

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 24 JUNE 2021 AT THE GUILDHALL, MARKET PLACE, SALISBURY.

Present:

Cllr Richard Britton (Chairman), Cllr Brian Dalton, Cllr Sven Hocking (Vice-Chairman), Cllr George Jeans, Cllr Bob Jones MBE, Cllr Charles McGrath, Cllr Ian McLennan, Cllr Nabil Najjar, Cllr Andrew Oliver, Cllr Rich Rogers and Cllr Trevor Carbin (Substitute)

Also Present:

Cllr Paul Sample

1 **Apologies**

Apologies were received from:

- Cllr Nick Errington who was substituted by Cllr Trevor Carbin

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 1 April 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes.

3 **Declarations of Interest**

In relation to application 7b:

The Chairman, Cllr Britton noted that he had known the applicant for several years through her work within the community however as this did not constitute a prejudicial interest, he would take part in discussion and the vote for the application.

Other Members who also knew the applicant in the same capacity also declared a non-prejudicial interest, these were; Cllr Dalton, Cllr Hocking, Cllr McLennan & Cllr Najjar.

Cllr McGrath noted that he had attended the opening event for the premises, although this did not constitute a prejudicial interest, for openness he stated that he would not take part in the discussion or vote for that application.

4 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public and paid tribute to the previous Chairman, Fred Westmoreland.

5 **Public Participation**

The committee noted the rules on public participation.

6 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda for the period of 19 March – 11 June 2021.

Resolved:

That the Appeals Report be noted.

7 **Planning Applications**

8 **20/11232/FUL - Lime Yard Adjacent To, Grimstead Road, West Grimstead, SP5 3RQ**

Public Participation

Ms L Paramor spoke in objection to the application
Mr R Flower (Agent) spoke in support of the application
Cllr E Hartford spoke on behalf of Alderbury PC
Cllr M Fry spoke on behalf of Grimstead PC

Attention was drawn to additional information which had been published in Supplements 1 & 2 to the agenda, which detailed the Ecology Officer's response and additional comments.

The Senior Planning Officer, Lynda King presented the application for a change of use from storage, processing and distribution of lime to storage, processing and distribution of horticultural products, with the addition of one building.

It was noted that the application should have been a major application and advertised in the press. The application had now been advertised and consultation would end on 15 July. Due to this, any decision would need to be delegated to Officers to implement following close of the consultation period and consideration of any new matters arising.

The main issues which had been considered to be material in the determination of this application were listed as Principle/retention of rural employment, Neighbouring Amenity and landscape, Highway Safety, and Ecology and drainage.

The site had been used for lime preparation since the 1980s. The application sought Change of use, to the production of horticultural soils.

Points noted were that there would be an average of 2 HGVs movements per hour from the site. The roller shutter doors would be closed during the drying operation and would be conditioned.

The owners operated another site at New Milton, photos of that site were shown and explained as part of the presentation.

The application had generated Objections from Grimstead Parish Council; and Alderbury Parish Council with a further 9 letters of objection from third parties.

The NPPF and Core Strategy both supports the diversification of agriculture and other land based rural business, this application was the latter.

Previous appeal for a B2 and B8 use were dismissed, a copy of the Inspector's decision was provided in the agenda pack.

There were no current conditions on the hours of use. This application would enable there to be some conditions to control the level of usage on the site.

The Local Plan Policy and the Salisbury Plan looked to protect employment.

It was considered that there would be no harm to the local amenities.

This was a unique site and it would be very difficult to find an alternative anywhere else.

The application was recommended for approval with conditions as set out in the report and additional conditions recommended by the Council's Ecologist, which were set out on the Supplements to the agenda.

Members of the Committee had the opportunity to ask technical questions of the Officer, where it was clarified that there was an ancient woodland with priority habitat to the south of the site, this was not an SSSI. The site lies within an SLA. The amended plan included showed the revisions required by Ecology and was the final plan.

The plans included a pond to collect excess water runoff. The nearest dwelling was approx. 100m from the boundary on West Grimstead side, there was also the inclusion of a noise bund.

A noise assessment had taken place and been assessed by the Council's Environmental Health Officers. The assessment had taken place on the application site and surroundings, as well as the applicant's existing operation, as demonstrated by the microphones in the submitted photographs.

The proposed facility would create approx. 5 or 6 new positions of employment.

The coniferous boundary on the southern side blended in with the woodland.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the main points raised were, the level of impact on the nearest residential dwellings, the summary of issues submitted by objectors was felt to have been inadequate in capturing the level of detail provided.

Associated dust from diesel fumes coming from the lorries, and the impact on resident's health.

The damage to wildlife living near the site.

The loss of enjoyment of the copse by the groups that currently used it, which included Scouts and Explorer Scouts

Whether there was an original condition on the lime yard permission that stated the land would be re-instated to its former use once the lime yard was no longer operational.

The need for economic growth, the suitability of the site, the reduced environmental footprint of the applicant.

The Alderbury PC and West Grimstead PC both spoke in objection.

Unsuitability of the rural lanes to carry HGV traffic, knock on effect of the local villages being used as cut throughs when Sat-navs were in use despite the weight restriction.

The design, bulk and general appearance was out of character with the surrounding area. Associated smell from the sterilisation of soil. Verge erosion caused by HGVs. Wildlife in the wood would disappear.

Local Member Cllr Richard Britton spoke to the application, noting that whilst he could see the merits of the application and the attraction of the site to the operator there were three key headings.

Neighbouring amenity – the creation of a 3m bund was recognition that there was a noise issue. Although there was mention that the roller door would be kept closed during operation, he felt there would still be a noise issue for the closest neighbours. Presuming that some sort of HGV would be used to manoeuvre the material the beeping of a HGV would plague the residents.

The woods contain protected species – the application site would be part of the foraging and natural movement of the protected species, which he felt was an important consideration. Ecological report – there were 3 conditions in the report to protect the habitat and habits of the wildlife on that site.

Vehicular movement – In addition to the issue of all of the other vehicle movements, employees would also likely drive there not to mention trade people visiting the site and any technicians. All of this despite the previous inspector saying that the roads and lanes around the site were unsuitable for this nature of associated traffic.

Cllr Britton (the Chairman) then moved the motion of refusal against Officer recommendation, on the grounds of being detrimental to highway safety, residential amenity (by reason of noise and dust) impact on ecology, and therefore contrary to Saved Policies C6, E19 and CP50 and CP57 of the Core Strategy.

This was seconded by Cllr Hocking.

The Committee was invited to discuss the application, the main points included the Highways impact and the congestion on the A36. How the business would operate without any external lighting, as that was prohibited until a plan had been put forward.

Clarification on the reasons for refusal, were explained by the Chair as reflecting the Inspectors reasons for refusal.

Whether an additional 2 HGV lorry movements an hour would have much impact on the flow of the A36 which was a major trunk road.

Clarification on whether there was an existing condition attached to the lime yard application which the Officer confirmed that there was no requirement to return the land to agricultural use.

The sites location and impact on the neighbouring amenity.

That Highways had not previously objected and that the Inspector had not agreed with that previously.

Vehicle movements or access only via the A36 could not be conditioned.

The offer by the applicant to agree to a later start time of 07:30 hrs if approved.

The 2012 decision pre-dated the NPPF and the Core Strategy and that this type of operation was in compliance with national policy.

The Committee then voted on the motion of refusal against Officer recommendation for the reasons stated above.

Cllr Oliver recorded his dissent in the voting process as he was not comfortable that Chair was the local member and also able to use a casting vote.

Legal advised that it is the chairs prerogative to use his casting vote regardless of the application area.

It was:

Resolved

Subject to delegation to Officers following the closure of the consultation period and that raising no further substantive issue not already covered, that application 20/11232/FUL – Lime Yard, adjacent to Grimstead Road, West Grimstead be REFUSED for the following reasons:

The site is located in the open countryside which is designated as a Special Landscape Area. The adjacent woodland is designated as a County Wildlife Site and Ancient Woodland Priority Habitat. The site is located within close proximity to a number of residential properties. According to local residents, the site has been in limited use for the last 10 years, and hence, the current operation of the site has had limited impact on the surrounding area. The surrounding highway network is characterised by narrow and twisting lanes without proper footways.

Whilst the reuse of the site would potentially create rural employment opportunities, this benefit is considered to be outweighed by the potential harm that would result due to the inevitable increase in the useage of the site, which will significantly increase the amount of noise and dust disturbance generated; increase the amount of vehicles accessing the site and surrounding highway network, and also increase the requirement for the artificial lighting of the site. Whilst some restrictive conditions could be imposed on the use and operation of the site, the Council considers that such restrictions would not be enough to limit the harmful impact of the proposal on the local highway system, the protected species and habitats on and adjoining the site, or on residential amenity.

The proposal is therefore contrary to the aims of adopted saved policies C6 & E19 and policies CP50 and CP57 of the Wiltshire Core Strategy.

9 PL/2021/03958 - 29 & 29A Brown Street, Salisbury, SP1 2AS

Public Participation

Mr W Bennett spoke in objection to the application

Mr E Gray spoke in objection to the application

Ms J Newman spoke in objection to the application

Ms A Newbery (Applicant) spoke in support of the application

It was noted that additional information was uploaded as Supplement 2 to the online agenda, which detailed the response from Public Protection.

The Senior Planning Officer, Julie Mitchell presented the application for demolition of existing building with retention of existing façade with minor modifications and use of land as a hospitality area (Description revised following changes to the proposed frontage – previously “Demolition of existing building,

erection of gates and railings as modification to front facade to facilitate use of land as a hospitality”).

The main issues which had been considered to be material in the determination of this application were listed as demolition of the existing building and impact on the Conservation Area, principle of the proposed use, impact on residential amenity and noise/disturbance.

The application had generated Objections from residents. During the presentation, pictures were shown from the site during construction.

Live music act allows for live un-amplified music to be played anywhere between 0800 – 2300hrs and live amplified music to be played between 0800 – 2300hrs in workplaces with an audience limit of 500.

The application was recommended for approval with conditions as set out in the report.

Members of the Committee had the opportunity to ask technical questions of the Officer, where it was clarified that the demolition of the old building had already taken place after the application being submitted. The applicant had undertaken the process for prior notification, however during that because the site was in the conservation area it was discovered that full application was required.

An option when there was a potential breach of planning was to invite a planning application, as this had been received the matter was not passed on to enforcement.

The Live Music Act 2012 allowed for unamplified music anywhere and live music in workplaces, the premises was considered to be a workplace.

The Public Protection response made reference to some amended/additional conditions which if wished, could be added by the Committee should it be minded to approve.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the main points raised related to the complaints from neighbouring residents in relation to associated noise and food smells permeating into their gardens and homes when the Brown Street outside space was in use.

Reference to a diary of logged incidents was referred to and had been circulated independently to Members prior to the meeting by one of the speakers.

The impact the venue would have on Charter Court residents with an increased level of noise and disturbance due to the acoustic funnelling at the rear, caused by a gap between buildings. The suggestion of a complete ban on all amplified

music, recorded or live was proposed, as was the possibility of the construction of a suitable barrier to be included within the application plans.
Audio clips circulated by email

The business needs of the applicant to diversify, following the impact of Covid over the last 18 months.

The applicant had been unaware of the issues raised as during previous discussions they had not come to light.

The operational side of the premises was explained and included an indoor stage and outside eating space. With occasional jazz brunches once a month.

Local Member Cllr Paul Sample, who was not on the committee, spoke to? the application, noted for openness that his son worked on a Jamaican food store at 29 and 29A brown street.

He went on to say that he had tried to keep an open mind but listened to the residents' concerns, who were mainly elderly and retired. He pointed out on the map where the resident's properties were in relation to the application site.

The residents were in earshot and down wind. For many years the site was a local charity style premises, noting that the demolished building had no architectural merit. The proposals were for a considerable change of use for this substantial new venture.

The source of the problem initially was the noise, which he felt was due to the large gap behind the staircase as it acted as a funnel allowing any noise or cooking smells to be channelled into Charter Court.

Upon a visit to Charter Court 3 weeks previously the noise was so loud that he felt that the owner would be unable to use his gardens.

The Baileys had kept a detailed diary of events. On Sunday 13 June, it was 26 degrees, the football was on and by 4pm football chants and expletives could be heard. The owners had to move to the front bedroom to enable them to get air by opening a window.

He also referred to the comments from the General Manager of the Red Lion, who stated that there was no mitigation in place for increased noise disturbance.

Planning guidance stated that a high standard of design was required in all developments and should have regard to compatibility to adjoined buildings.

There was proof that there was a noise disturbance and fume issue as a result of the application, this was contrary to CP57. Cllr asked that the application be refused or alternatively deferred pending noise monitoring from the gardens by Environmental Health and the installation of a noise buffering barrier .

Cllr Ian McLennan noted his support for mitigation measures and moved the motion of Deferral to enable the applicant to meet with residents of Charter Court to agree mitigation measures, and for Environmental Health to be approached to carry out independent noise monitoring, prior to the application coming back for consideration.

This was seconded by Cllr Hocking.

The Committee was invited to discuss the application, the main points included the viability of asking Environmental Health to carry out noise monitoring, as usually the onus was on the applicant, to instruct a professional to carry the work out and the findings be assessed by Environmental Health.

The period of which any monitoring should be carried out and whether this could include smells as well as noise.

The applicant and residents of Charter Court in attendance were asked whether a deferral of this nature to discuss mitigation measures was welcomed. It was confirmed as a welcomed option.

The application with any appropriate additional mitigation measures, would be invited to return to be considered by Committee by its September meeting, or before.

The Legal Officer gave advice on the usual process taken by Environmental Services, in that a log should be kept by those affected and presented to Environmental Services, who would then decide if testing was required.

The Committee then voted on the motion of Deferral.

It was

Resolved:

That application PL/2021/03958 – 29 & 29a Brown Street, Salisbury, SP1 2AS be DEFERRED until the September meeting to enable the applicant and nearby residents to discuss and agree acceptable mitigation in consultation with WC Environmental Health, with a view to the application including any appropriate revisions for required works, where practical.

10 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.50 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services,
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