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Mrs Becky Jones – Senior Planner
Wiltshire Council
County Hall
Bythesea Rd
Trowbridge
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17 March 2025
ref: W3302

Dear Becky,

APPLICATION PL/2023/09615 POSITION STATEMENT

This position statement has been prepared on behalf of the Salisbury Cathedral Close Preservation Society (SCCPS) to assist the members of Wiltshire Council's Southern Area Planning Committee in the determination of application PL/2023/09615: *Permanent change of use of former tennis courts to car park (previously approved under temporary consents); the provision of electric vehicle charging points; the provision of a covered cycle parking area; the provision of a water standpipe; associated works.*

A review is provided of the status of the application, the local and national planning policies, relevant material considerations, and an appraisal of relevant consultation responses in the context of the identified planning policies and material considerations. We ask that this further representation is relayed to the Members of the Planning Committee and taken into account in the determination of the application.

STATUS OF APPLICATION PL/2023/09615

Background

An application for Full Planning Permission was submitted to Wiltshire Council as Local Planning Authority 07/11/2023; and following the submission of further documents the application was validated 11/11/2024. The application has been assigned the local authority reference PL/2023/09615, which is used throughout this position statement to identify the application. The description of development is a definitive part of any development permitted by a planning permission on and speaks to the operative part of the planning permission. The description of development reads:

Permanent change of use of former tennis courts to car park (previously approved under temporary consents); the provision of electric vehicle charging points; the provision of a covered cycle parking area; the provision of a water standpipe; associated works.

Throughout the application process there have been a number of revisions to the proposed plans and documents. In the interests of clarity, the determination of this application is based on the following plans and documents:

- Proposed Site Location Plan ref CP (10) 01 Rev B dated 8/11/23
- Proposed Layout Plan Car Park ref CP (10) 07 Rev H dated 6/3/25
- Proposed Block Plan ref CP (10) 04 Rev E dated 6/3/25
- Bike Storage Detail as Proposed ref CP (10) 05 Rev B dated 2/5/24
- EV Charging Point Details as Proposed ref CP 910) 06 Rev B dated 31/10/23
- Proposed Feeder Pillar Elevations ref CP (10) 08
- Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan by WH Landscape ref 24.1811 Rev A dated October 2024
- Tree Constraints Plan (ref ARB-1811-01 Rev A) by WH Landscape ref 24.1811 Rev A dated October 2024
- Technical Note 9737/01 Surface Water Drainage Improvements dated Feb 2024
- Proposed Surface Water Drainage Improvements Plan ref 9737-501 dated Feb 2024 (in Technical Note)
- Historical and Archaeological Appraisal received 20/11/23
- Design, Heritage and Access Statement received 20 /11/23
- Flood Risk Assessment received 7/11/23
- Moving Green Statement received 7/11/23

Determining Application PL/2023/09615

Application PL/2023/09615 is presented to Wiltshire Council's Southern Area Planning Committee for assessment and determination. It is the responsibility of the Committee's Members to fully assess the harm, benefits and nuance of the application. Members must weigh the proposal in the planning balance in order to determine the application on its own merits.

The Planning and Compulsory Purchase Act 2004 Section 38(6) requires that planning applications are determined in accordance with the local Development Plan, unless other material considerations indicate otherwise.

LOCAL PLANNING POLICY

Relevant to this application, the local Development Plan comprises the Wiltshire Core Strategy (adopted 2015); the saved policies of the Salisbury District Local Plan (2011); Wiltshire Climate Strategy (adopted 2022); and the made Salisbury Neighbourhood Development Plan 2020 – 2038 (made March 2025).

Planning law requires that application PL/2023/09615 must be determined in accordance with the plans found within the above documents, unless it can be demonstrated that material consideration indicate otherwise.

Having reviewed the Case Officer's committee report, this position statement is provided as a supplementary document to assist the Committee's determination of this application. As this position statement will be read in conjunction with the committee report and all other application documents (including consultee responses) we have not provided a full

review and assessment of all relevant planning policies. Rather, an overview of some of the most relevant planning policies which we consider to be under-represented in the other available documents is provided below.

Wiltshire Core Strategy (adopted 2015)

Core Policy 51

Landscape

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 the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies.
ii. The locally distinctive character of settlements and their landscape settings.
iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.
iv. Visually sensitive skylines, soils, geological and topographical features.
v. Landscape features of cultural, historic and heritage value.
vi. Important views and visual amenity.
vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion.
viii. Landscape functions including places to live, work, relax and recreate.
ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area's special qualities (as set out in the relevant management plan), must also demonstrate that it would not adversely affect its setting.

Core Policy 51 (CP51) requires that an application **demonstrates** the conservation and enhancement of the nine specific aspects of landscape character (listed i–ix). Landscape sensitivity and appropriateness extend beyond planting and landscaping schemes; they require a thorough understanding of local landscape character. The car park, as an area of hard standing, must be considered within the wider landscape context, which is not adequately conveyed in the submission. Therefore, the landscape impact of the car park extends beyond the scope of planting alone.

Paragraph 6.81 of the supporting text of CP51 states that:

... Applications for development which would by its nature, scale, appearance or location have the potential to change local landscape character must be accompanied by a Landscape and Visual Impact Assessment.

It is acknowledged that all planning policies must be applied proportionally in a manner appropriate to the scale and impact of the proposed development, however it is our view that the intention of CP51 is to require that development proposals take an evidenced approach to integrating the design with the existing landscape character (with specific reference to the relevant Landscape Character Assessment), that demonstrates the conservation or enhancement of the landscape character.

Paragraph 5.17 of the submitted Design, Heritage and Access Statement is the only coverage or assessment of the landscape baseline and impacts.

Landscaping

5.17 *The car park already benefits from mature landscaping. To the south and west the car park is screened by the historic boundary walls of Cathedral Close. To the north is a tall, mature hedge which runs between Marsh Close and the car park area. No changes are proposed so this screening will remain in place.*

The Case Officer's committee report provides a perfunctory assessment of CP51 in the 'Design and Heritage Conclusions' section of the report. It reads:

A landscaping condition would also be applied in line with the HE comments. Given the positive conclusions from statutory consultees, it is not considered that a LVIA is required for this scheme, which lies within the defined Salisbury Central Area. There is no objection under CP51 subject to a suitable landscaping condition – see trees below.

It is our view that both the application and the Case Officer's assessment fail to meet the evidential burden inherent to the principle at the heart of CP51 that proposals will need to **demonstrate** that the listed aspects of landscape character have been conserved and where possible enhanced. There also appears to be little acknowledgement of the landscape impact of the scheme beyond the perimeter planting. The proposed built form, hardstanding, and use will all contribute to the how the site is read within the wider landscape character.

Ultimately, it falls to the members to determine whether, on balance, the assessment provided in paragraph 5.17 of the Design, Heritage, and Access Statement (above) is sufficient to satisfy CP51, such that the proposal can be deemed to comply with the Development Plan. The Preservation Society remains concerned about the overreliance on planning conditions to make the development acceptable in planning terms and asks members to ensure that this is an appropriate approach, given the landscape and heritage sensitivities of the area.

Core Policy 57

Ensuring high quality design and place shaping

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 complementary 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 through:

i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced
ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development
iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting
iv. being sympathetic to and conserving historic buildings and historic landscapes
v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)
vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area

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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site

ix. ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network)

x. the sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials

xi. taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future

xii. the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm

xiii. the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place

xiv. meeting the requirements of Core Policy 61 (Transport and New Development).

Core Policy 57 (CP57) highlights that development is expected to create a strong sense of place by drawing on the local context and being complementary to the locality. CP57 calls for an evidenced based assessment of the application site and its wider context to produce a bespoke design in response to the specific local character. This approach is reenforced in paragraph 6.130 of the supporting text of CP57, which states:

The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the sites characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features.

CP57 requires that applications must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the local character. It is our view that to demonstrate the appropriateness of the proposed design response, it is

necessary to demonstrate a suitable understanding of the existing (pre-application) local character. This baseline assessment should include information regarding the landscape character, local design characteristics, the historic environment and its significance, the nature of nearby uses, and the grain of development in this unique urban location. It is lacking from the submission, which casts doubt as to the appropriateness of the design response.

An appraisal of the historic environment is provided in the Design, Heritage and Access Statement and 'Salisbury Cathedral Close car park' document. However, there do not appear to be any details provided regarding the existing landscape character (as required by subsections (i), (ii) and (iii) of CP57), the existing townscape setting (as required by subsection (iii) of CP57), the character of the proposed use and nearby uses (as required by subsection (vi) of CP57), or the local design characteristics (as required by subsection (ii) of CP57).

The Case Officer's committee report states:

The design, siting and scale of the proposed cycle parking and EV charging is considered to be acceptable in heritage impact terms and therefore, no objection is raised under CP57, subject to suitable conditions to ensure that the materials, colours and finishes for the development are appropriately controlled.

This appears to suggest that the requirements of subsection (xii) can be adequately secured through the inclusion of a suitably worded condition. However, the Case Officer's rational for concluded compliance with CP57 appears to be entirely based upon the acceptability of the cycle parking and EV charging stations in heritage terms; and does not appear to consider the use, built form and location as a whole in respect to all other elements of design (including the style and arrangement of built form across the site, selection of high quality materials, and contextually appropriate hard standing) . It is clear within the policy text of CP57 that design is multifaceted, and that high quality design should be inexorably linked to the site-specific context.

The Preservation Society is also concerned about the potential introduction of additional car park paraphernalia after the application and completion stages. If the scheme is generally accepted in principle, it would be prudent to apply a planning condition restricting the addition of any further car parking features or structures, particularly signage, which could detract from the historic setting.

When deciding whether to grant planning permission, decision-makers must ensure that all relevant aspects of the development proposal are considered, including the material considerations that apply. This includes assessing the detailed requirements under Policy CP57. In this case, the Planning Committee must determine whether the submitted information and background assessment adequately demonstrate the delivery of good design in accordance with CP57, and whether the proposal aligns with the Development Plan as a whole.

Salisbury Neighbourhood Development Plan 2020 – 2038 (made March 2025)

Following an independent examination and a positive referendum result, Wiltshire Council have decided to formally 'make' the Salisbury Neighbourhood Development Plan. The Salisbury Neighbourhood Development Plan now forms part of the Development Plan for Wiltshire and the policies in the Neighbourhood Plan must be given full weight when assessing planning applications that affect land covered by the Plan.

Policy 7:

The Close and its Liberty

All development proposals including planning applications and listed building consent applications should consider The Close as a single entity constituting the curtilage of Salisbury Cathedral and The Close Wall, both of which are Grade I listed and will be required to:

1. Demonstrate within Design and Access Statements how such development takes account of the internationally distinctive character of the setting in which development is to take place.
2. Respect the character of The Close with its ecclesiastical, educational, cultural, residential, ceremonial and limited and unobtrusive business nature.
3. Protect and enhance the biodiversity, ecology and landscape setting of The Close.
4. Avoid harm to the special character and distinctiveness of The Close as a place of national archaeological and architectural significance with a relatively low traffic environment.

Development proposals within the scope of the cathedral's masterplan "An Exceptional Place" will be treated favourably having regard to the SNDP's, NPPF's and the Local Plan's policies on the historic environment.

Subsections 1 and 3 of Policy 7 reinforce the provisions of CP51 and CP57, with the added level of detail relating to this specific area within Salisbury. As with CP51 and CP57, Policy 7 requires that in order to be successful an application must demonstrate how the proposed design would integrate with its specific local context and landscape setting. It is our view that in order to demonstrate appropriateness of a development within its setting; it is necessary to demonstrate a comprehensive understanding of the setting, including the key characteristics and features, which is lacking in this application. The inclusion of landscape setting within subsection 2, and reference to 'distinctive character' in subsection 1, clearly indicate that this assessment and understanding of the existing character should extend beyond an assessment of the historic character.

Subsection 4 references the importance of the character of The Close as a low traffic environment. The proposed use as a car park is discussed in some detail in paragraphs 5.1

to 5.11 of the Design, Heritage and Access Statement, however no reference is made as to how the proposed use is compatible with the character of a low traffic environment.

The Case Officer's committee report provides the following assessment of the principle of a car park in this location:

The current car park consent expired in July 2014 and there are no old or pending enforcement cases for the site. The tennis courts remain the previous use and provides the fallback position for the site as a recreational hard surface. However, the site has been in temporary use as a car park for almost 30 years since 1996. The previous consent lapsed more than 10 years ago and should a lawful development certificate be submitted to demonstrate this, the evidence for continuous ten-year use of the site as a car park would need to be considered on the balance of probabilities. This is a material consideration for the planning application and is considered further in the planning balance.

It is notable that this appraisal makes no reference to Policy 7, or the low traffic environment of The Close. This oversight sits in contrast to the position of the Council in it's assessment of the previous applications for temporary planning permission, which included conditions to limit the volume of traffic in the Close.

OTHER MATERIAL CONSIDERATIONS

The Planning and Compulsory Purchase Act 2004 Section 38(6) requires that planning applications are determined in accordance with the local development plan, unless other material considerations indicate otherwise.

It is therefore necessary to review the relevant material considerations, and the weight that can be afforded to each consideration in the planning balance.

National Planning Policy Framework

The National Planning Policy Framework (2024) (NPPF) sets out the government's planning policies for England and how these are expected to be applied. Whilst not specifically part of the local development plan, it is a very important material consideration in the determination of planning applications.

A review of some of the relevant policies within the NPPF is provided below to supplement the Case Officer's committee report and application documents.

Paragraph 131

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 131 highlights that high quality design is at the heart of the planning and development process. The local development plan policies (reviewed above) set out the design expectations for the application site. These policies require a highly contextual and bespoke design approach, that is inspired by the existing landscape and townscape character.

There is also an expectation that good decision making is underpinning by effective engagement between applicants and communities. There has been a lack of public engagement throughout this application. The Preservation Society had offered to engage in discussions, but this offer was not taken up.

Paragraph 139

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

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

Various judicial decisions have confirmed that within the context of Section 38(6) (The Planning and Compulsory Purchase Act 2004), applications should be determined in accordance with the local development plan as a whole – rather than necessarily in accordance with every specific policy. It is therefore important to identify which policies are most relevant to each specific application, and how much weight should be afforded to each policy in making the decision. Paragraph 139 sets out that great weight should be afforded to local design policies, and development that does not align with said policies should be refused.

Paragraph 187

Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 187 emphasises the importance of the natural environment within the planning system. Given the very high environmental sensitivity of the site, being within the immediate catchment of the River Avon SSSI, it is our view that the submitted plans and documents fail to demonstrate an adequate scheme of environmental protection.

Paragraph 187 is clear that details such as surface water drainage, pollution prevention measures, and an appropriate maintenance and monitoring plan; are fundamental to the principle of permission and no development should be permitted. We therefore ask that no development is permitted until adequate protection for the highly sensitive and valuable local environment is secured.

Paragraph 207

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 219

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The applicant's supporting heritage statement acknowledges the heritage aspects surrounding the site, including details about the Grade I listed walls, which demonstrates an effort to balance development with conservation. There is a recognised risk to the area's archaeological potential, however the Close Ditch holds historical significance, and undiscovered remains or features may provide valuable insights into the Cathedral's past and its wider context. Previous assessments do not rule out the presence of significant archaeological material and the Preservation Society remains concerned regarding the extent of understanding and investigation of heritage significance, pertaining to the site, both below and above ground.

Any construction work carries inherent risks, including inadvertent damage to undocumented subsurface features. While the deep sewer installation may have disturbed some areas, it does not eliminate the potential for important archaeological deposits to remain intact. To mitigate these risks, the proposed watching brief should be expanded or replaced with a more comprehensive archaeological strategy. This should include preliminary assessments and test excavations to gather critical information before work begins.

Existing Use

The Case Officer's committee report provides the following assessment of the principle of a car park in this location:

The current car park consent expired in July 2014 and there are no old or pending enforcement cases for the site. The tennis courts remain the previous use and provides the fallback position for the site as a recreational hard surface. However, the site has been in temporary use as a car park for almost 30 years since 1996. The previous consent lapsed more than 10 years ago and should a lawful development certificate be submitted to demonstrate this, the evidence for continuous ten-year use of the site as a car park would need to be considered on the balance of probabilities. This is a material consideration for the planning application and is considered further in the planning balance.

While the existing lawful use of the site is an important material consideration, it has not been established on the balance of probabilities through a lawful development certificate or this application process. The burden of proof lies with the applicant to demonstrate lawful use to the required evidential standard. In the absence of evidence confirming the car park's lawful status, it could be assumed that, following the expiry of the temporary permission in June 2014, the lawful use of the site remains as a tennis court. Therefore, while the site may currently operate as a car park, the available evidence does not confirm its lawful status. Members are therefore entitled to consider appropriate measures to

ensure a well-designed and contextually appropriate development if the land's use is to be formalised in perpetuity.

Therefore, very limited weight should be given to the site's potential existing lawful use as a car park. If Members are minded to grant planning permission, they must ensure that the informal nature of parking to date does not justify any compromise on design quality. The development should align with Policy 7 of the Neighbourhood Plan and address Historic England's concerns regarding the sensitivities of the setting of the Grade I listed Cathedral, together with its outlying listed walls, and the surrounding listed buildings of the Cathedral Close.

APPRAISAL OF CONSULTATION RESPONSES

The Council have engaged in a consultation exercise in line with the statutory requirements for planning applications and their Statement of Community Involvement. Comments have been sought from a range of statutory, public and internal consultee. These are summarised within the Case Officer's committee report and so are not repeated here.

It is important to note that the statutory and external consultees have provided comments which form their profession opinion, but do not constitute a represent a balance of all the relevant planning policy and material considerations; which is required by planning law in the process of determining a planning application. The power to determine planning applications is delegated to the planning committee, and **NOT** the consultee.

The consultee comments are provided to assist the committee members in determining this application, and cannot pre-determine or restrict members of the committee in making their determination.

The Preservation Society concurs with the heritage consultees' comments that the quality of landscaping delivered through planning conditions can vary significantly, and that details provided at a later stage are often diluted from the approved scheme. If the Committee is inclined to approve the application; the Preservation Society urges the inclusion of a robust landscaping condition that ensures any approved scheme of landscaping incorporates the highest quality design which facilitates the ongoing maintenance, addresses the management of existing surface water, and all issues relating to pollution.

The Preservation Society also supports the Environment Agency's request for a planning condition to mitigate pollution risks through the implementation of a surface water drainage scheme. The Society expects the Environment Agency to be involved in reviewing the submitted scheme and to formally agree to it before Wiltshire Council discharges the condition.

The Preservation Society has previously highlighted concerns relating to the unauthorised parking of vehicles on Marsh Close, which is noted to be beyond the red line of the current application site, but is nonetheless materially relevant to this application.

The application includes provision for a standpipe in Marsh Close which, when understood in the context of the cabinets that have already been installed without planning consent, offer the potential for the intensification of unauthorised and inappropriate uses (such car parking) along Marsh Close. Such uses include overflow parking and hosting large scale events. Should members be minded to approve this application the Preservation Society requests that an informative is attached to the decision notice clarifying that no change of use of Marsh Close is granted by this application.

The Preservation Society echoes the comments of Historic England that the Authority should actively investigate, and take enforcement action against, the use of this land for car parking. We note the comments of Historic England in their early response:

Given its immense sensitivity as a key part of the setting for the grade I listed Cathedral and the other highly graded buildings within the Close, but also due to its significant communal and aesthetic value as demonstrated by its depiction in the paintings of Constable, the appropriateness of carparking here should be carefully interrogated.

CONCLUSION

Within section '10. Conclusion – the 'planning balance" of the Case Officer's committee report, it is written:

Members may feel that the application is an opportunity missed to secure a very high quality, exemplar car park in this heritage setting. However, the proposal before Members is not for a newly constructed car park. Neither the Conservation officer nor Historic England consider that the development would have a negative impact on heritage assets and the impact is considered neutral. This weighs positively in the balance given the great weight attached to it.

It is our view, alongside that of the Preservation Society, that this application is indeed a missed opportunity to secure high quality and exemplar design. The highest quality of design is required by both local and national planning policy. The committee report recognises the theoretical fall-back position provided by the last known lawful using being a tennis court. The above statement urges members to apply significant weight in the planning balance to the potential for the existing car park use to be immune from enforcement action and 'lawful' when weighed in the balance of probability. However, this assessment has not been made and so there does not appear to be any basis for the assertion that the '10 year rule' would be met, when assessed on the balance of probabilities.

The Preservation Society maintains that the application fails to demonstrate a sufficiently robust landscape- and heritage-led design. Concerns remain regarding the justification for the proposal, particularly given the sensitivities of the car park within the Grade I listed Close setting.

The Preservation Society urges Members to scrutinise the application carefully. Should the Planning Committee be minded to approve it, this must be subject to robust and enforceable conditions that guarantee the highest standards of design and long-term stewardship.

Yours sincerely,



Luke Smith MRTPI
Associate Director

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