Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/07223

Decision Date: 07 February 2024

Applicant:	Mr Hibberd c/o Agent , Atlas Planning Group Ltd, Bodenham House Barn, Bodenham, Salisbury, SP4 5EN
Particulars of Development:	Hybrid planning application consisting of full planning permission for the erection of 4 buildings amounting to 7,532sqm GIA (Use Classes E(g), B2 (general industrial), B8 (Storage and distribution) with external areas, access, parking, landscaping and associated works (to include the widening of the C292, new 2m-wide pedestrian footway on the southern side of the C292, and pedestrian crossings to A345), and outline planning permission for 1 Southern Policing Hub (sui generis) amounting up to 3,900 sqm GIA (all matters reserved except access)
At:	Land adjacent to High Post Business Park, Salisbury, SP4 6AT

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (14)

1 Developing this visually prominent and exposed hilltop site will have an adverse impact upon the landscape. The site largely comprises Grade 2 agricultural land which is defined as best and most versatile (BMV) and is designated a Special Landscape Area. It is considered that the loss of BMV, the loss of the woodland, hedgerows and the introduction of large scale-built form will amount to an overall adverse nature of effect for landscape elements and landscape character. It is not considered that this could be mitigated through proposed soft landscaping which

does not align with CP51 iv visually sensitive skylines (increasing the number of trees goes against the open character of the plain; the MOD Boscombe Down airfield bird strike safeguarding requirements also restricts any soft landscaping such ‘dense canopy forming trees (such as Oak and Scots Pine) should ideally be avoided, if this is not possible then they should be well spread out to avoid the canopies ‘knitting’ together as they mature’ and the sites prominence in the landscape and the time for any planting to mature suggests the development would also be visible for many years before any mitigation could take full effect). It is considered that the proposals are contrary to Wiltshire Core Strategy policies CP34, CP50, CP51, CP52 and CP57, guidance within the National Planning Policy Framework (paragraphs 7 and 180) and saved policy C6 of the Salisbury District Local Plan.

2 The site is within the setting of heritage assets (including Old Sarum Scheduled Monument which includes the remains of the castle and cathedral which are Grade I listed, Stratford sub Castle conservation area and the setting of the Stonehenge part of the Stonehenge and Avebury World Heritage Site (WHS).
The Planning (Listed Building and Conservation Areas) Act 1990 (section 66) places a statutory duty on the local planning authority for 'special regard' to be given to the desirability of preserving the special interest of listed buildings and their settings. In respect of this duty in relation to the setting of listed buildings under the Listed Building and Conservation Areas Act, and development within the setting of heritage assets including conservation areas and the WHS; paragraph 205 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated Heritage Asset (DHA), great weight should be given to an asset’s conservation. Paragraph 206 goes on to state that any harm to, or loss of, the significance of a DHA, including from development within its setting, should require clear and convincing justification and Core Policy 58 of the Wiltshire Core Strategy states that designated heritage assets and their settings will be conserved.
It is considered that the proposals will have an adverse impact arising from the development on the setting of heritage assets and insufficient information has also been provided to assess that the development proposals will not have an adverse impact to the Outstanding Universal Value (OUV) and the integrity of Attribute 4 ‘The design of Neolithic and Bronze Age funerary and ceremonial sites and monuments in relation to the skies and astronomy’ within the southeast part of the Stonehenge part of the Stonehenge and Avebury World Heritage Site through impact to solstice alignment from light spill. It does not appear that alternative sites have been considered where there might be less (or no) harm. It is considered that the proposals are contrary to Wiltshire Core Strategy policies CP4, CP6, CP58, and CP59, guidance within the National Planning Policy Framework (paragraphs 7, 195, 203, 205 and 206) the Stonehenge, Avebury & Associated Sites World Heritage Site Management Plan 2015 and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 The proposal involves the removal of trees which are subject to Tree Preservation Order and make a positive contribution to the character and appearance of the area. Tree survey and constraints plans are intended to inform the design and layout of development and trees which are of sufficient quality should normally be retained and incorporated in the design. It is considered that there is no justification for the loss of these trees which would be harmful to the visual amenity of the area, and its enjoyment by the public. The proposals would be contrary to the National Planning Policy Framework (paragraph 136) and Wiltshire Core Strategy Policies CP34, CP51, CP52 and CP57 which, amongst other criteria, restricts development which would result in the loss of trees, hedges or other features that contribute to the character of the landscape.

4 The proposals include a new footway connection to the A345 High Post crossroads along the C292 but the proposals for the crossing facilities at the A345 crossroads to the southbound bus stop are considered unsafe so there is no safe or convenient pedestrian route to and from this bus stop and the site. Without a viable and safe pedestrian connection to local bus stops on both sides of the main A345 road, the development which is in isolation from any supporting infrastructure or housing is considered unsafe and unsustainable.
The most direct cycle route would be along the A345 which has no separate cycle facilities and is subject to the national speed limit. Cycle infrastructure design LTN1/20 states that “On busier and faster highways, most people will not be prepared to cycle on the carriageway, so they will not cycle at all…” The suggested off-road route to Amesbury is both poorly surfaced for much of its length and is unlit and considered an unsafe route to accommodate commuting. The site is 1mile to the National Cycle Network 45 route and illustrates how poorly connected the site is by cyclable infrastructure. The proposed development is therefore not supported by sufficient cycling infrastructure required to maximise this sustainable mode share. Existing bus infrastructure is also not considered sufficient to attract increased bus patronage necessary to mitigate and offset additional vehicle movements.
The site is in an unsustainable location where journeys using active travel modes will not be a genuine option for the expected employee numbers. The site is not considered sustainable by walking or cycling and access to buses is hindered by lack of crossing facilities on the main road and poor shelter facilities and there is likely to be an excessive reliance on the private car. The development is very poorly sited and not of a scale or land use mix that could generate sustainability. The proposed development does not meet sustainable development objectives, contrary to the Settlement and Delivery Strategies/Spatial Vision and policies of the Wiltshire Core Strategy for sustainable development within Wiltshire and contrary to Highway Safety, Wiltshire Core Strategy Policies CP1, CP2, CP4, CP34, CP60, CP61 and CP62, strategic objectives of the Wiltshire Local Transport Plan and the NPPF paragraph 7 and section 9, paragraphs 108, 109, 114 & 116 which aim to reduce the

need to travel particularly by private car and encourage the use of sustainable transport alternatives.

5 (5) The Road Safety Audit (RSA) has not been subject to an updated site visit (undertaken 10:15 till 11:15 on 22/11/2021 outside of the typical traffic peak hour) and traffic flows are likely to have increased. The RSA does not consider the alterations to or sufficiency of the uncontrolled tactile pedestrian crossing facilities at the High Post crossroads and the interaction between pedestrian safety and traffic flows. The RSA does not consider the safety impacts from the two-way operation of the C292 rural road (the tracking does not appear to have been carried out with either appropriate off-sets or modelled wing mirrors and does not consider HGV potential encroachments/straight through HGV tracking movements) and would be likely to present a safety risk for through movement traffic. The planning submission therefore makes limited and insubstantial consideration of local safety concerns and does not directly consider proposed alterations to the Local Highway network. In this regard, the planning submission is considered contrary to Wiltshire Core Strategy Core Policy 61.

6 The proposed development is not supported by sufficient internal carriageway and turning facilities, or external local highway infrastructure to accommodate the proposed use and hence the development proposals are contrary to Wiltshire Core Strategy Policies CP60, CP62 and CP65.

7 The planning submission makes limited and insubstantial consideration of trip generation, multi modal trip distribution and traffic growth rates as required of a policy compliant Transport Assessment. In this regard, the planning submission is considered contrary to Wiltshire Core Strategy Policy 61.

8 The planning submission does not provide adequate evidence of parking demand and the subsequent availability of large vehicle access and turning facilities and hence compliance with Wiltshire Core Strategy Policies 61 and 62 cannot be determined.

9 This site is of archaeological interest within a landscape in which there is widespread evidence for prehistoric and Roman remains. The Archaeological Desk-Based Assessment report submitted with the planning application concludes that the application area has a high potential to contain unidentified remains of Iron Age and Roman date and a moderate potential for remains of prehistoric date. It is therefore considered that this site has the potential to contain heritage assets of archaeological

interest and field evaluation by trial trenching is necessary to reveal the impact of the proposed development on any buried archaeology. In the absence of a field evaluation, it is considered that insufficient information has been submitted to demonstrate that the development will not have an adverse impact on heritage assets of archaeological interest, contrary to Wiltshire Core Strategy Policy CP58 and guidance within the National Planning Policy Framework (paragraph 200).

10 The site is located within habitats functionally linked to the Salisbury Plain SAC/SPA and Porton Down SPA, and therefore the application must be screened into Appropriate Assessment. The Council has eight Stone-curlew records within 1.5km including one for the application site/adjacent habitats and the application site is an area considered to be important for breeding Stone-curlew. There is potential for adverse impacts on Stone-curlew to result from this proposed development, and sufficient information must be submitted regarding suitable assessment of the importance of site for Stone-curlew; potential mitigation and enhancement strategy or compensation schemes for loss of Stone-curlew functionally linked habitat to ensure that the population of Stone-curlews is not compromised. Further information is required in order to inform a Habitats Regulation Assessment. Consequently, without this information/details, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of the European Sites as a result of the development. The proposal would therefore conflict with Wiltshire Core Strategy policy CP50 (Biodiversity and Geodiversity); guidance within the National Planning Policy Framework (paragraphs 186 and 188) and The Conservation of Habitats and Species Regulations 2017 (as amended).

11 The submitted BNG report does not include the widening of the C292 between the proposed site access junction and the A345 and resultant loss of hedgerow or foul waste pipeline connection in the spreadsheet calculation or maps that detail the amount of habitat. The Ecological Assessment also does not consider the potential impacts caused by the widening of C292, the foul waste pipeline connection or the importance of the copse for biodiversity. The location of the access and the provision of a sculpture is not considered a valid reason for removing the existing copse which has ecological and biodiversity value in its functionality for all species (highlighted by the bat activity surveys) and its context in the wider landscape. Sufficient evidence to demonstrate no net loss of biodiversity has not been submitted and suitable measures to deliver net gain for biodiversity are not proposed. The proposals are thus contrary to Wiltshire Core Strategy policies CP50 and CP52, guidance within the National Planning Policy Framework (paragraphs 180, 185 and 186), Principle 1 of the Biodiversity Net Gain good practice principles, and Wiltshire's Green Blue Infrastructure (GBI) Strategy.

12 Bats and their roosts are afforded stringent protection under the Conservation of

Habitats and Species Regulations 2017 (as amended) and as such are a material consideration within the planning process. In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. Trees within the copse that have been identified as suitable to support roosting bats have been subject to climbing surveys but the absence of bat evidence in the Potential Roost Features (PRFs) of T4 does not preclude the potential future use by roosting bats i.e. its suitability which has not been assessed as part of the Ecological Assessment. Insufficient information has therefore been submitted to demonstrate that bats (a European Protected Species) will not be adversely affected as a result of the proposed development, contrary to Core Policy 50 of the Wiltshire Core Strategy 2015, guidance within the National Planning Policy Framework December 2023 (Paragraph 180), Planning Practice Guidance, the Wildlife and Countryside Act, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Natural Environment and Rural Communities (NERC) Act 2006.

13 Insufficient information has been submitted to determine the importance of this site and appropriate mitigation measures for breeding birds (including breeding Skylarks and Stone-curlew) to ensure no net loss in potential breeding habitat, contrary to Core Policy 50 of the Wiltshire Core Strategy, guidance within the National Planning Policy Framework (paragraph 186), Planning Practice Guidance, the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act and the Natural Environment and Rural Communities (NERC) Act 2006.

14 An identified ruderal vegetation patch of 0.35 hectares is not considered to be small and the absence of other ruderal vegetation in the wider landscape only enhances the importance of this habitat on the site for reptiles. In addition, the hedgerows on the north and south of the site which are adjacent to the ruderal patches are considered sufficient corridors for these species into the wider landscape. Insufficient information has been submitted to determine the site's importance for reptiles and appropriate mitigation measures, contrary to Core Policy 50 of the Wiltshire Core Strategy, the Wildlife and Countryside Act, guidance within the National Planning Policy Framework (paragraph 186) and Planning Practice Guidance.

Parvis Khansari **- Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).