

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 1 JUNE 2023 AT THE PUMP ROOM - THE OLD FIRE STATION ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.

Present:

Cllr Andrew Oliver (Chairman), Cllr Sven Hocking (Vice-Chairman), Cllr Trevor Carbin, Cllr Sam Charleston, Cllr Brian Dalton, Cllr George Jeans, Cllr Charles McGrath, Cllr Ian McLennan, Cllr Bridget Wayman, Cllr Rich Rogers and Cllr Kevin Daley (Substitute)

160 **Apologies**

Apologies were received from:

- Cllr Nabil Najjar, who was substituted by Cllr Kevin Daley
- Cllr Brian Dalton

161 **Minutes of the Previous Meeting**

The minutes of the meeting held on 27 April 2023 were presented.

Resolved:

To approve as a correct record and sign the minutes.

162 **Declarations of Interest**

There were none.

163 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

164 **Public Participation**

The committee noted the rules on public participation.

165 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda.

Resolved:

To note the Appeals update.

166 **Application Number: PL/2023/00563 - Unit 4, 53 The Borough, Downton**

Public Participation

Mr Glyn Parry spoke in objection to the application

Mr Tim Churchill (Agent) spoke in support of the application

Cllr Chris Hall of Downton Parish Council spoke in support of the application.

Attention was drawn to the late correspondence which was circulated at the meeting and summarised by the Officer. This related to a further 17 comments received since the report was completed, 14 in support and 2 expressions of concern. The first relating to noise, to which a response from Public Protection had been provided and rewording of condition 05. The second relating to the proximity of the site to residential dwellings, noise, opening hours, anti-social behaviour, parking, and drainage to which an officer response was provided.

The Planning Team Leader, Richard Hughes, introduced a report which recommended that the application be approved with conditions. Key details were stated to include the principle of development and impact upon neighbour amenity.

The issues noted in the case were:

- Principle of development
- Design, scale and impact on the amenity of the Conservation area/listed buildings
- Highway safety/parking provision
- Drainage
- Other matters

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the proposed location of the bin storage and that waste collection would be from the rear of the site.

The positioning of the flu had been set out in line with the requirements of the Environmental Health Officer, to minimize impact on residential neighbours.

It was confirmed that should the Committee be minded to approve the application, then it would be possible to include an additional condition of an odour review, similar to a noise review.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The Parish Council representative noted the huge response online to the application. Whilst it was keen to promote retail opportunity in Downton, it was noted that as the site was in a conservation area the Parish Council felt that

strict conditions were required. In addition to those within the report, a request for two additional conditions was made. These related to a restriction to the opening hours, requiring the premises to close at 09:00hrs Monday to Saturday and to restrict the planning permission to the named applicant only.

The unitary division member, Councillor Richard Clewer who was not in attendance, had provided a written copy of his comments which were read by the Chairman.

A motion to Approve, in line with the Officer recommendation was moved by Cllr Sven Hocking and seconded by Cllr Rich Rogers.

A debate followed where the position of the flu, proximity of neighbouring windows and the impact of potential for odours was discussed. The Officer highlighted that should a statutory nuisance be caused by the premises, then Environmental Health could act to resolve or reduce issues.

On the request for additional conditions, the Officer confirmed that it was not possible to restrict the Planning Permission to a single person, as the permission was for the building to be used in a certain way.

It was noted that there had already been a compromise regarding the opening hours on the application, as they had been reduced from a 22:00hr close on Monday to Saturday to 21:30hrs close, with 20:00hrs close on Sundays.

During discussion on whether the opening hours for Sundays should be reduced, the Applicant offered to remove Sunday opening hours completely as an offer of good will to mitigate the concerns of the neighbours.

At the close of debate, the Committee voted on the motion of Approval in line with the Officer recommendation, with the inclusion of a 3-month review on odours, and removal of Sunday opening hours.

It was;

Resolved

That application PL/2023/00563, Unit 4 53 The Borough, Downton, be Approved subject to the following (9) conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

02 Unit 4, 53 The Borough Proposed Elevations Rev B submitted 22nd May 2023

01-Unit 4, 53 The Borough – Proposed HVAC Plan Rev B dated 2nd May 2023

405-02-002 Existing floor plan and roof plan dated 25th January 2023

405-02-005 B Proposed Roof plan submitted 22ND May 2023

405-02-001 Existing site plan dated 25th January 2023

405-02-003 Existing Elevations dated 25th January 2023 Odour Control Assessment Report (revised on 2nd May 2023)

Installation Report (revised on 2nd May 2023)

Noise Assessment report (revised on 2nd May 2023)

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The use hereby permitted shall only take place between the hours of 1330-2130 from Mondays to Saturdays. The use shall not take place on Sundays.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

4 The site shall be used solely for purposes of a food takeaway use within the Sui Generis Class(es) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2020 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: For the avoidance of doubt

5 Prior to the first use the Kitchen extract system, together with the specified noise attenuation to be fully installed in accordance with documentation submitted (Noise Impact Assessment, Odour Control Assessment, Installation Report all dated 2nd May 2023 and drawing: Fan Rescue 1) and maintained strictly in accordance with the cleaning and maintenance schedule at all times thereafter. A post installation noise and odour assessment shall be carried out by a competent consultant within 3 months of completion of the development and/or the approved takeaway use commencing, whichever is the sooner. The assessment shall confirm compliance with the noise and odour criteria approved as part of this permission, and shall detail any further additional steps required to achieve compliance with the approved noise and odour attenuation details. The noise and odour assessment shall be submitted to and agreed in writing by the Local Planning Authority before any additional works are undertaken. The agreed scheme and any adjustments shall be permanently retained for the lifetime of the approved use/development.

REASON: In the interest of residential amenity.

6 Plant associated with the kitchen extract system shall only operate during hours of opening: 1330hrs – 2130hrs Monday to Saturday.

REASON: In the interest of residential amenity

**7 Notwithstanding the approved details no supply deliveries shall be made to, or supply collections made from the development hereby approved except between the hours of:
0930hrs – 1800hrs (excluding normal school drop off/ collection times).**

REASON: In the interest of public and highways safety.

8 Before the takeaway use first opens for business, the external flue shall be finished in a dark Matt Grey/black colour, or other alternative colour agreed in writing by the Local Planning Authority.

REASON: In the interest of visual amenity.

9 Before the takeaway use hereby permitted first opens for business, at least two litter bin receptacles shall be provided on site for use by customers of the takeaway use. The bins shall be privately operated and maintained by the business occupying Unit 4 (the application site).

REASON: In the interests of amenity

INFORMATIVES:

1.The applicant is advised that separate approvals may need to be applied for and granted from Wessex Water. Please note that prior to the first use of the takeaway it appears that grease traps are required to be installed to comply with Wessex Water recommendations for food businesses. Trade effluent | Wessex Water

2.The applicant is advised that planning permission does not supersede any private covenants or legal bindings the premises may have.

3. The applicant is advised that any proposed alterations to any signage may need Advertisement Consent from the Local Planning Authority

167 Urgent Items

There were no urgent items

(Duration of meeting: 3.00 -3:45pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

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