such views would be restricted to a particularly oblique angle and over reasonably significant distances. It is noted that one of the windows in the north elevation would have a glazed full-length double 'doors' arrangement, although this would not offer an outdoor viewing platform.

It is therefore considered the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

9.5 Highway safety and impact on the adjacent Right of Way

The amount and type of traffic generated from a residential use of the site is likely to be of a lower key than a full employment type use, with less vehicle movements and involving smaller vehicles, and would therefore be more appropriate to the capacity and character of the surrounding rural roads.

With regards to the details of the proposed vehicular access and parking within the site, the Highways Authority have raised no objection, subject to conditions, notably including the position and height of the front boundary wall.

The Rights of Way officer has assessed the proposal and considers there would be no adverse effect on the Right of Way running adjacent to the site. The Rights of Way officer has consequently raised no objection to the proposed development.

9.6 Impact on Nature Conservation interests

The application site is used by Barn Owls. Nesting has not been proven, but survey evidence suggests it is likely that breeding occurs at or near the site. The current application is accompanied by a Barn Owl Mitigation Strategy (dated 14.10.09). The District Ecologist has assessed the proposal and mitigation and raises no objection, subject to the proposals contained within the mitigation strategy being made a Condition of any approval.

9.7 Flood Risk

Although situated adjacent to the river, due to the site levels, the footprint of the proposed dwelling falls outside of the higher flood risk zones. The Environment Agency therefore raise no objection in flood risk terms, subject to Conditions requiring (i) appropriate treatment of surface water drainage, (ii) a precautionary measure to set the floor level of the dwelling 600mm above existing ground levels, (iii) a desk study contaminated land assessment, (iv) Pollution control during construction mitigation, and (v) water efficiency measures to be incorporated into the

scheme.

9.8 Provision of recreational open space (Local Plan Policy R2)

The applicant has indicated their willingness to enter into a legal agreement to provide a financial contribution in accordance with policy R2. However the agreement has not yet been received at the time of writing of this report.

10. Conclusion

Taking into consideration the relatively remote location of the site, being served by only narrow rural lanes, and approached through an established village settlement, taken together with the proximity of the application site to existing residential properties, it is considered the principle of the residential redevelopment of the site can be viewed as acceptable within the context of policy E16 as the previous employment generating use of the site has proved unviable and the proposal for redevelopment would, in its effect in removing the existing large industrial building and creating a smaller building for residential use that would reduce the impact of vehicle movements associated with the site on the local village roads, bring improvements to the local environment, thereby outweighing the loss of local jobs.

It is a material consideration that the benefits of developing the site for residential purposes over the existing situation (and the fall-back authorised industrial use of the site) include: (i) improvements to the character and appearance of the area; (ii) improvements to the residential amenities of the area; and (iii) a reduction in the number of vehicular traffic movements generated from the site and in the surrounding area, together with the avoidance of large goods vehicles visiting the site on a regular basis. The significance of such improvements to residential amenity, highway safety and the local environment are considered to amount to special circumstances to outweigh the normal rural restraint policies, and, on balance, the proposed residential redevelopment of the site for one dwelling with home office live/work capabilities is justified in this case.

The proposed development accords with the provisions of the Development Plan, and in particular Policies G1 & G2 (General Criteria for Development), D1 & D2 (Design), E16 (Employment), CN11 & C12 (Nature Conservation), C4 & C5 (Landscape Conservation), and C2 (The Rural Environment) of the saved policies of the adopted Salisbury District Local Plan, and the aims and objectives of PPS1, PPS3 and PPS7, insofar as the proposed development is considered compatible in terms of the scale, design, materials and character of the surrounding area, and would not adversely affect the amenity of neighbours. The proposed development would bring about improvements in the amenity of adjacent residential occupiers and improvements to the local environment. The proposed development would not adversely affect nature conservation interests or the natural beauty of the surrounding AONB.

Recommendation

Approve, subject to the applicant entering into a legal agreement related to the payment of a commuted sum in accordance with policy R2 of the adopted local plan, and subject to the following Conditions:

Reason for approval

The proposed development accords with the provisions of the Development Plan, and in particular Policies G1 & G2 (General Criteria for Development), D1 & D2 (Design), E16 (Employment), CN11 & C12 (Nature Conservation), C4 & C5 (Landscape Conservation), and C2 (The Rural Environment) of the saved policies of the adopted Salisbury District Local Plan, and the aims and objectives of PPS1, PPS3 and PPS7, insofar as the proposed development is considered compatible in terms of the scale, design, materials and character of the surrounding area, and would not adversely affect the amenity of neighbours. The proposed development would bring about improvements in the amenity of adjacent residential occupiers and improvements to the local environment. The proposed development would not adversely affect nature conservation interests or the natural beauty of the surrounding AONB.

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

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

2. No development shall commence on site until details and samples of the materials to be used for the external walls, roofs and boundary wall(s) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY- D2 (Design) & C5 (Landscape Conservation)

3. The first floor workspace area of the development hereby permitted shall be used as a home office/workspace area ancillary to the residential use of the main dwelling and for no other purpose.

REASON: The workspace accommodation is intended to be integrated with the dwellinghouse. The development is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate business use in addition to the approved dwellinghouse.

POLICY - G1 & G2 (General Criteria) & C2 (The Rural Environment)

4. Notwithstanding the details shown on the approved application documentation, the new sections of boundary wall to the east of the dwellinghouse (i.e. those either side of the proposed vehicular access) shall not exceed one metre in height above the adjoining carriageway level.

Reason - In order to provide adequate visibility at the south-eastern site access, in the interests of Highway safety.

Policy - G2 (General Criteria for Development)

5. The development hereby permitted shall not be first occupied until the entrance forecourt between the edge of the carriageway and the gates, has been properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The access shall be maintained as

such thereafter.

Reason - In the interests of Highway safety

Policy - G2 (General Criteria for Development)

6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the Highway, in accordance with details to be submitted and approved in writing by the local planning authority.

Reason - In the interests of Highway safety

Policy - G2 (General Criteria for Development)

7. Development shall be carried out in strict accordance with the submitted Barn Owl Mitigation Strategy produced by Chalkhill Environmental Consultants, dated 14.10.09.

Reason - To mitigate against the potential for adverse impacts on protected species, namely Barn Owls.

Policy - C12 (Nature Conservation)

8. The finished floor levels of the proposed development shall be set a minimum of 600mm above ground levels, as specified in the Flood Risk Assessment compiled by GWP Consultants dated June 2006.

Reason - To minimise flood risk

Policy - In accordance with PPS25

9. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

POLICY- G2 (General Criteria) & PPS25

10. Prior to the commencement of development, a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1above) to provide information for an assessment of

the risk to all receptors that may be affected, including those off site.

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

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

Any changes to these agreed elements require the express consent of the Local Planning Authority.

REASON - To ensure the proposed development will not cause pollution of Controlled Waters.

Policy - In accordance with policy G2 (General Criteria) and PPS25

11. No development shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. Development shall be in accordance with the approved details and agreed timetable.

REASON - To prevent pollution of the water environment

Policy - In accordance with policy G2 (General Criteria) and PPS25

12. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

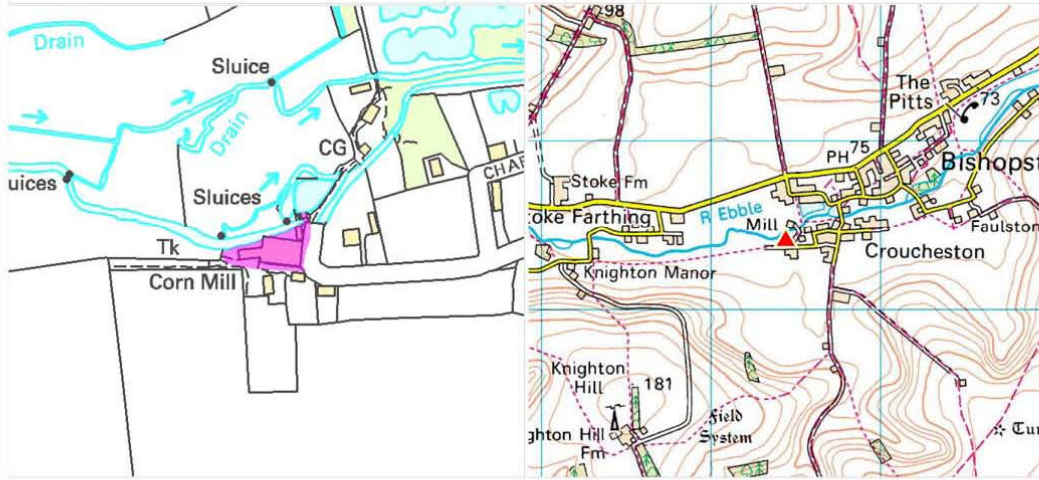
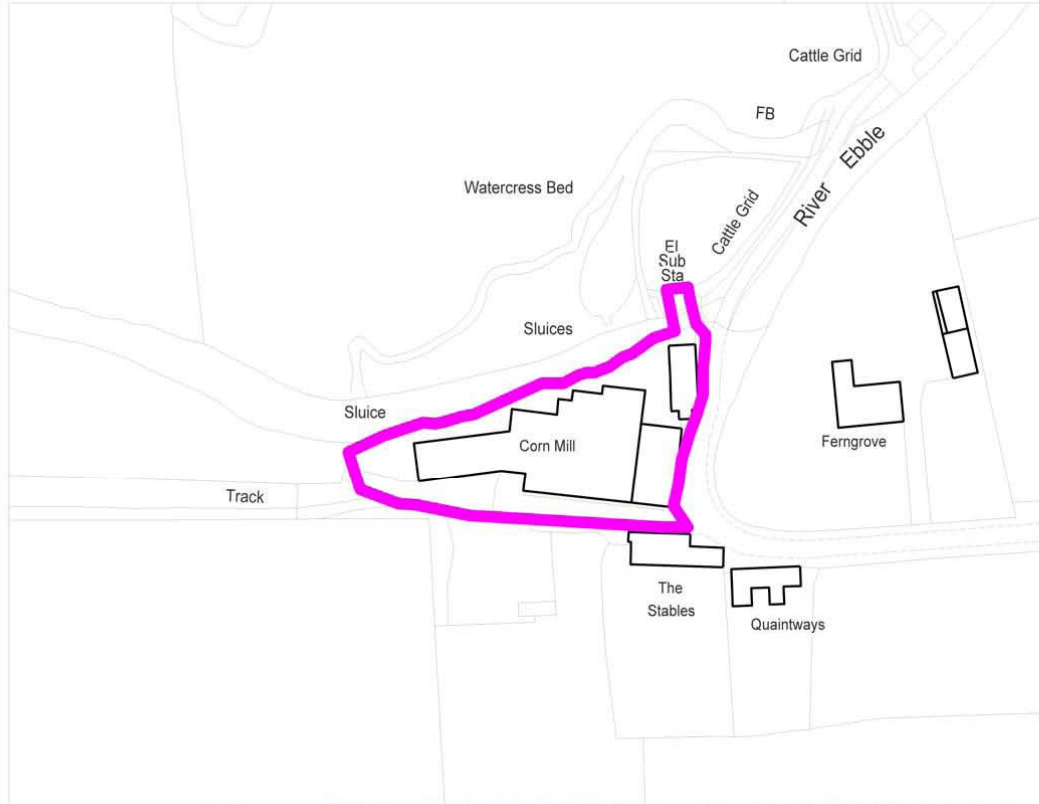
REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

POLICY- G2 (General Criteria for Development)

Appendices: None

Background Documents Used in the Preparation of this Report: Development plan documents as detailed at 6 (above)

Site Visit:



Application Number:	S/2009/1934		
Deadline	17/02/10		
Site Address:	LAND ADJACENT ROSE COTTAGE THE STREET TEFFONT SALISBURY SP3 5QY		
Proposal:	PROPOSED DWELLING		
Applicant/ Agent:	MR TONY ALLEN - WGDP LTD		
Parish:	TEFFONTNADDER/EASTKNOY		
Grid Reference:	398933 132320		
Type of Application:	FULL		
Conservation Area:	TEFFONT MAGNA & EVIAS	LB Grade:	
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

Reason for the application being considered by Committee

Councillor Wayman has requested that this item be determined by Committee due to the local interest in the proposed development, the support of the Parish Council, the visual impact of the proposed development on the surrounding area and the relationship to adjoining properties.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED

2. Main Issues

The main issues to consider are:

1. The impact on the character and appearance of the Teffont Conservation Area, Housing Restraint Area and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty
2. The impact on highway safety
3. Flood Risk
4. The impact on protected species
5. The impact on the amenities of nearby properties
6. Public Recreational Open Space

3. Site Description

The site consists of an existing dwelling, Rose Cottage, and its garden, in the village of Teffont (Magna). The dwelling is of Chilmark stone construction under a clay tile roof.

In planning terms the site is within a Housing Restraint Area, the Teffont Conservation Area, and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

4. Planning History		
Application number	Proposal	Decision
S/99/1358	Two storey main entrance porch, extension in stone, extension with glazed porch/greenhouse	Approved with Conditions on 8 th October 1999
S/99/1389	Demolition of kitchen dining area	Approved with Conditions on 1 st October 1999
S/2008/1281	Fell 1 x spruce, 3 x fruit trees, 1 x elder	No Objection, 1 st September 2008
S/2009/1243	Proposed dwelling	Withdrawn

5. The Proposal

The application proposes the erection of a new, two-bedroom, two storey dwelling (ie including accommodation within the roof). The dwelling would be constructed of Chilmark stone with clay tiles. It would have a height of 6.5m (slightly lower than Rose Cottage at 7.1m), a length of 10m and a width of 5m.

The application is identical to the previously-withdrawn application reference S/2009/1934, except that this application contains further information and justification in terms of flood risk, the impact on the Conservation Area, and the impact on light available to the existing dwelling.

6. Planning Policy

The following policies are considered relevant to this proposal

Adopted Salisbury District Local Plan (saved policies)

G1, G2 – General Development Criteria
 C4, C5 – Development in the AONB
 D2 – Infill Development
 C12 – Protected Species
 H19 – Development in Housing Restraint Areas
 CN8, CN10 – Development within Conservation Areas
 R2 – Public Recreational Open Space

National Planning Guidance

PPS7 – Sustainable Development in Rural Areas
 PPS9 – Planning and Nature Conservation
 PPG15 – Planning and the Historic Environment

7. Consultations

Parish Council

Support

Highways

Recommend that no highway objection is raised subject to the conditions relating to the following matters:

- A condition to ensure that vegetation attached to the lower part of the two trees fronting the property adjacent to the site are maintained clear of vegetation (ivy etc) for the first 2m of their height, measured from carriageway level (in the interests of providing adequate visibility);
- Prevention of the erection of any structures, plants etc above 1m in the visibility splay;
- The access shall be un-gated;
- The access gradient shall be no steeper than 1 in 15 for the first 5m;
- A scheme for the discharge of surface water;
- A vehicle turning area shall be provided for a maintained for that purpose on site;

Environment Agency

We have no objections to the development as proposed subject to conditions relating to flood risk and water efficiency which are detailed below being attached to any permission granted. A section 106 agreement will also be required to ensure that safe access/egress during a flood event can be maintained in perpetuity through the garden of Rose Cottage.

Flood Risk

The site of the proposed development falls marginally within Flood Zones 3 (high probability/1:100 year) and 2 (medium probability/1:1000 year) as defined within Table D.1 of Planning Policy Statement 25 (PPS25) Development and Flood Risk. In accordance with the requirements in PPS25 the application is supported by a site specific Flood Risk Assessment (FRA).

The FRA supplied (ref: Laurence Waterhouse Consulting Ltd - Rose Cottage ver. 4) demonstrates the proposed scheme will remain safe from flood risk for the lifetime of the development in accordance with PPS25.

We note that the FRA proposes an access/egress route via elevated ground to the rear and north-east of the site. As this route is seen to traverse ground outside of the application site and potentially within different ownership (namely Rose Cottage), a formal agreement will be required to ensure that the proposed evacuation route is available now and for all future occupiers of the development. The planning authority should be satisfied that sufficient legal

measures are in place to secure this evacuation route and necessary easement through the neighbouring property.

Recommend conditions requiring that development is carried out in accordance with the FRA, including minimum floor levels (no lower than 21.30m above Ordinance Datum), and a condition that development shall not begin until a surface water drainage scheme for the site has been submitted.

Water Efficiency

It is important that water efficiency measures are incorporated into this scheme. This conserves water and allows cost savings for future occupants. A condition should be applied requiring a scheme of water efficiency measures.

Arboriculturalist

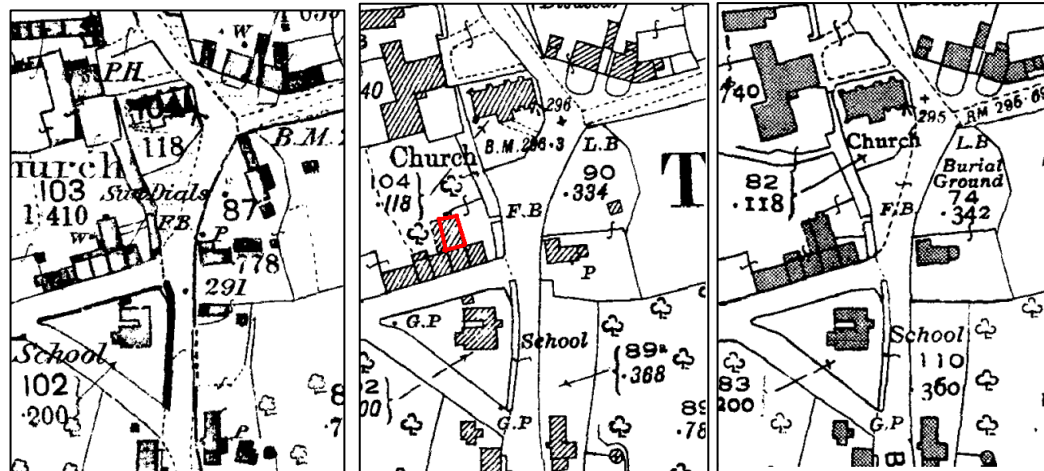
No objection provided development is carried out in accordance with the Arboricultural Method Statement.

Conservation

I include and reiterate my comments on the previous proposal:

"I object to the proposal for its failure to preserve or enhance the character of the conservation area.

The site is currently garden to the south of Rose Cottage; this is probably the least densely built area of the village and is particularly green with hedges and trees. Dwellings are generally detached and in plots of generous width – there is approx 45m from the southern side of Rose Cottage to the northern side of the nearest dwelling to the south. The proposal, therefore, to insert a new dwelling just 6m to the south of Rose Cottage cannot fail to have an adverse impact on the existing character of the area, giving a cramped feeling which is alien to the area. The considered design and use of local materials are at least mitigating factors, but in my view the impact on the rural street scene, particularly by the loss of green boundary caused by the necessary driveway and the cramped nature of the site, would be too substantial."



This new application makes a case for the area having previously been more densely developed than it is today. This largely seems based on three factors: 1. there had been a building, possibly two cottages, to the north east of the

site, 2. there had been a large cottage opposite and 3. there had been outbuildings to the east and south of Rose Cottage. The building to the north east was demolished in the early 20th century and the cleared site was possibly used as a field, and later became a burial ground, as shown in the maps below. These chronologically arranged maps also show the presence of the 'large cottage' opposite (highlighted in red), and the applicants have supplied photographs of this. This cottage was some distance from the street, set back across the stream behind its front garden, and was demolished in the mid 20th century. The left hand (oldest) map shows the presence of a detached outbuilding to the northeast of the property, which had either been demolished or subsumed by the later maps; and another to the south, in the then garden of the house now known as Thatches. These had both gone by the early 20th century.

In my view, while there clearly were a few other buildings which have been long since demolished, they would have made little difference to the setting of Rose Cottage, which was generously spaced from its neighbours.

I therefore maintain my objection, and suggest that particular consideration be given to policies H19, CN8, CN10, and para 4.19 of PPG15.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification with an expiry date of 2nd February 2010.

4 letters of support have been received, making the following comments:

- Need for affordable housing within the village;
- Materials and design of the dwelling is attractive;
- Dwelling would be eco-friendly and energy efficient;
- In keeping with the village and better than other development approved in the village and elsewhere

9. Planning Considerations

9.1 The impact on the character and appearance of the Teffont Conservation Area, Housing Restraint Area and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

The site lies within Teffont's Conservation Area and a Housing Restraint Area (HRA) where Local Plan policy H19 applies at present. It is recognised that the Housing Restraint Area in Teffont (and indeed other villages) is proposed for removal in the submission draft Core Strategy, which would effectively mean that the site is considered 'countryside' (where a dwelling would not normally be in principle). However, until the Core Strategy has been considered by an Inspector following the Examination in Public, the weight that can be given to it is not considered sufficient to refuse permission. Therefore, the application should be assessed against current Local Plan policies, including H19.

Within HRAs, policy H19 says new single dwellings will only be permitted where there would be no adverse impact on the HRA's character; no loss of a contributing important open space; minimal loss of features such as trees, hedges and walls and where the development would be in keeping with that of neighbouring properties. Policies CN8 and CN10 require that

Conservation Areas are preserved or enhanced, particularly open spaces and gaps between buildings where their loss would detract from the Conservation Area's character. Meanwhile policy D2 requires that infill development respects the character and appearance of the area including in relation to design, plot widths, height and massing. Policies C4 and C5 require that the AONB's natural beauty is maintained

Rose Cottage is an attractive, stone cottage which, though not listed, positively contributes to the character and appearance of this part of the village and the Conservation Area. The proposed dwelling would be sited relatively closely to what is now the front elevation of Rose Cottage and would have a height only slightly lower than that of its host dwelling.

The dwelling would use acceptable materials and has been reduced in size, scale and position from that considered at 'pre-application' stage, but it would still appear as a separate dwelling. The plot size, in terms of width, is considered to be too small to comfortably accommodate an additional dwelling while retaining the individual, distinct and semi-rural setting of Rose Cottage and that of the surrounding area. Furthermore, although set some 6m back from the road frontage, the proposed dwelling's height would not be significantly lower than that of the 'host' dwelling. The result would be a form of residential development that is relatively cramped and dense, particularly when compared to the generally more spacious and 'loose knit' character of the HRA.

Furthermore, the garden and greenery of Rose Cottage does help to contribute to the openness and natural beauty of this part of the village and, although the Council's arboriculturalist has not objected to the proposal, the sense of openness and natural beauty provided by the site at present would be diminished by the erection of an additional dwelling with the inevitable domestication and suburbanisation that would result, including from the necessary entrance, driveway and turning space etc.

The applicants have tried to justify the erection of a dwelling on the basis of historic precedents in the area, including dwellings and other buildings that were previously built but which have now been demolished. It is argued that there were cottages on the other side of Rose Cottage that were demolished to make way for the burial ground (removed at some point between 1899 and 1939), and that a large dwelling also existed opposite Rose Cottage (demolished sometime between 1939 and 1960). However, while that may be the case, this does not justify the erection of a dwelling on a different site. The application has to be considered on the basis of the site and surroundings as they stand at present, rather than as they might have done at a particular date in the past.

A further consideration is that planning permission appears to exist for the erection of a dwelling between Rose Cottage and Fitz Farmhouse (further to the south), through the initial implementation of part of a 1993 consent that remains extant. The erection of this dwelling, together with the dwelling now proposed, would result in a cumulative diminution of the character of the area. The fact that permission was granted some years ago for a dwelling on the adjoining site is not considered to be a good reason to allow further development.

Although it is recognised that the applicant has sought to design a dwelling that would not be unacceptable in design and form, as well as being environmentally friendly, the fact remains that in the view of officers, the erection of a dwelling to the side of Rose Cottage would inevitably harm character and appearance of this part of the HRA, the Conservation Area and AONB.

In light of the concerns about a dwelling within this relatively narrow plot, close to and of a

similar height to the existing dwelling, together with the inevitable driveway, turning area etc, it is considered that the dwelling could conflict with policy H19 (as well as D2, C4, C5, CN8 and CN10) and that this is sufficient to justify refusing planning permission and defend an appeal.

9.2 The impact on highway safety

Policy G2 (i) of the Local Plan requires that new development has a satisfactory form of access.

The Highways department initially recommended refusal for the previous (withdrawn) application, because of concerns about inadequate visibility. Vegetation outside of the application site restricted visibility from and of vehicles leaving the site of the proposed dwelling. However, because of the concerns raised, the applicants have removed a tree (with the agreement of the owner) and other vegetation, thus improving visibility.

This vegetation removal has satisfied the Highways department, provided that a condition can be imposed to ensure that the lower part of the two trees fronting the property adjacent to the site are maintained clear of any future vegetation (ivy etc) for the first 2m, extending across the site frontage. It is considered that this could be secured by a *Grampian* condition. The Highways Department has also recommended other conditions which could also be imposed.

In light of the Highways department's advice, it is considered that there would be no highway safety objection and that the relevant requirement of policy G2 would be met.

9.3 Flood Risk

The Environment Agency recommended for refusal for the earlier (withdrawn) application because they considered that the Flood Risk Assessment submitted at the time was insufficient in relation to floor levels and design flood level, safe access/egress during a flood event and the management of surface water.

Following discussions with the applicants, a revised Flood Risk Assessment has been submitted, which satisfied the Agency on the above points. However, this does rely on access/egress being made available to future occupiers of the dwelling through the remaining garden of Rose Cottage. This would also require the provision of steps up the existing slope.

Provided that a legal agreement can be entered into then the concerns about flood risk would be overcome. However, in until such an agreement is entered into, this must also form a reason for refusal to secure the provision of this agreement, should the applicants go to appeal.

In responding to the earlier application, the Agency had also commented that information had to be submitted in relation to the sequential test. This test (set out in PPS25) makes clear that vulnerable development (such as residential accommodation) should not generally be built in high risk areas (ie zones 2 and 3) unless it can be demonstrated that no alternative suitable sites for residential development exist in the Authority's area.

In considering the revised application, the Agency has not repeated its concerns about the sequential test, because following the information provided with the revised FRA, it is now accepted that the dwelling itself (though not all of the site and entrance) is within Flood Zone 1 (low risk).

It is therefore considered that, provided the access/egress issue can be secured, the dwelling

would not be at unacceptable risk of flooding. However, until this is secured by means of a legal agreement under s106 of the Town and Country Planning Act, then this must also form a reason for refusal.

9.4 The impact on protected species

Given the site's rural location and proximity to a water course, there is a reasonable likelihood of protected species being present on the site. The applicants have submitted a protected species survey, undertaken by an ecologist, in relation to badgers, bats, nesting birds, reptiles and great crested newts.

Other than nesting birds and reptiles (slow worms) the site was not considered suitable for protected species. In relation to nesting birds and slow worm, the report makes a number of recommendations which could be secured by condition in the event of an approval.

The Biological Records Centre has advised that there is a record of water voles within 100m of the site, a factor which has not been taken into account by the protected species survey. However the water course is on the other side of the road to the site, with a stone retaining wall providing the bank. The Council's ecologist has advised that it is unlikely that there is a water vole habitat that would be affected by the proposed development (burrows are rarely greater than 5m long).

The Council's ecologist has also advised that, because of the proximity of the watercourse (within 20m), a Construction Method Statement is required to ensure that materials, pollutants etc do not enter the river system and thus affect protected species. It is considered that the Statement could be provided by condition in the event of an approval.

On the basis of the information submitted and provided (or securable by condition), it is considered that the proposal would not harm the interests of protected species and that policy C12 would be met.

9.5 The impact on the amenities of nearby properties

The nearest dwelling to the proposal is Rose Cottage itself. Although this is the address of the applicant an assessment still needs to be made of the impact on this property's amenities, because in the future the two properties could well be entirely separate. An assessment of the amenity impact is required by Local Plan policy G2 notwithstanding the current ownership arrangements.

The proposed dwelling would be located around 4.6m from the nearest part of Rose Cottage, and in front of some of that property's south-facing windows, in particular the ground floor window on the north side of the southern elevation. This window serves a habitable room (a dining room).

As a result of concerns raised by officers during the course of the previous application, the applicants have employed a firm of environmental design consultants to produce a 'Daylight Impact Assessment'.

The assessment finds that all rooms will suffer some reduction. It also says that this reduction would be particularly great for the dining room window, to an extent that the Building Research Establishment's guidelines say would be noticeable and adversely affecting to the occupants.

The applicant's report goes on to argue that for new build developments, the 'vertical sky

component' is only an initial test indicating that further analysis has to be undertaken. This analysis is in relation to the 'average daylight factor' (ie daylight as a percentage of unobstructed daylight levels outside) and the location of the 'no-sky line' (ie which parts of the room do not receive direct daylight). It is argued that these demonstrate that the impact would not result in an 'actionable injury' (the common law test), and that lower levels of light are to be expected in historic buildings anyway.

In officer's view, however, it is the Local Plan policy's test (undue disturbance or interference) that is relevant to consideration of this planning application. Furthermore, the fact that historic buildings already suffer lower levels of light is not a good reason to allow further loss.

It is considered that the proposed dwelling would harm the amenities of Rose Cottage through loss of light and outlook, particularly in relation to the dining room window, and that this should form a reason for refusal. The proposed dwelling would not, however, harm the amenities of any other nearby dwellings in terms of loss of light, outlook or overlooking.

9.6 Public Recreational Open Space

Local Plan policy R2 requires that all new residential proposals make provision for public recreational open space provision, normally by means of a financial contribution. In this case the applicants accept this requirement and have provided a signed, legal agreement together with the appropriate cheque. On this basis, policy R2 is satisfied.

10. Conclusion

Although it is recognised that the site is currently within the HRA and that its design is not, of itself, unacceptable, it is considered that a dwelling on the site would harm the character and appearance of the area and the available light to one of the habitable room windows of the existing dwelling, and that planning permission should be refused on this basis. It is also considered that flood risk must also form a reason for refusal in the absence of a legal agreement in relation to access and egress.

Recommendation

That planning permission should be refused, for the following reasons:

(1) The proposed dwelling, by reason of the loss of the gap provided by the existing garden, the size and position of the dwelling in relation to Rose Cottage, and the necessary creation of the driveway, turning area etc, would result in a relatively cramped and dense form of development that would fail to respect the character of the existing dwelling and its setting, and would harm the character and appearance of this part of the Teffont Conservation Area, Housing Restraint Area and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The development would therefore be contrary to saved policies H19, D2, C4, C5, CN8 and CN10 of the Adopted Salisbury District Local Plan and the advice in Planning Policy Statement 7 and Planning Policy Guidance 15.

(2) The proposed dwelling, by reason of its position and the orientation of the site, would result in a loss of light to Rose Cottage, harming that property's living conditions, contrary to saved policy G2 of the Adopted Salisbury District Local Plan.

(3) The front of the proposed development site falls within Flood Zone 2/3, where the advice in Planning Policy Statement 25 makes clear that adequate access and egress must be made available to allow for escape in the event of flooding. As adequate escape provision has not been provided, it is considered that the proposed development would be contrary to the advice in PPS25.

Appendices:	None
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Background Documents Used in the Preparation of this Report:	08.27-E101 08.27-E102 08.27-P101A 08.27-P102A 08.27-P111A 08.27-P112A 08.27-P121A
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Site Visit:

