

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	17 April 2024
Application Number	PL/2022/04875
Site Address	Land at Salisbury Retail Park, London Road, Salisbury, SP1 3YX
Proposal	Proposed commercial development comprising a Use Class E foodstore (including the sale of non-food goods) and 'drive thru' coffee shop unit; petrol filling station; provision of open space / landscaping including a new pedestrian and cycle link between London Road and Green Lane; access, parking, and associated infrastructure and development.
Applicant	Asda Stores Ltd
Town/Parish Council	SALISBURY CP and LAVERSTOCK & FORD CP
Ward	SALISBURY MILFORD – Cllr Charles McGrath LAVERSTOCK – Cllr Ian McLennan
Type of application	Full Planning
Case Officer	Richard Hughes

Reason for the application being considered by Committee

The application has been called to committee by Councillor McGrath due to the scale of development, the environmental/highway impact, and concern around the loss of biodiversity at the site and noise and light pollution affecting nearby Bishopdown Farm/Riverdown Park.

1. Purpose of Report

To consider the application and the recommendation that planning permission be APPROVED subject first to referral to Secretary of State (for possible call-in for his determination) and subject to conditions and a suitable S106 legal agreement.

2. Report Summary

Salisbury City Council: Object due to various issues.

Laverstock and Ford Parish Council: No objections but various comments and issues raised.

Third parties: 159 responses, raising various issue and objections, but also including many in support of the scheme.

3. Site Description

The application site lies on the north-eastern edge of Salisbury in the Bishopdown/Hampton Park area of the city, adjacent to Pearce Way and the A30 London Road. It extends to 3.54ha. The land is of an open, overgrown character.



Vehicular access into the site is proposed from the roundabout at the junction of the A30 and Pearce Way, at which point some limited development has already taken place, being preliminary ground works associated with an access that was intended to serve a previously approved retail park scheme in the 1990's.

The site is bounded to the west by Green Lane, a right of way that separates it from residential properties to the west on the Bishopdown Farm estate. To the north-east on the other side of Pearce Way is a hotel and an associated pub-restaurant, while to the south-east running down London Road is a car dealership. Further south along London Road are additional commercial premises, including a health & fitness centre and a residential car home, and a petrol filling station containing a small M&S Simply Food, as well as a park & ride facility that is accessed off the St Thomas Way/London Road roundabout just south of the site. An Aldi supermarket is located adjacent to the park & ride.

To the south-west the site abuts the rear gardens of Bishopdown Cottages, a small terrace of houses. Land to the north of Pearce Way has been developed for new housing in recent years including a large Country Park.

Within the Bishopdown/Hampton Park estate is located a local retail/food shop.

4. Planning History

The site in question and the immediate surrounding area have a long and complex planning history. However, in relation to the site subject of this application, the following previous applications are considered to be of most relevance:

- 14/04756/FUL Site 1 - Full application for Class A1 foodstore (amended scheme) with associated petrol filling station and car parking, access and landscape works. (The store would have had 4,937sq m gross floorspace (2,323sq m net); and 274 car parking spaces 274 spaces). Site 2 - Outline application (all matters but access reserved) on 5083sq m site, for provision of ecological mitigation, as well as public open space, incorporating a pedestrian and cycle link between Green Lane and London Road. Approved 2017. (Referred to in this report as the "2014 retail consent")
- S/2012/0905 Material amendment application - to alter internal layout of retail units approved as part of planning permission S/2011/1723. Approved.
- S/2011/1723 Application to vary Condition 1 of extant planning permission S/2007/1460 (8 unit retail warehouse development providing 8,361m² of retail floorspace on the ground floor with 4,182m² of retail floorspace at mezzanine level, together with associated car parking, cycle parking, servicing, access and landscaping) to extend time limit for implementation. Approved.
- S/2007/1460 8 unit retail warehouse development providing 8,361m² of retail floorspace on the ground floor with 4,182m² of retail floorspace at mezzanine level, together with associated car parking, cycle parking, servicing, access and landscaping. Approved at appeal.
- S/2002/2117 Erection of a mixed use development comprising a 4812 metres squared gross (2787 m squared net) foodstore (class a1) with coffee shop separate colleague & customer car parks service yard & vehicular & pedestrian access together with 1254m squared gross (930m squared net) of office accommodation (b1) & a 890m squared retail parade (a1) & associated landscaping. Withdrawn.
- S/1998/0373 Reserved matters approval associated with outline consent S/1994/0632 Approved 1998. (Note: Members should note that following this approval and the discharge of conditions, works commenced on site, thus keeping the permission alive in perpetuity)
- S/1994/0632 Outline planning permission for a bulky goods retail units (8361sqm) and a garden centre, together with cap parking, and access off London Road. Approved, subject to a legal agreement related to various highway measures. (Members should note that a bulky goods retail condition was imposed). (Note: Members should note that following this approval and the discharge of conditions, works commenced on site, thus keeping the permission alive in perpetuity).
- S/1991/1664 Outline application - construction of a motor traders park together with the construction of a new roundabout and the realignment of the A30 london road. Approved. (Note: Members should note that whilst the motor traders park was never developed, the new roundabout and associated highway works were commenced, leading to the road arrangement at the site today).

Notwithstanding the above planning history related to the specific site, the following consents are also referenced to in this report:

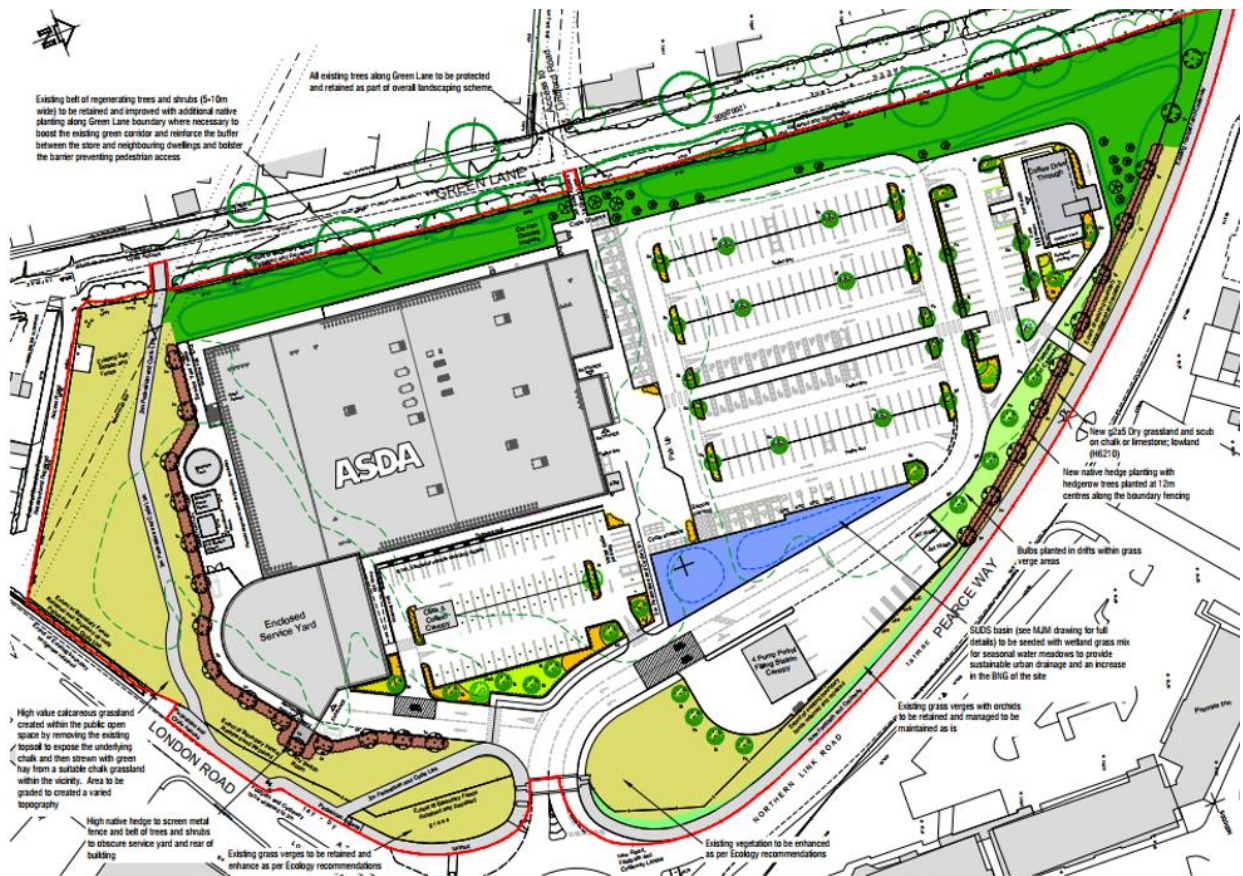
14/05997/FUL ALDI food retail store, London Road, Salisbury.

14/12175/FUL 65 bed hotel with drive thru restaurant with associated parking, access and landscaping.

5. The Proposal

The proposal is for a commercial development comprising the following:

- 4657sqm foodstore (including the sale of non-food goods). A revised vehicular access off London Road roundabout, with associated parking areas (a total of 279 spaces including 8 EV charging spaces), and associated infrastructure, including landscaping, drainage, and biodiversity features.
- A 171sqm drive through coffee shop unit – located to the north of the large retail units, within the proposed car parking for 27 vehicles.
- A petrol filling station, located to the east of the proposed access to the site adjacent London Road.
- Provision of open space / landscaping/biodiversity area to the immediate south of the foodstore building, which includes a new pedestrian and cycle link between London Road and Green Lane.



Current scheme layout

The proposal was adjusted and amended following the various consultation comments submitted, and the previously proposed petrol station shop has been removed from the proposal, and additional planting, biodiversity landscaping and drainage mitigation measures included. The application also now includes off-site biodiversity mitigation measures at the adjacent Country Park.

Furthermore, as a result of comments from the WC Highways officer, some adjustments improvements have been made to the access arrangements and pathways around and through the site.

The application did not require an Environmental Impact Assessment, but has been submitted with a variety of reports, including:

- Retail assessment
- Design and access statement
- Landscape proposals design report
- Tree reports
- Statement of community consultation
- Transport Assessment and Travel Plan
- Energy and sustainability reports
- Ecology and lighting reports
- Noise and Air Quality
- Flood Risk Assessment

(Members should note that the detailed elevations and other plans related to this scheme also show the likely location and appearance of several advertisements associated with the retail store. Such advertisements would require a separate advertisement consent application in due course, and cannot be determined through this current planning application).

6. Planning Policy

Environment Act 2021/Levelling Up Regeneration Act (LURA) 2023

NPPF December 2023– Given the scale of this application, much of this guidance is relevant to this application. The most relevant sections and policies are referred to throughout the following report.

NPPG – Overall design, environmental impacts, bio-diversity, amenities, flooding, retail.
National Design Guide/Code.

Wiltshire Core Strategy - The most relevant policies of this document are as follows:

- CP1 & 2 – Spatial and settlement strategies
- CP3 – Infrastructure
- CP20 – Salisbury strategy
- CP 21 – Maltings and central car park
- CP41 & 42 – Sustainable construction and renewable energy
- CP36 –Economic regeneration
- CP38 – Retail and leisure
- CP50, 51, 52 –Landscape infrastructure and biodiversity
- CP55 – Air Quality
- CP56 - Contamination
- CP57 – Design and amenity
- CP58 – Conservation of the historic environment
- CP60/61 - Transport and Development
- CP67 – Flood Risk
- CP69 – River Avon SAC

Maltings and Central Car Park Masterplan 2019

Wiltshire Housing Site Allocations Plan - Appendix A: South Wiltshire HMA Amended Settlement Boundaries (adopted Feb 2020)

The Wiltshire Retail & Town Centres Study 2020

Adopted Central Area Framework

Wiltshire Draft Local Plan

Wiltshire Design Guide

Emerging Salisbury City Neighbourhood Plan

Laverstock and Ford Neighbourhood Plan

7. Summary of consultation responses

WC Highways – No objections subject to a number of S106 contributions and suitable conditions (see highways section of Planning Considerations section for more details).

WC Archaeology – No objections subject to a watching brief being conditioned.

WC Drainage – Subject to conditions, no objections.

WC Public Art – Provision of public art required in line with Council policy and strategy.

WC Ecology – No objections to amended layout and additional information and off site mitigation, and subject to suitable conditions and a S106.

WC Landscape - No objections to amended showing additional landscaping/planting.

WC Urban Design – Amended plans have addressed concerns.

WC Open Space – No public open space needed as this is a retail application.

WC Conservation – No heritage-related concerns.

WC Public Protection – No objections subject to various conditions related to restricting trading and delivery hours, a noise disturbance and odour mitigation, and a request for a financial contribution towards mitigating air quality issues.

WC Waste – General advice about the overall design and operation on the store waste area.

WC Economic Development - Whilst Economic Development are hoping to encourage highly skilled jobs to the Salisbury area we fully appreciate that retail and associated employment provided by a store of this nature, particularly in view of the uncertain economic outlook, are also very valuable and will help the City to withstand any economic downturn that may materialise.

WC Spatial Planning - Policy and evidence generally aligns with the current proposal.

Natural England – No objections subject to suitable biodiversity mitigation.

Esso pipeline – No objections provided the pipeline is protected during development.

National Highways – No objections subject to suitable mitigation towards the Salisbury Transport Strategy.

8. Publicity

Salisbury City Council – Objection

In view of the evidence on the severe negative environmental impact on the ecology on this site with its expanded developed footprint, SCC objects to this application because of a significant loss of a biodiverse site and biodiversity. SCC does not believe there is a need for another petrol station at this site given the close proximity to an existing provision and especially as petrol and diesel cars are to stop being sold in 2030. SCC is also concerned that points in our previous comments have not been addressed as outlined below:

- *Reduce operating hours to 7am-10pm to protect the amenity of nearby residents. 24-hour operation not suitable in a residential area.*
- *Concern about extra impact of traffic cutting through to access the supermarket via the narrow road through Ford and potential increased problems due to HGVs at St Thomas's bridge.*
- *EV charging - at least 10 units required.*
- *Request raised banking or other measures to shield nearby houses from light pollution.*
- *Ecology surveys need updating and there is no detail of mitigation measures on or off-site or of net biodiversity gain. One site that could potentially benefit from this is the proposed solar farm at Petersfinger.*
- *Presence of bee orchids on road verge - this verge should be protected.*
- *Request installation of solar panels and water recycling.*
- *Coin-operated trolleys requested.*
- *Request a reduced speed limit on London Road from Aldi to St Thomas's bridge, to protect children crossing amid extra traffic.*
- *Due to considerable public interest, SCC requests that this application is decided in Salisbury rather than Trowbridge.*

Laverstock and Ford Parish Council - Support with conditions

That the planning meeting deciding this application be held in Salisbury due to significant local public interest and concerns.

Customer Access - Provision should be made for safe pedestrian and cycle access from the surrounding areas including Ford and Laverstock. This should include safe passage along Green Lane to Ford, widening of the pavement access on London Road and safety improvements to London Road from the Church Road junction to the application site. This may include pedestrian crossings, controlled traffic lights and resurfacing of Green Lane. In addition, a bus shelter should be provided at the London Road stop servicing the site to encourage the use of public transport.

Deliveries - Night time deliveries should be prohibited in this residential area. It is suggested that operational hours (including opening hours) should be limited to 7am – 10pm. This should include all services on the site.

Trolleys - A system that prevents trolleys from leaving the site should be required.

Security - The operator must undertake to provide adequate security measures to protect their own and neighbouring properties, and record and report any criminal or anti-social behavior on the entire site (both the store and car park). This should include the provision of CCTV and maintenance of records.

Parking - Parking should be managed to avoid all day parking and provide sufficient spaces for shoppers without impacting on surrounding roads.

Landscape Plan - The soft landscape plan should include only native species, including trees and other planting.

Flora and fauna - Bee Orchids currently present on the road verge must be protected. Full Environmental and Ecological Surveys should be carried out prior to any development commencing and their recommendations implemented, with particular concern to bats and bat routes. Any off-site bio-diversity net gain funds should be allocated to the Castle Hill Country Park which is in the immediate vicinity and used by many of the potential customers for this site.

Litter - The site operator must undertake to provide enough litter bins, emptied daily, to maintain a litter free site. An obligation to maintain the surrounding areas should also be included.

Noise and Light Pollution - Raised banks, or other appropriate measures, must be used to protect neighbouring properties including those on Monxton Close, Myrrfield Road, St Luke's Close and London Road. Neon signs/lights have been refused on previous applications in the immediate residential area. These should not be permitted at this application site.

Traffic - Due to the anticipated increase of traffic accessing and servicing the site, plus pedestrian and cycle use, a 30mph speed limit should be introduced in the vicinity to protect customer safety. We support the concerns already raised by Salisbury City Council about the impact of traffic cutting through the narrow Ford Road.

Climate change - To contribute to our ambitions to reduce carbon emissions and combat climate change, investment should be made into environmental measures at this site. This includes (but not limited to) at least 10 EV charging spaces for customers and delivery vehicles, solar panels on buildings, rain water harvesting and low carbon heating systems.

Third party comments - 159 responses, including 64 in support, 23 no objection with comments/concerns, and 72 objecting, raising the following matters:

- Proposal would exacerbate traffic problems along London Road
- Access from Pearce Way onto roundabout will be difficult due to increased traffic
- Contrary to a number of aims of the Core Strategy and Laverstock NP
- Local shops will close down
- Height restriction on railway bridge
- Noise, dust, fume pollution concerns during construction
- 24 hour opening will increase noise and disturbance, opening hours need to be limited
- Drive through not needed
- Speed limit needs reducing to 30mph
- Bishopdown Cottages will be affected with more users and traffic conflicts
- Railway bridge area will be a bottleneck
- Area already well served by retail and petrol station in the area
- Concern about major incident affecting the Esso pipeline and petrol station
- Too much traffic and development in area, will increase local accidents
- Would adversely affect city centre retail trade and local shops
- Parking issues will spill into adjacent residential roads
- More supermarkets not needed
- Supermarket needed to west of city centre, not here
- Would adversely affect other roads which will be used as rat runs
- Loss of valuable open space and ecological land/protected species

- Adversely impact the amenities of adjacent housing due to noise and disturbance, light pollution
- Antisocial behaviour and litter in area and on Green Lane, including trolleys
- Scheme needs more sustainable design features
- Welcome ASDA store, will reduce trips to other ASDA stores (inc Andover)
- Will reduce traffic along Southampton Road
- Will benefit residents of Longhedge and Old Sarum
- Will give more shopping choice and fuel and food price competition
- Reduce traffic in area as local people will not need to drive to Southampton Road or elsewhere for shopping
- The unacceptable retail trading impact on the City Centre
- The fundamental prejudice to city centre regeneration of the Central Car Park Site
- The existence of a suitable city alternative and thus failure of the sequential test

Salisbury Area Greenspace Partnership - Objects for the following reasons:

- *The loss of a very biodiverse site with priority habitats including significant areas of scrub and emerging woodland as well as species-rich calcareous grassland that includes plants such as the Bee Orchid and large numbers of Pyramidal Orchids. It is important that the significant mature native hedgerow along the western boundary of the site with Green Lane which provides important habitat and connectivity for wildlife and amenity for users of the adjacent well used footpath and cycleway is maintained and safeguarded.*
- *The increase in the development footprint as compared with the previous scheme with the addition of a drive thru coffee shop unit, a shop unit at the petrol filling station and an additional 50 parking spaces is considered an unacceptable overdevelopment of this site. The proposed development and its construction would largely destroy the existing native biodiversity apart from the mature hedgerow which is largely to be retained and enhanced. The need for a petrol filling station only a short distance from an established station is questionable as is the addition of a shop unit to the PFS which takes up valuable space needed to extend hedge and tree planting along the entire length of Pearce Way to provide visual separation for the public and connectivity for wildlife.*
- *The proposed landscape scheme indicates an almost complete lack of tree planting within the car parking areas, most of it being confined to the periphery of the site. This is not in line with NPPF 2021 which states that, 'trees make an important contribution to the character and quality of urban environments and can help mitigate and adapt to climate change.' The parking layout needs to accommodate significantly more shade from tree cover to mitigate extreme summer temperatures and provide a more equable environment for users. The layout should also be designed to manage surface water run-off in a sustainable way making use of tree pits and planting areas to return it to the ground as close to the source as possible to avoid flooding, protect water quality and maintain high quality wildlife habitat.*
- *The efficacy of the current Ecological Report produced in June 22 following a site survey in November 2021 and a dormouse survey in April 2022 is questionable. The site survey comprised a single walkover in winter making it difficult to gain an overview of the ecology of the site and particularly flowering plants in the grassland habitats such as the concentration of Pyramidal Orchids on the roadside verge on the south side of the entrance to the site, which extend beyond the boundary fence onto the site itself, and Bee Orchids along the verge of Pearce Way on the north side.*
- *The Ecological Report is quite clearly incomplete in that it contains recommendations for further works needed to fully assess the ecological impacts of the proposals and to mitigate any potential adverse effects. These include undertaking a detailed habitat survey and*

mapping. The purpose of this would be to establish whether Section 41 habitats are present on the site and assess their quality. The survey should be undertaken in May or June when flowering plants associated with calcareous grassland are most easily detected. Also surveys for invertebrates in June and August, reptiles between March and October, bats in spring, summer and autumn and birds. These would be used to inform what steps need to be taken for the enhancement of nature conservation and biodiversity on the site to mitigate any potential effects and to establish a baseline for calculating biodiversity net gain for in line with the Wiltshire Core Strategy.

- Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. The National Planning Policy Framework (NPPF) also encourages applications to deliver measurable net gains (para 175 d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain. At the current time therefore, SAGP would expect all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a 10% net gain.
- The alignment of the pedestrian and cycle link across the site should be reconsidered to reduce the impact on the existing biodiversity by extending the path across the site in a direct line to connect with the existing footway along London Road. This would be in line with a longer-term proposal for creating an off-road pedestrian and cycle link to the schools at Laverstock on the eastern side of the railway by utilising the accommodation bridge below the railway on the other side of London Road. The existing footway on London Road should be widened to connect up with the existing pedestrian and cycle access adjoining the Hampton Park Roundabout. This would necessitate the replacement of the existing hedge further back onto the site and the omission of the direct pedestrian link to the site from London Road.
- The landscape proposals should also be amended to minimise the amount of intervention to the existing biodiverse areas other than for the introduction of appropriate selective management of the existing vegetation and minor adjustments to levels.
- A Construction Method Statement will be required describe how each element of the proposal is to be carried out and what measures are taken at each stage to ensure the protection of biodiversity both within the site and in the surrounding area, and where it is possible that an impact may occur off site as a result of on-site processes.
- Although the current layout takes into account feedback from its somewhat limited public consultation exercise in November 2021, there has been no attempt to address the issues raised by climate change which include more tree planting in the extensive area of tarmac car parking, the provision of green or more appropriately brown roofs in conjunction with PV panels, the provision of a greater number of electric vehicle charging points (currently only 4 nos.) and a fully resolved detailed SUDS scheme for dealing with storm water run-off.

Cycling Opportunities Group (COGS) – No objection, subject to the access being designed to take account of pedestrian and cyclists, and more electric vehicles spaces being provided on site, including space for a car club vehicle. Some matters in the transport documents are incorrect or misleading. How will the travel plan and staff sustainable travel being monitored.

9. Planning Considerations

9.1 Principle of development and planning policy

The previously approved 2014 retail scheme on this site was considered by the Council to have met the aims of the National Planning Policy Framework (NPPF) at that time. The NPPF has been revised a number of times since, most recently in December 2023, but in general terms, the thrust of its policies relevant to this proposal remains the same. In particular, paragraph 8 of the NPPF

emphasizes that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental. Paragraph 11 outlines the presumption in favour of sustainable development. Paragraph 38 encourages LPA's to work proactively with applicants, and seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 85 indicates that “significant weight” should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraphs 89 and 123 indicates that the use of previously developed land, and sites that are physically well-related to existing settlements should be encouraged.

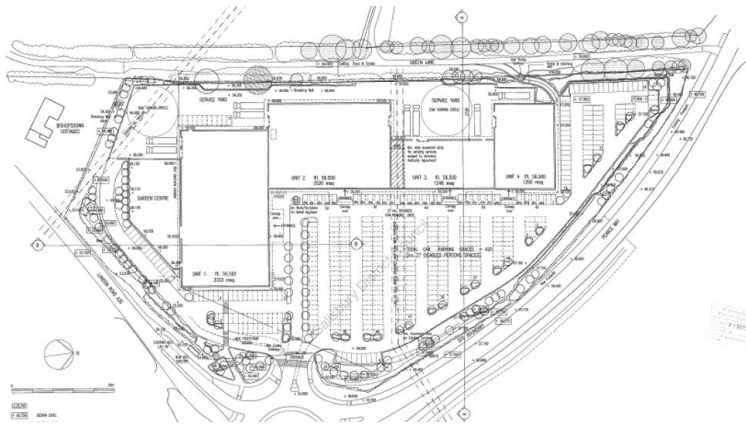
Core Policy 36 ('Economic Regeneration') of the Wiltshire Core Strategy supports regeneration opportunities and aims to maximise the re-use of previously developed land. The provision of economic development on previously developed land will therefore be supported. The economic impacts of the jobs arising from the proposal and associated construction employment opportunities are a material consideration and, as per the NPPF, should be given significant weight in the assessment of this proposal. The application estimates some 200 part-time and full-time employment positions being created by the proposal, with an average of 58 jobs per year through the construction phase. The applicants also state that a total Gross Value Added (GVA) of £5.5m would arise from these new jobs.

The application site is largely located within the Salisbury City area, but its northern end falls within Laverstock and Ford. The Salisbury Neighbourhood Plan is emerging at the time of writing (Regulation 14 stage), and there are currently no policies which relate directly to this site. The draft document does contain Policy 30, which is a general “major retail” policy which simply mirrors the aims of adopted WCS Policy 38. The Laverstock and Ford Neighbourhood Plan is adopted, but also makes no detailed reference to the application site.

The Wiltshire Design Guide is also now adopted. This mirrors the aims of central government's National Design Guide and Codes. This is now a material consideration to be given significant weight.

The previous planning history of the site

The site has been the subject of a number of applications for development for the last 30 years, including a planning permission for a bulky goods retail scheme which was approved in the mid 1990's with a start made (the creation of (the still existing) access arrangement off London Road), thus keeping the permission 'live' in law (see Planning History section of report). In theory, this enables that particular development to be continued at any time, although given how much time has passed since the consent and works started, it seems unlikely that such a historic proposal would now actually be built out in reality. The footprint of the building permitted was just above 8,000sqm, plus 420 car parking spaces – substantially larger than the current scheme being proposed.



Layout of 1990's extant scheme above

The land was subsequently allocated for bulky goods retail development in the 2003 Salisbury District Local Plan, and planning permission was later granted on appeal for a similar bulky goods retail scheme in 2009 (application ref S/2007/1460 refers). This permission was subsequently renewed by later applications for modifications to the scheme until April 2015. The site was then subject of the most recent planning consent for a retail store, petrol station and car park (referred to in this text as the "2014 retail consent"). This consent (see plan below) was not implemented and lapsed in 2020.



Layout of 2014 retail consent above

Whilst the site is no longer subject to the previous specific site allocation for a retail use in the adopted WCS (having been removed given that planning approval had been granted for such a usage on appeal in 2009), the site was more recently included within the settlement boundary as part of the WHSAP 2021 adjustments. This means that the site is acceptable for development in principle. As part of previous applications, the site has been treated as 'brownfield' (previously developed land) given the planning history and, notably, the extant consent.

As a result, the principle of development of the land would be difficult to refute, and its development for some form of large out of town retail use was considered to be acceptable up until recent years (the recent retail consent only lapsed in 2020). Therefore, whilst Members must consider this current retail application and its various impacts, the planning history and particularly the recent retail approval on the site are material considerations of significant weight.

9.2 Retail impact of the proposal and site selection

Third parties have raised concerns about the impact of a retail store on the vitality and viability of the city centre. However, a number of responses have also welcomed the proposal. These responses are summarised elsewhere in this report.

As a result of the 2014 approval, later applications for large scale retail schemes have been considered acceptable – certainly up to 2020 when the 2014 consent expired. Members, therefore, need to assess whether there have been any planning policy or other material changes which could result in this current application being considered differently.

The 2014 retail consent application was considered against the retail planning policies within the current WCS, and the NPPF (2012 version). The national Planning Practice Guidance (PPG) retail guidance post-dates the consent, being introduced in 2019. The NPPF has recently been amended in December 2023. This continues the ‘town centre first’ stance of previous guidance at Section 7, paragraph 90 onwards.

Paragraph 91 of the NPPF states:

*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; **and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered** [emphasis added].*

Paragraph 92 of the NPPF continues:

*When considering edge of centre and out of centre proposals, preference should be given to accessible sites **which are well connected to the town centre**. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored [emphasis added].*

Paragraphs 94 & 95 conclude:

94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

95. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

The national Planning Practice Guidance (PPG) also addresses the above matters, and at para 14 it explains what the “impact” test is:

The purpose of the test is to consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality/viability and investment. The test relates to retail and leisure developments (not all main town centre uses) which are not in accordance with up to date plan policies and which would be located outside existing town centres. It is important that the impact is

assessed in relation to all town centres that may be affected, which are not necessarily just those closest to the proposal and may be in neighbouring authority areas.

Paragraph 15 outlines what an application should consider in an impact test, namely:

- scale of proposals relative to town centres
- the existing viability and vitality of town centres
- cumulative effects of recent developments
- whether local town centres are vulnerable
- likely effects of development on any town centre strategy
- impact on any other planned investment

Paragraph 15 also indicates that where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- the policy status of the investment (i.e. whether it is outlined in the Development Plan)
- the progress made towards securing the investment (for example if contracts are established)
- the extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence

At Paragraph 18, the PPG sets out a checklist for applying the impact test and concludes that:

A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.

*Where evidence shows that there would be **no likely significant impact on a town centre from an edge of centre or out of centre proposal**, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development [emphasis added].*

Core Policy 38 of the WCS and its supporting text remains as previously worded at the time the previous 2014 retail application was considered. This policy mirrors the retail advice in the NPPF above, and seeks to enhance the vitality and viability of the town centres in Wiltshire through policies promoting the regeneration of central areas and delivery of new growth at settlements to support the vitality of centres. The policy states that:

*All proposals for retail or leisure uses on sites not within a town centre in excess of 200 sq metres gross floorspace, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, **and demonstrates that the proposal will not harm the vitality or viability of any nearby centres**. All such proposals must also comply with the sequential approach, as set out in national guidance, **to ensure that development is on the most central site available** [emphasis added].*

Draft policy 67 of the draft emerging Wiltshire Local Plan also mirrors the above policy stance.

So based on the NPPF, NPPG, and WCS retail policy aims, the Council must be satisfied that the proposed retail development would not harm the vitality or viability of any nearby centres, and is the most central site available.

9.21 Impact on the vitality and viability of the city centre

Previous 2014 retail scheme

A detailed retail study was submitted with the previously approved 2014 retail application, which assessed the likely impacts of the scheme, including the impact of the scheme in conjunction with other consented retail schemes. At that time, the Council commissioned an assessment of the applicant's retail report (undertaken by GVA Grimley). It concluded that the previous 2014 retail proposal would have an acceptable retail impact on the city centre and advised that conditions should be placed upon the approved store to control the amount of convenience and comparison goods floorspace, along with the total net sales area and the ability to sub-divide the unit into separate parts.

Consequently, the Council approved the 2014 scheme subject to a number of restrictive retail related conditions, to limit the retail impact of the scheme. That previous planning permission was eventually issued in 2017 following completion of the S106. The planning permission only lapsed in 2020.

Current retail scheme and retail assessment

The applicants have submitted a detailed retail impact assessment with this current application. This highlights that the Wiltshire Retail & Town Centres Study 2020 in relation to Salisbury indicates that:

- The city centre is a healthy and attractive centre which is popular for both non-food and food shopping (the former in particular), with a wide catchment.
- Whilst there has been a shift in the balance between comparison and service uses over several years, the former of which has fallen, its strength and attractiveness means that the proportion of comparison goods retailers remains above the national average.
- The city centre's performance is helped by the presence of the cathedral and its generally attractive built environment.
- The Maltings site provides the best opportunity to enhance the health and attractiveness of the city centre.
- Identifies capacity of 2,502 sq. m (net) comparison goods floorspace to 2036, and 1,296sq. m of convenience floorspace over the same period. For food and beverage (former Class A3/4/5 uses), the Study identifies capacity for 4,832 sq. m of floorspace to 2036.

And in relation to Amesbury:

- The town centre is healthy and adapted to a changing retail landscape, but following the opening of out-of-centre stores, the town centre has not experienced any material decline.
- There has been a fall in vacancies and whilst having a limited catchment, it complements nearby Salisbury in serving South Wiltshire communities.

In line with the guidance in the PPG, the applicants have carried out a 'health check' on both centres and conclude that the centres are all vital and viable. Amesbury generally provides local facilities to serve the comparison and service needs of its residents, as well as providing a mixture of main and top-up convenience goods facilities, whilst Salisbury City Centre functions as a destination, with a greater range retail (including its function as a comparison goods destination) and service uses, as well as its cultural and tourist offer.

These health check findings have in turn informed the assessment of the potential impact effects. This concludes thus:

- The proposed convenience and comparison floorspace will have only minimal potential for impact on existing centres, with the levels of trade diversion certainly not at a level that could reasonably be classed as 'significantly adverse' on any of the centres health or overall attraction, with the greatest impact on Salisbury City Centre, being just 1.6%
- The scheme will not materially affect the trading position of the centres, which will continue to trade well and perform their respective role in the hierarchy in serving local residents. The proposed development will not impact on their wider service function or other attractions such as cultural and tourist facilities, which support their overall health.
- The provision of a single drive through coffee shop is not of a scale whereby it would be likely to materially compete with the centres.
- The proposed development will not materially alter either the number of visitors to centres, or their reasons to visit them. Residents will continue to visit the centres for their wider retail, service, leisure and associated facilities, and in the case of Salisbury its wider cultural and tourist function, which would not be impacted upon at all by the proposed development.
- In summary, the proposed development will not result in a significant adverse impact on the vitality and viability of the defined centres, and would not affect potential investment in the planned Maltings Central Car Park site.

The Council has undertaken its own retail assessment of this proposal, which concludes (summary):

- *Salisbury City Centre and Amesbury Town Centre are the main centres within the catchment area of the proposals that will be impacted by the application proposals.*
- *Both Salisbury City Centre and Amesbury Town Centre are performing well and it is on this basis that we form our opinion on retail impact.*
- *The only minor concern is the vacancy rate in Salisbury being slightly higher than the national average. However, Salisbury appears to have similar characteristics to other large centres in that the centre contains too much retail floorspace and too many small units that do not meet the needs of modern retailers in the current climate.*
- *The recycling of large vacant units within the town centre is a positive indicator of town centre health. Specifically, Primark has taken over the former BHS store. Everyman cinema has taken over the former Bingo unit, and Bradbeers have taken over the former Debenhams store.*

The Council's retail assessment goes on to state:

... We are in broad agreement with the applicant's trade diversionary figures. It makes sense that the application proposals will divert a high proportion of trade from Tesco Extra, Southampton Road, Salisbury. Whilst it is not the closest foodstore to the application site, it is a large foodstore, which will compete with the application proposals on a like-for-like basis. Aldi, London Road, Salisbury and Waitrose, Churchill Way West, Salisbury are the closest foodstores in location terms to the application site and it is considered that a reasonable proportion of trade will be diverted from these foodstores. Lidl, Hatches Lane, Salisbury is close to the Tesco Extra foodstore and we agree that some trade will be diverted from the Lidl foodstore. Tesco Metro, Castle Street, Salisbury and Sainsbury's, The Maltings, Salisbury are other nearby foodstores that a limited amount of trade will be diverted from to the application proposals. The application site is located north of Salisbury,

close to the A338, which leads to Amesbury to the north. We agree that some trade will be diverted from Tesco, London Road, Amesbury and Aldi, Salisbury Road, Amesbury, albeit, this will be minimal ...

In terms of the likely impact on the city centre and in-centre investment, the Council's retail report states (summary):

The applicant has considered the impact of the application proposals on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal...

The application proposals will not impact on the proposals for development of the wider site for a residential-led development (The Maltings). We are not aware of any other investment in Salisbury or Amesbury. As such, we are satisfied that the application proposals will not have a significant adverse impact on any existing, committed and planned public and private investment in Salisbury. Therefore, this element of the impact test is passed.

The Council's retail assessment (secondary report April 2024) which related to third party concerns, reiterated the point that **"..we still consider that the application proposals will not have a significant adverse impact on Salisbury city centre.."**

9.22 Sequential test – site selection process

In terms of the sequential test, the Council's retail report also assesses the applicant's own assessment of several city centre sites, namely, The Maltings city centre car park site, the Old Manor Hospital site, and several (at that point) vacant units in the city centre. The Council's retail assessment concludes that it agrees with the applicant's assessment that none of the reviewed sites are suitable or available for a number of different reasons.

Members should note that the previously vacant city centre units are now occupied by other uses, and the Old Manor site is now completed and built out for several hundred homes. It also contains two (now renovated) listed buildings and is located in a Conservation Area. Thus, in general terms, on heritage impact grounds alone, it may well have been unsuitable for the proposed retail development anyway.

With regards to the Maltings and Central Car Park site in Salisbury City Centre, third party comments have indicated that this site has not been properly considered by the applicants or the Council's retail assessor. However, policy CP21 of the WCS indicates that the strategy promotes the sensitive regeneration of a mixed-use retail led development on the Maltings and Central Car Park. The development template related to policy CP21 makes it clear that *"a single or few large retail outlets providing the whole of the floor area will not be appropriate to achieve the aims of the development and will not be permitted"*.

As part of the assessment of the previously approved 2014 retail store proposal, even though the Maltings site was considered sequentially preferable in terms of its more centralised location, the Council concluded that the London Road site was a preferable location for a large retail offering.

Furthermore, since the above decision by the Council, and whilst still forming part of the current adopted WCS, policy CP21 has been supplemented by the adoption of the Maltings Master Plan 2019, and subsequently the Central Area Framework (CAF) in 2020. There has also been the Council's retail study of 2020, as mentioned elsewhere in this report.

These documents update the Council's land use strategy for the Salisbury City Centre and its hinterland in light of the changing local and global economy during the last few years. The Maltings and Central Car Park site is now envisaged by the Masterplan and the CAF to be regenerated by a largely residential and leisure led developments, with smaller scale retail offerings. A large-scale retail development of this site is not envisaged by the updated planning policy, particularly as part of the site has recently been the subject of significant works to enhance the river corridor as part of

the River Park project. This latter project is intended to mitigate the impacts of flooding and climate change on the city centre area. Draft emerging Wiltshire Local Plan policy 33 also states that the development of the area (the Maltings / Central Car Park site) should include residential, small-scale retail, services and leisure.

Indeed, in response to third party concerns, the Council retail assessment report (secondary report April 2024) reiterates the view that the site is not available for the application proposals for several reasons, including, that the site is not being actively marketed; that the emerging Wiltshire Local Plan policy position is moving towards small scale retail and other proposals; and because Sainsbury's has entered into a 10 year lease on the site. They state that there is no suggestion that any other alternative sites are available beyond the Maltings site. The Council's retail assessment (2nd version) also clarifies that having considered the third party concerns in relation to the retail impacts of the proposal, **"we continue to be satisfied that the application proposals have passed the sequential and impact tests.."** and that there is **"..no retail planning reason to refuse the application.."**

Notwithstanding the retail study sites referred to above, it is also of benefit to highlight and discount other parts of the city as unsuitable for this proposal:

- Churchfields Industrial area - This is closer to the city centre than the chosen London Road site. However, the area is defined as a Principal Employment Area in the WCS, and referred to as that in the Central Area Framework. This is reinforced by the stance of draft Wiltshire Local Plan policy 34 and 65 which recognizes the importance of the area as an employment area, and not an area for large scale retail. The area is therefore not suitable for large scale retail development, and the LPA is not aware that any land in this area of a suitable size is currently available to the applicant.
- Southampton Road area – Whilst of a similar distance from the city centre, and served by the A36 road system, this area is defined as a Principal Employment Area in the WCS, and referred to as that in the Central Area Framework. This is reinforced by the stance of draft Wiltshire Local Plan policy 65 which recognizes the importance of the area as an employment area, and not an area for large scale retail. Whilst this area already has some retail units, including a LIDL and TESCO store, in policy terms the area is therefore not suitable for large scale retail development, and the LPA is not aware that any land or units in this area of a suitable size is currently available to the applicant. It is also the case that it is hoped that the retail scheme subject of this application may actual result in a reduction of traffic congestion along this A36 route due to some trade diversion from the existing out of town retail stores.

The Council's Spatial Planning policy officer has assessed both the applicants retail assessment and that of the Council, and concluded the following (summary):

"It is suggested that the greatest effects on the city centre from this proposal will be upon the convenience sector. By far the main offer of the City Centre is comparison goods and services. The effect of changes to the City Centre convenience segment are, overall, deemed limited.

The Retail and Town Centre Study (2020) indicates that there is capacity at Salisbury for additional convenience goods retail floorspace, which approximately equates to a modest-sized foodstore...

...Consideration of a previous proposal on the London Road site by the landowner, in 2015, raised concerns of a significant adverse impact at 17% convenience trade diverted from the Centre by 2.2k m² of net floorspace. Impact concerns seemed allayed by a reduction to 1.4k m² and 10% diversion. The applicants for the current proposal forecast percentage trade diversion from the Centre at just 5%. It is recognised that there are likely to be methodological differences in approach.

The proposals are however of a similar scale, notwithstanding the fact that the relative importance of the city centre as an area for convenience retailing further declined when the nearby out of centre

Aldi outlet opened. Trade diversion is now therefore spread more widely and more thinly. In addition, the applicants, not unreasonably, single out the Aldi store, forecasting it to lose disproportionately more trade than other stores.

Without making too direct comparisons between current and previous assessments, an overall effect that would take impacts toward less than significant adverse are suggested, even were 5% diversion shown to be an under-estimate.

The Council commissioned Emery Planning to review the above assessment and the findings (letter of 6 October 2023) are broadly in line with those of the applicant.....Policy and a range of evidence generally align with the current proposal.”

Notwithstanding the above, Members should also note that the previous similar 2014 retail proposal was referred to the Secretary of State on retail grounds, but the Secretary of State chose not to call the application, allowing the Council to approve the scheme as it intended. This suggests that the SoS considered the impact of the previous retail scheme acceptable.

Impact of coffee 'drive thru'

The Council Spatial Planning officers have commented as follows:

“The proposal also incorporates a food/drink drive-thru facility, which would nominally be a main town centre use according to NPPF. It is our view that such a facility, located at an entrance location to Salisbury, would have little effect on city centre activity. The proposed drive-thru would primarily attract passing trade along the London Road. An appeal judgement from August 2016 concerning such uses - at a different peripheral Salisbury location - confirms that such operations are likely to have little impact upon relevant city centre trade.”

The appeal to which the above refers was related to the Premier Inn and McDonalds drive through restaurant development on Southampton Road, Salisbury. In approving the scheme, the Inspector indicated that:

18. The scale and nature of the proposed drive-thru restaurant are such that impact assessment is not required and the parties agree that this part of the proposal would not harm the vitality or viability of the city centre.

The drive through subject of this application is 171 sqm in size, below the 200sqm referred to in policy CP38 as needing an impact assessment. Given the views of the Council's spatial policy officer above, and the previous appeal decision referred to, it would be difficult to argue a case that the drive through would be likely to have an impact on the vitality and viability of the city centre.

Restrictions on retail use

The previous 2014 retail consent was approved subject to a condition restricting the scope of the retail use on site. Since that was previously imposed, the Use Classes Order has been revised, with Class A1 retail uses being absorbed into Class E which is defined by the amended Use Classes Order as:

a) Shop other than for the sale of hot food

b) Food and drink which is mostly consumed on the premises [emphasis added]

c) the following kinds of services principally to visiting members of the public –

i. financial services

ii. professional services (other than medical services)

iii. any other services which it is appropriate to provide in a commercial, business or service locality

d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)

e) Medical services not attached to the residence of the practitioner

f) *Non-residential creche, day centre or nursery*

g) i) *office*

ii) *the research and development of products or processes or any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)*

With regards to the above, the proposed retail supermarket and drive-through fall under criterion a) and b). Thus, a suitable condition to restrict the usage of the site to those elements in Class E is recommended. Otherwise, without such a restriction, the site could potentially be used for a number of different uses for which it may not be suitable due to its locational characteristics.

Notwithstanding the above, following discussions with the Council's Public Protection officers and following third party concerns, a number of other restrictive conditions can be placed on this proposal which would limit its opening and operational hours, and limit the overall impacts of its operations on the surrounding area. The relevant conditions are discussed elsewhere in the relevant sections of this report.

9.23 Summary

The third party concerns relating to the proposal and its retail impact have been taken into account. However, for the reasons outlined, the Maltings Central Car Park site is not considered suitable or available for this proposal, and other sites have also been discounted. The Council's currently adopted Wiltshire Core Strategy does not allocate any other sites for large scale retailing within Salisbury city centre or its hinterland. The draft Wiltshire Local Plan is also silent on this matter (in terms of allocations in the Salisbury area). By their very nature, Salisbury's historic tight-nit core, undulating landscape, and surrounded protected countryside and floodplains are considered to be inappropriate for large scale retail development, given the likely impacts on many sensitive receptors.

The London Road site the subject of this application has been previously considered suitable for large retail development, and is suitable and available to serve the applicant's proposal, with mitigation. There are no alternative suitable sites available to the applicant which are sequentially preferable (ie closer to the city centre).

As a result, given that a similar retail scheme has previously been approved on this site in recent years, and given that a further retail assessment has maintained the previous view that the impact on the city centre viability and vitality would be acceptable, a refusal of this scheme on the basis of the likely harm caused to the city centre retail activity would be difficult to justify. Consequently, officers consider that the proposal accords with the aims of the national retail policy, as well as the aims of local WCS retail Policy CP38.

9.3 Impact on highway systems around the site

The A30 London Road (and hence the site) is accessed via the A36 road system. Numerous third-party objections have been received related to the impact of this proposed development on the highway system around the site, particularly on the already busy London Road route, and the smaller road system in the adjoining residential areas, including through Laverstock and Ford.

The NPPF indicates at paragraph 115 that:

*“Development should only be prevented or refused on highways grounds if there would be an **unacceptable impact on highway safety**, or the residual cumulative impacts on the road network **would be severe**”* [emphasis added].

Paragraph 117 of the NPPF also indicates that:

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Reflecting the NPPF stance in Section 9 on such issues, Core Policy 61 (Transport and New Development) of the WCS indicates that:

“New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

As part of a required transport assessment, the following must be demonstrated:

i. That consideration has been given to the needs of all transport users (where relevant) according to the following hierarchy:

- a. Visually impaired and other disabled people*
- b. Pedestrians*
- c. Cyclists.*
- d. Public transport.*
- e. Goods vehicles.*
- f. Powered two-wheelers.*
- g. Private cars.*

*ii. That the proposal is capable of being served by **safe access to the highway network***

*iii. That fit for purpose and safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development. Where appropriate, **contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives** and more sustainable freight movements.” [emphasis added]*

A detailed Transport Assessment was submitted with the application. This concludes:

8.1.7 A Framework Travel Plan (FTP) has been developed which will focus on reducing single occupancy car journeys in favour of more sustainable forms of transport. Each operator will produce their own bespoke Travel Plan based upon their operational requirements and corporate strategies, each of which will follow the overarching aims of the FTP and be agreed with WC.

8.1.8 A robust trip analysis predicts the development will generate no new primary trips on the local highway network as shopping trips would occur anyway, irrespective of the new store. The development would generate pass-by vehicle trips in the order of 115 and 142 two-way in the weekday AM and PM peak hour periods respectively, and a total of 236 two-way vehicle trips in the weekend peak hour. In addition, the development will result in transferred vehicle trips, i.e. those shopping trips which would otherwise be destined towards other retail opportunities, totalling 112 and 171 two-way vehicle trips in the weekday AM and PM peak hours respectively, and a total of 375 two-way vehicle trips in the weekend peak hour.

8.1.9 The result of the traffic impact assessment concludes that there would be no material or severe impact on the operation of the local highway network. Further, the application site is already very well served by the existing sustainable transport network and access will be improved as a consequence of the proposals).

8.1.10 Consequently, it can reasonably be concluded that the development accords with local and national transport planning policies and is acceptable, therefore, in transport and highway safety terms.

National Highways (formerly Highways England) has responded as follows to the application:

National Highways primary concern is for the ongoing safe and efficient operation of the SRN which in this location comprises the A36 and its associated junctions. It is accepted that the A36 experiences congestion, particularly during network peak hours. It is in this context that our comments are made.

The application site benefits from an extant permission reference S/1994/0632 for a foodstore comprising 8361 sqm of retail floorspace. Revised proposals were subsequently approved under application 14/04756/FUL for 6030 sqm of retail floorspace. The current application seeks consent for 4657 sqm of retail floorspace, with ancillary facilities. National Highways offered no objection to the 2014 application, accepting that the impact of development on the A36 was unlikely to be severe, in line with prevailing policy at that time.

National Highways has considered the revised proposals and, whilst this does not imply acceptance of the assessment methodology presented by Systra in their Transport Assessment dated May 2022, we nonetheless remain of the view that given the type and location of development proposed it is unlikely to result in an unacceptable or severe impact in safety or capacity terms on the SRN.

However, given ongoing constraints across the highway network, we would expect Wiltshire Council to secure a robust travel plan and contributions as appropriate towards measures identified within the Salisbury Transport Strategy (STS) to support and encourage the take up of sustainable travel modes and thereby offset the impact of development on the SRN.

National Highways has no objection to application reference PL/2022/04875 but advises Wiltshire Council to secure robust travel plan measures and a proportionate developer contribution towards the delivery of the Salisbury Transport Strategy, to support and encourage the take up of sustainable travel modes. [emphasis added].

As a result of the above from National Highways, it is considered that it would be difficult to refuse the application on the basis of the impact of the proposal on the A36 trunk road system or its junction with London Road.

With regards to the impact of the scheme on London Road itself and the surrounding highway systems within residential areas, the Council's highways officer has also assessed the scheme, and has made the following comments:

..... It is noted that a previous scheme for a similar development gained planning consent in 2017.

To meet with current local and national sustainable travel objectives, it is critical that the site delivers links to the wider network of cycleways and pedestrian routes together with access to public transport choices. The scheme includes improvements to the pedestrian and cycle links with a commitment to upgrade the existing infrastructure. This will be achieved through a combination of financial contributions for the surfacing of part of Green Lane and towards bus service improvements as well as identified highway improvement works upgrading footways to shared use cycleways and ensuring a continuous link is available to service the store.

Internally, car parking and cycle parking will be provided in accordance with the LTP parking and cycling strategies. Access off the Hampton Park Roundabout has previously been assessed as suitable, some alterations are needed to provide a two-lane exit onto the roundabout and an informal crossing of the access road.

A number of third parties have raised similar concerns about the impacts of the development. These are shown below, along with WC Highways response to these matters:

1. A 30mph speed should be introduced along London Road –

WC Highways advice: We received advice on this from our Traffic department who deal with requests for reduced speed limits, as follows:- the road meets the criteria for an Urban 40mph based upon the guidance contained in Circular 01/13. The road is a higher quality sub urban road, on the outskirts of the city and the development is served via defined access points with no direct frontage access.

2. The development will make it difficult for vehicles to exit the Pearce Way junction with the due to the high level of traffic.

WC Highways advice: The Transport Assessment has provided an analysis of each arm of the roundabout showing queue lengths, with figures forecast to 2031. The queue from the site onto the roundabout will be insignificant. It is likely there will be a queue from Pearce Way at peak times as a result of the proposed development but the queues will be similar to that predicted with the extant consent (a marginal increase at AM peak and a marginal decrease at PM peak).

3. The restricted height of the railway arch will impede HGV lorries and cause congestion in the area

WC Highways advice: The retail operator will manage their deliveries and routing to take into account restrictions such as weight and height limits.

4. Traffic will use Ford Roman Road (and other surrounding roads) as a rat run

WC Highways advice: There will be traffic using Ford Roman Road to access the ASDA store. However, there are existing supermarket trips on the network which will be redistributed as a result of the development, some roads will see a reduction as trips are diverted from other local supermarkets, generally the trips are existing but the destination is different.

The Highway Authority has no objection to the proposal subject to appropriate conditions and S106 contributions, which are outlined elsewhere in this report. These requested S106 contributions towards mitigation of transport impacts address those requested by National Highways.

Access to the site via a linkage from Green Lane

As with the previous 2014 retail scheme, there have been third party concerns about a link being created from Green Lane into the site, adjacent to the retail store building. The provision of a link would be sensible in sustainability terms, creating an easy non-car way of accessing the site, which may encourage more people from the adjacent housing to leave their cars at home, and shop more sustainably. The Council WC Highways support such a link.

The negative side to providing such a link is that it may encourage users of the retail proposal to park within the adjacent housing area close to the site, and to walk through to the store. This point has been highlighted by a number of residents, as has the possible creation of anti-social behaviour, although limited justification for this is given.

As part of the previously approved 2014 retail scheme on this site, Members specifically opined on this point, and in approving the scheme, a pedestrian and cycleway was permitted from Green Lane into the site, giving direct access to the front of the retail store.

The current scheme also contains this linkage. It is therefore considered acceptable, as it was previously.

Additional footpath along Pearce Way

Currently, the footpath system around part of the site (north-east of the vehicular access to the site adjacent to Pearce Way) is incomplete. As part of the approved 2014 retail scheme, the proposal showed this area to be enhanced. The current scheme proposal would also complete the

footpath/cycleway in this area, improving the accessibility of the site. This is considered to be a positive improvement resulting from the proposal, as it was previously.

Access between Green Lane and London Road

As with the approved 2014 retail scheme, the proposal also provides for a footpath and cycleway on the planned open space adjacent the retail store site and Bishopdown Cottages. This will enhance linkages around the site, and improve upon the current footpath arrangement, given the narrow nature of part of the London Road pavement adjacent to Bishopdown Cottages. This is considered to be a positive improvement/public benefit resulting from the proposal.

As a consequence of the above highways comments, and given the planning history of the site which up until 2020 benefitted from a planning consent for a similarly retail scheme, it is considered that despite the local concerns related to traffic impact, it would be difficult to refuse the proposal on the impact of the proposal on the A36 trunk road system or the London Road A30 or associated road network around the site, provided a suitable S106 agreement is entered into and suitable conditions proposed, which would mitigate the identified highway impacts. The scheme would therefore comply with the aims of national planning policy, and local plan transport policies.

9.4 Design, landscaping, and impact on surrounding landscape and area

The site is located in a prominent location adjacent to the main A30 London Road. The site, and therefore any development on the site, will therefore be readily visible to users of the adjacent highway system, which acts as one of the main arterial and gateway roads serving the city centre and surrounding hinterland. Since the previous 2014 retail scheme was approved, the NPPF has been adjusted a number of times, and the latter versions have included a greater emphasis on general design matters, including the publication of a National Design Guide and Code. Section 12 of the NPPF now covers achieving well designed and beautiful places.

Paragraph 139 of the NPPF states that:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

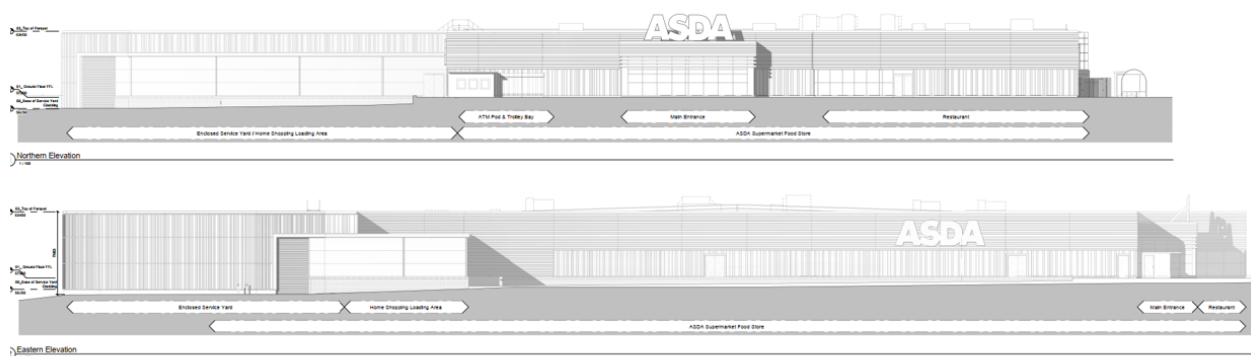
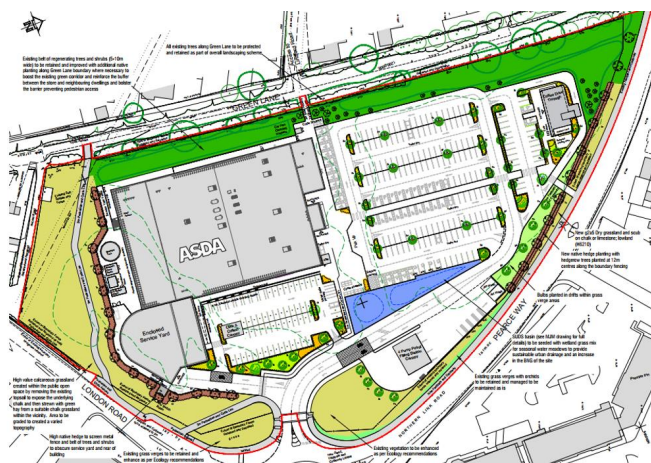
Core Policy 51 (landscape) relates to landscape impact, and indicates that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Similarly, Core Policy 57 of the WCS indicates that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Furthermore, Core Policy 52 (Green Infrastructure) of the WCS is relevant, and indicates that where development is permitted developers will be required to:

- Retain and enhance existing on site green infrastructure

- Make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards
- Put measures in place to ensure appropriate long-term management of any green infrastructure directly related to the development
- Provide appropriate contributions towards the delivery of the Wiltshire Green Infrastructure Strategy and
- Identify and provide opportunities to enhance and improve linkages between the natural and historic landscapes of Wiltshire.

The proposed scheme is, in terms of its scale, overall design and layout, very similar to the 2014 retail scheme approved previously. The current layout and some elevations are below:



Essentially a utilitarian building, both this scheme and the previously permitted 2014 retail scheme would have similar timber external materials to soften the overall bulk and scale of the building. Likewise, both schemes retain existing mature trees along Green Lane as a green backdrop and a screen, and both schemes involve a significant planting/landscaping scheme, which over time, will soften the appearance of the development. Officers remain of the opinion that, if this site is to be developed, what is required for this site in visual terms is a substantial landscaping scheme and a building which regresses into the background as best as it can, rather than a very beautiful yet prominent building.

Furthermore, since the submission of the application, the Council Wiltshire Design Guide is now adopted, and therefore this is now a material consideration of significant weight. Whilst much of the Design document relates to residential and similar scaled developments, and not to retail park style developments, it is considered that in general terms, the retail scheme achieves much of the aims of the design guidance, in terms of its blue and green infrastructure advice, as well as its advice

regards large scale and prominent community and other feature buildings, and its advice regards improving pedestrian and cycle linkages and connections. The Council's Urban Design officer has no objections to the scheme.

Members should also be reminded that this site has a history of consents for significant commercial development, including a still "extant" planning permission for a large retail warehouse scheme and car park (using the still -existing access off London Road). In the officers report for that previously consented retail development (the 2014 scheme), the following were listed as benefits and improvements of that retail scheme over the previous consented "extant" scheme from the 1990's:

- The overall bulk of the building would be smaller than the extant scheme - the previous extant "L" shaped bulky goods buildings would be significantly larger and thus more visible generally, with a long rear façade close to the Green Lane boundary.
- The proposed building would be located away from the western boundary with Green Lane, with the car parking to the north. This means that only a portion of the western facade of the building would be located adjacent to Green Lane and the associated protected trees, and as a result, would have less visual impact on Green Lane and the associated mature trees than the previous extant consent.
- Given that the service yards would no longer be directly abutting Green Lane as the "extant" approved scheme, there is likely to be less noise and general disturbance to housing located within close proximity to the west of the site.
- A previous approved 3 metre acoustic fence of significant length along the western edge of the site with Green lane is also no longer required in that location, meaning that mature trees and other planting can be retained.
- Furthermore, whilst the rear service yard of the building would face south towards the existing Bishopdown Cottages, the yard and any associated lighting and fencing and other disturbance would be separated from the cottages by a large area of retained open land. This land will perform several functions, including acting as a landscape buffer for the development, an ecological mitigation area for other land lost to the development, and also to provide a footpath and cycle link from Green Lane to London Road.
- The "extant" bulk goods warehousing consent would if constructed have resulted in the removal of all meaningful landscaping and ecology from much of the site. The revised retail scheme offers some meaningful ecological mitigation, as well as significant landscaping, as well as public access between Green Lane and London Road.

The current retail scheme subject of this application is very similar to the 2014 approved scheme, and therefore also contains the above improvements over and above the consented "extant " scheme. Notwithstanding, the current retail scheme is considered to improve upon the approved 2014 retail scheme in terms of the following:

- Firstly, whilst the 2014 retail scheme provided just on-site ecological land/open space to the south, plus on site landscaping, the current scheme will also mitigate its ecological impacts by providing off site bio diversity at the adjacent Hampton Park Country Park.
- Secondly, the current retail proposal enhances the drainage/flooding mitigation of the 2014 consent, with on-site sustainable drainage features, including permeable car parking materials and surface water scheme.
- Whereas the approved 2014 scheme had an open service area to the rear of the store, opposite the adjacent planned open space/ecological area pathway and the dwellings to the south, the service yard serving the revised retail scheme is now covered and to the eastern side of the store. This will limit the impact of that part of the building in terms of general noise and disturbance.

Summary

Whilst it is acknowledged that the current visual appearance of the site would be transformed, the visual change in the site would reflect that already considered acceptable by a number of previous consents, in particular the approval of the similar previous 2014 retail consent - the two schemes are very similar in terms of overall design, materials and general scale and bulk. The Council's Urban design officer and the Landscape officer have no objections to the current scheme.

A refusal on the basis of the overall visual harm likely to result from the current scheme would therefore be difficult to justify. It is therefore considered that with suitable conditions to secure the aforementioned details and landscaping scheme, the proposal would accord with national guidance and local planning policies, in particular CP57 and the draft Wiltshire Design Guide.

9.5 Sustainable design issues

Paragraph 162 of the current NPPF indicates that when determining planning applications, local planning authorities should expect new development to:

- (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- (b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Core Policy 41 of the Wiltshire Core Strategy indicates that for major, non-residential development:

New development,will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer. ... All non-residential development will be required to achieve the relevant BREEAM "Very Good" standards , rising to the relevant BREEAM "Excellent" standards from 2019. All proposals for major development will be required to submit a Sustainable Energy Strategy alongside the planning application outlining the low- carbon strategy for the proposal.

BREEAM stands for "Building Research Establishment Environmental Assessment Methodology". The development has been accompanied by a Sustainable Construction report. This outlines the environmental credentials of the building, thus:

- Air Source Heat Pumps will be utilised on this scheme to provide space heating / cooling to the ancillary office spaces. These will provide highly efficient space heating and cooling, significantly bettering the minimum standards of the Non-domestic Building Services Compliance Guide.
- The sales floor packaged Air Handling Units will provide space heating via and integrated Air Source Heat Pumps within the Air Handling Units. This, coupled with Low Temperature Hot Water pre-heaters fed from waste heat generation will provide a highly efficient, low carbon solution to space heating within the sales floor.
- Photovoltaic panels have not been deemed necessary for this development to meet local and national legislation. Furthermore, the utilisation of waste heat recovery working in unison with Air Source Heat Pumps is deemed and more suited strategy to comply with legislation and achieve a significant carbon dioxide off-set.
- Heat recovery ventilation to pre-heat incoming fresh air.
- Separate sub-metering to allow for all energy consumed to be monitored and any discrepancies to be easily identified and fixed thus minimising wasted energy.

- Low energy lighting with suitable controls provided.
- Building energy management system (BEMS) to manage all systems effectively, ensuring their efficiencies are achieved and maintained.
- Natural daylighting thus, reducing dependency on electric lighting and the associated running costs and carbon emissions through natural contribution towards internal lighting requirements.
- Enhanced fabric efficiencies and thermal mass stabilise any temperature fluctuations within the building reducing heat gains and/or losses.

It is noted that several third-party comments relate to the overall design of the scheme and its apparent lack of sustainable features such as solar panels or a green roof. However, there are a number of different ways of designing a sustainable building and/or to make its operations more sustainable. Such explicit sustainable design features are not always required.

Officers have taken advice from the Council's climate change officer who has advised that a suitable condition as before can be imposed on this scheme. A similar but enhanced condition can now be imposed in relation to the "excellent" standard being achieved for the building.

Consequently, subject to a suitable planning condition, the suggested scheme is therefore considered to accord with National planning guidance, and adopted local planning policy CP41.

9.6 Archaeology and heritage assets

Whilst the site is not located close to any significant heritage or cultural assets (Old Sarum SAM and Figsbury Ring SAM are some distance away to the north east and west), the site is located within an area where archaeological remains have been found in recent years and thus there is a high chance of finding archaeological deposits.

Core policy 57 & 58 of the WCS reflects the NPPF guidance which indicates that below ground archaeology needs to be sensitively handled.

The Council's Archaeologist has reiterated his previous advice that an archaeological condition can be imposed on any consent, which secures a watching brief and final report on any findings. This is consistent with the previous planning permission on this site.

Consequently, subject to a suitable planning condition as previously imposed, the suggested scheme will lead to less than substantial harm, and could lead to public benefits, as outlined elsewhere in this report. The scheme is therefore considered to accord with National planning guidance, and adopted Core Strategy policies.

9.7 Ecology and biodiversity impacts and mitigation

Third party concerns have been expressed at the loss of the existing site due to its use as informal open space and as a home for wildlife.

The site is located on the eastern side of Salisbury, adjacent to residential and commercial developments. Part of the River Avon SSSI/SAC is located approximately 150m from the site (the river system). The development site comprises a mix of grassland, scrub and scrub woodland habitats. It is bounded on one its western side by Green Lane, containing a number of mature trees

some of which are formally protected. The site contains habitat suitable for notable invertebrate species and the adjacent lane is known to be of local value for bats.

Since the previous 2014 retail consent was approved by the Council, the Environment Act 2021 has come into law. This introduces the requirement on developments to provide at least 10 percent biodiversity net gain, over and above the existing situation on a particular development site. However, **Members should note that the government has recently clarified that this part of the legislation only applies to new applications submitted as from 12 February. The current application predates that, and thus the 10 percent requirement does not apply to this application.**

Paragraph 186 of the current NPPF indicates that when determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and

d)opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Similarly, Core Policy 50 (Biodiversity and geodiversity) of the WCS indicates that:

“Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services. all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services..”

Core Policy 69 (Protection of the River Avon SAC) of the WCS also covers similar issues, and indicates that:

“In order to avoid and reduce potential environmental effects on the River Avon SAC, development will need to incorporate measures during construction and operation to avoid and prevent pollution and mitigate potential disturbance effects; appropriate measures may include consideration of suitable buffer zones along watercourses, habitat enhancements and river access management measures...”

As part of the previous extant planning permission, only very limited biodiversity measures were included. The more recent 2014 retail consent contained an improved but still limited amount of biodiversity mitigation and replacement on site. This was mainly included on an area of retained open land to the south of the retail store development. (Members should note that this area of open space and a linking pathway was provided partly in response to a previous public consultation exercise carried out by the developer as part of the 2014 application).

A detailed ecological assessment has been submitted with this current application which concludes that:

- *The Site currently comprises a mosaic of woodland, scrub and grassland habitats that have developed through the natural succession of the site from the original grazing land. These*

are not of significantly ecological value individually, and the woodland was of insufficient quality to be considered a Priority Habitat. However, the habitat resource of the Site as a whole is of some value. Higher value habitats including chalk grassland and the former hedgerow associated with an old lane are present at the margins of the Site. These have been taken into account during the design of the development and will be retained as far as is possible

- The habitats on the Site support assemblages of invertebrates and breeding birds and a small population of viviparous lizards is also present. Surveys were undertaken for badgers and dormice, but no evidence of their presence on the Site was found. The adjacent habitat is used by foraging and commuting bats, although habitats within the site itself are not of value for bats. In the absence of mitigation, the proposed development would result in the loss of lower value habitats on the Site, and this will have an adverse effect on invertebrates, breeding birds, reptiles and bats.*
- However, through the implementation of mitigation measures, impacts to higher value habitats, the viviparous lizard population and off-site habitat for bats can be avoided. Habitat creation measures are proposed which will increase the extent of high conservation value calcareous grassland on the Site. This will compensate for the loss of lower value habitats to a degree and results in a positive impact on the invertebrate assemblage.*
- A Biodiversity Net Gain calculation has been undertaken for the proposals, which would result in a decrease of 52.79% of the current biodiversity value of the Site. However, new hedgerow planting will result in a 100% increase in hedgerow units. Off-site habitat creation is required to completely mitigate the loss of habitats on the Site and to deliver Biodiversity Net Gain.*

The applicants have therefore worked with the Council's ecologist to produce a scheme which provides significant landscaping on the site which also provides a high quality biodiversity infrastructure.

This current revised scheme again provides the previously agreed and approved open space area to the south of the retail site. The habitat provided improves upon the quality of that it replaces in that part of the site.

Furthermore, the scheme would also now compensate for the loss of biodiversity on the existing site by replacing suitable habitat off-site, at the adjacent Riverdown Country Park. A plan showing the location of these off site areas at the Country Park is below:



Plan showing locations of off site biodiversity at adjacent Country Park

Members should note that this current application is not subject to mandatory Bio Diversity Net Gain, and that policy CP50 only currently requires that proposals demonstrate no net loss of functional habitat for biodiversity in the local area. By retaining boundary features within the site and enhancing areas of the nearby country park, this requirement is fulfilled. Indeed, the scheme as a whole demonstrates a net gain in excess of 10%.

This would represent a significant improvement in bio-diversity replacement terms compared to either the previously approved 2014 retail scheme, or the extant planning permission.

The Council's Ecologist has indicated her support for the scheme, as below (summary):

The site does not lie within or immediately adjacent to any sites designated for nature conservation, however it does lie within the Hampshire River Avon SAC/SSSI Catchment, and within approximately 125m of the River Avon SAC/SSSI itself. This is a watercourse of international importance due to its character, geomorphology and the species it supports, and as such the LPA, as the relative Responsible Authority, is required to carry out an Appropriate Assessment under Section 63 of the Habitats Regulations, to determine whether or not the proposed development would result in significant adverse effects on the Conservation Objectives of the SAC.

A close inspection of maps and aerial photographs indicates that although the River Avon SAC/SSSI is only around 125m from the application site at its closest point, there is an established main road between the application site and the river, on the other side of which is a hotel (Premier Inn), with both the road and the hotel site having existing infrastructure to deal with surface water drainage. The application site proposal also includes a scheme for surface water drainage. To the south east of the application site runs the main line railway, set on an embankment or within cutting, again with existing drainage infrastructure, which effectively prevents surface water from the application site reaching the River Avon SAC/SSSI. It is therefore my opinion that the application site is isolated from the river by existing development as well as road and rail infrastructure, preventing any mechanism for effect on the SAC/SSSI from the development. As such, this proposal is screened out of Appropriate Assessment under the Habitat Regulations.

Residential development within the catchment will have the potential to impact on the SAC, alone or in combination with other developments, through discharge of phosphorus in wastewater. However employment sites/commercial developments are not included as they do not increase the nutrient levels within the catchment. There is therefore no trigger for mitigation of nutrients nor the requirement for further Habitats Regulation Assessment in this respect.

The Ecological Assessment Report by Encon Associates (Revision E) dated 20/12/23, is comprehensive and details a level of survey appropriate to the site and to the proposed development. No further survey is required. The surveys conducted identified relatively low ecological value across the main site area but higher value associated with the hedgerow and tree vegetation at the western edge of the site (Green Lane) and areas described in the UK Habitats list as dry grassland or scrub on chalk or limestone. One particular area of this habitat type occurs on the eastern boundary of the site, beyond the existing fence, within the existing road verge. It is noted as it supports pyramidal and bee orchids.

The surveys identified that the site does not contribute significantly to bat foraging resource in the local area, however the hedge and tree lines are established commuting routes for a number of bat species. Retention of these areas as a darkened corridor will enable continued use. A small population of viviparous lizards was found within the site, which may need to be translocated offsite to a suitable location. Detail provisioning this should be included in the Construction Environmental Method Statement (CEMP) that will be required by condition. The CEMP should also give suitable prescriptions for protection of nesting birds and grassland areas as indicated in the Ecology Assessment Report.

The hedgerow and tree standards at the western edge of the site, known as Green Lane, will be retained within the development design, within a 12m vegetation buffer. Trees will be protected during construction through marking out and implementing tree protection zones in line with BS 5837:12. Areas of higher quality grassland and some scrub areas will also be retained wherever possible. The road verge at the eastern edge of the site will be retained as far as possible, although a new pavement will be required along the edge of the road here, for highways safety purposes. This will result in a loss of 4347m² of road verge, however the highest quality areas will be retained and the current management by Wiltshire Council will continue. The ecology report recommends that the higher quality grassland areas will be marked out and fenced off during the construction period to prevent adverse impacts.

288m of new, local provenance native hedgerow and 150m² of wildflower grassland are proposed as part of the development and these will help to retain the functionality of the habitats for wildlife in the local area, and maintain connectivity between the site and surrounding habitat areas.

5865m² of calcareous grassland will be created in the southern part of the site, while existing grassland on the eastern side of the site will be enhanced. Public access will be provided across the southern area of grassland via a surfaced footpath, which is fundamental to enabling public passage across the area without detriment to the creation and establishment of the grassland. The areas of habitat to be retained or marked for enhancement within the site must be subject of a robust Construction Environmental Method Statement (CEMP) to ensure they are not damaged during construction.

Despite retention of some key habitat areas and creation of new habitat, some habitat of low conservation value will be lost within the site as a result of the proposed development. The volume that will be lost has been calculated using the Biodiversity Metric v. 3.1, which is a suitable method of habitat quantification. Wiltshire Core Policy 50 requires that there should be no nett loss of functional habitat for biodiversity within the local area. The retention of the hedgerow along Green Lane, within a 12m buffer, as well as some of the higher quality grassland, together with new hedgerow planting, creation of calcareous grassland and wildflower grassland will ensure that some functionality of the habitats within the site is maintained for the benefit of local wildlife populations. The deficit is proposed to be made up through offsite enhancement of habitat at the nearby Castle Hill Country Park.

Although this development is not strictly required to deliver Biodiversity Net Gain, as this did not become mandatory until 12th February 2024, the use of the BNG calculator has been useful in quantifying habitat loss and provision of compensatory habitat in the local area. Note that both NPPF and CP50 require that alongside no nett loss of habitat, there should be habitat gain. The Biodiversity Metric has been used to calculate the baseline habitats within an agreed area within the Country Park and the volume of habitat to be enhanced in order to achieve a position of no nett loss of functional habitat within the local area. The Castle Hill Country Park – ASDA Off-Site Management and Maintenance Plan, January 2024, to be implemented by The Land Trust, (document author Ecus) has been submitted and reviewed as suitable to achieve the intended habitat goals. A legal agreement will need to be set up between the developer and the landowner of the Country Park and this detail will need to be included in a S106 agreement to ensure delivery of the compensatory habitat creation and management.

I am satisfied that the retention of key habitat and planting of new habitat features within the site, together with the proposed creation and management of habitats at the nearby Castle Hill Country Park will ensure that the development is compliant with NPPF and with CP50, in that there will be no nett loss of functional habitat for biodiversity in the local area. The Biodiversity Metric indicates that there will be a gain in habitat units in excess of 10%.

Conclusion -

With the addition of the conditions detailed below, I am satisfied that the proposed development will not result in adverse impacts to protected habitats or species and will be in line with national and UK legislation and policy.

In addition to the conditions detailed below, please note that a Section 106 legal agreement will be required to secure the delivery of the off-site compensation and enhancement. The details of the additional agreement between the developer and the landowner or their agent must be included in the S106 to ensure that it becomes an enforceable element of any planning permission given [emphasis added].

Summary

The Council's Ecologist now supports the biodiversity enhancements to the scheme and has indicated that it is unlikely that the scheme would adversely affect the SAC, given its distance from the river system, subject to suitable conditions controlling the works, including provisions within any legal agreement related to the future maintenance of the off-site land as areas for biodiversity mitigation. The officer has therefore concluded a positive Habitats Regulations Assessment.

Consequently, the current retail scheme improves on the previously consented schemes as it offers improved and replacement ecological mitigation on and off site. Consequently, subject to suitable planning conditions and S106, the scheme is therefore considered to accord with National planning guidance, and adopted local planning policies, in particular CP50 & 52, & 69. See section 8.9 below regards officer advice related to the open space matters.

9.8 Noise, light pollution, air quality, and general impact on amenity

The application site is located very close to existing residential properties, including those located on the western side of Green Lane on the Bishopdown/Hampton Park housing estate, and the Bishopdown Cottages, a terrace of properties located to the south of the site. There has been concern expressed by various third parties and adjacent neighbours regarding the impact of the proposals in terms of general noise and disturbance with regards the operation of the store.

Policy CP57 of the WCS indicates that the aim of local policy is to protect residential amenity at point 7:

vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

Core Policy 55 (air quality) of the Wiltshire Core Strategy indicates that:

“Development proposals which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire and where relevant, the Wiltshire Air Quality Action Plan. Mitigation may include:

- i. Landscaping, bunding or separation to increase distance from highways and junctions*
- ii. Possible traffic management or highway improvements to be agreed with the local authority*
- iii. Abatement technology and incorporating site layout / separation and other conditions in site planning*
- iv. Traffic routing, site management, site layout and phasing, and*
- v. Where appropriate, contributions will be sought toward the mitigation of the impact a development may have on levels of air pollutants.*

It is acknowledged that the establishment of a large supermarket and associated car park on this site is likely to result in a change to the amenities currently experienced by residents of housing close to the site. Levels of traffic noise and general disturbance will increase when compared to the current benign use of the land.

The applicants have submitted a number of reports, outlining the likely impacts of the development. The Council's Public Protection team has had discussion with the applicant regarding the likely impacts of the development. Clarification of various noise emissions and similar factors have been discussed, and adjustments have been made to the proposal. Such restrictions would seem to help address many of the third party concerns regarding the impact of the proposal.

Suitable planning conditions are therefore suggested below to restrict the following:

- the retail store and the drive through coffee shop use would not be operational 24 hours a day
- restrictions on operational deliveries to the site
- Restrictions on use of jet wash
- A scheme to stop trolleys leaving the site
- A scheme of lighting to limit light spill into the surrounding area

This represents an improvement over the previously approved retail store scheme, which was permitted to trade 24 hours.

As a consequence, given that a number of the third party concerns can be mitigated via suitable conditions, and given that the current scheme is very similar in its impacts to the approved 2014 retail scheme, it would be difficult to justify a reason for a refusal of this current scheme on a basis that significantly more harm would be caused to surrounding residential amenities. Consequently, the suggested scheme is therefore considered to accord with National planning guidance, and adopted local planning policies.

Air quality

The Public Protection officer has now stipulated that in terms of air quality, a financial contribution is required, towards the Council monitoring facilities in this area. This will be dealt with via the S106. The proposal would therefore accord with the aims of CP55.

Light pollution

The scheme inherently involves the provision of lighting and columns to light the associated car parking, servicing, and circulation areas, as is common with such developments. The development therefore has the potential to increase lighting pollution in this area. A lighting strategy has been submitted with the application. The scheme would have numerous lighting apparatus around the site, including lamps on/around the external facade of the buildings, as well as lighting within the proposed car park, and around the perimeter, including lighting to the rear service yard, namely:

- The external lighting scheme has been developed to provide a safe and secure car park for customers and colleagues.
- The design and layout of the external lighting system will comply with Dark Skies criteria limiting upward lighting component.
- Luminaire selections have been made in accordance with ILE guidance taking account of local residential properties and protected species
- The external car park is designed to achieve 20 lux average illumination with a minimum of 7 lux. (A moon lit night, in the absence of any artificial light, would provide an illumination level of 1 Lux).
- The external lighting comprises LED lamps mounted on 8 metre columns.

The applicants lighting assessment also states that all areas of external lighting will be automatically timed and photocell controlled via an external lighting control panel, suitably zoned to meet the operational needs of the store, and to conserve energy use. Appropriate products have been chosen that will greatly reduce light and glare to and around site boundaries.

On the above basis, it is considered that the proposal has been designed in manner which would limit the amount of light pollution within the surrounding area, although it is acknowledged that compared to the existing situation, lighting pollution will increase significantly. Members should however consider that the site already benefits from an extant planning consent for large commercial built form which would not have fully considered lighting impacts in the detailed way this revised scheme has. Members should also be mindful that the Council approved a not dissimilar retail scheme a few years ago, which had very similar lighting proposals.

Thus, as the Council's Public Protection officers and Ecology officers have not objected to the proposed lighting scheme subject to further details which can be conditioned, it may be difficult to defend a reason for refusal based on the impact of light pollution. The proposal is therefore considered to accord with the aims of policy CP50/51/52/57 of the WCS.

9.9 Flooding and drainage matters

The site is separated from the river system by the A30 London Road and Pearce Way, other housing and commercial development, and the main Salisbury to London railway line.

The previous 2014 retail development was considered acceptable on this site in flooding/drainage terms. Whilst the site and its environs remain as previously considered, since the previous retail scheme was considered and approved, the updated NPPF and NPPG indicate that inappropriate

development in areas at risk of all sources of flooding (including ground and surface water) should be avoided by directing development away from areas at highest risk, and promotes a sequential approach to assessing developments. The aim of the Sequential Test (flooding test) is to steer new development to areas with the lowest probability of flooding.

Core Policy 67 of the Wiltshire Core Strategy relation to Flood Risk also indicates that:

“Development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority in order to apply the Sequential Test in line with the requirements of national policy and established best practice. All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.”

The site lies within Flood Zone 1, and hence, sequentially preferable in flooding terms. A flood risk assessment has been prepared to accompany a planning application, which was updated to cover all sources of flooding. This concludes that there is no significant risk of flooding from secondary sources such as groundwater, surface water flooding, sewers or from artificial water bodies.

The Environment Agency has not commented on this application as the Council’s Drainage team (as Land Drainage Authority) now has jurisdiction over such matters. The Council’s Drainage team has had detailed discussions with the applicants, and the scheme as originally submitted has been adjusted to improve the sustainable drainage systems on the site, including permeable parking areas, additional planting areas which will assist with both drainage matters and biodiversity, and also a physical SUDS drainage area. Subject to various conditions, the Council’s drainage officers do not object to the proposal.

Consequently, given that the site already benefits from an extant consent for a large scale commercial development, and recently had consent for a similar retail development, both of which did not contain such advanced drainage features, it is therefore considered that this revised scheme is an improvement/beneficial in drainage terms, and a refusal on flooding or drainage grounds would be difficult to justify, as the scheme would accord with the aims of the NPPF and local planning policies regards drainage and flooding.

9.10 Loss of/provision of open space

Like the previous 2014 retail consent on this site, the current plans show the southern part to be an area of open space and ecological biodiversity mitigation, which will also provide new a cycle and pedestrian route between London Road and Green Lane.

A number of third-party comments have raised concerns about the loss of the existing use of the existing site as informal open space, and dog walking area. Whilst such comments are understandable given the availability of the land for informal usage for over 20 years, the site is private land, and has never been formally allocated as public open space in any Development Plan. With the existence of existing public open space serving the housing development, including the Riverdown Country Park area, it is considered that it would be difficult to make a case that the area suffered from a lack of formal or informal open space. Notwithstanding this matter, the site already benefits from an “extant” planning permission for a bulk goods retail development which if fully implemented, would have removed the open character of the land and its biodiversity. Unlike housing development, new open space provision is not required by planning policy in association with retail development.

On the above basis, a refusal of this current scheme based on the loss of the existing site as open space, would be difficult to justify, particularly as the land provided would offer the multiple benefits of an improved linkage and ecological mitigation.

10.0 CIL/S106 contributions

The scheme would result in a number of impacts identified in the above report. However, it is considered that some of these impacts can be mitigated via provisions or contributions secured via a S106 legal agreement, and the scheme can offer potential public benefits, as explained below:

Public Art provision– Saved Policy D8 and adopted policy CP3 requires larger development to make a contribution towards the provision of public art within the South Wiltshire Area. Regards this particular site, the previous extant planning permission made a contribution towards public art, and these monies were transferred to the Council over 20 years ago following approval of the reserved matters application S/1998/373. The Council Public Art officer has indicated that no further contribution is required, and that the monies are earmarked for a city centre art project. The S106 will need to reflect this.

Air Quality mitigation measures – The Council's EHO has advised that they do not consider that a supermarket in this location will have a net adverse effect on AQ within the AQMAs. As such, they have requested a financial **contribution of £5200.00**, towards the implementation of AQ action plan measures within the Salisbury Centre, Wilton Road and London Road AQMAs. This accords with WCS CP55 . This matter needs to be included within any S106 Agreement.

Traffic/highways enhancement measures – In accordance with the comments of the Council's Highways officer, the following provisions are suggested should Members consider them appropriate in order to encourage modal shift and make the development more sustainable:

- Green Lane Improvements - A contribution of **£172,393 (May 2018 price) index linked** to the Salisbury Transport Strategy. The priority focus for this contribution will be for the delivery of Green Lane surfacing north of Pearce Way in the first instance, with additional measures to maximise walking and cycling along the route thereafter.
- Bus Contributions - A contribution of **£175k index linked** towards improvements to the public transport provision on the London Road corridor.

Offsite biodiversity mitigation, open space and new pathway – The proposal would result in the loss of a significant amount of existing biodiversity on site. Part of the site is retained as on-site replacement biodiversity habitat (the public open space area). The remainder will be provided off site, at the adjacent Riverdown Country Park. The S106 will also need to ensure that the ecological biodiversity compensation intended is carried out and maintained.

11.0 Consultation with Secretary of State

Should the Committee be minded to approve this application, under the terms of the Consultation Direction 2021 issued by Central Government, as the retail scheme is within close proximity to other retail development, either approved or built out in recent years, the LPA must consult the Secretary of State prior to issuing any decision. Members should note that a similar Direction was also in place when the previous ASDA scheme was considered. On that occasion the Secretary of State chose not to call-in the application for consideration, and the LPA subsequently approved the application.

12.0 CONCLUSION AND PLANNING BALANCE

The proposal has been the subject of a significant number of third-party concerns, including the likely traffic impact, the impact on the city centre and surrounding retail shops, and the impact on surrounding residential amenities. It is also the case that there have been a number of comments

in support of the scheme, in relation to customer choice and retail jobs, and the reduction in traffic elsewhere in Salisbury.

In general retail policy terms, whilst the site is not in a city centre location, the site has been the subject of a number of development proposals over the last 30 years, and the site benefits from an extant consent for bulky goods retail units and significant parking. Until 2020, it benefitted from a consent for a similar large scale retail store, the overall impacts of which would have been very similar to those of the current retail proposal. The site was also included in the settlement boundary in 2021. Hence the principle of large scale retail development on the site has been accepted previously. The current proposal must therefore be considered against this context.

It is considered that whilst the proposed retail scheme would divert some trade from Salisbury city centre, the overall level of retail impact on the vitality and viability of the city centre and any planned investment/developments or existing stores would not be significantly harmful. Furthermore, the Maltings/Central Car Park development site in Salisbury City Centre would not be suitable or available for the development proposed. There is considered to be no other sequentially preferable site closer to the city centre.

With regards the suitability of the chosen application site, the impact of a retail store on the site has been rigorously assessed.

There would be a loss of biodiversity on the existing site, but through mitigation the proposed scheme includes replacement biodiversity on part of the site, and also includes the provision of off-site biodiversity measures. This would result in a significant biodiversity betterment compared to the previously approved 2014 retail scheme for this site, and a net gain of 10 percent, thus also meeting newly introduced national targets. Thus balanced against the loss of biodiversity on the existing site, the replacement of improved biodiversity on and off the site can be given modest weight.

It is acknowledged that the proposal would result in a significant visual change compared to that resulting from the existing open and unbuilt character of the site. The general amenity of the area would also be affected by the noise and general disturbance created by the development of the site, compared to its existing character. The proposal is likely to result in an increase in traffic on the surrounding highway systems compared to the existing situation. However, these impacts would be similar to those likely to have resulted from the previous approved retail scheme on the site, and that previous scheme and its harms were considered acceptable by the Council. As the earlier planning consent only expired in 2020, and because the impacts of the scheme are considered to be very similar, this previous approval is a material consideration of significant weight. Similarly, the proposed scheme would be likely to result in similar amenity, and highway, access, and linkages impacts to the previously approved retail scheme for the site. Likewise, impact on other receptors (archaeology, drainage matters etc), would also be similar. The planning policy regime and the site and its surroundings also remain largely as they were when the previous retail scheme was approved.

The proposal would result in a number of public and other benefits:

- General economic and social benefits for the area
- Providing employment both during construction and post construction periods
- Enhance the facilities and services available to residents of the surrounding areas
- Improved competition in the Salisbury area between the larger retail stores which would benefit local consumers, but would also be likely to help alleviate the current traffic pressures around the A36 Southampton Road, caused partly by the existing large retail stores in that location.
- The proposal would also provide a new pathway between Green Lane and London Road, which would improve upon the quality and safety of the current London Road pavement, and thus have public benefits for existing users, and future users of the highway system
- The existing partial footway along part of Pearce Way would also be enhanced
- Green Lane surfacing would also be enhanced

Taken together, these benefits can given significant weight, but must be weighed against any identified harms caused by the proposal.

To conclude, whilst the various concerns have been taken into account, it is considered that the proposal is acceptable, subject to suitable mitigation in the form of various restrictive conditions and a legal agreement. Therefore, the proposal is considered to be in line with national and local planning policies, as outlined in the report.

RECOMMENDATION: THAT THE PLANNING APPLICATION BE APPROVED, SUBJECT TO:

- i) REFERRAL TO THE SECRETARY OF STATE FOR HIS CONSIDERATION AS TO WHETHER THE APPLICATION SHOULD BE 'CALL-IN' FOR HIS DETERMINATION; AND**
- ii) A S106 LEGAL AGREEMENT BEING FIRST ENTERED INTO WITH RESPECT TO THE PROVISION OF THE FOLLOWING MITIGATION MEASURES:**

A) Green lane improvements

A contribution of £172,393 (may 2018 price) index linked to the Salisbury transport strategy. The priority focus for this contribution will be for the delivery of green lane surfacing north of pearce way in the first instance, with additional measures to maximise walking and cycling along the route thereafter.

B) Bus contributions

A contribution of £175k index linked towards improvements to the public transport provision on the London Road corridor.

C) Public art

A scheme for the provision of public art utilising the financial contribution previously provided to the council as part of reserved matters permission s/1998/0373.

D) Off site biodiversity mitigation

A scheme to secure the off site ecological mitigation/biodiversity land at the adjacent Riverdown Park/Castle Hill site identified in the submitted Off-site Biodiversity Net Gain report Version 2 and the Management and Maintenance Plan Version 2, reference 22714

E) Air quality mitigation

A financial contribution of £5200 towards the implementation of Air Quality Action Plan measures within the Salisbury City Centre, Wilton Road and London Road Air Quality Management Areas

AND SUBJECT TO THE FOLLOWING CONDITIONS:

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.**

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.

Approved details

- 02 Unless otherwise specified by the subsequent conditions, the development shall be carried out in accordance with the following approved plans and details:

Ref: 0000_01 Rev P8- Location Plan
Ref: 0000_02 Rev P8- Existing Site Plan
Ref: 0000_04 Rev P20 Proposed site layout
Ref: 0000_05 Rev P6- Asda Store- Ground Floor Layout
Ref: 0000_06 Rev P7- Asda Store- Proposed Roof Plan
Ref: 0000_07 Rev P4- Proposed Site Sections
Ref: 0000_08 Rev P7- Asda Store- Elevations
Ref: 0000_09 Rev P5- Asda Store- Elevation Callouts
Ref: 0000_10 Rev P4- Click and Collect structure
Ref: 0000_30 Rev P3- Petrol Filling Station floor Plan
Ref: 0000_31 Rev P2- Petrol Filling Station Elevations
Ref: 0000_32 Rev P2- Petrol Filling Station Roof Plan
Proposed Landscaping Scheme Drawing No. 04 Rev L

Biodiversity

Biodiversity Metric 3.1 V4
Biodiversity Net Gain Plan Rev F. 5th December 2023.

Highways Plans - Proposed modifications to site access and Pearce Way:

Drawing 001 Rev A (Site Plan showing all areas of works)
Drawing 002 Viewport 01
Drawing 003 Viewport 02
Drawing 004 Viewport 03
Drawing 005 Rev A Viewport 04

REASON: In order to ensure that the scheme is constructed in accordance with the details previous agreed.

Materials and landscaping

- 03 No external materials or external facade works shall take place/be applied until full details or samples of the materials for the external elevations of the buildings and walling, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

No landscaping works shall take place until a scheme detailing the hard and soft landscaping has been submitted to and approved by the LPA. This should include details of surface materials; shrub and tree planting including details of tree pits confirming that such pits will be adequate to allow the trees to flourish; and details of times of planting, species and size. The landscaping shall be carried out and maintained in accordance with the approved scheme.

REASON: In the interest of visual amenity of the site and surrounding area.

Restrictions on operation of use

- 04 The retail supermarket store shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: a maximum six-hour period between 0900hrs to 1700hrs

REASON: In the interests of amenity.

- 05 The drive-through coffee shop shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: 0900hrs to 2000hrs

REASON: In the interests of amenity.

- 06 Petrol filling station tanker deliveries will only take place between 0700hrs and 2100hrs Monday to Sunday. There shall be no tanker deliveries outside of these times.

REASON: In the interests of amenity.

- 07 The jet wash, air, water and vacuum units associated with the petrol filling station shall only operate between 0900hrs and 1800hrs Monday to Sunday. They shall not be operational outside of these times.

REASON: In the interests of amenity.

- 08 No deliveries shall be made to, or waste collections made from, the petrol filling station or coffee drive through hereby approved except between the hours of 0800hrs and 2100hrs Monday to Sunday.

REASON: In the interests of amenity.

- 09 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800hrs to 1800hrs Monday to Friday and 0800hrs to 1300hrs on Saturdays.

REASON: In the interests of the protection of amenity.

- 10 No development shall commence on site including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement/routing of construction vehicles;
- ii. Construction staff parking
- iii. The cutting or other processing of building materials on site;
- iv. Wheel washing and vehicle wash down facilities;
- v. The transportation and storage of waste and building materials;
- vi. The recycling of waste materials (if any)
- vii. The loading and unloading of equipment and materials
- viii. The location and use of generators and temporary site accommodation
- ix. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts
- x. Details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing. This is particularly pertinent to the hedgerow, trees and buffer area along the western edge of the site and the southern and eastern areas set aside for grassland creation and enhancement.

- b. Working method statements for protected/priority species, such as nesting birds and reptiles.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The exact prescriptions of the CEMP should be drawn from the submitted Ecological Assessment Report by Encon Associates (Revision E) dated 20/12/23 and based on the Tree Survey Report and AIA Method Statement Rev B Dated 12/5/2022 By Encon.

The construction/demolition phase of the development will be carried out fully in accordance with the construction and environmental management plan at all times.

REASON: In the interests of the protection of amenity and to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

11. Prior to the installation of any air extraction system which discharges air that is likely to be odorous, including from food or drink preparation rooms, a scheme of works for the control and dispersal of atmospheric emissions, and in particular odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: In the interests of the protection of amenity. In discharging this condition, the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. We also recommend the applicant consults EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems.

12. No building shall be occupied until an assessment of the acoustic impact arising from activities within the enclosed warehouse and any fixed plant associated with main supermarket, Petrol Filling Station shop and the Coffee Drive Through is undertaken in accordance with BS 4142: 2014 +A1:2019, and that assessment has been submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall not exceed background and is protective of local amenity.

The assessment is to be based on the background levels (L_{A90T}) recorded in the predevelopment noise survey, as provided in Table 1 of the submitted Acoustic Consultancy Partnership Ltd report ref 11679, dated 16th May 2022.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The assessment shall provide confirmation of the as installed details, with calculated noise levels updated as necessary. The details as

approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Customer trolleys

13. Before the retail use hereby permitted first comes into operation, 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. Development shall be carried out in accordance with the approved scheme.

REASON: To limit the impact of the development on adjacent residential amenity

Landscape and Ecological Management Plan (LEMP)

14. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

Lighting

15. Notwithstanding the information and details within the submitted Lighting Statement by DDA dated 25th March 2022, prior to the installation of any lighting, a complete Lighting Strategy for the site, which contains lux contour plots demonstrating that light levels of 0.5 Lux or less can be achieved at the edges of key habitat features, together with location, type and model of all lighting units to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be carried out in accordance with the agreed scheme.

REASON: In the interests of conserving biodiversity.

Contamination

16. In accordance with conclusions of the submitted Preliminary Risk Assessment report, (Preliminary Risk Assessment by DTS Raeburn Ltd November 2021), no development shall commence on site until a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

If the report submitted pursuant to above indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: Core policy 56, To reduce the risks associated with land contamination

Retail use restrictions

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the retail store shall be used solely for purposes within Class(es) E (a) retail and (b) food and drink, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). There shall be no subdivision of the main retail unit (with the exception of the internal café/restaurant) hereby approved, or any additional internal floor space created (including any insertion of mezzanine floors) for the purposes of additional net retail sales area, not covered by this permission.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted for the purposes of the creation of additional net retail sales floor area.

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 and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

Highways and parking

19. The main retail unit and the drive through unit shall not be occupied (open for trading) until the vehicular access has been amended as outlined on drawing ref: 'Proposed Modifications to Site Access and Pearce Way Viewpoint 04' drawing number: 005 Rev A. This includes widening of the lane to provide a two-lane entry onto Hampton Park Roundabout, provision of a traffic calmed pedestrian/cycleway crossing of the access and alterations to street lighting.

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

20. The main retail unit and the drive through unit shall not be occupied (open for trading) until the new shared use footway/cycleways on Pearce Way and London Road and the upgrade of the existing footways to shared use footway/cycleways on Pearce Way and London Road

as outlined on drawing ref: 'Proposed Site Layout' rev P20, together with associated lining and signing, and street lighting alterations over the entire site frontage are provided.

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety. Note the above details will need to be agreed as part of a separate S278 Agreement with the Council as Highway Authority.

21. The main retail unit and the drive through unit shall not be occupied (open for trading) until details of the direct pedestrian/cycle links from Green Lane into the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first brought into use until the links have been completed in accordance with the approved details.

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

22. No part of the development of hereby permitted shall be first brought into use until the access, and turning areas, servicing area, internal pedestrian and cycle paths, parking spaces and cycle spaces have been completed in accordance with the details shown on the approved plans, including surfacing and demarcation of parking spaces. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and to ensure that satisfactory facilities for the parking of cycles are provided, and to encourage travel by means other than the private car.

23. Within 6 months of the development hereby approved opening for trading, a Full Travel Plan based on the submitted framework travel plan (ref GB01T21E36/002/V4 by Systra) shall be submitted to and approved in writing by the Local Planning Authority. The full travel plan when approved shall be implemented (including the appointment of a travel plan co-ordinator) from the date of approval.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

Drainage

24. Notwithstanding the details shown on the Proposed Schematic Drainage Option 03 – Infiltration and SUDS dated September 2022 by MJM ref 7163-MJM-01-00- DR-C-15204 Rev P03, no development shall take place regards the drainage scheme/works for the site, until a scheme for the discharge of surface and foul water from the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall provide the following:

- Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 – Soakaway Design.
- Demonstrate 20% betterment has been achieved on post-development discharge rates for both peak flow and volume on existing greenfield rates for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events.
- Drawings which demonstrates mitigation of potential pollutants from the proposed petrol station, and calculations which demonstrate the drainage design provides a sufficient level of water treatment to prevent pollution of groundwater.
- Detailed cross and long section drawings or the proposed attenuation pond and its components.

- Detailed calculations for the attenuation pond, and demonstrate a freeboard has been applied.

and the drainage scheme shall be carried out and retained in accordance with the approved details.

REASON: To limit the impact of the scheme on the drainage system and surrounding natural habitats.

Archaeology

25 No development shall take place within the application area until the applicant has secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy will provide for:

i) A programme of site investigation and recording, or alternative appropriate mitigation, within any areas of archaeological interest. Development will not commence within any area of archaeological interest until the site investigation has been satisfactorily completed.

ii) A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the mitigation strategy or unless otherwise agreed in writing by the Local Planning Authority.

REASON: To enable the recording of any matters of archaeological interest.

Sustainable design

26. The main retail unit hereby permitted shall achieve a BREEAM (Building Research Establish Environment Assessment Method) rating of 'Excellent'. Unless otherwise agreed in writing with the Local Planning Authority, the retail unit shall not be occupied until the post-construction state assessment and subsequent BREEAM Certificate certifying that 'excellent' status has been achieved has been submitted to and agreed in writing by Local Planning Authority.

REASON: In order to produce a scheme with a high level of sustainable design in accordance with adopted Wiltshire Core Strategy Policy CP41.

INFORMATIVES

S106

The development shall be carried out in accordance with the S106 dated ****

Highways

The applicant will be required to enter into a S278 Agreement with the Highway Authority before commencement of the works identified in conditions above.

Drainage

- If the applicant intends to offer SuDS features for adoption, their designs will need to be in accordance with Wessex Water's SuDS Adoption Guidance.
- The site is likely to be underlain by chalk. In chalk, or any other fill material prone to instability, soakaways should be sited in accordance with the chalk density in accordance with CIRIA C574 "Engineering in Chalk"; this may result in min 10m clearances being required from any building, road or structure foundations.
- The drainage strategy will need to consider the increased contamination risk to groundwater / surface waterbodies posed by the petrol forecourt, and propose suitable pollutant mitigation for this area of the site.
- The applicant is referred to Wiltshire Council's Surface Water Soakaway Guidance for the standards that must be met for planning approval and adoption of infiltration drainage features.
- The surface water disposal hierarchy is set out below (as per the Sewerage Sector Guidance, paragraph C.3.12):
 - Surface water runoff is collected for use.
 - Discharge into the ground via infiltration.
 - Discharge to a watercourse or other surface water body.
 - Discharge to surface water sewer or other drainage system, discharging to a watercourse or other surface water body.
 - Discharge to a combined sewer.