PLANNING STATEMENT

110/112 SOUTHAMPTON ROAD, SALISBURY SP1 2LE

1. Introduction

1.1 This Application is submitted for the Council's consideration and decision in respect of the premises situated at 110/112 Southampton Road, Salisbury and seeks an unencumbered Class E (formerly Class A1 Retail) Retail Use for the premises.

1.2 The subject property lies approximately 1.5 kilometres to the east of Salisbury City Centre along Southampton Road and outside the boundary of the City Centre which is broadly defined by the A36 Churchill Way, A40 MPH dual carriageway. The site, therefore, is representative of an out of town location.

1.3 The subject building has a complex Planning history attached to it, the current occupier having successfully gained Planning Permission in 2013 for the use of premises to be permitted for Class A1 Retail but specifically only for the sale of golf equipment, golf clothing and accessories unrelated to its lawful use of storage, warehouse and distribution.

1.4 The 2013 Application was a re-submitted proposal with the first Application being refused on 12th September 2012 reference S/2012/700/FUL. At the time the principal concern of the Planning Authority centred on the potential the Retail use would have on the viability and vitality of

Salisbury City Centre. The re-submitted Application was accompanied by a Planning and Retail Statement which gained the support of the Local Planning Authority.

1.5 As well as demonstrating that the Retail use would not have an impact on the vitality and viability of the City Centre, the impact on highway safety was also considered as the site is accessed from Southampton Road which forms part of the A36 trunk road between Southampton and Bristol. Whilst background town traffic flows are relatively high the Transport Statement that accompanied the 2013 Application did not propose any alterations to the existing access or egress arrangements or indeed the level of on site parking. Both the 2012 and 2012 Applications did not generate objections on highway safety. At the time it was envisaged the trip generation generated from the previous Retail use would not be significantly higher than that concerned and connected with the established use of the site for storage and distribution.

1.6 In granting the 2013 Application reference S/2013/0103/FUL to a Retail Class A1 Use, two Conditions numbers 5 & 6 were attached to the Permission which restricted the use to the sale of golf equipment, golf apparel and accessories together with external alterations to existing elevations.

1.7 Since the grant of the Planning Permission on 19th April 2013, during the subsequent 10 years various changes have taken place in particular the attitude to protecting the vitality and viability of Salisbury Town Centre from competition, in particular arising as a result of the competing Quasi Retail, Retail and Non Retail uses that exist in and about the Southampton Road location. There is a new Draft Local Plan which has been produced and is proceeding through the formal adoption process.

1.8 Both on the south side in and around the subject premises and on the northern side of Southampton Road where the Southampton Road Retail Park exists clearly there has been a major change in the character with major Retail elements that characterise the general location which supports the argument put forward now that a non-restricted Retail use of the premises should now be enjoyed. In that respect the present Application seeks Planning Permission to remove Condition 5 & Condition 6 attached to the 2013 Permission, thereby allowing a unfettered Retail Use to operate from the premises.

1.9 In putting forward this proposal the Application Scheme is dictated by the High Court ruling in the case of Armstrong re The Secretary of State for Levelling Up, Housing & Community (2023) which re-affirmed the principal of the Section 73 Application which can be used to amend Conditions attached to an Approved Scheme, providing it would not conflict with the description of the development permitted by the Planning Permission. Section 73 of the Town & Country Planning Act 1990 (TCPA 1990) allows Applicants to apply to alter or remove a Condition attached to a Planning Permission <u>without</u> incurring the risk of submitting a new full Application.

1.10 The Armstrong judgement dictates the Application description to be made, this means the operative part of the Planning Permission is for Class E (formerly A1) Retail, the proposed Application Scheme now submitted does not conflict with that description. The use of the site will remain in use as Retail all that the Section 73 Application now proposes is the removal of Condition 5 and Condition 6 attached to the 2013 Permission.

2.0 Conclusions

2.1 In reviewing the Planning History that is attached to the Application property together with discussions held with Wiltshire Council Planning Policy Section this has highlighted a change in approach to proposals seeking an un-restricted Class E Retail Use for the subject property. The main concerns that primarily arose were in connection with possible traffic generated by any proposed unencumbered Retail Use and its affect upon the A36.

2.2 The Transport Statement which accompanied the 2013 Application aids and assists now it is considered with the current Planning proposal to seek an unfettered Class E Retail Use for the subject building. In 2013 no highway objections were raised, therefore, it is considered the current Application Scheme can rely upon the situation that existed in 2013.

2.3 We trust that our Applicant proposals are complete, and that support will be given to the proposals to remove Condition 5 and Condition 6 attached to the Planning Permission reference S/2013/0103.