CASE OFFICER'S REPORT

Application Reference: **PL/2024/00041**
Proposal: **Removal of conditions 5 & 6 of S/2013/0103**
Address: **110-112 Southampton Road, Salisbury, SP1 2LE**

Date of Inspection: **14/2/24**
Date site notice posted: **N/A**
Publicity expiry: **9/2/24**

PROPOSAL.

This application seeks to remove conditions 5 and 6 of an existing restricted retail unit.

In 2013, an application was submitted to convert 110-112 Southampton Road on the A36 trunk road from use for storage, distribution and sale of goods (with a condition limiting the retail element not to exceed 10% of the floor space) to allow the sale of golf equipment, golf clothing and accessories. This consent was agreed subject to conditions 5 and 6 which state:

5 The range and type of goods to be sold from the retail unit hereby permitted, shall be restricted to the following: golf equipment, golf shoes and apparel and golf accessories.

Reason: In order to limit the impact of the development on the vitality and viability of Salisbury city centre.

Policy: G1 (General Principles of Sustainable Development), CP7 (Maltings/Central Car Park) and the National Planning Policy Framework.

6 The practice area (entitled net area and putting area) shall be laid out in accordance with drawing no. 12.1522AP01 Rev D hereby approved and maintained as such thereafter. There shall be no 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.

The applicant is seeking to remove these conditions and create an open Class E consent for the site.

POLICIES:

National Planning Policy Framework (NPPF Dec 2023) and the PPG

Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and further amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015

Wiltshire Core Strategy (WCS):

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 20: Spatial Strategy: Salisbury Community Area
- Core Policy 21: The Maltings / Central Car Park

- Core Policy 35: Existing Employment Land
- Core Policy 38: Retail and Leisure
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 58: Conserving the Historic Environment
- Core Policy 60: Sustainable Transport
- Core Policy 61: Transport and New Development
- Core Policy 66: Strategic Transport Network

Salisbury Community Area Framework

ISSUES:

1. Principle for development and retail impact
2. Highway safety
3. Impact on Character of the Area and Design

CONSULTATIONS SUMMARY:

National Highways – No objection subject to conditions
Highways - No comment

Salisbury City Council – No comment
Third parties - none

RELEVANT PLANNING HISTORY:

S/2012/0700 Change of use from vacant unit (formerly Multi Tile Ltd) to the sale of golf equipment, golf clothing and accessories with associated alterations Refused

In September 2012 permission was refused for the change of use of the premises to A1 to allow the sale of golf equipment, golf clothing and accessories. Reasons for refusal were as follows:

"The site is currently in an employment use and in the absence of an assessment regarding the impact of the loss on this employment site; the proposal is contrary to Core Policy 5 (CP5) of the South Wiltshire Core Strategy. Additionally the NPPF (para 24) states that where planning applications for main town centre uses are not in accordance with an up-to-date development plan, they should be refused planning permission where the applicant has not demonstrated compliance with the requirements of the sequential approach. Based on the information provided, and in the absence of a sequential test or impact assessment (as required by the NPPF para 26) it is considered that the current proposal fails to comply with the sequential approach or to provide an impact assessment of the proposed retail floor space which would potential (sic) have an adverse impact on the vitality and viability of Salisbury City Centre. As a result the proposal would not accord with the guidance in the NPPF nor would it adequately address the aims of the Council's shopping strategy and policies , particularly saved policies S1, S2 and S3 of the Salisbury District Local Plan (which are saved policies of SWCS) and Core Policy CP7 of the SWCS."

S/13/0103/FUL Change of use of existing unit to A1 retail use for the sale of golf equipment, golf apparel and accessories together with external alterations to existing elevations Approved subject to conditions including 5 and 6

The 2013 resubmission was accompanied by a planning and retail statement, which include a Transport Assessment, a sequential test and an impact assessment. Conditions 5 and 6 are listed above in the introduction.

ASSESSMENT:

Planning permission is required for the development. The applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework.

1. **Principle for development and retail impact**

The site lies approximately 1.5km to the east of Salisbury City Centre along Southampton Road and outside the boundary of the city centre as broadly defined by the A36 Churchill Way, which is. The site represents an out of town location.

The area surrounding this unit on the Southampton Road is primarily commercial, historically a mix of car showrooms and retail warehouses. This particular building had consent for use as a motorcar showroom with ancillary offices and storage. Subsequently it was granted consent for warehouse/distribution with a small retail element, originally solely for Multi Tiles. In 2013, restricted A1 consent was grated for the sale of golf equipment, golf clothing and accessories, unrelated to its lawful use for storage, warehouse and distribution. The applicant is now seeking on open Class E consent for the unit.

Class E is defined in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and further amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 as:

Commercial, Business and Service

Use, or part use, for all or any of the following purposes:

a) Shop other than for the sale of hot food
b) Food and drink which is mostly consumed on the premises
c) the following kinds of services principally to visiting members of the public
i. financial services
ii. professional services (other than medical services)
iii. any other services which it is appropriate to provide in a commercial, business or service locality
d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)
e) Medical services not attached to the residence of the practitioner
f) Non-residential creche, day centre or nursery
g) i) office
ii) the research and development of products or processes or any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)

<u>Loss of Employment and impact on Principal Employment Area</u>

Salisbury is identified as a Principal Settlement under Core Policy 1 and the site lies within a Principal Employment Site, within the settlement boundary. Principal Employment Areas have been identified in the Principal Settlements and Market Towns, as set out in the relevant area strategies in section 5 of the WCS. These Principal Employment Areas are considered to be critical to the economic role of these

settlements and Wiltshire as a whole. In order to maintain a reasonable balance between jobs and homes to encourage self containment these Principal Employment Areas should be protected from alternative uses with their continued use and intensification for employment purposes (use classes B1, B2 and B8) encouraged, as set out in Core Policy 35. Core Policy 20 identifies the Southampton Road PEA.

CP35 states:

Wiltshire's Principal Employment Areas (as listed in the Area Strategies) should be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns. Proposals for renewal and intensification of the above employment uses within these areas will be supported.

Within the Principal Settlements, Market Towns, Local Service Centres and Principal Employment Areas proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must demonstrate that they meet, and will be assessed against, the following criteria:

i. The proposed development will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use.

ii. Where the proposal concerns loss of employment land of more than 0.25 ha in the Principal Settlements, Market Towns or Local Service Centres it is replaced with employment land of similar size elsewhere at that settlement.

iii. It can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment uses on a greater part of the site, providing the same number or more permanent jobs than on the original whole site.

iv. The site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area.

v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

vi. The change of use is to facilitate the relocation of an existing business from buildings that are no longer fit for purpose to more suitable premises elsewhere within a reasonable distance to facilitate the retention of employment.

The current proposal seeks an open Class E use for the site, which includes Use Class B1 and B8, and therefore, the proposal would ensure that the employment use of the site could be maintained. This is a benefit over the current situation for the site, which has a restricted retail use. However, the retail elements of Class E comprise town centre uses and therefore, the impact on Salisbury City Centre of providing a potentially unrestricted retail use on the site must be assessed. Open retail use could also undermine the objectives of the Principal Employment Area.

<u>Impact on Vitality and Viability of the City Centre</u>

Since the refusal of the *original* application for open retail use on the site towards the end of 2012, there have been no significant changes to *national* planning policy concerning the location of retail development, with both national and local policy indicating a city centre first sequential approach.

However, in 2015, the Wiltshire Core Strategy was adopted and this sets a local floorspace threshold of 200 sqm for retail impact assessments. It also prioritises the development of the Maltings/Central Car Park as a retail led mixed-use development to enhance Salisbury city centre's position as a subregional shopping and cultural centre. The development is expected to provide convenience and comparison shopping, leisure uses, housing, offices, library and cultural quarter and CP21 refers.

Section 7 of the revised NPPF Dec 2023 deals with assessing planning applications for retail uses and ensuring the vitality of town centres. When assessing planning applications that are located outside of the defined town centre, the NPPF retains both the sequential and impact test requirement. Local planning authorities are required to ensure applications for main town centre uses are located in the town centre, then on edge of centre sites, and "*only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*" (paragraph 91). When assessing non-central sites, consideration must then be given to how accessible the sites are and how well located they are to the town centre.

Paragraph 94 requires an impact assessment to be carried out for edge and out of town proposals if the development is over a locally set floor space threshold. In this case, a threshold has been set within the WCS at 200sqm (CP38). The impact assessment should specifically consider:

- The impact of the proposal on existing committed and planned public and private investment in the centre.
- The impact of the proposal on town centre vitality and viability. This includes impact on local consumer choice in the town centre and the wider area as applicable to the nature of the scheme.

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

<u>Sequential Test and Impact</u>

It was previously considered in 2013 that the golfing proposals would not seem to have any significant scale of impact on town centre vitality or viability; neither did it seem apparent that there would be any significant impacts upon the character and style of city centre shopping.

The applicants have referred to their previous application and the sequential test submitted at that time in 2013. However, no updated assessment has been submitted to consider the effects of an open Class E consent on this out of centre location within the Primary Employment Area. The potential impacts on the Maltings/Central Car Park (CP21) are also not identified. Therefore, it is not possible for the LPA to conclude that the removal of Conditions 5 and 6 and the unfettered use of the unit for Class E purposes would not harm the vitality and viability of the city centre and undermine the viability of the Maltings/Central Car Park scheme, or, that the retail uses would not undermine the purposes of the Principal Employment Area.

In approving the 2013 scheme for a golf outlet, the applicant previously accepted conditions limiting the sale of goods to golf equipment, golf apparel and golf accessories. This was considered <u>necessary</u> to restrict the range of goods on offer, as whilst the applicant's impact assessment has indicated that this specific use would not have any significant impact on the

vitality and viability of the centre city, this was due to the characteristics of this particular specialist use and the impact of other potential A1 uses would need to be fully considered at the time through sequential and impact assessments. In the absence of an updated assessment, the potential impacts of this application cannot be concluded favourably.

Core Policy 7 of the SWCS allocates a retail-led mixed use scheme on the Maltings Central Car Park Site (MCCP). The development of the MCCP site is central to the future vitality and resilience of the city centre as a whole. Consequently new retail development in out of centre locations must not prejudice its delivery. Whilst the site could conceivably accommodate a suitable unit it is accepted no units will be available for some time, with no formal application for the redevelopment having yet come forward. The applicants' proposals are relatively minor in scale, relating to a building with a floor area of 383m2. However, it cannot be concluded that an open retail consent would not undermine this scheme without an appropriate impact assessment.

2. Impact on Highway Safety

The site is accessed from Southampton Road, which forms part of the A36 trunk road between Southampton and Bristol. Background traffic flows are therefore relatively high.

There are no proposals to alter the existing access or egress arrangements or the level of on-site parking (which currently provides approximately 10 off street spaces). The 2013 scheme also secured dedicated disabled parking and motorbike and cycle storage.

The NPPF advises that when assessing retail applications in out of centre locations, consideration must be given to how accessible the sites are and how well located they are to the town centre. In this instance the site is approximately 1.5km from the city centre within an established commercial location. Due to the out of town nature of the Southampton Road development, it is acknowledged that the transport mode to and from the area tends to be by the use of private car. However there is a bus service linking Southampton Road with the city centre (funded by the SALTMO scheme) and the application does provide secure cycle storage. In addition it is acknowledged that some of the surrounding commercial units provide a quasi retail role. For these reasons no objection to the proposal is raised on grounds of accessibility.

No Traffic Assessment has been submitted. National Highways has considered the proposals in relation to the potential impact on the A36 Trunk Road and have no objection, subject to the unit being restricted to Class E (a) retail only (for the display or retail sale of goods, other than hot food, principally to visiting members of the public). They state:

The application is seeking permission to remove conditions in respect of retail development consented under permission S/2013/0103. The site is accessed directly from the A36 Southampton Road, which in this location forms part of the strategic road network for which National Highways is the relevant highway authority. National Highways has reviewed its records and unfortunately does not appear to have received a consultation request in respect of application S/2013/0103.

Our primary interest in the proposals is for the ongoing safe and efficient operation of the SRN, and it is that context that our comments are made noting that the A36 Southampton Road currently experiences congestion, particularly during network peak hours. We would therefore be concerned about any development that had the potential to increase trips along the A36 Southampton Road corridor.

Conditions 5 and 6 restrict the type of retail permitted on site to golf-related sales only with an associated practice area. The application is seeking to remove these conditions to permit an unencumbered class E retail use. ***No assessment of traffic impact has been provided.***

National Highways has considered the surrounding land uses and established pattern of retail development and acknowledges that the principle of retail use has been accepted. We therefore consider we would be unable to sustain an objection to the proposed removal of conditions 5 and 6 but, in the absence of any assessment of traffic impact, recommend that an alternative condition be applied that clearly defines the class E retail use sought which we understand to be class E a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public. This should ensure that the associated vehicle trips reflect the existing pattern of use, and on that basis the proposals are unlikely to result in a material change to traffic on the A36.

The applicant is not seeking a restricted Class E (a) use and therefore, in the absence of a Transport Assessment, the LPA cannot conclude that the impacts on the A36 trunk road from the proposed unfettered Class E use would be acceptable.

3. Impact on Character of the Area and Design

No external alterations are proposed to the building in connection with the change of use. The application does not indicate any proposed signage, which may require a separate application for consent. Class E uses by their nature are considered to be compatible with residential uses. The proposed change of use is therefore unlikely to give rise to any concerns regarding the relationship with adjacent uses, impact on the character of the area, or design.

CONCLUSION

In the absence of a Retail Impact Assessment and Sequential test, the LPA is unable to conclude that the unfettered Class E use would not harm the vitality of Salisbury City Centre or undermine the viability of the Maltings/Central Car Park allocated for a retyail led, mixed use development within the city centre. An open Class E consent would also give the unit an unfettered retail consent, which is likely to be detrimental to the employment objectives of the Principal Employment Area.

No transport assessment has been submitted and without this, it cannot be concluded that an open Class E consent would not harm the ongoing safe and efficient operation of the Strategic Road Network, the A36 Southampton Road.

RECOMMENDATION: REFUSE for the following reasons:

The site is located in an out of centre location, within a Principal Employment Area for Salisbury, on the A36 Southampton Road trunk road which is part of the Strategic Road Network. The application seeks an unfettered Class E use which would permit unrestricted retail uses. The retail use of the site is currently restricted and limited to the sale of golf equipment, golf shoes and apparel and as a golf practice area, with no mezzanines or additional internal floorspace permitted.

The revised NPPF Dec 2023 and Wiltshire Core Strategy CP38 requires planning applications for main town centre uses that are not in accordance with an up-to-date development plan to be refused where the applicant has not demonstrated compliance with the requirements of the sequential approach. Based on the information provided, and in the absence of a sequential test or impact assessment (as required by the NPPF para 94) it is considered that the current proposal fails to comply with the sequential approach or to provide an impact assessment of the proposed unrestricted retail floor space which could adversely affect the vitality and viability of Salisbury City Centre and adversely affect the viability of the allocated site at the Maltings/Central Car Park. The proposal would not accord with the guidance in the NPPF nor would it adequately address the aims of the Council's shopping strategy and policies set out in Core Policy CP38 and Core Policy

21. An open Class E use would also permit unrestricted retail uses, which could further undermine the employment objectives of the Principle Employment Area, set out in Core Policy 35 and Core Policy 20.

Furthermore, no transport assessment has been submitted and without this, it cannot be concluded that an open Class E consent would not harm the ongoing safe and efficient operation of the Strategic Road Network, the A36 Southampton Road which is identified under CP66, contrary to the objectives of CP57 (xiv), CP60 and CP61.