

## **CASE OFFICER'S REPORT**

**Application Reference** 18/03096/FUL  
**Site address** Cathedral Grounds, North Walk, The Close, SP1 2EJ  
**Date of Inspection** 19/4/18  
**Date site notice posted** 19/4/18  
**Expiry** 10/5/18 for site notices and 24/5/18 for press advert

### **POLICIES:**

#### **National Planning Policy Framework (NPPF) and National Planning Practice Guidance**

##### **Wiltshire Core Strategy (WCS):**

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 20: Spatial Strategy for the Salisbury Community Area

Core Policy 38: Retail and Leisure

Core Policy 51: Landscape

Core Policy 52: Green Infrastructure

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Core Policy 67: Flood Risk

Saved Policy CN17 – Trees in Conservation Areas

*Saved policies of the adopted Wiltshire Core Strategy in Annexe D*

##### **Planning (Listed Building and Conservation Areas) Act 1990**

Section 66: Special considerations affecting planning functions

Section 72: General duties of planning authorities

##### **Historic England: Guidance on Temporary Structures for Events**

##### **Salisbury Cathedral, An Exceptional Place, Revised Master Plan 2016**

**Environment Agency Standing Advice Feb 2014** for Changes of Use within Flood Zone 3.

**RELEVANT HISTORY: No previous history for this proposal.**

### **MAIN PLANNING ISSUES**

1. Principle of development
2. Impact on the character of the Conservation Area, archaeology, listed buildings and settings of heritage assets
3. Trees
4. Highway safety
5. Drainage and Flood Risk
6. Neighbouring amenities

The site lies within the Salisbury Central Area, within the Salisbury Conservation Area in an Area of Special Archaeological Significance. The site lies within Flood Zone 2 and partly within Zone 3.

## **SUMMARY OF REPRESENTATIONS:**

**Public Protection** – no objection subject to conditions

**Highways** – no objection subject to conditions

**Trees** - no objection subject to conditions

**Archaeology** - no objection

**Conservation** - no objection

**Historic England:** requested further details to justify temporary harm and impact assessment for future proposals (see below)

**Police Crime Prevention** - no objection

**City Council** - support

**Third parties- 62 letters of objection, 2 letters of comment and 16 letters of support. Please refer to Appendix 1. Multiple letters from an individual count as 1. Letters include representations from:**

- Salisbury Cathedral Dean and Chapter – support
- Cathedral Close Preservation Trust - objection
- The Maltings Shopping Centre, Fisherton Mill and The Salisbury Museum - support
- Cathedral Close Residents Association – raises a number of questions and queries.

## **ASSESSMENT**

### **Proposal**

The applicant is seeking to hold part of the Christmas Market within the Cathedral Grounds, for a temporary 4 week period, plus installation and dismantling time (approx. 2 days either side is anticipated by the applicant). The agent has submitted that *The Cathedral market will be part of the same Guildhall Christmas Market but enlarged and spread across the city centre. The Guildhall market will be the hub for food and drink and entertainment, with some stalls spreading into High Street and the central areas into the Cathedral Close. The aim is to spread the visitor attraction more widely, provide a trail and move people across the city centre with hopes for spin off trade. The markets will all run concurrently.*

### **Main Planning Issues**

The temporary change of use of land for 14 days to hold a market is permitted development under

Schedule 2, Part 4, Class B of the The Town and Country Planning (General Permitted Development) (England) Order 2015 and does not require planning consent:

### **Class B – temporary use of land**

#### **Permitted development**

**B.** The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—

(a) the holding of a market;

However, the applicant wishes to use the land for approximately 4 weeks and also, the site is within the curtilage of the Cathedral. Therefore, Part B1 applies:

#### **Development not permitted**

**B.1** Development is not permitted by Class B if—

(a) it would consist of development of a kind described in Class E of this Part (temporary use of land for film-making);

(b) the land in question is a building or is **within the curtilage of a building**;

Therefore, 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. (Paragraph 215 at Annex 1).

### **1. Principle of the development**

Para 23 of the NPPF states that LPAs *should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. They should also promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.* The NPPF specifically encourages LPAs to ensure the vitality of town centres by supporting new and existing markets. Para 23 states that LPAs should:

- *retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;*

Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Salisbury is listed as a **Principle Settlement** within the Salisbury Community Area. Core Policy 1 states:

*Wiltshire's Principal Settlements are strategically important centres and the primary focus for development. This will safeguard and enhance their strategic roles as employment and service centres. They will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure meeting their economic potential in the most sustainable way to support better self containment.*

Core Policy 2 addresses the issue of development within settlement boundaries:

*Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.*

Core Policy 20 states that one of the specific issues to be addressed in planning for the Salisbury Community Area includes:

- *Ensuring that Salisbury can maintain its place as an important retail centre in the face of intense sub-regional competition, including from nearby centres such as Southampton, Bournemouth and Winchester.*

Core Policy 38 seeks to enhance the vitality and viability of the town centres in Wiltshire through policies promoting the regeneration of central areas and delivery of new growth at settlements to support the vitality of centres. There is a challenge to ensure that the larger towns of Wiltshire, particularly the Principal Settlements of Chippenham, Salisbury and Trowbridge, strengthen their roles as shopping destinations to reduce the 'leakage' of trade to other larger competing centres such as Bath, Swindon and Southampton. Para 6.29 states that:

*6.29 In addition to retail development, it is also important that other services and facilities are retained in the central areas of the market towns, in order to maintain the vitality and viability of the town centres. The core strategy envisages that each market town develops more detailed local policy through neighbourhood planning or another similar process.*

Proposals to hold a temporary market within the Salisbury Central Area is therefore acceptable under Core Policy 1 and 2, CP20, CP38 and is compliant with the aims of the NPPF to promote the vitality and viability of town centres. The economic and social aims are also compliant with the Cathedral's own Master Plan 2016, which has the following stated objective:

*The projects within the revised Master Plan are ones which we believe will enable us to continue to make a difference within the Close and the City and continue the story of this exceptional place into future centuries. We want to remove the barriers, whether intellectual, emotional or physical, so that our worshippers, visitors and the whole community of Salisbury can be more engaged with us. We want to continue to make a significant contribution to the economic well-being of the county.*

## **2. Impact on the character of the Conservation Area, archaeology, listed buildings and settings of heritage assets**

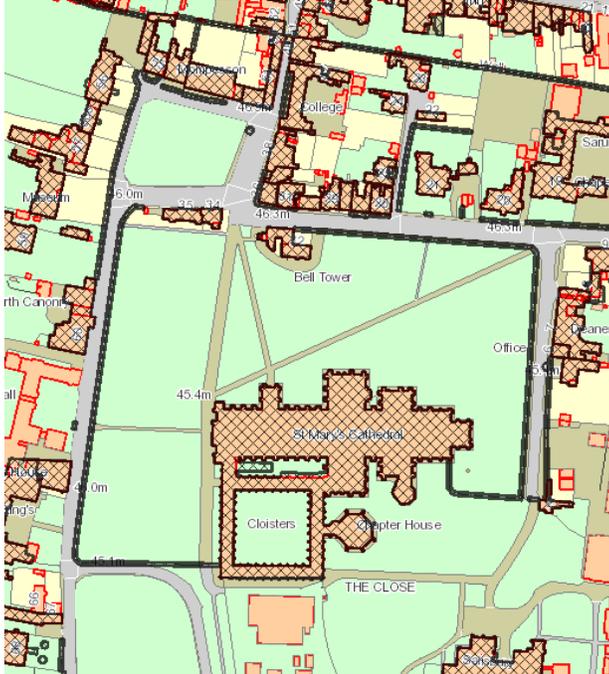
The site lies within the Salisbury Conservation Area, amidst a wealth of listed buildings and structures, archaeological features and remains, including the former belfry.

There is a duty placed on the local planning authority under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building and its setting. Section 72 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Para 128 of the National Planning Policy Framework states:

*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.



**Plan showing listed buildings in the vicinity of the application site, including.**

36A and 36B The Close Grade II\* (Rails Grade II) 34, 35 and 35A The Close, Grade II\* 32 and 33 The Close Grade II\*

The North Canonry and The Gatehouse, 60 The Close, Grade II\*

Cathedral Church of St Mary Grade I

Churchyard walls surrounding Cathedral lawn, Grade II

Paragraph 132 of the NPPF states “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting*”.

Core Policy 58 of the Wiltshire Core Strategy aims to ensure that Wiltshire’s important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire’s environment and quality of life. Heritage assets include listed buildings and conservation areas. Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The Salisbury Business Improvement District and Salisbury Cathedral are seeking to run the market for approximately 4 weeks (Open Thurs 22<sup>nd</sup> November to Saturday 22<sup>nd</sup> December). The market stalls would be chalet style and there are no proposals to attach the chalets to any buildings or structures. **There are no stated intentions to disturb the ground or make any excavations.** All cabling would be run over the grounds **without excavation**, and would be clearly marked. Servicing would utilise the existing access and servicing arrangement for the Cathedral Close. No temporary toilets are proposed. A programme of reinstatement and remediation to any surfaces is to be agreed between the organisers and Salisbury Cathedral to remove evidence of the market at the end of the event.

The NPPF provides the statutory policy framework for LPAs when considering the heritage impact of proposals. Under Para 129, LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the **available evidence** and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage

asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.



*Bell tower footings*

*Stall locations Site area for temporary change of use*

The Conservation officer has considered the available evidence and stated:

*Nothing is proposed that would cause any physical harm to standing heritage; clearly there will be a significant visual impact on the approach to and setting of the Cathedral and the many surrounding grade I and II\* listed buildings (and a higher footfall, increased noise) but this is clearly for a short and defined period. There is a potential for a modest impact on the archaeological remains and legibility of the former bell tower, whose footings may be seen in the grass in summer (pic below). If mitigating measures can be taken to ensure that this ground isn't disturbed or compacted further that would be highly beneficial. I have no other concerns.*

Historic England requested further assessment:

*Chapter 8 sets out the supporting information usually required for applications of this type. It suggests that applicants provide an assessment of potential risks and impacts, a financial justification, and an archaeological assessment. This level of information is not supplied with the current application, but we suggest it is necessary: the proposed market is likely to cause a degree of harm, albeit temporary, to the setting of the Cathedral. In accordance with national planning policy, a clear and convincing justification is necessary to justify any harmful impacts, which could be provided by the documentation we request.*

*We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*

In response, the agent for the application further submitted:

*The proposed location of the Salisbury Christmas Market, within the Cathedral Close, would involve the siting of up to 50 temporary chalets. These are of timber construction and entirely self-contained. Each structure is self-supporting and will not require any fixings or intrusion into the ground surface on which they will sit. Final planning for the layout of the chalets is to be decided but it is anticipated that they will form two rows along either side of the triangle of grass, shown edged red on the attached plan (above) This location has been chosen as it is considered that it would have the least impact on the setting of the Cathedral, being away from the important West Front and main entrance, but while still in a position to be easily accessible to visitors to the Cathedral and the market alike. The period of operation of the market is four weeks and,*

*therefore, there will be no lasting or permanent change to the views or setting of the Cathedral or Close. We have not undertaken a detailed archaeological assessment, as there are no proposals to carry out any form of intrusion into the ground surface and consultees at Wiltshire Council Conservation Department and archaeological consultees have both indicated that they are satisfied that there would be no danger to archaeological remains.*

The NPPF provides guidance in para 134, where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, *this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.* However, the proposed change of use is not permanent and does not require any permanent structures or operational development to take place. Furthermore, consultees have not identified any permanent or *less than substantial* harm to heritage assets and so para 134 does not apply in this case. Even if it did, there is some evidence in the applicant's submission to suggest that there would be temporary public benefits arising from the proposal:

*The purpose of siting the Christmas Market within the Cathedral Close is to expand the "Christmas in Salisbury" offering to visitors and residents. Previous Christmas Markets have been successful, but the market needs to continue to evolve to ensure that it acts as an attraction to visitors and residents. It is proposed that part of the Christmas Market will remain in the existing Guildhall Square location and the market is expanded to the Cathedral Close as proposed. By having several locations across the city, the aim is to spread the visitor experience and draw visitors to other parts of the city where otherwise they may not venture. It is hoped that by siting part of the Christmas Market in the Cathedral Close it will not only draw visitors to the market but also to visit the Cathedral which will bring added, additional revenue to the Cathedral from visitor entry contributions to enable them to continue in their work of running and maintaining this important Heritage asset. Following the poisoning incident in March, retail and visitor trade has seen a significant reduction and therefore an enhanced "Christmas in Salisbury" offer forms part of the overall recovery plan to improve footfall and visitor traffic to the City once again. In particular, Salisbury Cathedral has seen a significant drop off in visitor numbers and it is hoped that the presence of the market will help to bolster their visitor numbers and income in the latter part of the year – a time which is historically lower on the tourist visitor list.*

Historic England have considered all the submissions and made *recommendations*:

*The information submitted is still limited and does not thoroughly assess the potential impact of the proposed temporary market on the setting of Salisbury Cathedral.*

*It is comforting to hear that the markets structures are all proposed to be floating, therefore having minimal, if any, impact on the ground surface with no ground breaking. This is important to ensure that no harm is caused to potential archaeological deposits. This is also cited as the case in relation to electrical requirements, which are proposed to be over-ground from generators.*

We continue to **recommend** that an assessment of potential risks and impacts is provided as part of the planning application, as recommended in Chapter 8 of the Historic England Guidance Temporary Structures in Historic Places (2010). It is likely that the proposed market will have some impact on the setting of the Cathedral and these should be outlined and assessed. If temporary permission is to be given to this application we would also insist that a robust strategy is put in place to avoid or minimise these negative impacts. Further, we would insist that a process of monitoring is undertaken to fully assess the impact of the market on the setting and archaeology which should inform any similar future requests. An approach for this should be discussed and agreed with the Wiltshire Conservation and Archaeology Team.

*If approval is given for this market in 2018, this should not be considered a precedent for future years, but rather an opportunity to better understand the potential impacts and inform forthcoming assessments.*

In addressing these recommendations (*note: HE have not objected*), officers have considered the following:

The NPPF (March 2012) is the statutory policy framework for determining planning applications and provides current policy on conservation and heritage matters for the determination of planning applications. It requires applications to be determined using the *available evidence*. As the market has never taken place before, there is no available evidence from a past market held within the Close to compare this proposal with or to suggest that there would any permanent harm arising from this temporary land use. Historic England's 2010 Guidance *Temporary Structures in Historic Places* **predates** the NPPF by two years, and forms non statutory "guidance." It refers to PPS5, which is now superseded by the NPPF and its approach to heritage assets. It also **predates** the Wiltshire Core Strategy and Core Policy 58, adopted in Jan 2015.

The introduction to the Guidance states:

*The guidance stresses the importance of taking a proportionate approach, particularly in relation to regulatory matters, because the scale and complexity of temporary structures, and their impact on the historic environment, varies widely. In publishing this guidance, **English Heritage does not intend either to fetter the discretion of local planning authorities or to add to the regulatory burden on owners of historic sites..... 'Each case will need to be considered on its merits.'***

Section 4 actually recognises the benefits of temporary structures, including encouragement of tourism and the engagement of local communities by attracting visitors to special events. Section 6 sets out the evaluation for planning proposals and suggests that LPAs consider the location, physical impact (tree pruning, ground works, gateway widening and hard surfaces for car parks, all of which do not form part of the proposals for this land use) and visual impact of proposals. It also acknowledges in 6.7 that *there should not be a presumption against temporary structures simply because they are visible in the historic environment*. Setting, Design, Duration and Season, Public Access and Financial Benefits are further considerations. The Chapter concludes:

*'Very short term, genuinely temporary and wholly reversible changes are unlikely to have an unacceptable impact on setting. Longer term or recurrent changes, even if notionally temporary, may have a more serious impact.'*

Para 7.2.8 considers temporary planning permissions and states:

***A trial run allows the applicant and the local planning authority to evaluate the benefits and any disbenefits of a proposal in a low-risk way, provided that it is fully reversible and will not have a permanent physical effect on the asset.***

Chapter 8, sets out the information required with applications, including:

- An evaluation of different options, including locations and designs
- Visualisations and views analysis
- Archaeological Assessment
- Risks and Impacts including mitigation

- Financial Justification.

This chapter states that *'The amount of information required should be proportionate to the importance of the heritage asset and the impact of the proposal. This is of particular relevance to applications for temporary structures, as the cost of preparing the application and any supporting documents may be relatively high in relation to the income derived from the event.'*

The proposed market is temporary and there are no proposals to erect any permanent structures or make any excavations which could disturb sensitive archaeology. The archaeologist has raised no objection to the proposals, as the archaeological assets in the Cathedral grounds can be preserved. Whilst there would be some *temporary* visual impact to the setting of the Cathedral and other listed buildings in the vicinity of The Close arising from the presence of the wooden chalets, this harm would be temporary and retractable.

Therefore, the LPA does not have grounds to refuse this application on the basis of or content within the HE guidance. However, in order to address the concerns raised by Historic England, the LPA considers that this temporary market, should it go ahead, must be monitored, so that future judgements can be made about its conservation and other impacts. Therefore, this decision is not considered to set a precedent, but creates the benchmark for assessments for any future submissions to be judged against in accordance with para 7.2.8 in the Guidance. The event could be run as a trial basis, to enable the LPA and HE to evaluate the project in a low risk way and this can be secured by planning conditions. This includes protection of the sensitive area of the Bell Tower, any reinstatement of the grass (including any impacts arising from adverse weather conditions).

In conclusion, on the basis of the available evidence as required by para 129 of the NPPF, and subject to conditions to address the issues identified by Historic England to assess the impact of the market and to ensure the removal of the chalets at the end of the temporary period, the risk of harm the significance of designated and undesignated heritage assets for the temporary period is considered to be low. The temporary proposal would be in accordance with the NPPF, Sections 66 and 72 of the 1990 Act, CP58 and para 7.2.8 of the Guidance. The organisers' attention will be drawn to the recommendations in Chapter 9 of the Guidance for drawing up their site and event management plans.

### **3. Trees**

Saved Policy CN17 seeks to ensure the replacement of trees in Conservation Areas affected by development. Core Policy 51 states that:

*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.*

Trees are identified in criteria (i) as being an important part of landscape character that should be conserved and enhanced as part of development proposals. Core Policy 52 seeks to protect the County's green infrastructure, which includes urban green spaces, parks and churchyards. CP52 states:

*Development will not adversely affect the integrity and value of the green infrastructure network, prejudice the delivery of the Wiltshire Green Infrastructure Strategy, or provide*

*inadequate green infrastructure mitigation.*

The trees in the city centre and the Cathedral grounds are all protected by the Conservation Area designation. Under Section 211 of the Town and Country Planning Act 1990 all trees in a Conservation Area with a trunk diameter of 75mm or more (measured at 1.5m above natural ground level) are protected (subject to some exemptions). It is an offence to prune, fell or otherwise damage a tree without first giving notice to the Council. It is recognised that the market chalets will be situated on existing grassed areas and this may result in some degradation of the grass as a result of wear and tear. The applicant has stated that, *“It is intended, where possible, to ensure that pedestrian access is along existing paved pathways, but at the end of the Christmas Market a remediation plan will be agreed with the Dean & Chapter to ensure the grass is fully restored.”*

The Council’s tree officer has considered the temporary market proposals and responded:

*I have no objection subject to no traffic movements taking place within 1 metre of the canopy spread of the trees. The canopies of the 4 Horse Chestnuts hang down to about 1.5 metres above ground level so that should act as a natural barrier. I would also like to specify that*



*no generators or fuel should be stored or used within 1 metre of the canopy spread of each tree. I believe this should ensure the application causes no negative impact.*

#### **4. Impact on highway safety**

The site is considered to be in the city centre and in a highly sustainable location, close to public transport and city centre car parks. The applicant’s supporting statement outlines that, *“There will be a traffic management plan put in place and operated in conjunction with the Cathedral Close’s existing traffic management operatives to minimise additional vehicle traffic into the Cathedral Close. Visitors will be directed towards Park and Ride and City Centre public car parks and encouraged to make their way on foot to the Cathedral Close. Coach parties will come to the existing Coach Park in Millstream Approach not be brought to the High Street or St John Street.”*

The highways officer commented: *The site is located within Salisbury city centre, a highly sustainable location where visitors to the market will be able to use public transport or one of the many public car parks. I understand that the main reason for concern is the setting up of the market stalls, dismantling and replenishing throughout the market period, and the potential traffic and parking issues associated with these activities.*

*Whilst I do not wish to raise a highway objection, I recommend that a suitably worded condition is applied, should permission be granted, to require the submission of a Construction, Operational and Dismantling statement, as follows:-*

*The installation of the temporary Christmas market shall not commence on site until a Construction, Operational and Dismantling Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction, operational and dismantling stages of the entire Christmas market. The installation of the Christmas market shall not be carried out otherwise than in accordance with the approved Construction, Operational and Dismantling Method Statement without the prior written permission of the Local Planning Authority. The Construction, Operational and Dismantling Method Statement should include the following:-*

- a) Routing details for all vehicles associated with the construction and dismantling of the market stalls.*
- b) Hours of construction and dismantling and length of this process.*
- c) Details of stall replenishing, deliveries and other service vehicles associated with the operation of the market, including routing, frequency and times of deliveries.*
- d) Parking details for all construction vehicles, deliveries and any other vehicles associated with the market.*
- e) Details of the loading and unloading of materials, and storage of materials.*
- f) Consideration of pedestrians in the vicinity of the market site during construction and dismantling.*
- g) The need for warning signs, licences and road closures etc as necessary – please also contact streetworks on [streetworks @wiltshire.gov.uk](mailto:streetworks@wiltshire.gov.uk).*

*REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment and dangers to highway safety, during the construction, operational and dismantling phases.*

## **5. Drainage and Flood Risk**

No on-site portable toilets are proposed and so the proposal does not raise concerns about non-mains drainage connections.

The site is partly within Flood Zone 3 and entirely within Zone 2. Therefore, the Environment Agency's Standing Advice (February 2014) is applicable to proposals for *permanent* changes of use within this Zone. The standing advice requires the applicant to demonstrate that any floor levels would be no lower than the existing levels and that flood resilience measures or evacuation procedures have been considered.

The agent has responded:

*With regard flood risk, the market chalets themselves are temporary timber structures and would not be of concern in the event of a flood situation.*

*The electrical services to the chalet would be designed with weather resilience as these services would all be external and subject to the weather in any event. Should a flooding risk occur then we will have a plan for evacuation of the market and de-energising of the connections to avoid danger to health etc.*

Given that the proposal is for a temporary change of use of the land only with no permanent structures, the proposed flood risk measures would be acceptable and compatible with the aims of the NPPF (para 100), as this temporary use would not increase the risk of flooding elsewhere.

## **6. Neighbouring Amenities and Public Protection**

Please refer to Appendix 1 for a full summary list of neighbour objections.

Core Policy 57 sets out the general principles for the design of development, including impacts on neighbours. It states:

*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 complimentary 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:*

*ii. 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 (such as 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*

The Crime Prevention officer responded:

*I have no comments on the application as it stands, but, due to the nature and location of the application, I would ask that both I and the Counter Terrorism Security Advisors be included in future discussions.*

With reference to noise, the applicant has submitted, *“Whilst there will inevitably be some noise from people visiting the Christmas Market, it has already been indicated that amplified music will not allowed to be played by stallholders. There is no intention to have any form of background music.”*

The Public Protection officer considered:

*I write regarding the application to hold a temporary Christmas Market in the Cathedral Close, Salisbury for a period of approximately 4 weeks at the end of 2018. I note in the BID Supporting Statement it states ‘music and entertainment will be provided to add ambience and atmosphere to the Market and will be incidental, background music subject at all times to the agreement of the Cathedral and ensuring it fully respects the Cathedral as a place of worship and minimises any disturbance to Close Residents’. In response to submitted letters of representation to this application, the applicant’s agent Mr Speer further states that ‘amplified music will not be allowed to be played by stallholders. There is no intention to have any form of background music’.*

*I recommend that the following conditions are attached to any approval of this application:*

- *The use hereby permitted shall only take place between Thursday 22<sup>nd</sup> November and Saturday 22<sup>nd</sup> December 2019 between the hours of:*

1000hrs – 1830hrs from Mondays to Wednesday  
1000hrs – 2030hrs Thursday (late night shopping)  
1000hrs – 1900hrs Friday and Saturday  
1000hrs – 1600hrs Sunday

- *Playing of any live or recorded amplified music will not be permitted on the site.*
- *Generators will not be operated outside of normal opening hours for the Christmas Market. In the event that generators are to be used on site, they should be sited at the furthest point away from the nearest residential properties to avoid loss of amenity to those residents.*

The event would also require a premises license under the Licensing Act 2003. The licence has a number of conditions placed on it to promote the four licensing objectives, prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm.. Should the market organisers wish to carry on with any of the activities in the new location, then a new premises licence will be required. This will be subject to the required legislative process to obtain such a licence, namely a 28 day public consultation process, should any relevant representations be received then a hearing must be called within 20 working days to determine the licence application.

In conclusion, subject to appropriate conditions, it is considered that appropriate levels of amenity are achievable within the development itself, in land use planning terms and in accordance with CP57.

## **Conclusion**

The application seeks planning permission for a temporary market within the Cathedral Close. Salisbury BID has stated its wider aims to see the Christmas Market spreading from the Guildhall Square, through High Street and into The Close, to promote the economic vitality and viability of the city centre in this vital trading period.

No objections from statutory consultees have been received and their recommendations have been considered against national and local planning policies and suitable conditions have been formulated to address their requirements. It is considered that the principle for the market within the Salisbury Central Area is acceptable in current planning policy terms, provided that it is held for a temporary period on a trial basis only and that further detailed impact assessments are undertaken, if there is a desire to repeat the market in future years.

It is not perceived that there would be any permanent harm to the setting of Salisbury Cathedral or other heritage assets, and subject to there being no disturbance to the ground, archaeological interests would not be disturbed. Suitable conditions have been recommended by consultees to ensure that appropriate levels of amenity can be achieved for the duration of the market and its associated activities, the amenities of the area in general, to minimise detriment to the natural environment (including trees) and dangers to highway safety, during the construction, operational and dismantling phases. Under the 2003 Licenses Act, a premises license would be required, to address further details regarding detailed matters of crime and disorder, public nuisance and public/child safety.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

## Appendix 1: Summary list of grounds for objection:

- Contrary to aims of Master Plan for ambience, calm for prayer and tranquillity around Cathedral, burial grounds and residential area of The Close
- Harm to setting of Grade I listed Cathedral. Inadequate details submitted under Historic England publication which specifically addresses “Temporary Structures in Historic Places” (“the Guidance”). Does not comply with this guidance. Further assessment required as requested by HE on two occasions.
- Disturbance from traffic and service vehicles, pollution, restricted access. Congestion from vehicles and parking in gatehouse bottleneck, New St, Crane St, The Close and city centre. Visitors will try to park in the Close. Traffic Management Plan cannot address all the issues.
- Danger to pedestrians, school children, mobility impaired, buggies and motorists alike. Stall will hinder movement to and from the Cathedral. Emergency vehicle access hindered.
- Noise from generators, music and people. Noise during installation and dismantling. Contradictory statements regarding background music
- Light pollution. Unacceptable intrusion and impact on setting of listed buildings.
- Harm to grass surface from feet and weather and will last for weeks afterwards, as in Exeter. Harm to paving and grass from vehicles. Damage to archaeology, tombs, trees etc. Disrespectful to bodies in the graves.
- Litter and waste increase. Existing toilet provision inadequate, more is essential surely?
- Undermine viability of Guildhall Square market – use the Guildhall Square instead, close to other businesses and facilities. Harm to trade in city centre as too far away. No details on High Street stalls and numbers. Shift away from Guildhall Square, therefore, public should be re-consulted on this change to the market. Resubmission of application is required as this is a material change to the original proposal.

***Officer note – the original red line plan and application form description, “Temporary change of use to hold a Christmas Market over specified dates in 2018 only,” has not changed. A fresh application or re-consultation is not required as there has been no material change to this application.***

- Object to food and drink stalls. Music and activity will conflict with Cathedral services if uncontrolled
- Time period is not “temporary.” No limit on number of chalets. Might be repeated again and become permanent. Application sets precedent. If so, needs controls and should not be in a residential area. Insufficient detail about management of markets across all three sites. Other recent applications have been refused eg at Arundells.
- Unanswered issues and questions not addressed by the planning application which has inadequate detail, such as precise numbers and locations of chalets, hours of use for generators, food and drink, vehicle and visitor numbers, delivery hours, schedules and arrangements for dismantling, risk assessments/insurance, terror risk, fire risk, security and after dark security evacuation procedures including locking gate, integrating the

market with wider social objectives by the Cathedral eg multifaiths etc, grass reinstatement, timing for dismantling to avoid Christmas and competition for Cathedral's own shop.

- Conditions recommended to address many of these issues. Should be dealt with by committee not delegated powers.

**Officer note: A number of these points are not land use planning considerations and are licensing and policing issues for the applicant.**

Letter received 2 July (and photos) from Preservation Trust: raising detailed points regarding:

- Current position regarding Historic England
- View of Cathedral from Bell Tower area
- Protection for Bell Tower foundations/gravestones/impact of current weather conditions
- The impact of bad weather before and during the market period on the market site/Bell Tower site
- The Society's observations on correspondence with Archaeology and Conservation

**Summary list of grounds for support:**

- Will encourage visitors and support business, wonderful use of this space at Christmas time.
- Cathedral was a market place in Medieval times. Market will help Cathedral and City forge links. Additional attraction for Cathedral and Close
- Promote Salisbury as a thriving and vibrant city. The Christmas Market has brought benefit to Salisbury businesses and community in recent years, despite initial resistance, and trade improved.
- Quote from Fisherton Mill, *"Moving to the Cathedral Close will provide an opportunity for further improvements to be implemented and provide a very different atmosphere for the Market this year Having been involved previously as a Chalet holder the BID and their partners certainly have my vote of confidence in that regard. It is wonderful to see the Cathedral becoming more engaged with the City (the current City of Doves initiative as an example) and hosting the Christmas Chalets is a superb example of an interrelationship which will enhance both the Cathedral's fortunes and the City as a whole. Although the new location will be further from the shopping areas than the previous Market I know from personal business experience that given the right information visitors will explore the City whilst visiting the Market. Maps, digital platforms and good, old fashioned personal contact by well-informed Market Stewards will result in the visitors spreading out from the Close. . My business, along with most others in the retail sector, relies on the pre-Christmas trade to survive the rest of the year. It is crucial that as a City we get it right this year. I believe that improving the Market and moving it to the Cathedral is one of the ways change can benefit the City.."*
- Will provide valuable data for future years
- More space to move around the market stalls and good for the economy

- Will put the Christmas Market on the map, increase footfall and engage the community
- Cathedral will be its own steward for any harm, disturbance, damage etc.
- Wider audience needs to see Salisbury as a wonderful city. Market similar to Winchester, Bath, Birmingham, Exeter etc
- Cathedral is satisfied that all impacts can be controlled effectively