

APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01885
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	The Corner Shop, The Headlands, Downton, Salisbury, SP5 3HH
DEVELOPMENT DESCRIPTION:	Retrospective application for condensing units to the rear of a property in a conservation area.
RECOMMENDATION:	Refuse

SITE DESCRIPTION/CONTEXT

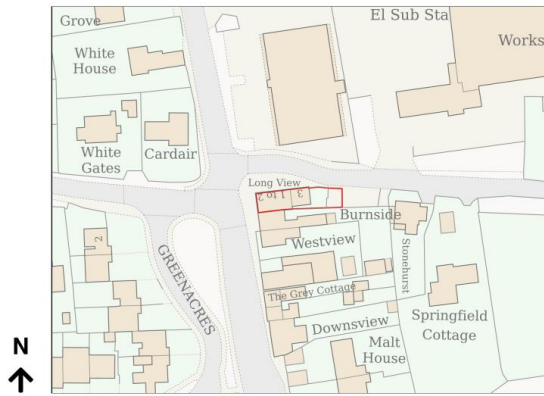
The application relates to The Corner Shop, located in the Conservation Area and Local Service Centre of Downton, as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and 23 (Spatial Strategy for the Southern Wiltshire Community Area).

The site occupies a corner plot and comprises a two storey, end of terrace brick building with a retail unit at ground floor, facing on to the A338 Salisbury Road and two residential units to the rear and at first floor, accessed from Long Close (PL/2005/544). The proposed condensing units are installed behind a fence at the rear (east) of the property.

The application site is within the New Forest Protected Sites 13.8km Recreation zone of influence and Hampshire River Avon SAC, but given the nature of the development, ecological impact is not an issue for this application.

The application site is surrounded by residential neighbours to the east and south. There is a customer and residential parking area to the immediate west.





PROPOSAL

The application seeks permission retrospectively for the installation of two condensing units to facilitate the running of refrigeration units within the retail unit. The units are sited within the service yard on the southeast site boundary surrounded by timber fencing.

The application is the result of an enforcement notice (ENF/2005/00774) and the resubmission of refused application PL/2025/07697 with the addition of a Noise Impact Assessment. The application form states that the condensing units have been in situ since 11/08/2025.





PLANNING HISTORY

Proposal / Summary
S/2002/2243 - Full planning permission Decision - Approve with Conditions Date: 27/2/2003 – PROVISION OF FIVE PARKING SPACES NEW ACCESS AND GATES OFF LONG CLOSE
S/2008/1547 - Consent to display an advertisement Decision - Refused Date: 28/10/2008 – 1X ADVERT ATTACHED TO BARBER SHOP WALL & 1X FREE STANDING 'FINGER POST' SIGN ON THE NORTHERN SIDE OF ENTRANCE TO LONG CLOSE WEST
S/2005/0544 - Full planning permission Decision - Approve with Conditions Date: 11/5/2005 – REFURBISHMENT OF EXISTING GROUND FLOOR SHOP AND FORMATION OF 3NO MAISONETTE WITH PARKING WITHOUT COMPLIANCE CONDITION 2 OF S/2002/2243
S/2009/0062 - Consent to display an advertisement Decision - Approve with Conditions Date: 23/2/2009 – THE ERECTION OF TWO ADVERTISEMENT SIGNS
PL/2025/07697 - Full planning permission Decision - Refuse Date: 12/3/2026 – Two condensing units to the rear of the shop to help facilitate the fridges within the retail unit.
ENF/2025/00774 - Unauthorised installation of condenser units - Corner Shop, The Headlands, Downton, Salisbury SP5 3HH – Retrospective application for condensing units to the rear of a property in a conservation area.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Statutory Legislation:

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 23 Spatial Strategy Southern Wiltshire Community Area
- Core Policy 35 Existing Employment Land
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;
- Core Policy 55 Air Quality;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;

Downton Parish Neighbourhood Plan 2016 to 2026, made January 2017

Downton Conservation Area Appraisal and Management Plan, December 2008

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Council's Noise and Planning Technical Guidance (October 2023)

ISSUES

- Design and Impact on the Character and Appearance of the Area
- Impact on Heritage Assets
- Amenity
- Biodiversity Net Gain

CONSULTATION RESPONSES

WC Public Protection: Objection. Please see Amenity section of this report for full comments received.

Downton Parish Council: object

By unanimous decision OBJECT (three Cllrs abstained, forfeiting their vote).

The significant risk of adverse noise impact from the units remains a concern. The Acoustics Report dated 11 March 2026 confirms that the existing enclosure surrounding the plant does not provide effective acoustic screening to the nearest first-floor residential window, and that there is potential for adverse noise impact.

To address this issue, mitigation measures have been proposed. These include the installation of a higher level of acoustic screening, such as a brick-built enclosure with a roof incorporating a minimum of 50mm mineral wool lining.

Accordingly, any planning application must incorporate these mitigation measures and be supported by a subsequent Acoustics Report demonstrating their effectiveness.

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;
- A site notice displayed near the site;

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

Five representations of objection were received during the consultation period, below is a summary. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

- Assessment should be undertaken at night
- Start up noise can be heard indoors with windows and doors closed
- Running for extended periods of time will be detrimental to quality of life
- An acoustic enclosure or alternative should be considered
- Objections were made to the previous application PL/2025/07697
- Units are on shared boundary
- Noise impacts for shift workers sleeping during the day
- Impact right to live peacefully
- Windows must remain closed which deprives occupiers of ventilation
- Impact of future letting of properties
- Too close to residential properties
- Fans create significant noise, particularly at night
- Start-up noise is particularly intrusive
- Why are they running without planning permission?

- Installed in close proximity to bedroom and kitchen windows
- Affect the amenity and quiet enjoyment of our home
- May affect sleeping and relaxing time away from work
- We would not have taken up lease if these units had been installed when we looked around
- Application should be refused or strict noise mitigation measures enforced.
- unmitigated commercial units represent a Significant Observed Adverse Effect Level (SOAEL) on my residential amenity, health, and well-being.
- Proposals conflict with the Wiltshire Council's Noise and Planning Technical Guidance
- The current 61.8dB output makes bedrooms uninhabitable for sleeping
- The recorded level of 61.8 dB exceeds the mandatory night-time ceiling of 60 dB LAFmax set out in Wiltshire's Guidance. This is not a marginal breach; it is a persistent, 24/7 industrial hum in a quiet Conservation Area. Under BS 4142:2014+A1:2019, when "tonality" and "intermittency" (the sound of the compressor kicking in) are added, the "Rating Level" is likely to be +15 dB or more above the background level, which is a clear indicator of a Significant Adverse Impact.
- Existing noise burden from Bidfood site
- Fails to preserve the Conservation Area

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Design and Impact on the Character and Appearance of the Area

Policy Context

Core Policy 57 of the WCS requires high-quality design that:

- Enhances local character.
- Responds to the natural, historic, and built environment.
- Retains important features (e.g., trees, hedges).
- Supports sustainable construction and compatibility with surrounding uses.
- Creates safe, legible, and accessible spaces.

Section 12 of the NPPF emphasises design that is:

- Visually attractive.
- Functionally effective.
- Contributes to the quality of the built environment.

The proposal is retrospective, there are two condensing units, screen by a timber fenced enclosure, at the east end of the site, adjacent to an area used for bin storage and carparking for the commercial unit.

The nature of the proposals means that it does not enhance the local character or contribute to the quality of the built environment. However, it is considered that the development is modest and the proposed location, at the rear of the shop, in a bin/service area, next to carparking, does not cause harm to the character and appearance of the locality.

Impact on Heritage Assets

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990.

Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy for planning. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. In particular:

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing 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.

The application site is within the Downton Conservation area. Due to the small scale of the proposal and its siting at the rear of the site, adjacent to an area of bin storage and parking, it is considered that the proposed development would have a neutral impact upon the character and appearance of this part of the conservation area.

Amenity

Point vii of Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that developments do not adversely affect neighbouring properties.

Core Policies 55 and 56 of the Wiltshire Core Strategy require:

- Development proposals to avoid unacceptable environmental impacts.
- To provide appropriate mitigation where risks are identified.

The National Planning Policy Framework (NPPF), particularly Paragraph 135(f), stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

The proposed development has been assessed in terms of its potential impact on the residential amenity of neighbouring properties, with particular regard to loss of light, overshadowing, loss of privacy, and overbearing effects.

The application site is near a number of residential neighbours and the condensing units and enclosures are positioned along the shared, southern site boundary, directly next to Long View, Avonsway and Downsmead.

Due to the nature of the proposals, located on the north side of an existing boundary fence, there are no concerns regarding impact on amenity due to loss of light or privacy.

The proposals have the potential to cause noise disturbance from by the fans and pumps of the condensing units. These also have the potential to be operating 24 hours a day. Numerous comments were received from neighbours regarding this disturbance and the condensing units that form this application are subject to an enforcement notice.

A 'Noise Impact Assessment' was submitted in support of this application. This report confirms that measurements in the manufacturer's data are not representative of the highest noise outputs whilst the equipment is running. Mitigation measures were suggested as follows:

Mitigation Measures

- 4.9 Given that the enclosure around the plant does not offer any acoustic screening to the closest residential window at first floor, and the verification measurements have highlighted the potential for increased noise output under high cooling demand, it is considered that predicted noise could be higher than initially thought. Factoring in the representative background sound level of 27 dB LA90 at night, there is clearly some potential for an adverse impact and mitigation measures have been proposed to address this.
- 4.10 To provide a greater level of screening to the closest residential windows, it is recommended that the enclosure around the plant is upgraded to a brick-built structure with a roof that includes a mineral wool lining of at least 50mm depth. To ensure the plant receives sufficient airflow, the gate into the enclosure will need to be swapped out for a louvred door. Although the louvred door will offer less acoustic screening, this will be positioned behind the garden fence and is facing north away from residential buildings.
- 4.11 To address the potential for increased noise levels under high cooling demand, it is recommended that running only one unit at night would limit the potential increase (compared with normal operation of two units) to no more than 2 dB. For the purposes of a BS4142 assessment, night-time is assumed to be between 23:00 and 07:00 so it is recommended that one unit is switched off during these hours.

The submitted plans do not include for any upgrade in the plant enclosure from timber fence to brick or any proposal to reduce the operation down to one unit at night. The report concludes that even if the mitigation were implemented, nighttime levels would be above the background sound level.

Comments were received from the Public Protection Officer as follows:

Thank you for consulting Public Protection on this retrospective planning application. Having reviewed the submitted Noise Impact Assessment, we are currently objecting on noise grounds.

Although a BS 4142 assessment has been submitted, the assessment is not compliant with Wiltshire Council's Noise and Planning Technical Guidance (October 2023).

The assessment concludes that even with mitigation the night time BS4142 rating level would be 6 dB above the representative background sound level (LA90), which is indicative of an adverse impact. This does not meet the Council's design objective for new commercial noise sources of achieving a rating level at least 5 dB below background at the nearest noise sensitive receptor, as set out in the technical guidance.

The report seeks to justify acceptability by placing reliance on road traffic noise. However, road traffic noise is intermittent, whereas noise from condenser units is typically continuous or regularly cycling and therefore more likely to be intrusive to nearby residential occupiers, particularly during night time hours.

Overall, the submitted evidence does not demonstrate that residential amenity would be adequately protected during night time operation. In the absence of further evidence showing that the Council's noise requirements can be met, Public Protection recommends refusal due to the risk of adverse noise impact.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

The application therefore does not demonstrate that the proposal will not result in significant adverse effects on residential amenity. The proposal would therefore conflict with Wiltshire Core Policy 57 (Ensuring high quality design and place shaping) which requires all development to have regard to the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable including the consideration of noise pollution.

Biodiversity Net Gain

As of 2 April 2024, the requirement for Biodiversity Net Gain (BNG) on all new sites came into force. Any small scale (non-major)/major scheme will need to demonstrate no net loss and a minimum of 10% net gain in biodiversity on the site, in line with the requirements of the NPPF, WCS policy CP50 (Biodiversity and Geodiversity) and the Environment Act.

However based on the information available the biodiversity gain planning condition is not considered to apply to this application as the development meets the following exemption

criteria and is therefore below the de minimis threshold, meaning the development: – does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and – impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

CONCLUSION

The proposed development, by reason of the identified harm, including harm to residential amenity, is considered to conflict with the aims and objectives of the Wiltshire Core Strategy and the National Planning Policy Framework. The proposal fails to demonstrate compliance with the relevant policies and guidance.

Accordingly, the application is recommended for refusal.

RECOMMENDATION:

That Planning Permission be REFUSED for the following reason:

1. The proposed development includes fixed plant in the form of refrigeration units located to the rear of the shop. The fixed plant is positioned close to residential units.

Although a noise impact assessment has been provided it is not compliant with Wiltshire Council's Noise and Planning Technical Guidance (October 2023) and does not demonstrate that residential amenity would be adequately protected during nighttime operation. On this basis, the application contained insufficient information to the required level regarding the noise impact of the proposal to allow the Local Planning Authority to be reasonably sure that the proposal will not result in significant adverse effects on residential amenity. The proposal would therefore conflict with para 198 of the NPPF and Wiltshire Core Policy 57 (Ensuring high quality design and place shaping) which requires all development to have regard to the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable including the consideration of noise pollution.

INFORMATIVE

1. This decision has been taken in accordance with the following plans and documents listed below:

Application form, received 20/03/2026

Existing and Proposed Plans, prepared by AJC Architectural Services, received 20/03/2026

3871_N01_EXT1, 11/03/2026 BS4142 Assessment, prepared by Hayes McKenzie Partnership Ltd, received 20/03/2026