

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	11 th February 2015
Application Number	14/05997/FUL
Site Address	Former Autechnique Site, London Road, Salisbury, SP1 3HN
Proposal	Demolition of existing buildings and erection of Class A1 foodstore (1,585 sq.m. gross) with associated access, decked car parking and landscaping, and additional Park and Ride parking.
Applicant	ALDI Stores Ltd
Town/Parish Council	LAVERSTOCK
Ward	LAVERSTOCK, FORD AND OLD SARUM
Grid Ref	415635 131506
Type of application	Full Planning
Case Officer	Becky Jones

Reason for the application being considered by Committee

1. Purpose of Report

The application raises strategic issues for the Council, relating to disposal of land in its ownership. The Park and Ride site which forms part of the application site is owned by Wiltshire Council. The Autechnique site lies to the south west and is currently being sold by the Receiver. Aldi wish to acquire about 0.25 acres of the Park and Ride site which at this point, is well below road level. The difference in levels has offered Aldi the opportunity to create a flying deck over the top of the Park and Ride to provide 90 car parking spaces for the food store. It is also proposed to increase the extent of park and ride car under to new deck to create an additional 48 spaces after completion.

This matter was considered by the Cabinet Capital Assets Committee on 23rd July 2014 and the Parking Services team raised no objection to the proposal. It was resolved that the Committee would delegate authority to officers to dispose of this part of the Park and Ride site at London Road, so long as there is no *permanent* loss of parking spaces.

Members are invited to consider the impact of the proposed foodstore on the vitality and viability of the city centre and future investment, the scale and design of the development, visual and landscape impacts, the impact on car parking, the park and ride site and the strategic road network. The impact of the proposed Aldi store in comparison with two other current superstore applications by Asda and Sainsburys are also examined in the report.

2. Report Summary

To consider the above application and the recommendation of the Area Development Manager that planning permission should be APPROVED subject to conditions and a suitable S106 legal agreement.

3. Site Description and Context

The site is situated towards the southern edge of Bishopdown and is accessed from London Road, which is the main route to the city centre from the north. The site is located on a strip of land bounded by the London Road to the west and the railway to the east. It sits in an elevated position above the railway line and the river valley. The application site is the former Autechnique site which was used as a car showroom, and extends to about 0.4 hectares with the additional area over the park and ride being 0.2 hectares. The site has remained vacant for some time and consists of a number of derelict buildings. The main car showroom buildings are constructed from steel with glazing. Low metal rails demarcate the site boundary with London Road. Brick retaining walls and a close board fence separate the site from the park and ride to the north. A retaining wall continues round the north east corner and a portion of the east boundary, supporting the existing buildings which are close to the edge of the site. A 1.8m high chain link fence marks the edge of the site beyond the retaining wall and to the south.

The London Road streetscape is defined by a wide grassed strip with shrub planting to the east and a substantial hedge to the west. Mature trees lie to the west of London Road in front of the houses. Housing consists of buff and red brick buildings and cream/white rendered buildings. Some bungalows are faced in brick with render panels.

The Park and Ride site is about 2.5m lower than the main road, screened by planting. The context to the east is formed by the railway and the river valley beyond and housing at the edge of Laverstock can be seen in the distance.

The area immediately to the north is occupied by the Council's park and ride facility. To the south, the site shares a boundary with the garden of a single storey bungalow. Other dwellings and the residential area of Bishopdown lie to the south. The village of Laverstock lies about 2 miles east of the site, beyond the River Bourne. To the south west is Salisbury Crematorium (a listed building). To the north of the park and ride along the London Road is a BP petrol station with an M&S Simply Food and a care centre and leisure facility lie opposite this site. Further to the north is a used car sales lot and BMW dealer which mark the edge of the built up area of Salisbury.

The site sits on the crest of a gradient from where London Road flattens out. There is a fall across the site from front to back of about 3-4 metres. A storey difference can be seen from the park and ride site, with the Aldi site approximately 2.5m higher than the north corner of the park and ride site.

4.Planning History

The site has been derelict for a number of years, and as a result, there is no recent planning history related to the site. Other earlier history is listed below:

82/0587 - Demolition of bungalow & garage & erection of one boat showroom (Sect. 52 rev. order 76/244) AC 18.01.83

89/1740 - Enclose existing canopy area to provide additional showroom A 15.11.89

Various 1989 applications relating to provision of showroom and advertisements.

93/1691 Construction of new car showroom following demolition of existing buildings and alteration to existing access.

02/289 - New building for parts store. New building for secure parking and vehicle preparation. Extend parking area adjacent to showroom. AC 08/04/02

S/2002/289 New buildings for parts store, secure parking, vehicle preparation, extend parking area.

Notwithstanding the above planning history related to the specific site, Members should also be aware that the impact of this application needs to be considered in combination with other major applications for retail and other uses in the area, of which the following are considered of most relevant:

14/03690/FUL – Sainsburys, Southampton Road, Salisbury (currently undetermined)

14/04756/FUL - Asda, Land at Salisbury Retail Park, London Road. (Currently undetermined)

And also the following retail developments approved in recent years:

S/2012/1808 – Dolphin Industrial Park, Southampton Road, Salisbury. Bulky goods retail units plus new car park

S/2009/1943 – Hampton Park 2 – Full planning permission allowed on appeal for 500 dwellings, vehicular access onto Pearce Way, and a Country Park.

S/2007/1460 – ASDA London Road site – Bulky goods retail units and car park

S/2008/0550 – Lidl, Southampton Road, Salisbury. New retail store and car park

S/2010/1274 Tesco, London Road, Amesbury. New retail store and car park

S/2007/1616 – Lidl, Amesbury. New retail store and car park

5. The Proposal

The proposal seeks planning permission for a change of use from sui generis car sales to provide a Use Class A1 Aldi discount foodstore with 90 customer parking spaces. The store would be sited parallel to London Road, with car parking alongside. The proposed net sales area would be 1140 sqm and the gross external area of the store is 1585 sqm.

Given the topography, the narrowness of the site and a mains sewer to the south west (with an easement reducing the developable area) it is proposed to divide the site into two, with the store located to the south of the site parallel to London Road and the parking to the north, with a centralised site entrance accessed at the level of London Road. As the site is small for a store and car park, it is proposed to create a car deck to over sail the park and ride. This would create the 90 spaces for Aldi, and would extend the park and ride under the site to create an *additional* 48 parking spaces for the park and ride. 4 disabled user bays are provided for Aldi, along with eight parent and child spaces and 10 cycle spaces.

The site and parking deck is located as far back from the road as possible to enable provision of a cycle and footpath along the London Road frontage and to reinstate planting. The proposed cycle path would start at the park and ride, continue along the Aldi site and join up with the existing cycle path and footpath on Cheverell Avenue connecting to Laverstock. Aldi would deliver and contribute towards this facility.

A pedestrian crossing would also be provided connecting the site with Seth Ward Drive. The scheme also includes a localised road widening scheme to provide a right hand turn lane into the store.

Stairs have been proposed to the north of the store to link Aldi with the park and ride beneath to enable linked trips to the city centre. Trolleys would be secured in the storage area by a coin operated system.

A scheme of landscaping is also proposed along London Road and the realigned road section. Low level planting is included at the front of the store, adjacent to a footpath. A number of low quality trees are proposed for removal.

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

- Design and access statement
- Noise Assessment Report
- Arboricultural Impact Assessment and Tree Protection Plan
- Transport Statement and Travel Plan
- Ecological Appraisal
- Historic Environment Appraisal
- Rating of Industrial Noise Affecting Mixed Industrial and Residential Areas.
- Waste Management Plan
- Drainage Strategy
- Geo Environmental Assessment
- (Flood Risk Assessment not required for operational development less than 1 hectare – site is 0.62 ha)

6. Planning Policy

NPPF– 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.

Wiltshire Core Strategy adopted 20th January 2015. The most relevant policies of this document are as follows:

- CP 21 – Maltings and central car park
- CP41 – Sustainable construction
- CP36 – Economic regeneration
- CP38 – Retail and leisure
- CP50-52 –Landscape infrastructure and ecology
- CP57 – Design and amenity
- CP58 – Conservation of the historic environment
- CP61 Transport and Development
- CP69 – River Avon SAC

7. Summary of consultation responses

WC Highways – The right turn lane should prevent traffic turning right from holding up flows in London Road. Easy access can be secured by the sustainable footway/cycleway between the park and ride and Cheverell Avenue. Agree with the conclusions of the Travel Plan, therefore no objection subject to a legal agreement to secure the financial contribution towards the footway/cyclepath and conditions to secure: the right turn lane, crossing points, access into the site, turning, parking and servicing areas.

WC Public Protection – On the basis that the equipment is installed in accordance with the noise assessment, there are no comments to make in respect of plant or machinery. No

objections subject to conditions relating to control of external lighting, restrict hours for deliveries and collections, restrict hours of use by the public and access to the car park, restrict hours for construction and demolition. No further comments relating to ground contamination.

WC Ecology – Risk for European protected species is low. Condition to safeguard against pollution from potential contamination would be sufficient to protect groundwater and the River Avon SAC. No objection subject to condition to control risk to birds and reptiles.

WC Design Team – Objection. See Appendix 2. In summary:

- 1) Width of planting strip is inadequate along London Road and requires substantial height wall of quality appearance to mitigate the loss of hedge and screen the proposed car park/hardstanding. The painted concrete wall and railings would appear incongruous and of poor quality.
- 2) West corner glazing should be full expanse of the door to relieve this being the back end of the building and turning its back on the London Road approach.
- 3) Object to timber close board fence proposed across the gap between the building and the boundary with the fir trees. Will obscure the flint faced wall and appears too domestic and incongruous in character. Would prefer a metal railed fence so flint wall can be seen.

WC Economic Development – Proposal accords with some of the stated priorities set out in the Enterprise Wiltshire's Strategic Economic Plan for Wiltshire and could help deliver local employment opportunities. Support, subject to demonstration that there are no job losses from existing retail centres.

WC Parking Services. No objection on basis of report submitted to Cabinet Capital Assets Committee on 23rd July 2014, subject to there being no permanent loss of parking spaces. (Officer note: 48 additional spaces would be created for park and ride use).

WC Landscape – none received

WC Archaeology – No objection

WC Spatial Policy - As the NPPF forms a material consideration, the retail appraisal that is being undertaken separately will determine if a retail material consideration indicates that this proposal is appropriate in respect to retail policy. Responses from other council and statutory consultees should be considered and recommended conditions attached to any approval.

Highways Agency – Direction of Non Approval Withdrawn. It is considered that the proposal is likely to have minimal impact on the strategic road network, as the site is likely to intercept trips from the north which would otherwise travel on the SRN to reach the city centre.

Environment Agency – No objection subject to a condition relating to contamination being imposed, to protect controlled waters from pollution.

Network Rail – None received

8. Publicity

City Council – objection. Whilst the City Council would welcome the redevelopment of the site and the Aldi scheme is good, there is concern that the A30 London Road access is entirely insufficient.

Laverstock and Ford Parish Council Objection. The access onto London Road is unacceptable. Turning right on exit and turning right on entry will create problems. An alternative access should be sought through the Park and Ride.

Salisbury Area Greenspace Partnership – Objection on the following general grounds: Too few landscape details, not enough integration of development into the street scene and wider landscape, and no attempt to contribute to local green infrastructure, improve wildlife connectivity or improve the landscape setting for Salisbury.

Salisbury Civic Society – Object to lack of landscape details and lack of integration of the development into the street scene and wider landscape in accordance with the NPPF. Loss of trees and hedgerows.

64 letters of support for the scheme, on grounds of better choice for shoppers and competition between stores, improved access to shops for residents in this part of the city, remove eyesore and develop derelict site, employment opportunities created.

10 letters of objection, on general grounds of: Loss of trees and hedges, cyclepath not safe due to gradients, pedestrian safety, noise disturbance at night, unattended car park at night, traffic impact on London Road, potential for gridlock and accidents, object to cyclepath entering the top of Cheverell Avenue close to bungalows, visual impact, unsustainable, impermeable surfaces, damage to landscape setting, transport statement does not take account of Riverdown Park housing development or Asda, impact on Maltings development, retail study does not identify sufficient capacity for large store (just 554sqm to 2020), impact of non food items.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of development and planning policy

The National Planning Policy Framework (NPPF) indicates clearly that: *“14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

At paragraph 111, the NPPF also indicates that:

“111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high

environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.”

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 policy indicates that:

“Regeneration of brownfield sites will be supported in the Principal Settlements, Market Towns and Local Service Centres where the proposed uses help to deliver the overall strategy for that settlement, as identified in Core Policy 1 (Settlement Strategy) and in any future community-led plans, including Neighbourhood Plans, and/or enhance the vitality and viability of the town centre by introducing a range of active uses that complement the existing town centre.”

The application site is the former Autechnique site which was used as a car showroom, and extends to about 0.4 hectares. The site has remained vacant for some time and consists of a number of derelict buildings. The site is therefore regarded as brownfield previously developed land. The principle of the development of the land is therefore considered to be acceptable in planning policy principle terms, subject to consideration of the detailed impacts. These impacts are considered below.

Other retail applications and developments: The impacts of this current retail application (for ALDI), needs to be assessed in the context of at least two current applications for retail development (see planning history section of this report for more details). Firstly, a separate application for an ASDA store has been submitted only a few hundred metres north of the ALDI site, on land at Salisbury Retail Park. (application 4/04756/FUL refers). The cumulative impact of this store and the Aldi store in retail terms on the city centre retailing strategy needs to be considered, as does the joint impact of both on traffic congestion along London Road and the surrounding highway network.

Similarly, an application by Sainsbury’s for a retail store on Southampton Road in Salisbury has also been submitted (application 14/03690/FUL refers). The cumulative impacts of this scheme, together with the Aldi and ASDA schemes on the city centre retail environment and the highway system also needs to be considered.

The following report considers these cumulative impacts, as well as those resulting from recently consented retail schemes in the immediate area of the sites concerned.

Hampton Park development

This is of some relevance to this report as the planning application related to 500 dwellings has very recently been the subject of a major Public Inquiry appeal. The Secretary of State approved the scheme in September 2011. As part of the consideration of this application, the 2009 appeal decision approving a retail park was taken into consideration. In particular, the transport assessment and EIA took into account the retail approval and its impacts. As a result, it is considered that the cumulative impacts of both the residential and the retail schemes would have been fully considered. The housing is now being built out. As a result, the impacts of this significant development have been considered in conjunction with this retail application, particularly with respect to highway impacts.

9.2 Retail impact on city centre and Maltings/Central Car Park scheme

Aldi's function is as a supermarket that can act as either a weekly food shop destination or a top up shopping convenience store. Stores also contribute to the overall range and choice of convenience facilities within their catchments by providing a discount foodstore as a further element of choice. Aldi stores are modest scale supermarkets, providing a limited product range. The total product range is considerably limited in comparison with other grocery stores and supermarkets. As a result, Aldi do not stock numerous types of one product but one line of a given product range. The limited selection includes pre packed seasonal fruit and vegetables, tinned, bottled and pre packed goods, frozen and chilled goods, beers, wines and spirits, pre packed bread and cakes, and a limited range of non food household items. Aldi sell only a limited range of branded goods. Local and regional sourcing of products is an important element in the range. The format does not include cigarettes or lottery tickets and does not include a specialist butcher, fishmonger, delicatessen or chemist. Aldi therefore believe that they generate a propensity for linked trips and associated spin off trade, to complement existing traders. Non food floorspace amounts to about 20% for weekly specials.

In terms of National Policy, the NPPF indicates the following:

“23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- *recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
- *define a network and hierarchy of centres that is resilient to anticipated future economic changes;*
- *define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;*
- *promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;*
- *retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;*
- *allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;*
- *allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;*
- *set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;*
- *recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and*
- *where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.”*

Paragraph 24 of the NPPF continues:

“24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

Paragraph 26 & 27 of the NPPF state:

“26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local 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 2,500 sq m). This should include assessment of:

- 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*
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

The previous Salisbury District Local Plan and the South Wiltshire Core Strategy have now been replaced by the Wiltshire Core Strategy. Policy 38 of the WCS and its supporting text 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. There is a challenge to ensure that the larger towns of Wiltshire, particularly the Principal Settlements of Chippenham, Salisbury and Trowbridge, strengthen their roles as shopping destinations to reduce the ‘leakage’ of trade to other larger competing centres such as Bath, Swindon and Southampton. 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.”

More specifically, the WCS also contains reference to the redevelopment of the Maltings and Central Car Park Site within Salisbury City Centre, in policy CP21. The WCS indicates that the strategy promotes the sensitive regeneration of a mixed-use retail led development on the Maltings and Central Car Park. Not only is the site sequentially preferable, but it also offers an excellent opportunity large enough to deliver the level of retail development needed for the city within a central location. Its proximity to the existing city centre means it can

complement the existing centre rather than compete with it. This will help contribute towards the continued viability and vibrancy of the whole of Salisbury city centre and should incorporate an element of residential, office and leisure uses. It is important that the development on the Maltings and Central Car Park does not result in a decline of specialist, independent and other retailing elsewhere in the primary and secondary shopping areas. Comprehensive redevelopment of the area will therefore incorporate other regeneration projects.

The impact of any development along London Road or Southampton Road (including Sainsbury's, Aldi and Asda) on this proposed development of the Maltings and central car park must be considered. The situation regarding the Maltings and Central Car park site has continued to mature, with ongoing discussions between the owners of the site and the Council. A draft master plan has been drawn up, which was the subject of public consultation in 2013. As a result, the issue retains significant weight.

A detailed retail study by Turley has been submitted with the application, which assesses the likely impacts of the scheme, including the impact of the scheme in conjunction with other consented retail schemes. The Turley report offers the following conclusions:

- *“The sequential assessment has confirmed that there are no alternative sites within appropriate centres that are suitable or available for the development proposed. There are no other sites within sequentially preferable locations elsewhere that should be considered appropriate. On this basis we consider that it has been demonstrated that the application proposals comply with the sequential test.*
- *The scale of development falls below the threshold for (retail) impact assessment (2,500sq m) identified at paragraph 26 of the National Planning Policy Framework (NPPF). However, it is above the locally set 200 sq m threshold in the adopted Wiltshire Core Strategy. On this basis a ‘proportionate retail impact assessment’ has been undertaken based principally on published information. We have assessed the impact of the ALDI proposal having regard to the key national policy considerations set out at paragraph 26 of the NPPF and we draw the following conclusions:*
 - i) *Impacts associated with the proposal in the design year (2019) are low and represent no threat to the vitality and viability of Salisbury or any other centre. The bulk of the proposal’s impact will fall on out of centre destinations, which are afforded no policy protection.*
 - ii) *The proposal represents no threat to investment on the basis of the impact and expenditure analysis. We conclude that the proposal, if permitted, will not act to deter investment in Salisbury. The main committed or planned investment within the local area is The Maltings Central Car Park site in the City Centre. This site is identified as providing the only real opportunity to strengthen the City Centre’s role as a sub-regional shopping centre in line with the aspirations of the Council. New retail floorspace created within The Maltings Central Car Park site is intended to focus on the comparison goods sector. This scheme therefore significantly differs to that being proposed by ALDI and importantly will not be undermined by the proposal.”*

Given the location and planning status of the Aldi site, (and in line with the Sainsbury's and Asda applications), there is a need to assess whether the proposed development passes the sequential approach to site selection and assess the level of impact on town centre investment and town centre vitality and viability. The Council commissioned an assessment of the applicant's retail report, undertaken by GVA. This report drew the following conclusions:

“Sequential Approach to Site Selection: whilst there has been some flexibility shown in terms of the size of the net sales area of the store, GVA do not feel that Aldi have shown sufficient flexibility in its approach to the sequential test, and further information is required in relation to flexibility over scale and format. Nevertheless, GVA have considered vacant units in the city centre, the MCCP site, brown Street and Salt Lane car parks, London Road and the Old Manor Hospital.

It is agreed that none of the city centre vacant sites are of a size which can accommodate a foodstore, even with reasonable flexibility, so these are dismissed. Further consideration of the Old Manor Hospital site is needed, given the smaller scale of the Aldi proposal and the fact that it is significantly closer to the city centre than the application site. If the Council wished to continue to promote the area for a mix of residential, healthcare and employment uses, then it could be dismissed. The sites are also being marketed and are currently under offer, which may make the site unviable.”

The two car parks are being promoted by Wiltshire Council for mixed uses and therefore, could be dismissed on this basis.

The MCCP site offers a sequentially preferable site for the Asda and Sainsbury’s applications. However, given the different scale and format of the of the Aldi proposal, a separate analysis of the MCCP site is required.

Policy CP21 of the WCS proposes the redevelopment of the MCCP site to include a redeveloped convenience store. This would therefore be in the form of a redeveloped or extended Sainsburys store and GVA have concluded that this represents a sequentially preferable large supermarket opportunity for the Salisbury Gateway and ASDA supermarket proposals. The ALDI proposal is however for a materially different type of retail store. It is substantially smaller than the existing Sainsburys store at the MCCP site and is likely to be materially different to a foodstore/supermarket which would be delivered as part of any redevelopment scheme. Therefore, whilst GVA hold the view that the MCCP is potentially available to accommodate a foodstore, it is unlikely to be suitable for the type and scale of store being proposed by ALDI.

Finally, Asda’s London Road site has been considered. The relative accessibility and connectivity of the Aldi and Asda sites in relation to the city centre have been considered by GVA and it is concluded that neither site should be preferred over the other.

Therefore, subject to the Council concluding that the mix of acceptable land uses on the Old Manor Hospital site will not include a foodstore, then it is considered that the Aldi application passes the sequential approach to site selection set out in para 24 of the NPPF.

Impact on Town Centre Vitality and Viability: GVA have compared the result of the Turley analysis submitted by Aldi, using the 2010 household survey data, with their own analysis, using more recent data submitted for the Salisbury Gateway application. Bringing convenience and comparison goods together, GVA estimate that the store would have a 0.4% impact on the city centre, rising to 1.9% when the impact of commitments is taken into account. In conclusion, whilst the Aldi store would have a negative impact on the health of the city centre, it is not large enough to cause a significant adverse impact. This conclusion takes account of the turnover of the proposed Aldi and the range of its products, the

likelihood that it would compete with other large foodstores and the relatively modest diversion of trade from the city centre for convenience and comparison goods.

The lack of a significant adverse impact on the city centre indicates that there is not a presumption in favour of refusal based on para 27 of the NPPF. In order to control the impact of the proposed store and ensure that it remains at worst *adverse* rather than *significantly adverse*, it is recommended that there are controls on the operation of the store. These could include the number of product lines which can be sold, along with the exclusion of counters such as delicatessen, butcher, bakery, fish and meat.

Impact on Town Centre Investment: It is not considered that the impact of the Aldi and the level of competition that it poses to the city centre would be a decisive factor in the future plans for the MCCP (Maltings) site. In conclusion, GVA have reached the conclusion that the Aldi application should not be resisted by the Council in relation to the impact on city centre investment.

Aldi have responded to the GVA report points relating to flexibility of format and the Old Manor Hospital:

“The Old Manor Hospital site is considered within Section 5 of the Retail Assessment submitted with ALDI’s planning application. It is noted that the site lies some 800 metres to the west of the City Centre and is therefore considered ‘out-of-centre’ in retail policy terms. It is not, therefore, sequentially preferable when compared with the application site, and given the co-location of the ALDI proposal adjacent to an existing Park & Ride facility, Old Manor Hospital is considered inferior in accessibility terms.

The future development potential of the Hospital site has been considered over the past fifteen years. The 2000 Development Brief for the site (prepared by the NHS and Salisbury District Council) highlighted its potential future use for health-care facilities, residential development and possibly employment uses. Saved Policy E6 of the District Local Plan identifies the site for mixed-use development, comprising office, the retention of health-care facilities and key-worker housing. There has never been any policy support for the development of a retail food store on this site.

Notwithstanding the above, in October 2014 the site was acquired for development by the Quantum Group, with a clear expectation that it will principally be developed for close-care accommodation in line with the above. Any retail floorspace is only likely to represent a small-scale convenience unit-style accommodation that would not be appropriate for ALDI. The principal (Wilton Road) site is not, therefore, available or suitable for a comparable food store development. The only part of the site that might be available is the ‘Former Laundry’ site to the south, which lacks commercial prominence and would be severely compromised in terms of access and servicing. Notwithstanding the policy considerations summarised above, the site is not, therefore, considered to represent a suitable, viable or available alternative and should not be considered sequentially preferable.

ALDI Flexibility Regarding Scale and Format: *The approach taken to the sequential assessment with specific regard to ALDI’s flexibility is also set out in Section 5 of the submitted Retail Assessment. Paragraph 5.12 of that assessment sets out that the trading*

format of a discount food store is critical to the success of the business. Although ALDI currently operates smaller stores than that proposed within this application, these all represent historic developments and the Company is currently involved in a programme of extensions across its store portfolio.

As stated in the submitted Assessment, ALDI's optimum food store size is 1,254sqm net. Where sites and locations necessitate a smaller store (as in this case), ALDI will consider 1,140sqm net or (in exceptional circumstances) 1,125sqm net stores. In this case, exhibiting further flexibility with regard to scale, the development of a 1,125sqm net store has no bearing on the conclusions of the sequential assessment – none of the alternative sites considered would be capable of accommodating a 1,125sqm net store.

ALDI has recently opened smaller convenience-style stores (e.g. in High Street locations and with no designated car parking) but these are only within Metropolitan areas (principally within the M25) and the Company will not consider this format for the Salisbury area.

In response to the specific requirements of the London Road site, ALDI has brought forward a bespoke design solution (whilst maintaining the sales area required by its business model), which responds both to the site's topography and the design expectations set out by Council Officers. ALDI has, therefore, exhibited significant flexibility with regard to the format and design of the store to bring forward the development of a prominent and under-used site. Further flexibility with regard to format or scale is not considered appropriate in this case and, in any event, would not lead to alternative sites in sequentially preferable locations becoming suitable or available for ALDI's development."

Retail Conclusions: GVA in their report considered all three schemes together and concluded that in contrast with the Asda and Sainsbury's applications, the proposed Aldi store would have a much smaller impact upon the health and financial performance of the city centre and planned investment. Whilst there will be an adverse impact on the financial performance of the centre, the levels of financial impact would be small and are not likely to fundamentally affect the levels of vitality and viability within the centre. It is recommended that the Council places controls over the store, to ensure that impacts are adverse, rather than significantly adverse.

GVA conclude that Aldi would meet the provisions of the sequential test, provided that part of the Old Manor Hospital is not to be promoted for retail uses. Officers are satisfied that the Old Manor site does not represent a suitable, viable or available alternative and is not considered to be sequentially preferable to the application site for Aldi's purposes. All other potential alternatives (including the MCCP) are not suitable to accommodate a food store of the type, scale or format proposed by Aldi.

On the basis that the levels of financial impact would be small and are not likely to fundamentally affect the levels of vitality and viability within the centre, it is reasonable to conclude that the development would not result in the loss of jobs from existing retail centres. The proposal would therefore accord with some of the stated priorities set out in the Enterprise Wiltshire's Strategic Economic Plan for Wiltshire and could help deliver local employment opportunities.

In conclusion, the proposal would comply with Wiltshire Core Strategy policy CP21, CP36, CP38 and the guidance in the NPPF in paragraphs 23-27.

9.3 Impact on highway systems around the site

Several third party objections including Salisbury City Council and Laverstock Parish Council have been received relating to the impact of this proposed development on the highway system around the site, particularly on the already busy London Road route. Objections to the proposed right turn lane have also been received.

The NPPF indicates at paragraph 23 that:

“32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

At paragraph 75, the NPPF also states that:

“75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”

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.”

A detailed Transport Statement and a Transport Plan were submitted with the application. This was subsequently amended following comments from the Highways Agency. The applicant's report concludes that the following impacts are likely:

- It has been demonstrated that the proposed development will have a negligible impact on the overall operation of London Road in terms of traffic capacity of the proposed site access. The site access junction is expected to operate well within capacity.
- Given the assessment was based on gross (rather than net) trips from the development, together with the proposed developer-funded enhancements to the pedestrian and cycle infrastructure in the local area, this may further encourage customers of the site to travel by foot, cycle or public transport such that the potential impact of the Aldi store will be reduced and perhaps even be less than daily link flow variation on London Road. As there is a measurable customer catchment local to the site, which in turn will be well served by footways, road crossings and cycle routes, it is envisaged that a store in this location will attract a significant number of walk/cycle-in customers.
- Anticipated 1.51 car occupancy level with only 67% of all trips being made by car.
- As there is also excellent access to public transport, it is expected that the above tabulated figures will, in terms of single car occupancy, be worst-case and that a store in this location will be more sustainable than an average discount food store. Based on the data and analysis presented in this report, the following conclusions are drawn:
 - Consistent with local policy, the site access has been designed to provide safe and efficient access for all modes;
 - The development proposes adequate car parking for all elements of the development proposal as well as 10 secure, covered and illuminated cycle parking spaces for the discount food store.
 - In addition the site supports safe access and turning of service vehicles;
 - The site includes for a staff Travel Plan, Servicing Strategy and a Transport Implementation Strategy associated with the discount food store application;
 - The report has considered the potential vehicle generating characteristics of the site demonstrated that an Aldi store in this location when compared to the extant use would generate a comparable volume of traffic during the AM peak, more traffic during the PM peak, equating to less than 1 per minute and more traffic during the whole day. Such a level of impact is considered to be unnoticeable.
 - As the site is vacant, as a separate exercise the gross development traffic has been considered (no discounting for the extant permitted use) and the greatest impact on any one approach along London Road at the site access during either the AM or PM peak period would be 35 vehicles or about one every other minute.
 - A capacity assessment has been undertaken of the site access junction. This demonstrates no capacity issues with traffic queues of up to 2 vehicles on any approach.
 - On the basis of the above, further analysis in to the impact that the proposed development might have on the local highway network is considered to be unnecessary.
 - The location, prevailing adjacent transport provisions and proposed site sustainable transport initiatives, would ensure that this site delivers a reasonably high level of multi-modal transport sustainability that will actively encourage a reduction both in the need to travel and in particular the need to travel by car.
 - Based on these conclusions the impact of the development proposals on the surrounding transportation network should be considered acceptable and sustainable.

Based on the above report and discussions with the applicants, the Highways Agency has now withdrawn its Direction of Non – Approval for the application. Having considered the additional information, the Agency is content that the development will not cause significant impact on the strategic road network. Similarly, the HA has now also withdraw a similar Direction for the Asda application. As a result, it is considered that it would now be difficult to refuse the application on the basis of the impact of the Aldi application on the A36 trunk road system or its junction with London Road.

With regards the impact of the scheme on London Road and the surrounding highway systems within residential areas, the Council's own highways officer has critically assessed the scheme. He has considered the Transport Statement and agrees with the conclusions. A right turn lane is proposed which should prevent traffic that is turning right into the store from holding up flows on London Road. This needs to be provided before the store is brought into use.

In order to ensure easy access to the store by sustainable a footway /cycleway link will be required between the "Park & Ride" bus stop and Cheverell Avenue. This has been agreed with the applicant and can be secured by means of a legal agreement. Therefore, subject to a legal agreement to secure the financial contribution towards the footway/cycleway outlined above, there is no highway objection to this application. Two conditions are proposed, relating to provision of the right turn lane and provision of the servicing, parking and turning areas.

Additional Parking for Park and Ride

The proposed flying deck over the top of the Park and Ride would provide 90 car parking spaces for the food store. It is also proposed to increase the extent of park and ride car under to new deck to create an additional 48 spaces for the park and ride facility, after completion. This would increase the sustainable credentials of the scheme in accordance with Policy CP60-66.

Access to the site via the footpath/cyclepath to Cheverell Avenue

As part of the numerous third party and other consultee comments received, many have welcomed the proposed pedestrian and cycle access to be created along London Road into the site. However, a couple of residents have requested that the link is via an existing footpath into the residential area and not Cheverell Avenue. In officers opinion, the provision of a link would be sensible in sustainability terms, creating an easy non –car way of access the site, which may encourage more people from the adjacent housing to leave their cars at home, and shop more sustainably. The Highways officer has raised no objection to the link, and it is considered that the Cheverell Avenue route provides the most sensible option for the path.

9.4 Design 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 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.

On design and landscape matters, paragraph 58 of the NPPF indicates that:

“58.Planning policies and decisions should aim to ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.”*

Paragraphs 64 & 65 of the NPPF go onto to state that:

“64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

65. Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).”

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. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

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. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures.

The scheme itself envisages a large prominent supermarket building, visible from London Road, and from across the Laverstock area to the east given its elevated nature. Its southern elevation would be readily visible from properties adjacent the site to the south. Discussions about the design and external appearance of the building have taken place with the case

officer and the Council's Urban Designer. The Design officer has raised an objection to the scheme, on three general grounds relating to the following:

- 1) Width of planting strip is inadequate along London Road and requires substantial height wall of quality appearance to mitigate the loss of hedge and screen the proposed car park/hardstanding. The painted concrete wall and railings would appear incongruous and of poor quality.
- 2) West corner glazing should be full expanse of the door to relieve this being the back end of the building and turning its back on the London Road approach.
- 3) Object to timber close board fence proposed across the gap between the building and the boundary with the fir trees. Will obscure the flint faced wall and appears too domestic and incongruous in character. Would prefer a metal railed fence so flint wall can be seen.

Officers have liaised with the applicants and received amended plans, which overcome some of the issues raised. Whilst the Design officer remains somewhat unhappy about elements of the design approach, overall, officers considered that the building can be acceptable in this context, subject to suitable landscaping and materials being provided (and particular on the basis of other positive issues outlined below). Furthermore, whilst the architectural design may not be to everyone's taste, it is an important material consideration that the scheme would bring a derelict brownfield site back into practical use. The current buildings are in a poor state of dereliction and the site is overgrown.

In officers opinion, the proposed scheme submitted offers several design features:

- The site has been described as one of the main entrances to the city centre, occupying a prominent position on London Road. The design acknowledges this and the Council's desire to provide a quality building that is sensitive to its context. In response, the height of the building to the street frontage and the shop frontage has been reduced as much as possible, with a step in the main roof levels.
- The building would be single storey with a stepped level flat roof behind a parapet detail. The main entrance faces north into the car park, and has a cantilevered modern canopy.
- The general height of the store would be 5.7m with a reduced section of about 5m wrapping round two sides of the building, creating a low impact building. The ridge height of the neighbouring properties are of a similar height and the store would not obstruct views across the valley from the properties of Seth Ward Drive. In comparison, the store is slightly lower in height than those of the existing buildings.
- The existing Cypress trees along the south west boundary along with the proposed planting would provide a natural buffer between the store and the neighbouring property.
- Although the car park deck sits above the existing park and ride site, it would not be a dissimilar level to London Road. External lighting would be on 6m high poles.
- Consideration has also been given to the impact of the store on the valley and views from Laverstock. The store is no greater in height than the existing buildings and the

east facing elevation would be constructed from brick, helping it to blend into its setting and with the residential properties behind it. There is also an extensive natural screen of trees to the railway line, which means that the impact should be minimal when viewed from the east.

- It would be clad in red brick, with flint panels to break up the mass of the store and provide interest. The servicing areas would be clad in brick. The store entrance on the north elevation would have full height glazing (within anthracite aluminium walls), wrapping round the corner to the north west elevation. Ribbon windows are proposed on the north west and southern elevations.

The Council's Landscape officer has not made any comments regarding the scheme.

Trees and new landscaping

The landscaping along London Road near the site comprises a grass strip with shrub planting along the east and a substantial hedge to the west. Due to the proposed road widening, the hedge to the west would have to be realigned and reinstated where necessary.

It is proposed to plant a hedge along the front of the car park which would provide the necessary screening and continuity with the park and ride planting. Low level planting is proposed to the front of the Aldi store adjacent to the footpath and wrapping round to the eastern corner of the site. 14 grade C trees are proposed for removal within the Aldi and park and ride sites to facilitate the development, but the trees have been identified as low quality trees. One group of trees and two sections of hedgerow would be removed, along with one grade U tree. Other trees would be retained and protected. Bedding plants would include a variety of ornamental shrubs to provide interest throughout the year, and also some wildlife value.

Consequently, whilst the current visual appearance of the site will be transformed, the mature hedge along London Road would be reinstated after the road widening takes place. Other new landscaping will, in time, soften the new development. This current scheme is therefore considered to be an improvement in landscape terms compared to the current derelict appearance of the site. A refusal on the basis of the landscape impact of the scheme or the loss of the existing green character of the site may therefore be difficult to support, particularly without an objection from the Council's Landscape officer.

9.5 Sustainable design issues

Paragraph 96 of the NPPF indicates that:

96. In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local 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*
- *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:

Climate change adaptation: 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.

Sustainable construction: All non-residential development will be required to achieve the relevant BREEAM “Very Good” standards , rising to the relevant BREEAM “Excellent” standards from 20192.

(inter-alia)

Renewable and low-carbon energy

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.

In all cases, including those listed above, proposals relating to historic buildings, Listed Buildings and buildings within Conservation Areas and World Heritage Sites should ensure that appropriate sensitive approaches and materials are used. Safeguarding of the significance of heritage assets should be in accordance with appropriate national policy and established best practice¹.

In all cases the impact of these requirements on the viability of development will be taken into consideration.

The design and access statement sets out the energy, waste, water, noise and pollution initiatives that are incorporated within the scheme. This includes installation of photovoltaic panels on the roof to reduce its carbon footprint.

Policy 41 of the WCS indicates that non residential development should achieve an energy rating of BREEAM very good or equivalent. A condition has been imposed below related to this matter.

8.6 Archaeology and heritage assets

The site is not located close to any significant cultural assets (Old Sarum SAM and Figsbury Ring SAM are some distance away to the north east and west). The site is also previously developed, brownfield land. For these reasons, the proposal is unlikely to result in disturbance to archaeology. The archaeologist considers that there are no historic environment records in or in the near vicinity of the site. It is possible that the lack of archaeological finds might be due to a lack of previous archaeological work in this area. However, on the evidence available at present, it is considered unlikely that significant archaeological remains would be disturbed by the proposed development and so there are no further comments.

However, the site does lie opposite the Salisbury Crematorium, which is Grade II listed and a Grade II Registered Park and Garden.

“131. In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

Core policy 57 & 58 of the WCS reflect the above advice.

It is considered that in improving the appearance of the site, the development would make a positive contribution to the local character of the area, and therefore improve the setting of the listed Crematorium, to the benefit of local character and distinctiveness.

9.7 Ecology and biodiversity

Whilst the site does not include any protected trees, part of the River Avon SSSI/SAC is located close to the site (the river system) in the valley below, about 80m from the development and separated by the railway line.

Paragraph 118 of the NPPF indicates clearly that:

“118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm 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;*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged; planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *the following wildlife sites should be given the same protection as European sites:*
 - *potential Special Protection Areas and possible Special Areas of Conservation;*
 - *listed or proposed Ramsar sites, and*
 - *sites identified or required as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”*

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. All development within 20m of the river banks

should submit a Construction Management Plan to the Local Planning Authority to ensure measures proposed during construction are satisfactory.

Where additional sewage discharges to a STW cannot be accommodated without measures to offset phosphate loading, development will be required to undertake proportionate measures (which may include contributions towards those measures identified in the Nutrient Management Plan) to demonstrate that the proposals would have no adverse effects upon the SAC.”

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 proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.....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 Such enhancement measures will contribute to the objectives and targets of the Biodiversity Action Plan (BAP) or River Basin/Catchment Management Plan, particularly through landscape scale projects, and be relevant to the local landscape character.

Local sitesSustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts:

- i. Cannot reasonably be avoided*
- ii. Are reduced as far as possible*
- iii. Are outweighed by other planning considerations in the public interest and*
- iv. Where appropriate compensation measures can be secured through planning obligations or agreements.*

Development proposals affecting local sites must make a reasonable contribution to their favourable management in the long-term.”

The ecologist has considered the reports accompanying the application, which include a Bat Report (RSK, July 2014) with surveys in May (daytime), June (dusk) and July (dawn) 2014 and an Ecological Appraisal (RSK, June 2014). Together these demonstrate that risks for European protected species (bats and great crested newts) are low. There were no signs that badger are using the site, although they can be expected to travel along the railway line just outside. Conditions off site are suitable for reptiles and these can be expected to access the site given that there is suitable habitat for refuges and basking across parts of the site. Birds may using the buildings and vegetation on site for breeding.

It is noted that the Environment Agency has recommended a condition to safeguard against the risks of pollution from potential contamination on site and this is considered by the ecologist to be sufficient to protect the groundwater and therefore the River Avon SAC.

A condition requiring a construction method statement is recommended to control risks to breeding birds and reptiles during the construction phase of the development.

9.8 Noise and general impact on amenity

The application site is located very close to existing residential properties, including those located on the western side of London Road and to the south in Cheverell Avenue. Potential for noise and disturbance has been raised by only a couple of the 74 responses received. These related to matters that already form part of the proposals, such as closing off or controlling access to the car park at night to prevent disturbance and the potential for noise from machinery. Clearly, given the previous use of the site for car sales, neighbours would have become used to some activity being associated with the site.

In terms of national policy, paragraph 123 of the NPPF states that:

“123. Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

In terms of local policy, CP57 of the WCS is reiterated in full elsewhere in this report, and 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.”*

The applicants have submitted an environmental noise survey/noise impact assessment. It is not anticipated that there would be any significant odours from the proposed building or plant, as it would not include a bakery or restaurant. The Council's public protection officer has considered the likely impacts of the development in terms of disturbance to neighbouring amenities. On the basis that the equipment installed in accordance with the information submitted in the noise assessment, there are no objections, subject to suitably conditions being imposed. There are also no additional comments regarding contaminated land. The conditions required relate to:

- Submission of a scheme for external lighting to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. External lighting shall be turned off at all times when the store is not open to the public.
- Controlling hours of construction and demolition,
- Control of hours of deliveries and opening hours to the public.
- The car park to be made inaccessible to public vehicles at night
- Prevention of on-site cooking or baking shall take place until a scheme of works for the control and dispersal of atmospheric conditions is submitted and approved.

90 Cheverell Avenue is the closest dwelling to the site. It is a bungalow with a triangular shaped rear garden which adjoins the south boundary of the site. An existing line of fir trees currently separates the site from this property, and it is proposed to retain these trees, after trimming back to the boundary. A 1.8m high close boarded fence would also be provided along this boundary. The south west elevation of the proposed store would include some high level ribbon windows. However, these would not introduce any overlooking into this property, given that they would be mostly screened by the line of existing cypresses. The rear windows of the bungalow would see an expanse of brick wall, set back from the boundary, and extending about 5.7m in height from the existing ground level. There would be no public access at this part of the site.

Some refrigeration plant would be sited around the corner from the boundary with the bungalow, on the south east elevation. The impact of this plant has been assessed by the public protection officer through the accompanying noise report and is considered to be acceptable.

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 significantly when compared to the current vacant condition of the land. However, given that the site has been previously used for car sales, the proposed foodstore use is unlikely to cause significantly more harm provided the suggested conditions are imposed and adhered to.

Light pollution

Paragraph 125 of the NPPF indicates that:

“125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

The scheme inherently involves the provision of suitable 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, compared to the current use of the site. The public protection officer has recommended a condition to enable the LPA to control this aspect of the development and ensure that it is switched off by timer, an hour before and after trading ceases.

9.9 Flooding and drainage matters

The site lies within Flood Zone 1 and in an elevated location with no known flooding problems. The NPPF clearly indicates that:

“99.New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.”

The applicant has submitted a drainage strategy which proposes a Sustainable Urban Drainage System to ensure that there is no increased risk of flooding as a result of the development. An attenuation tank is proposed to limit the discharge rate to no greater than the existing site discharge rate. The Environment Agency has not objected to this application and recommended a condition requiring submission of a contamination risk assessment, to protect controlled water on the above basis. This condition was supported by the Council's ecology and contamination officers.

9.10 Section 106 Contributions

The desirability of ensuring easy access to the store by a sustainable footway/cycleway link has been recognised by Aldi and transportation officers. The path would link the park and ride bus stop with Cheverell Avenue, with continuation along existing routes to Laverstock. The applicant has indicated willingness to enter into a S106 Agreement to provide the section of path across the Aldi frontage, and contribute towards the provision and completion of the remaining sections.

10. Conclusion

The proposed Aldi foodstore would redevelop a brownfield site on London Road, which was previously used for car sales. The development is acceptable in principle as the Wiltshire Core Strategy would support the regeneration of brownfield sites in the principal settlements. The retail impacts of the development have been considered by the Council's consultants GVA, along with the impact of two other current superstore proposals by Asda (London Road and Sainsburys (Southampton Road)).

GVA considered the impact of all three schemes together and they concluded that in comparison with the Asda and Sainsbury's applications, the proposed Aldi store would have a much smaller impact upon the health and financial performance of the city centre and planned investment. Whilst there will be an adverse impact on the financial performance of the centre, the levels of financial impact would be small and are not likely to fundamentally affect the levels of vitality and viability within the centre. It is recommended that the Council places controls over the store, to ensure that impacts are adverse, rather than significantly adverse. GVA conclude that Aldi would meet the provisions of the sequential test, provided that part of the Old Manor Hospital is not to be promoted for retail uses. Officers are satisfied that the Old Manor site does not represent a suitable, viable or available alternative and is not considered to be sequentially preferable to the application site for Aldi's purposes.

The Council's highways officer and the Highways Agency consider that that the development will not cause significant impact on the strategic road network. Consequently, the HA has withdrawn its non determination Directions for the Aldi and Asda application. A right turn lane is proposed which should prevent traffic that is turning right into the store from holding up flows on London Road. This needs to be provided before the store is brought into use.

In order to ensure easy access to the store by sustainable a footway /cycleway link will be required between the "Park & Ride" bus stop and Cheverell Avenue. This has been agreed with the applicant and can be secured by means of a legal agreement.

The design officer has raised some concerns regarding three aspects of the design of the scheme.

However, the overall impact of the development on the wider landscape is considered to be acceptable, and is likely to result in a significant visual enhancement of the site and its surroundings at this important gateway to the city.

There are some local objections to the development but these can either be dealt with by suitable condition (eg preventing use of the car park at night) and these are not considered to be significant enough to warrant refusal (particularly given the lack of objection from the public protection officers) on the grounds of undue or unacceptable disturbance to residential amenities. 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 significantly when compared to the current vacant condition of the land. However, given that the site has been previously used for car sales, the proposed foodstore use is

unlikely to cause significantly more harm provided the suggested conditions are imposed and adhered to.

The impact of the development on interests relating to ecology, sustainability, archaeology, heritage assets, ecology and biodiversity, noise, flooding and drainage have all been considered, and no objection is raised subject to suitable conditions being imposed.

In conclusion, subject to suitable conditions and a legal agreement to secure various highway mitigation works, the proposal is considered acceptable.

Should Members be minded to Approve this application, under the terms of the 2009 Consultation Direction (paras 5.1.(ii) and 2 (d)) issued by Central Government, as the retail scheme is within 1km of the extant planning permission S/2012/0905, the LPA will have to consult the Secretary of State prior to issuing any decision. Officers request delegated powers to undertake such a consultation.

RECOMMENDATION: SUBJECT TO:

- i) Should Members be minded to approve, the application be referred to the Secretary of State and delegated back to the LPA for determination, and**
- ii) A S106 LEGAL AGREEMENT BEING ENTERED INTO WITH RESPECT TO THE PROVISION OF THE FOLLOWING HIGHWAY RELATED MEASURES:**
 - A financial contribution for and the provision of a footway/cycleway link that is required between the “Park & Ride” bus stop and Cheverell Avenue**

THEN APPROVE: subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (WA1)

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

2. The development shall be implemented in accordance with the schedule of materials listed in the approved schedule on plan ref 110591 P(1) 06 received 18th June 2014.

No development shall commence on site until sample wall panels for the flint rubble block and the red facing brickwork for the walls, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved samples.

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

3. No development shall take place until large scale (1:10) details of the windows / doors / entrance canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In order to ensure that the architectural details of the scheme are of an acceptable quality.

4. The development shall be operated in accordance with approved scheme for the storage and control of customer trolleys. The coin operated scheme and shopping trolley storage shall be maintained in working condition for customer use thereafter.

REASON: To limit the impact of the development on adjacent residential amenity and to prevent the removal of shopping trolleys by customers from the car park area.

5. Before the development hereby approved commences a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

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

6. External lighting shall be turned off at all times when the store is not open to the public, with the exception of one hour before store opening time and one hour after store closure.

REASON: To limit the impact of the development on adjacent residential amenity, and to enable safe access and egress by staff.

7. (i) No deliveries shall be made to or collections made from the development hereby approved except between the hours of 06:00am and 22:00pm Monday to Saturday and 07:00am and 17:00pm on Sundays.

(ii) There shall be no use of reverse beepers on delivery or collection vehicles between 06:00am and 07:00am Monday to Saturday and between 07:00am and 09:00am on Sundays. All deliveries between these approved hours shall be direct via the loading and unloading dock shown on the approved plans.

REASON: To limit the impact of the development on adjacent residential amenity and prevent undue disturbance

8. The retail unit hereby permitted shall not be open to the public except between the hours of 08:00am to 22:00pm on Monday to Saturday, 09:00am to 18:00pm on Sunday & Public Holidays.

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

9. The Aldi customer car park shall be made inaccessible to public vehicles between the hours of 23:00pm and 07:00am on any day of the week.

REASON: To limit the impact of the development on residential amenity and prevent undue disturbance by vehicles at night.

10. No on-site cooking or baking shall take place until a scheme of works for the control and dispersal of atmospheric conditions (in particular emissions from the cooking or baking of food) has been submitted and approved in writing by the LPA. The approved scheme shall be implemented before any on-site cooking or baking takes place and shall be maintained in effective working condition at all times thereafter.

REASON: In the interests of neighbouring amenities.

11. The development shall be carried out in full accordance with the internal layout of the retail unit shown on the plans hereby permitted. There shall be no subdivision of any of the unit or any additional internal floor space created (including any insertion of mezzanine floors) not covered by this permission.

REASON: 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, and surrounding small scale neighbourhood retail shops.

12. No development shall take place until a scheme of landscaping for the site, including planting around the proposed cycle/footway along the south west boundary, the screening of the concrete wall on the west boundary of the decked car park, and replacement hedge planting for the west side of the realigned London Road section has been submitted to and approved in writing by the Local Planning Authority, including times of planting, species and size, and a long term maintenance scheme. The landscaping shall be carried out and maintained in accordance with the approved scheme.

REASON: To limit the impact of the development on visual and residential amenity and the surrounding natural habitat.

13. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. (WC2)

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

14. No construction or demolition work shall take place on Sundays or Bank Holidays or outside the hours of 07:30am to 18:00pm on Monday to Friday and 08:00am to 13:00 pm on Saturdays.

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

15. No development shall take place until a scheme for the discharge of surface water from the buildings, car parks, realigned section of London Road and new footway/cycleway

hereby permitted has been submitted to and approved in writing by the Local Planning Authority and the drainage scheme shall be carried out and retained in accordance with the approved details. The scheme submitted shall limit surface water run-off and shall involve safe management and on-site storage of surface water in excess of the design capacity of the drainage system.

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

16. No development shall commence until full details of the right turn lane on the A30 road and associated vehicular access (including the pedestrian crossing and road realignment in accordance with the approved plans) have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that right turn lane and access (including the pedestrian crossing and road realignment) has been completed in accordance with the approved details.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

18. Before development commences, a Construction Method Statement shall be submitted to the local planning authority for written approval. The method statement shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species (namely reptiles and breeding birds). Development shall be carried out in full accordance with the method statement).

Reason: To control risks to birds and reptiles during construction

19. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters from pollution.

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

REASON: In order to produce a scheme with a high level of sustainable design

21. The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule. (WM14)

Site Location Plan 110591P(1)01 June 2014 received 18/6/14

Block Plan 110591P(1)11 June 2014 received 18/6/14

Site Plan Aldi Level 110591P(1)03B April 2014 received 18/6/14

Site Plan Park and Ride Level 110591P(1)04A April 2014 received 18/6/14

Proposed Site Sections 110591P(1)10 May 2014 received 18/6/14

Proposed Street Elevations 110591P(0)08A June 2014 received 27/1/15

Proposed Store Elevations 110591P(1)07A June 2014 received 27/1/15

Proposed Roof Plan 110591P(1)06 June 2014 received 18/6/14

Proposed Floor Plan 110591P(1)05 June 2014 received 18/6/14

Transport Statement by Entran, June 2014 received 18th June 2014 and updated by response to GCC highways comments received 17/11/14.

Ecological Appraisal and Interim Bat Report by RSK June 2014, received 18/6/14

Historic Environment Appraisal by RSK June 2014 received 18/6/14

Arboricultural Impact Assessment and Tree Protection Plan by BoSky Trees, 17th June 2014, received 18/6/14

Noise Assessment (Rating of Industrial Noise affecting Mixed Industrial and Residential Areas) by KR Associates 17th June 2014, received 18/6/14

Design and Access Statement Kendall Kingscott received 18/6/14

Drainage Strategy by Craddy Pitchers Davidson received 18/6/2014

Drainage Layout Aldi Level 9573-0050B received 18/6/2014

Drainage Layout Park and Ride Level 9573-0051B received 18/6/2014

Site Waste Management Plan 5th June 2014, received 18/6/14

Planning Statement, Turley June 2014, received 18/6/14

Geo environmental Assessment Report, Brownfield Solutions ltd 2014, received 18/6/14

Retail Assessment, Turley June 2014, received 18/6/14

REASON: For the avoidance of doubt and in the interests of proper planning.

22. The site shall be used by a discount food supermarket operator and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). The following services shall not be operated from the land:

- i) Butcher, fresh fish, bakery, delicatessen or cheese counters
- ii) Hot food
- iii) Banking facilities
- iv) Dispensing pharmacy
- v). Dry cleaning or post office services
- vi). Photographic shop or booth
- vii) Cafe restaurant
- viii) Sales of cigarettes or tobacco

No more than 20% of the net sales floor space shall be used for the sale of non food comparison goods.


REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposals to change the range and types of goods sold from the premises having regard to the circumstances of the case and the impact on the vitality and viability of the city centre.

Appendix 1 CCAC Minutes 23rd July 2014

86. Park and Ride, London Road, Salisbury

Report by Service Director, Transformation

Supporting documents:

- [Item no 7 - Park and Ride, London Road, Salisbury report](#)  PDF 58 KB
- [Item no. 7 - Park and ride Appendix 1 - plan](#)  PDF 104 KB

Minutes:

Cllr Toby Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste introduced the report which requested that authority be delegated to the Service Director for Transformation in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, to dispose of part of the Park and Ride site at London Road, Salisbury, so long as there is no permanent loss of parking spaces.

The Committee heard that further discussions had taken place which suggested the Council acquired additional land, and then sold this with the flying freehold, thereby creating 40 to 50 extra parking spaces at no extra cost to Wiltshire Council.

A question on improving the footpath in front of the proposed building allowing it to be used by pupils and parents from Laverstock School resulted in confirmation of a cycle path being created, which would allow this. Local members had confirmed their agreement with this.

Resolved:

That the Committee delegates authority to the Service Director for Transformation in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, to dispose of part of the Park and Ride site at London Road, Salisbury, so long as there is no permanent loss of parking spaces.

