

AGENDA

Meeting: Southern Area Planning Committee

Place: The Guildhall, Market Place, Salisbury, SP1 1JH

Date: Thursday 24 June 2021

Time: 3.00 pm

Please direct any enquiries on this Agenda to Lisa Moore, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.moore@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Richard Britton (Chairman)
Cllr Brian Dalton
Cllr Nick Errington
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

Substitutes:

Cllr Trevor Carbin
Cllr Ernie Clark
Cllr Kevin Daley
Cllr Ricky Rogers

Cllr Bridget Wayman
Cllr Graham Wright
Cllr Robert Yuill

Covid-19 safety precautions for public attendees

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. **Please contact the officer named on this agenda no later than 5pm on Tuesday 22 June if you wish to attend this meeting.**

To ensure safety at the meeting, all present at the meeting are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
- Wear a facemask at all times (unless due to medical exemption)
- Maintain social distancing
- Follow one-way systems, signage and instruction

Where it is not possible for you to attend due to reaching the safe capacity limit at the venue, alternative arrangements will be made, which may include your question/statement being submitted in writing.

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting and will be available on the public record. The meeting may also be recorded by the press or members of the public.

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To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

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Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for

meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 28*)

To approve and sign as a correct record the minutes of the online meeting held on 1 April 2021.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on Tuesday 22 June 2021.

Submitted statements should:

- State whom the statement is from (including if representing another person or organisation);
- State clearly whether the statement is in objection to or support of the application;
- Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils. Speakers are usually taken in order of registration.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular,

questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on Thursday 17 June 2021 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on Monday 21 June 2021.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 Planning Appeals and Updates (Pages 29 - 30)

To receive details of completed and pending appeals and other updates as appropriate for the period of 19/03/2021 to 11/06/2021.

7 Planning Applications

To consider and determine planning applications in the attached schedule.

7a 20/11232/FUL - Lime Yard Adjacent To, Grimstead Road, West Grimstead, SP5 3RQ (Pages 31 - 58)

Change of Use from storage, processing and distribution of lime to storage, processing and distribution of horticultural products, with the addition of one building.

7b PL/2021/03958 - 29 & 29A Brown Street, Salisbury, SP1 2AS (Pages 59 - 78)

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”)

8 Urgent Items

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

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Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 1 APRIL 2021 AT ONLINE.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Sven Hocking, Cllr George Jeans, Cllr Ian McLennan and Cllr John Smale

117 **Apologies**

Apologies were received from:

- Cllr Leo Randall

118 **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 March 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes.

119 **Declarations of Interest**

There were none.

120 **Chairman's Announcements**

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

As this was the penultimate meeting of the Committee before the elections in May, the Chairman took the opportunity to thank Officers and Members for their time and input over the last 30 years, whilst he had served as a Councillor on the Planning Committee.

121 **Public Participation**

The committee noted the rules on public participation.

122 **Planning Appeals and Updates**

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

The Chairman drew attention to the result of appeal on Burford Rd – was dismissed – restrictions on garden retained.

I intend to write personally to the enforcement team to ask that

Resolved:

That the Appeals report be noted.

123 **Planning Applications**
124 **20/09706/FUL - 20a Lode Hill, Downton, SP5 3PN**

Public Participation

Cllr Chris Hall spoke as representative of Downton PC

The Planning Team Leader, Richard Hughes gave a combined presentation for both applications 7a 20/09706/FUL and 7b 20/10508/LBC, as they related to the same development.

The applications were recommended for approval as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as, principle of development, impact on heritage assets and Highways.

Previous consent included permission for a wall and a garage at the rear of the property.

It was noted that the wall which was now in place was at a height of between 2.5 – 3m, which was slightly taller than the given consent.

Works would include partial removal of the wall height, the apex of the pitch roof would be truncated, the rear garage roof lights would be removed, and the garage door would be changed to two garage doors with a central pillar. The full list of proposed changes was detailed on slide 9 of the presentation.

Any amended plan references would need to be included in any conditions and inclusion of hard landscaping and reference to the removal of the roof lights. With those changes Officers were recommending approval

Members of the Committee had the opportunity to ask technical questions of the officer, where it was clarified that the proposed wall would be all brick with cladding. There was a public pavement alongside the wall and the agent had stated that the brickwork would not lapse onto it.

Members of the public, as detailed above, then had the opportunity to speak on the application. The Parish Council representative stated objections, noting that the building works did not adhere to the plans.

The PC felt that the garage was unacceptably dominant, with the roof well over 1m higher than what was approved.

The site was on the gateway to the village and within a conservation area and that the drawings submitted by the applicant were misleading.

Local Member Cllr Richard Clewer then spoke in objection to the application, noting that the site was one of the entrances to the village, on a steep hill and that the road was narrow at that point, making what has been put in there overbearing. He noted that what was now proposed was an improvement, however it had not gone far enough to reduce to a scale of what would be appropriate for the village.

Cllr Westmoreland then moved a motion of approval in line with Officer recommendation. This was seconded by Cllr Hewitt.

The Committee was invited to discuss the application, the main points included whether the plans were accurate in light of the comments of the PC, where it was clarified that the existing plans were not correct at the time of submission and have been tweaked several times since and were now correct.

The removal of the roof lights and the surface and drainage of the vehicle space, due to there being scope for migration of materials onto the highway and water flow, both issues could be conditioned. The officer confirmed that suggested condition 1 & 2 as per the report could be adjusted to include reference to these works, and the recently received amended plans.

References to the Downton Neighbourhood Plan as detailed on P31 and whether the newest version of the plan submitted could be correctly referenced in any decision.

The Committee confirmed they had heard and seen all relevant visual materials and voted on the motion of approval in line with Officer recommendation with the noted conditions.

It was:

Resolved: that application 20/09706/FUL be approved, subject to the following conditions:

1 Within 2 months of the date of this decision, a scheme for the timing of commencement and completion of the works hereby approved and shown on the approved plans, and including the following details:

- The hedge planting times and details of species and planting (adjacent Lode Hill)**
- The removal of all the garage rooflights as shown on the approved plans**
- The details of the hardsurfacing of the driveway/parking area to include**

details of the drainage scheme for that area so that the highway and adjacent properties are not affected

- The materials details for the garage walling, central pier, and roof,
 - The materials details for the northern boundary wall and gate,
 - The architectural detailing and materials for the truncated garage roof,
 - Materials for the retaining walling and details of how walling is to be clad/rebuilt and reduced in height
 - Details of how any expansion gaps in the boundary walling are to be dealt with,
 - Any making good to the structure/fabric of the listed building,
- shall be submitted to the Local Planning Authority. The approved scheme shall be carried out and completed in accordance with the approved timescale and details. Unless otherwise agreed by the Local Planning Authority, the materials to be used for the northern roadside boundary wall shall be Michelmersh Hampshire Stock Down Blend brick and the wall shall be constructed in Flemish bond. The retaining wall shall be clad in Dorset multi red brick.

REASON: To ensure a satisfactory standard of development in the interests of visual amenities of the area and the character and setting of the heritage assets

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

Location Plan

As Built Block Plan – drawing no. 21174-01-401A – dated October 2020

Proposed Block Plan – drawing no. 21174-01-402B – dated October 2020

As Built Floor Plans – drawing no. 21174-01-101 – dated October 2020

As Built Roof Plan – drawing no. 21174-01-102 – dated October 2020

As Built Elevations – drawing no. 21174-01-201 – dated October 2020

As Built Street View – drawing no. 21174-01-202B – dated October 2020

Proposed Floor Plans – drawing no. 21174-01-103 – dated October 2020

Proposed Roof Plan – drawing no. 21174-01-104 – dated October 2020

Proposed Elevations – drawing no. 21174-01-203A – dated October 2020

Proposed Street View – drawing no. 21174-01-204B – dated October 2020

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

125 **20/10508/LBC - 20a Lode Hill, Downton, SP5 3PN**

The Committee noted the previous presentation.

The Chairman, Cllr Westmoreland then moved the motion of Approval in line with Officer recommendation. This was seconded by Cllr Hewitt.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of approval in line with Officer recommendation.

It was:

Resolved:
that application 20/10508/LBC be approved, subject to the following conditions:

The Planning Team Leader, Richard Hughes gave a combined presentation for both applications 7a 20/09706/FUL and 7b 20/10508/LBC, as they related to the same development.

The applications were recommended for approval as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as, principle of development, impact on heritage assets and Highways.

Previous consent included permission for a wall and a garage at the rear of the property.

It was noted that the wall which was now in place was at a height of between 2.5 – 3m, which was slightly taller than the given consent.

Works would include partial removal of the wall height, the apex of the pitch roof would be truncated, the rear garage roof lights would be removed, and the garage door would be changed to two garage doors with a central pillar. The full list of proposed changes was detailed on slide 9 of the presentation.

Any amended plan references would need to be included in any conditions and inclusion of hard landscaping and reference to the removal of the roof lights. With those changes Officers were recommending approval

Members of the Committee had the opportunity to ask technical questions of the officer, where it was clarified that the proposed wall would be all brick with cladding. There was a public pavement alongside the wall and the agent had stated that the brickwork would not lapse onto it.

Members of the public, as detailed above, then had the opportunity to speak on the application. The Parish Council representative stated objections, noting that the building works did not adhere to the plans.

The PC felt that the garage was unacceptably dominant, with the roof well over 1m higher than what was approved.

The site was on the gateway to the village and within a conservation area and that the drawings submitted by the applicant were misleading.

Local Member Cllr Richard Clewer then spoke in objection to the application, noting that the site was one of the entrances to the village, on a steep hill and that the road was narrow at that point, making what has been put in there overbearing. He noted that what was now proposed was an improvement,

however it had not gone far enough to reduce to a scale of what would be appropriate for the village.

Cllr Westmoreland then moved a motion of approval in line with Officer recommendation. This was seconded by Cllr Hewitt.

The Committee was invited to discuss the application, the main points included whether the plans were accurate in light of the comments of the PC, where it was clarified that the existing plans were not correct at the time of submission and have been tweaked several times since and were now correct.

The removal of the roof lights and the surface and drainage of the vehicle space, due to there being scope for migration of materials onto the highway and water flow, both issues could be conditioned. The officer confirmed that suggested condition 1 & 2 as per the report could be adjusted to include reference to these works, and the recently received amended plans.

References to the Downton Neighbourhood Plan as detailed on P31 and whether the newest version of the plan submitted could be correctly referenced in any decision.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of approval in line with Officer recommendation with the noted conditions.

It was:

Resolved: that application 20/09706/FUL be approved, subject to the following conditions:

1 Within 2 months of the date of this decision, a scheme for the timing of commencement and completion of the works hereby approved and shown on the approved plans, and including the following details:

- The hedge planting times and details of species and planting (adjacent Lode Hill)**
- The removal of all the garage rooflights as shown on the approved plans**
- The details of the hardsurfacing of the driveway/parking area to include details of the drainage scheme for that area so that the highway and adjacent properties are not affected**
- The materials details for the garage walling, central pier, and roof,**
- The materials details for the northern boundary wall and gate,**
- The architectural detailing and materials for the truncated garage roof,**
- Materials for the retaining walling and details of how walling is to be clad/rebuilt and reduced in height**
- Details of how any expansion gaps in the boundary walling are to be dealt with,**
- Any making good to the structure/fabric of the listed building, shall be submitted to the Local Planning Authority. The approved scheme shall be carried out and completed in accordance with the approved**

timescale and details. Unless otherwise agreed by the Local Planning Authority, the materials to be used for the northern roadside boundary wall shall be Michelmersh Hampshire Stock Down Blend brick and the wall shall be constructed in Flemish bond. The retaining wall shall be clad in Dorset multi red brick.

REASON: To ensure a satisfactory standard of development in the interests of visual amenities of the area and the character and setting of the heritage assets

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

Location Plan

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As Built Street View – drawing no. 21174-01-202B – dated October 2020

Proposed Floor Plans – drawing no. 21174-01-103 – dated October 2020

Proposed Roof Plan – drawing no. 21174-01-104 – dated October 2020

Proposed Elevations – drawing no. 21174-01-203A – dated October 2020

Proposed Street View – drawing no. 21174-01-204B – dated October 2020

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

126 **20/10665/FUL - Chalkway House, Ebbesbourne Wake**

It was noted by Cllr Jeans that due to a compulsory re-boot of his computer at this point, he would not take part in this agenda item, as would be off line for parts of it.

Public Participation

David Warder's statement in objection to the application was read by the Clerk due to technical difficulties during the meeting.

Edward Donne spoke in objection to the application

Gerry O'Rourke statement in objection to the application was read by the Clerk due to technical difficulties during the meeting.

Dan Roycroft spoke in support of the application

Cllr Simon Welch spoke as representative of Ebbesbourne Wake PC

The Planning Officer, Christos Chrysanthou presented the application for curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping and associated works (part retrospective).

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

The main issues which had been considered to be material in the determination of this application were listed as, scale, design, bulk and general appearance in its visual impact on the surrounding area.

Site photographs taken from several surrounding points and directions were shown and explained.

The site was in the rural surroundings of Ebbesbourne Wake, in an AONB, approximately 500m from the village.

The approved curtilage in 2000 was shown and explained, followed by the proposed curtilage. A woodland copse was to be provided either side.

The proposals aim to reduce the lawned area adjacent to the was driveway, to omit the stables and barn area to the south and to remove the top section of the terraces (from 3 to 2).

The plan also showed two existing gates on the byway alongside the site, however as these were outside of the application site, RoW had been consulted and had recommended a condition to make sure the byway was kept clear of obstruction. RoW could enforce this condition if considered expedient.

Slide 31 showed the proposed adjusted terracing and sloped grass bank meadows

A landscaping scheme was proposed. With copses on east and west, helping to screen the site.

The Landscaping Officer had considered the proposals and was satisfied with the proposed species, noting a low impact on the AONB.

The Ecology Officer commented on the water meadow aspect. It was confirmed that the Water Meadow was not a designated ecology site. A condition was suggested to use native trees when planting.

Members of the Committee had the opportunity to ask technical questions of the officer, where it was clarified that the land surrounding the application site was also in the ownership of the applicant.

On the plan of 2000, the hatching on the west, indicated an area which was proposed to be included within the curtilage but had subsequently been removed from inclusion.

The house had some history and was not a new build. Some aspects had been re-built with enlargements over the years.

Any condition on the gates on the byway could be enforceable by RoW.

Members of the public, as detailed above, then had the opportunity to speak on the application. The clerk read two statements of objection due to technical difficulties experienced by one speaker, these statements had been provided prior to the meeting. Some of the main points included comments around the reasons for refusal in 2020 and suggestions that those reasons had not been addressed.

Other points were the creation of a permanent change to the AONB landscape and that the remaining 2 tiers would have a visual impact on the surrounding area and the preservation of historic views of the Ebble Valley.

Comments around other similar case histories for retrospective permission were raised, along with questions over whether a president would be set, should the application be approved.

The Parish Council representative spoke in objection, noting that out of 30 letters submitted in relation to the application, only 2 had been in support, which had come from people outside of the village. The retrospective aspect was noted along with the comments and input received on the previously withdrawn and refused applications for the site.

Concern around whether what was presented in the plans would be what was carried out, based on the grounds that previously this had not been the case given the unauthorised construction of the retaining walls and terraces.

Local Member Cllr Jose Green then spoke to the application, noting that she had come to the meeting with an open mind and that not being able to have site visits currently due to covid restrictions had been a hindrance in addition to the Planning Portal currently being unobtainable.

Cllr Green noted that she had herself lived in the Chalke Valley or in an AONB for many years and was familiar with the application site. The house was originally a humble farmhouse with a few outbuildings, and what was there now was pleasant to look at. The Ebble Valley had also recently been awarded funding towards the Clear Water project.

Cllr Green noted that she had called the application in due to the huge outcry it had caused locally, over the last year or more. With 70 objections and only 2 in support, which she noted was unheard of in her 26 years in planning to have this volume of objection in a small village.

It was suggested that the Applicant had perhaps acted on bad information as they appeared to think that they had already been given the change of use permissions.

Cllr Green then moved that the application be refused on the grounds of being contrary to CP51 and CP57, and NPPF para 172 & 127 in line with the reasons of previous refusal in the report as little had changed.

This was seconded by Cllr Ian McLennan.

The Committee was invited to discuss the application, the main points included the amount of objections and references to the past history, the scope of the application as a whole and that the committee was asked to make a judgement on all aspects as a whole rather than individually.

The lack of response from the AONB and whether that indicated that it did not feel strongly about the proposals.

The tree planting aspects of the proposals and the possible benefit to flood alleviation and that the terraces would create a more useable space for the applicant.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal, against Officer recommendation with the reasons as stated above.

The motion was not carried.

The Chairman, Cllr Westmoreland then moved the motion of approval in line with Officer recommendation. This was seconded by Cllr Hewitt.

Cllr Green raised a query on lighting and conditions. It was confirmed that any lighting scheme would need to be approved.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of approval, in line with Officer recommendation.

It was:

Resolved: that application 20/10665/FUL be approved in line with Officer Recommendation subject to the following conditions:

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

Drg. no. 942-MP-01/A LANDSCAPE MASTERPLAN Date rec 30/11/2020

Drg. no. 942-MP-02/A WIDER LANDSCAPE MASTERPLAN Date rec 30/11/2020

Drg. no. 942-MP-03/A CURTILAGE PLAN Date rec 30/11/2020

Drg. no. 942-MP-04/A PROPOSED SITE LOCATION PLAN Date rec 30/11/2020

Drg. no. 942-MP-05/A ELEVATION - TERRACES (WITHOUT PLANTING) Date rec 30/11/2020

Drg. no. 942-MP-06/A ELEVATION - TERRACES (INDICATIVE PLANTING SHOWN) Date rec 30/11/2020

Drg. no. 942-SW-01/A DETAILED STRUCTURAL PLANTING PLAN - 1 of 2 Date rec 30/11/2020

Drg. no. 942-SW-02 B DETAILED STRUCTURAL PLANTING PLAN - 2 of 2 (Revised) Date rec 07/01/2021

**Doc. Ref: 942-LS Revision B 2020-12-01 Landscape Statement, Indigo Landscape Architects (Revised) Date rec 07/01/2021
Preliminary Ecological Appraisal Report, David Watts Ecology, 19 February 2021 Date rec 19/02/2021**

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

2. Within 3 calendar months of the date of this decision the top section of the terracing shall be removed and all soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or; diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

3. Prior to the commencement of planting of the woodland belt all trees/ shrubs must be checked by an ecologist experienced in tree identification to ensure only native species of local provenance have been sourced to be planted.

REASON: In the interests of biodiversity.

4. Notwithstanding the approved plans, no gates, fences or stiles should be erected across the public right of way (Restricted Byway EWAK9).

Reason: Structures across a restricted byway are an obstruction.

5. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority.

The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

127 **20/10716/OUT - Cools Farm, Tisbury**

Public Participation

Brett Spiller (Agent) spoke in support of the application

John Dalton spoke in support of the application

Henry Rumbold spoke in support of the application

Cllr Noyle spoke as representative of West Tisbury PC

The Planning Officer Lynda King presented the Outline application with all matters reserved except for an established access only, for an agricultural dwelling at Cools Farm. The application was recommended for approval as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as, Principle, Character, Highway Safety, and Ecology.

The existing dwelling was a fairly significant listed building set in the open countryside in the AONB.

Slides 34 – 36 were shown and explained. They detailed the overall site layout, the proposed site of the new dwelling and proposed access.

There had been local concern regarding the use of the access road from the proposed dwelling.

A speed survey had been carried out on the lane, however due to low traffic and narrow width of the lane there was not found to be a speeding issue here and no highway objection to the access in the proposed location.

It was noted that the report was in three parts firstly the request for an agricultural workers dwelling, whether there was a functional need for an additional dwelling on the site, and then the location of that dwelling.

Current farm was 195 acres, farmed by existing farmer living in the main listed farm dwelling. They were an older couple who had no family wishing to take on the running of the farm.

Farm is an exemplar of how you would run an agricultural farm in this location. They wish to take on a share-farming agreement which means that the farmer hands the farm over to an incoming farmer, whilst retains ownership of land and buildings and incoming farmer farms the land and there is a split of profits.

The current owner would maintain a part time role and remain on site in the main farmhouse with his wife.

The application had been submitted with details of the range of alternative sites which had been considered for the siting of the agricultural dwelling. The feasibility of each was explained during slides 38 – 45.

The agricultural consultant looked at the application and felt that there was a need for an additional farm worker on the site. A requirement of one full time and one part time. The shared farmer would provide the fulltime work and the current owner remain as a part time farmer. It was found that the farm was originally on the margins of viability, however since then following additional information it was deemed viable to have an additional farm worker on the site.

In terms of the need there was found to be a functional and financial need for a second dwelling on the site.

The next aspect was to consider whether the site identified within the application was suitable for the proposed dwelling. The application contained information about other sites on the farm considered by the applicant before deciding on the location that was the subject of the application. These other sites were not part of the formal consideration by Members.

The first site identified was within the existing curtilage of the farmhouse itself, it was an ancillary building but was deemed not large enough for a farm worker dwelling and did not have separate access. The site was not acceptable.

The second site was not in the ownership of the applicant and not part of the farm complex and therefore not available.

The third site was converted holiday accommodation. The income from the holiday cottages was part of the viability for the farmer as an income stream and his ability to stay on site.

The fourth site was on the opposite side of the road to the main farm complex, but was part of the farm which would continue to expand in the future. The cattle were hardy and were left out to breed.

The fifth site was north of the farmhouse and close to the farm complex and listed building. It would have significant access issues, lead to loss of trees and have a poor relationship to the listed building and so was discounted.

The sixth site was on the opposite side of Tokes Lane in a sloping field, to put a property in would require a significant amount of cut and fill and have a significant impact on the setting and so not suitable.

The proposed site was set in rolling landscape in a little hollow, with a significant tree lined area to the north. Further excavations would set the dwelling further into the site. It was also in the field in which the calving would operate and on the same side of the road as the existing farm building.

The Officer noted that if the Committee was minded to approve the application then an additional condition which was included on the update sheet be

included, which was to limit the floor area of the proposed dwelling to 150m² as on the application.

The addition of an informative was suggested to note that the form should look like a modest single-story agricultural building.

Members of the Committee had the opportunity to ask technical questions of the officer, where it was clarified that the owners had thought about how the site could be serviced and that there was a condition relating to drainage.

That condition 19 related to an agricultural tie to the dwelling.

The share farmer had been appointed but had not yet started on the site. The owner was beyond retirement age and wished to step back from his full time position on the farm.

The type of application for a shared farm operation was new to the committee, however, Officers had engaged the councils Agricultural Advisor for their guidance and that there was case law stating that when a farmer retires, they could not be forced to leave their dwelling.

There was 130 head of cattle on the farm at any one time, this was a substantial farm where there was a need for there to be someone on site all of the time.

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

Some of the main points included comments around sustainable farming and rare breed red pole cattle herds. That there were no other options available to the farmer as he had no successors willing to take on the farm.

That a proposed bungalow would enable the appointed share farmer and partner to live on site and care for the herd around the clock.

The Parish Council representative stated objections to the choice of site for the proposed dwelling, noting that they were not against an additional dwelling, just opposed to the choice of site as having preference to site 4 or 6 and not the site 7 which was chosen.

Also noting that calving season was only a month or so per year and that site 6 or 4 was only a short walk from the calving field.

The other issue we had concerns about was around the narrowness and access point on to the road. However it appeared that the road speeds in that area were recorded as low and therefore would not be a major issue in that context.

Cllr Wayman spoke as an adjoining division Member, in principle she did not object to the provision of an agricultural dwelling to support Cools Farm but did object to the choice of location.

The proposed location was high on a hill with sweeping views of the AONB. The dwelling would be visible for miles around.

The AONB and its management plan were key considerations in planning, the NPPF stated that development should protect and enhance valued landscapes, which included AONBs.

In particular the harm which could be done by poorly located developments in an AONB.

The AONB had international Dark Sky status and was concerned about light pollution. Conditions could be put in about lighting, however due to the location up high on a hill, any lighting even downlighting would be visible from a long way away.

No objection to an essential workers dwelling, but this location seemed to have been decided upon as others were discarded. That was the wrong way around.

Looking at the other sites and why they were discarded, sites 4 & 6 were ones to be looked at again. They were much better hidden from view rather than site 7. I think the applicant should look again, closer to the farmhouse where it would form a more natural cluster to the farmhouse.

There were plenty of other fields that were also used for calving fields which were lower down on the landscape. Any potential lighting could cause serious harm to the AONB, Dark Sky status.

Local Member Cllr Tony Deane then spoke in objection to the application, he agreed the site was in a prominent position in the AONB.

He noted that the highways report suggested that sightlines were inadequate. He knew at what speeds vehicles travelled down the hill and whilst the road was not extremely trafficked, high level of traffic was not required for an accident.

He was not against a new agricultural dwelling but did object to site 7. He was in support of a dwelling for a support farmer but his preference was to see a dwelling much closer to the main units to the farm. He summarised his objection as the dangers on the road and the risk to the AONB.

The Officer then responded to comments.

The application today only related to the red line application, there was no option to choose any other site on the holding.

The highway safety comments were not supported by the Highway Officer and they had looked at traffic speeds and concluded that the splays were suitable.

The site was in the AONB however, the management plan of the AONB did support dwellings for farm workers. This was one of six farms that was part of an AONB sustainable project.

The comments on lighting were noted and if approved a lighting strategy would be requested for approval.

The Chairman, Cllr Westmoreland then moved a motion of approval in line with Officer recommendation. This was seconded by Cllr Devine.

The Committee was invited to discuss the application, the main points included the need for an additional agricultural dwelling, the absence of an objection from the AONB which was noted as being due to it not being consulted.

The impact of associated lighting, the justification for having a farm worker living on the site, the objections to the choice of site 7 by the PC and both local Members and their preference to alternative sites.

The value of being closer to the calving field and that shared farming was a way for young people to come into farming.

Members noted that a site visit would have been a benefit.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of approval in line with Officer recommendation with the additional conditions and informative as discussed.

It was:

Resolved:

that application 20/10716/OUT be approved subject to the following conditions:

Conditions: (21)

1

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

(a) The scale of the development;

- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4

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

Location Plan – Drawing No. S2012 01 dated October 2020

Proposed Site Plan – Drawing No. 2012 02 dated October 2020

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

5

The building hereby permitted shall be of single storey construction only

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

6

No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

7

No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their

protection in the course of development;

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9

The dwellings hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation (SAC).

10

The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

11

Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only

REASON: In the interests of highway safety.

12

The gradient of the access way shall not at any point be steeper than 1 in 6 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

13

No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

14

No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

15

No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

16

Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

17

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

18

No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

19

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

20

The single storey dwelling hereby approved shall not exceed 150sqm gross floor area.

REASON: To ensure that the dwelling remains suitable for an agricultural worker.

21

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Informatives: (4)

22

The applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.

23

The application involves the creation of a new vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

24

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

25

The applicants are advised that the final design of the dwelling hereby approved needs to be sensitive to its elevated position within the AONB and adjacent to the Listed Farmhouse, and that it should have the appearance of a converted agricultural building.

128 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 6.25 pm)

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

Press enquiries to Communications, direct line (01225) 713114/713115

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Wiltshire Council
Southern Area Planning Committee
24th June 2021

Planning Appeals Received between 19/03/2021 and 11/06/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/03801/FUL	Jasmine Cottage Rollestone Road Shrewton SP3 4HG	SHREWTON	Construction of new detached dwelling with parking	DEL	Written Representations	Refuse	22/03/2021	No
20/09748/FUL	Penvale Stratford Tony Road Coombe Bissett SP5 4JZ	COOMBE BISSETT	Erection of rear single-storey extension (Part-retrospective)	DEL	House Holder Appeal	Refuse	25/03/2021	No
20/00285/ENF	Land at the Old Mink Farm Salisbury Road Netheravon SP4 9QL	ENFORD & NETHERAVON	Alleged unauthorised residential use of the land	DEL	Written Representations	Refuse	05/05/2021	No
20/06105/FUL	107 Bouverie Avenue South Salisbury SP2 8EA	SALISBURY CITY	Erection of a 3-bedroom bungalow to the rear of No. 107 Bouverie Avenue South, associated access and driveway and hard and soft landscaping.	SAPC	Written Representations	Approve with Conditions	17/05/2021	Yes
20/00265/FUL	Netton Barn Netton Salisbury	DURNFORD	Change of use of existing redundant barn and land to create one dwelling, parking and residential curtilage.	DEL	Written Representations	Refuse	17/05/2021	No
20/10650/FUL	113 Devizes Road Salisbury SP2 7LS	SALISBURY CITY	Creation of access and parking at front of property (retrospective application).	DEL	House Holder Appeal	Refuse	24/05/2021	No

Planning Appeals Decided between 19/03/2021 and 11/06/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/05322/VAR	18 Burford Road Harnham, Salisbury Wiltshire, SP2 8AN	SALISBURY CITY	Variation of condition 5 of planning permission 18/00376/FUL (Condition 4 of Variation of condition approval 18/10898/VAR) to allow the hours of play in garden nursery from 09:00 to 18:00 Monday to Friday	SAPC	House Holder Appeal	Approve with Conditions	Dismissed	19/03/2021	None
20/01617/FUL	Land Adjacent Moor Cottage, Moor Hill Fovant, SP3 5LB	FOVANT	Pair of semi-detached houses.	DEL	Written Representations	Refuse	Dismissed	09/04/2021	Appellant applied for Costs – REFUSED
20/07918/FUL	Cobbins Laverstock Park Laverstock SP1 1QJ	LAVERSTOCK	Erection of double garage with storage area above.	SAPC	House Holder Appeal	Approve with Conditions	Dismissed	23/04/2021	None
20/07935/FUL	82 Westwood Road Bemerton Heath Salisbury SP2 9HR	SALISBURY CITY	Retrospective application for a detached garage	DEL	House Holder Appeal	Refuse	Allowed with Conditions	23/04/2021	None
20/07935/FUL	Agricultural Building at Down Farmhouse Cow Drove Chilmark SP3 5TA	CHILMARK	Operational works in association with the upcoming change of use of part of the agricultural building to a flexible commercial use	DEL	Written Representations	Refuse	Allowed with Conditions	28/04/2021	None
20/01159/FUL	Dairy Farm Butterfurlong Road East Grimstead SP5 3RT	GRIMSTEAD	Redevelopment of redundant farm building to create a single new detached house and associated works (resubmission of 19/01449/FUL)	DEL	Written Representations	Refuse	Allowed with Conditions	25/05/2021	None
20/09748/FUL	Penvale Stratford Tony Road Coombe Bissett SP5 4JZ	COOMBE BISSETT	Erection of rear single-storey extension (Part-retrospective)	DEL	House Holder Appeal	Refuse	Allowed with Conditions	27/05/2021	None

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	24 th June 2021
Application Number	20/11232/FUL
Site Address	Lime Yard adjacent to Grimstead Road West Grimstead, SP5 3QR
Proposal	Change of Use from storage, processing and distribution of lime to storage, processing and distribution of horticultural products, with the addition of one building.
Applicant	Roffey Brothers
Town/Parish Council	Alderbury Parish Council and Grimstead Parish Council
Electoral Division	Alderbury and Whiteparish – Cllr Richard Britton
Type of application	Change of Use
Case Officer	Lynda King

Reason for the application being considered by Committee

The application has been called to Committee by the Local Member for the following reasons:- The scale of the development, its relationship to adjoining dwellings, the design of the building in terms of bulk, height and general appearance, and its impact on the environment and highways.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved subject to conditions.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle/retention of rural employment
- Neighbouring Amenity and landscape
- Highway Safety
- Ecology and drainage

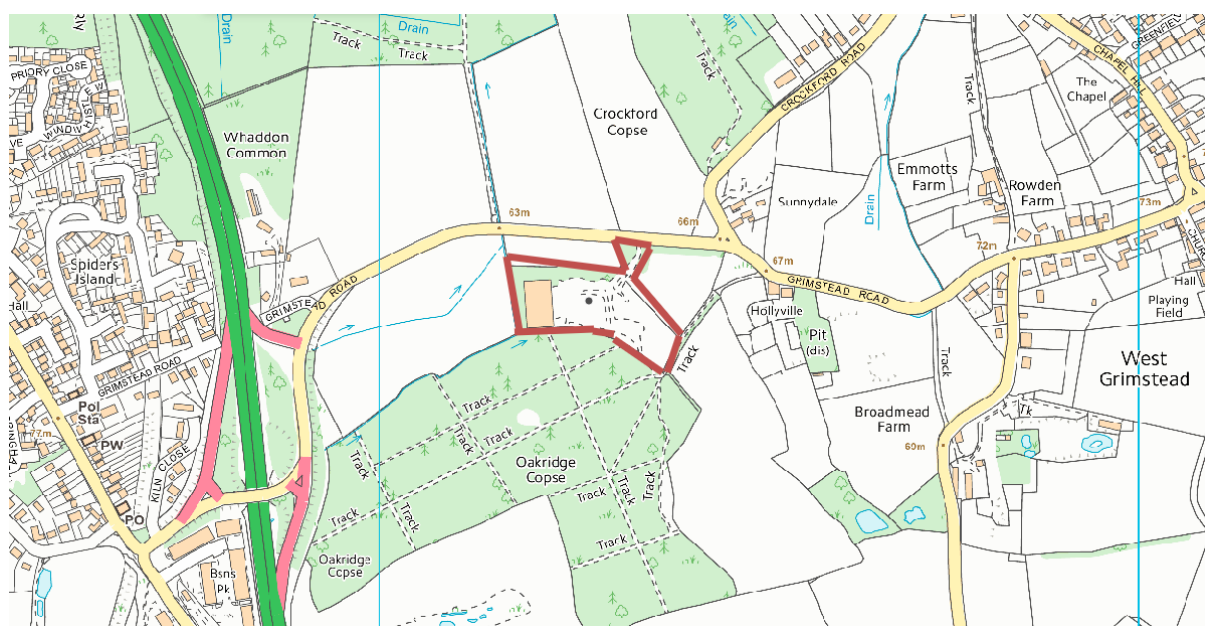
The application has generated an Objection from Grimstead Parish Council; Alderbury Parish Council and 9 letters of objection from third parties.

3. Site Description

The site is a large area of land (1.6ha) in the open countryside near Whaddon and has been in use since 1982. It is very well screened from public vantage points by substantial tree planting and is totally self-contained. Access is served off Grimstead Road, at a point with adequate visibility. It contains a number of open fronted buildings where lime preparation has taken place, as well as substantial areas of open storage where large piles of chalk are stored before being processed. Currently the site houses about 300 tonnes of chalk, none of which is visible from outside the premises. There is also a large (at the time of the site visit) heap of inert builders' rubble which is used to compact the ground and provide a hardstanding for the operations on the site. It would appear that this process has taken place since the use started in the 1980's. The buildings on site are of industrial appearance and are significant in size.

The site is approx. 550m from the A36, which is part of the strategic road network. Access from the site to the main road does not require vehicles to pass through any of the local settlements to reach the highway.

The site plan below shows the location of the application site relative to the villages of West Grimstead and Whaddon. The nearest residential properties are approximately 100m to the north east and 140m to the east of the boundaries of the site, but further removed from the operational area of the site.



4. Relevant Planning History

S/90/0161 – Change of use on part only from agriculture to storage of agricultural machinery used in connection with the established lime spreading business and possible alteration to vehicular access – A/C

S/2000/1242 – To not comply with Condition 4 (Occupancy and restoration) of planning application S/90/0161 – A/C (the effect of this decision is not to require the site to be restored to agriculture in the use ceases)

S/2011/0678 – Change of use to B2/B8 mixed use – R

S/2011/1395 – Change of use to B2/B8 mixed use – R and Appeal dismissed

15/00959/FUL – Use of land as agricultural contractors yard and associated machinery and storage and distribution of hay and other feed stocks – Withdrawn

19/10383/VAR – Relax condition 1 of p.a.S/2000/1242 to allow another operator to use the premises – A/C

5. The Proposal

This application, which is a Full application, proposes to phase out the lime processing, storage and distribution that has historically taken place on the site and replace it with the processing, storage and distribution of a range of soils to the horticultural and leisure sectors. The applicants currently operate a similar facility on the edge of the New Forest in New Milton.

The proposed new operation will make use of the existing substantial building on the site for part of its operation, and will require another large building to accommodate the bagging and storage of the finished product (with a 18m by 15m approx. footprint). The use is similar in nature to the existing operation in that natural materials are brought onto the site in large quantities, which are then processed into a different material for use in horticulture and leisure uses such as golf courses, and then taken off site for use.

The application states that:-

“The range will include soils from screened and sterilised loam blended with sharp sand and some enhanced organic matter and a variety of different soils and composts, such as for bedding plants and potting, which are used to improve water and fertiliser retention properties of garden and greenhouse soils. Additionally, products for dressing and maintenance of sports fields including cricket pitches, bowling greens and tennis courts. Other products are for planting and mulching and are designed specifically, for example, for growing plants in containers or for trees and shrubs.

Processing

3.3 The soil must be sterilised to produce a healthy growing medium excluding pathogenic bacteria, seeds, larvae etc. This is achieved by heating in a rotary drum. The soil drying process is fed by means of a wheeled shovel loader which drops unprocessed material in to feed hopper, which drops on to a conveyor. The conveyor transports the feed stock to the dryer unit which is a large, cylindrical, rotating drum. The output of the dryer is then fed on to another conveyor which transports the product to various points to be graded and deposited.

3.4 The heat is provided by a gas fired boiler, which has an associated external gas tank. The process is an environmentally friendly method of disinfecting all types of growing media. It protects the natural biological balance of the growing medium and doesn't leave any toxic residue in the soil and anything grown in it will benefit from improved yield and quality.

3.5 The dryer will be operated in a building which will also contain a number of bays for the storage of materials and a production screen. This separates the materials according to size with smaller elements being separated first and oversized residuals being dropped at the end. A small fork lift and two loaders will move material on site and load the lorries.

3.6 An external bay 6mx10m, with concrete base and sleeper walls is proposed for external sand storage. A mobile outside the building will have a three-sided enclosure constructed of concrete blocks will also act as a ramp for its loading as well as an acoustic barrier.

Storage

The products are bagged for wholesale, not directly to the public, normally either 25kg bags on pallets or 1 tonne bags are used as they can easily be transferred onto vehicles for removal in site. Where feasible storage of the products will be within the buildings to maintain quality.

External storage of the incoming materials will replicate the lime storage on site.

3.8 The only change to the site will be the addition of a 20m x40m building, 4.5m to the eaves which will accommodate the bagging operation and stores. The building design and location can be seen on drawings accompanying this application and it has been designed and sited to reduce any impact in the wider landscape.

Import and Export

3.9 Currently the site imports limestone and exports lime for agricultural benefit. The proposed change of use will import soils and washed sands. A small percentage of organic matter, such as tree bark and other additives such as fertiliser will also be included.

3.10 The existing wheel-wash and weighbridge on site will be refurbished and brought into use. All vehicles exiting the yard will be instructed to clean their wheels if necessary, to prevent track out onto the road. The existing access will be used.

3.11 The products are utilised by a range of sectors, primarily horticulture and leisure, therefore the proximity to the A36 is beneficial for the export and import. The export will be primarily bagged products, although a unbagged load could be sold if the order was sufficiently large.

Employment

3.12 The process will employ 4 or 5 people directly and indirectly support others through the supply of raw materials and distribution of the products. These will all be new jobs.

3.13 The facilities on site will be upgraded with a new portacabin type building that will provide an office and a mess/canteen for the staff."

The information submitted in support of the application goes on to state that:

"The proposal will not require any significant changes to the yard, with the additional store being of a scale that doesn't materially change the nature of the site when considered against the buildings already within it. Primarily there will be refurbishment of the facilities and improvement of infrastructure, such as the wheel-wash and weighbridge. The existing open space and buildings will be utilised for the processing equipment and storage as noted above, in a very similar way to the lime business has been using it for decades."

"The processing hours for the soils are 07.00-18.00 Mon-Fri and 07.00-13.00 Saturdays.

Downward facing lighting will be used only when necessary and only whilst staff are on site."

"The nature of the materials stored outside means that they will be naturally damp and dust is not expected to arise, although will be managed if it should. A dust management system is fitted in the process building.

4.15 The site will manage ~45,000 tonnes of material per year and whenever possible the imported material will be brought in on the same vehicle that will be exporting the product for delivery giving an average of 10 trucks per day, or around one per operational hour. A vehicle will be parked at the site to reduce unnecessary movements to and from the site at the beginning and end of each day.

4.16 The nature of the business is such that it is expected that, unless delivering locally, trucks associated with this proposal will not turn right towards West Grimstead. Access to the strategic road network is in close proximity. Within the site there is adequate room for internal parking and turning of vehicles.

4.17 No changes to site drainage methods are proposed. Surface water is directed to the water capture pit (see site layout plan). The water then soaks away to ground. Any overflow is directed into a drainage sump in the north west corner, this also soaks away to ground."

Clarification about the exact nature of the surface water disposal and any foul drainage has been sought and the agent has commented as follows:

The surface water drainage is not likely to include anything which could be a risk, fuel tanks will be bunded, spill kits are part of normal practice on most sites now. The drainage proposals include two catchment pits that not only act as soakaways, but also collect any suspended soils and settle them out. The soils are simply natural materials as found on surrounding land and probably considerably less risky than limestone which has a high pH.

With regards to foul drainage, in the first instance a portaloo will be provided, they are regularly changed on a contract from the provider, in the longer term the opportunities for alternative such as connection to the sewer or installation of a septic tank could be considered.

Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

NPPF - Paragraph 11 sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Paragraphs 83 and 84 – supporting a prosperous rural economy, with particular reference to para 83 (b) which allows for the development and diversification of agricultural and other land based rural businesses.

Wiltshire Core Strategy:

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP3 - Infrastructure Requirements

CP34 – Additional employment land

CP 35 – Existing employment Sites

CP48 (Supporting Rural Life)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP57 (Ensuring High Quality Design & Space Shaping)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

Salisbury District Local Plan policies (saved by Wiltshire Core Strategy)

E19 – Rural Employment Sites.

C6 – Special Landscape Area

6. Summary of consultation responses

Grimstead Parish Council – Objection

When the original permission was granted the main condition was that if the site ceased for lime production it would revert to agriculture. Increase in traffic would be detrimental to highway safety, noise nuisance to nearby dwellings, and potential detrimental impact on the wildlife habitat.

Comments on amended plans awaited

Alderbury Parish Council – Objection

The application represents an over intensification of the uses of the site that will have a detrimental impact on the environment and local community.

The nature of the operation will give rise to noise, pollution with adverse environmental impacts including possible contamination of watercourses.

The traffic generated by the development will have a detrimental impact on highway safety by virtue of HGV movements on substandard village roads.

Comments on amended plans:

Reiterate previous objection and add concerns that the application is being treated as a brown field development when the previous planning permission required the land to be returned to agriculture when the use ceased.

WC Highways – No objection.

The advantage of the site in this particular location is the proximity to the A36 trunk road. Other than possibly for local deliveries, there is no reason why HGVs would travel through Grimstead and the surrounding villages, this would not be a desirable route for HGVs. There is a weight restriction on Windwhistle Lane which is clearly signed from the A36 and allows enforcement action to be taken if necessary. The typical size of vehicles accessing the site would exceed the weight limit. There is also a height restriction at the railway bridge to the north-east of the site and beyond at Dean Road.

The HGV movements equate to around 2 per hour which is not considered to be significant and it is likely that the same truck will be used for both importing and exporting for efficiency reasons.

Given the weight and height restrictions in place on the local roads and the nature of the rural village roads as an undesirable route for HGVs, together with the proximity of the A36, I do not wish to object to this proposal.

I suggest a condition is applied requiring the provision of a fully functioning wheel-wash facility prior to first use of the site.

WC Public Protection – No objection subject to conditions

WC Ecology – Informal Comments on revised plans/report - No objection to the current development proposal. The consultant ecologists have taken on board the issues that were raised at the time, with subsequent alteration to the planned layout to ensure protection of the Ancient Woodland Priority Habitat on the southern boundary. I am happy that sufficient

regard to biodiversity has been exercised (Formalised comments and conditions will be available at Committee)

7. Publicity

This application was advertised through a site notice. 9 letters of objection were received raising the following issues:

- Previous similar applications have been refused on the site, and the original objections still stand
- The planning conditions on the previous use as a lime yard require the land to revert to agriculture on this use ceasing – this will result in the loss of agricultural land if not adhered to
- The application states that this will be a horticultural use, but surely it is an industrial operation?
- Insufficient information about the details of the application, such as surfacing of the yard, and staff facilities etc
- Impact on the amenities of local residents by way of noise and disturbance, dust from the site and traffic generation. The use of the site in recent times has been dormant and the previous level of noise and disturbance has almost ceased.
- Hours of operation are excessive in this rural location and will impact on the residential amenity of nearby residents.
- Significant concerns about the impact of a greater number of HGVs using the rural lanes, and the physical damage to the highways that are likely as well as highway safety to other road users.
- Concerns that the wheel wash won't be used properly (as was previously the case) with resultant debris over the highway
- The site is adjacent to an area of wildlife importance and there are concerns about the impact of the development on the ecology and biodiversity in the area.
- Lack of detail about facilities on the site, including staff restrooms, drainage, surfacing etc.
- Concerns about dust being produced from the site which will affect neighbours
- The new building is excessive in this rural location
- Concerns about the need for security at the site, with possible light pollution and additional staff on site at all hours adding to the impacts on local residents.

8. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

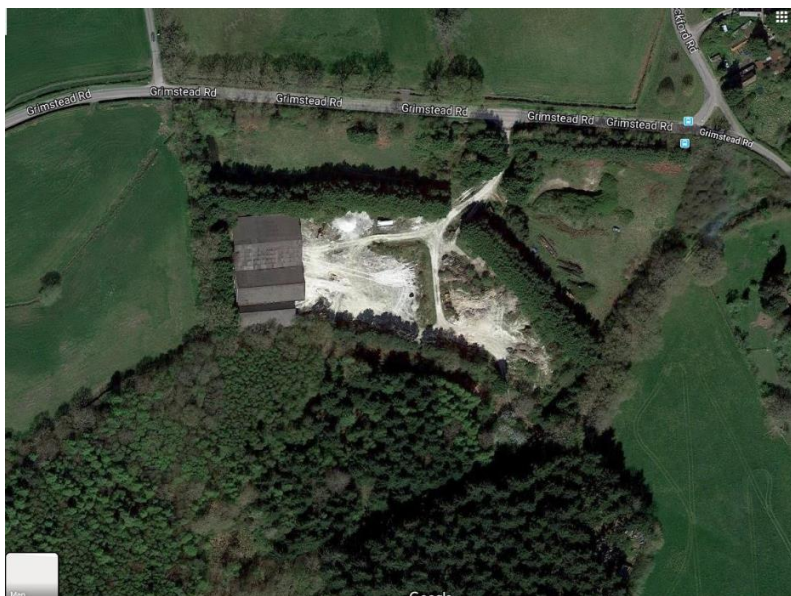
8.1 Principle of development and retention of rural employment

related to the very large buildings which currently exist on the site. The building will be used for the bagging of the finished products and their storage. It has roller shutter doors which can be kept shut during the production process. Other proposals on the site are relatively small in scale, such as the open sided storage area for sand and a portacabin and portaloos for the staff facilities.

It is accepted that the current level of operation of the lime business has decreased over recent years and that there has been little activity or vehicle movements associated with that use. However the 2019 application to allow another operator to use the site does show an indication that the site could be back to production. It should be noted that the site has the appearance of an industrial operation, with large buildings on one side, large areas of stored material within the site and substantial pieces of machinery associated with the lime production. The site currently looks like this:



The aerial photograph (google maps) of the site in 2019 is as follows;



Recent planning history

A previous application S/2011/1395/FUL for the change of use to B2 and B8 use was refused for the following reason:

The 1.6 ha application site lies within a remote countryside location characterised by open farmland, woodland and scattered residential properties; the site and its wider surroundings are designated as a Special Landscape Area. Access to the site is via country lanes, which from the east direction are narrow and windy in places, passing residential properties. The site is presently occupied by a single use comprising an agricultural lime yard where lime is imported, processed (including drying and crushing), and exported. The larger part of the existing use is heaped storage of the lime in both un-processed and processed form on both open and covered parts of the site.

The proposal, which is to allow largely unrestricted Class B2 and Class B8 uses on different parts of the site, would, by reason of the un-specified (but potentially significant) scale of the new development, the unknown (but potentially significant) levels of activity associated with the new development (including in terms of traffic generation on the entire surrounding country lane network), the unknown (but potentially significant) affects of other environmental considerations (including visual impact), and the affects on wildlife interests, would have a detrimental impact on both the amenities of the countryside and the amenities of residents within the locality. This is contrary to Policies G2, C2 and C6 of the Salisbury District Local Plan 2003, and the aims and objectives of PPS7.

This application was subsequently dismissed at appeal (decision attached in full), on the grounds of being detrimental to highway safety and the amenities of residents of a significant B2 and B8 development where there were few proposals to mitigate the impact on the local community or the highway network, or little information as to the nature and scale of the development proposed. The Inspector did, however, state that the existing use was an existing employment use and both local and national planning policies encourage the re-use of such sites in rural areas for employment purposes. It is considered that this previously refused scheme is somewhat different to this current proposal in that the proposed use has been explained in some detail by the applicant (as above), whereas the previously refused scheme was speculative, and provided very generic and limited information which made it difficult to assess its impacts or control the use via planning conditions.

A more recent 2019 permission was approved for the site (which simply adjusted previous conditions from the 1990 and 2000 consents) which imposed the following conditions:

- 1 Upon the company (currently David Lush & Son) or any other subsequent users

ceasing to operate the land in connection with a liming business for a period of one year, the land shall be restored in accordance with a submitted scheme (to include timing of such works and planting) that has been submitted to, and approved in writing by, the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain control over the development.

- 2 *The site shall be used for the parking and storage of agricultural machinery and materials used in connection with an agricultural lime spreading business only and for no other purposes whatsoever (including any other purposes within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment.*

REASON: To enable the Local Planning Authority to retain control over the development.

- 3 *Notwithstanding the provisions of Class A of Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Orders 1977 - 83 and subsequent enactments, there shall be no erection of any structures within the site unless otherwise agreed by the Local Planning Authority upon the submission of a planning application in that behalf.*

REASON: To enable the Local Planning Authority to retain planning control over the development in the interests of visual amenity.

As a consequence, there are currently no hours of operation or other limiting conditions in respect of matters such as noise attenuation on the existing planning permissions for the use of the site, which could therefore re-commence at any time and give rise to substantially more activity than is currently present on the site. This proposal may therefore offer an opportunity to impose some additional restrictions on the use of the site which might benefit amenity.

The current proposal is an activity which requires a significant area of land and buildings on which to operate, due to the volume of materials involved. The application site would allow for the level of activity proposed to be carried on within the existing confines of the land, which as can be seen from the photographs above, is surrounded by a substantial belt of conifers and mixed woodland.

It therefore needs to be considered if the current proposal is an acceptable alternative use in this rural location.

Paragraphs 83 and 84 of the NPPF specifically seek to support a prosperous rural economy, with particular reference to para 83 (b) which allows for the development and diversification of agricultural and other land based rural businesses. Whilst this proposal

is a change from an agricultural related process to a horticulturally based business rather than full farm diversification, it still will support a new business in a rural area.

Policy CP1 of the Wiltshire The Core Strategy classifies West Grimstead as a small village for which there has been no defined boundary and notes at para 4.16 that some modest development may be appropriate if it contributes to a rural community. Policy CP2 notes that proposal for small villages will be supported where they provide employment, but respect the existing character and form of the settlement, don't impose development in a sensitive landscape or consolidate settlement. The change of use at this site does not change the settlement, it does not impose on a sensitive landscape but it does have the potential to provide rural employment opportunities.

Core Policy 3 aims additional employment land and to support the rural way of life through the promotion of appropriate diversification of the rural economy. Specifically, it states: *Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that:..... iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages.*

Core Policy 35 seeks to retain existing employment sites, which this site is as previously developed land. However, this policy is largely aimed at Principal Employment sites, and those employment sites associated with larger settlements. Core Policy 34 is considered to be more relevant. This relates to employment outside the larger settlement, and supports employment uses subject to a number of criteria. In this case, the current proposal is considered to meet the aims of many of the criterion of that policy. Also of relevance is a saved policy from the Salisbury Local Plan E19 Employment in the countryside. This states:

Proposals to redevelop or enlarge existing sites will be permitted within the boundaries of the site if the following criteria are met.

- i. The proposal would result in improved local employment opportunities;*
- ii. the proposal will improve the operational efficiency of the enterprise;*
- iii. there is no suitable alternative building in the immediate locality;*
- iv. there is no adverse impact on the character of the surrounding landscape or biodiversity;*
- v. there is no unacceptable increase in vehicular traffic or additional reliance on the private car;*
- vi. the environment of any nearby dwellings will not be adversely affected.*

Summary

It can be argued that the current proposal meets the above criteria in that it will result in additional employment opportunities as the jobs to be created on this site are all new, the site will operate in a more efficient way than at present, there are no similar facilities in the locality for this type of use, this is a fairly unique site, there will be no adverse impact on the surrounding landscape as the site is currently very well screened, and the scheme has been amended to not impact on the biodiversity in the vicinity. The Highways authority do not object to the scheme on traffic generation grounds and the Environmental Health Officer has no objections, subject to conditions, to the scheme as

having an adverse impact on the amenities of nearby residents. The Council's ecologist also has no objections subject to conditions. A refusal based on the principle of this use would therefore be difficult to justify.

8.2 Neighbouring Amenity and landscape

There have been a number of concerns expressed by third parties about the use of this site. There are existing dwellings to the north and north east of the site. The settlements of West Grimstead and Alderbury are to the north and south respectively.

The application was accompanied by a full Noise Impact Assessment which considered the impacts of the proposed operation on the nearest neighbouring properties.

These operations include soil drying, screening and grading. It is suggested that the various activities on the site would not typically occur for 100% of the proposed operational hours, and that the activities would typically only occur for a few days at a time. Most of the activities would be undertaken within a building: the soil drying and production screening would take place within the existing buildings at the western part of site. Bagging and storage of bagged products would take place in the new building.

Paragraphs 170 and 180 of the NPPF are relevant to this application, and state as follows:

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

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability....."

"180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason..."

The Council's Senior Environmental Health Officer considered the submission from the applicants, and sought clarification of a couple of matters with respect to the noise bund, dust management, and drainage plans. Once these matters were clarified and the submitted plans amended to indicate the additional information, no objection was raised to the application subject to a number of conditions to be attached to any grant of permission to cover hours of operation, the construction and retention of the noise bund, that the doors on the bagging barn are to be kept shut when operations are taking place inside, controlling the level of noise from the site and no work on Sundays or Bank Holidays.

It is therefore suggested that the legitimate concerns of local residents and the Parish Councils with respect to noise and disturbance are dealt with if the conditions suggested are attached to any grant of permission, and are adhered to. Officers again stress that limited conditions are imposed on the current permission for the site, and hence, the

imposition of such additional conditions would tend to be an improvement over the current consent in terms of amenity protection.

The site is not visible from the public highway or from any local resident's garden, and there are no public rights of way in the vicinity of the site. Therefore the scheme will not have a visual impact on any local resident.

The general aims of policy CP57 would therefore be met.

Landscape

The current historic consent on site contains condition 01 (as above), which requests that the site be re-landscaped when the use ceases. Whilst understandable, this site and its use has now been ongoing for a number of decades, and it seems unlikely that any owner would allow the use to be abandoned in a manner which would trigger the re-landscaping requirements of condition 01. Thus, it is officers advice that this proposal be used to impose restrictive conditions on the use of the site.

Because of this well screened location, whilst the site is located within the open countryside of the Special Landscape Area, the proposal being considered would be unlikely to have any further impact on the landscape than the established use of the site, even taking into account the proposed building. Unlikely the existing consent, a landscaping condition can be imposed which aims to retain the established mature planting around the boundaries of the site (where in the applicants ownership). As a result, it is considered that the proposal would not have an adverse impact on the landscape, in accordance with the aims of policy CP51 and saved policy C6.

As a result, particular as conditions can be imposed which would improve upon the level of protection provided to amenity, it is considered that a refusal of the proposal on amenity and landscape impact grounds would be difficult to justify.

8.3 Highway safety

The Highways Officer required additional information from the applicant in order to fully appreciate the impacts of the proposal on the highway network and on highway safety in the area.

The questions related to the number of vehicle movements per hour, the nature of the vehicles being used, how the level of usage compared with the existing use of the site, whether any other vehicles other than the HGVs will be visiting the site and what route the vehicles will use to access the premises. On the basis of the information received the Highways Officer made the following comment on the application:

The advantage of the site in this particular location is the proximity to the A36 trunk road. Other than possibly for local deliveries, there is no reason why HGVs would travel through Grimstead and the surrounding villages, this would not be a desirable route for HGVs. There is a weight restriction on Windwhistle Lane which is clearly signed from the A36 and allows enforcement action to be taken if necessary. The typical size of vehicles accessing the site would exceed the weight limit. There is also a height restriction at the railway bridge to the north-east of the site and beyond at Dean Road.

The HGV movements equate to around 2 per hour which is not considered to be significant and it is likely that the same truck will be used for both importing and exporting for efficiency reasons.

Given the weight and height restrictions in place on the local roads and the nature of the rural village roads as an undesirable route for HGVs, together with the proximity of the A36, I do not wish to object to this proposal.

I suggest a condition is applied requiring the provision of a fully functioning wheel-wash facility prior to first use of the site.

The concerns of local residents and the two adjacent Parish Councils are addressed by the Highways Officers comments on the application and with the necessary condition regarding the wheel washing facility it is considered that the proposal will not give rise to a problem with highway safety. The refusal of this scheme on highway safety grounds may therefore be difficult to justify.

Members will be aware that the appended 2011 appeal decision went against a similarly positive response from the Council's Highways officer, and refused the 2011 scheme partly on highways grounds. It is however noted that this appeal decision was based on the very limited information the Inspector had before him at the time regards the 2011 proposal for an undefined B2/B8 use of the site. The Council's Highways officer is fully aware of the 2011 appeal decision and its conclusions regards the local highway impacts of that scheme. However, the Highways officer has confirmed that she maintains her comments regards this current proposal.

8.4 Ecology and drainage impacts

The Council's Ecologist commented on the application that insufficient information had been submitted to consider the impacts of the proposal on the adjacent County Wildlife Site and Ancient Woodland which is Priority Habitat Deciduous Woodland, the River Test Special Area of Conservation (SAC) and the New Forest Recreational buffers. They also considered that the new building would be too close to the edge of the woodland.

Amended plans have been received which show the new building moved further from the boundary and an ecological appraisal has been submitted. The Ecologist's informal comments on the additional information are that a reasonably comprehensive assessment of the site has been undertaken and that mitigation relative to the size and nature of the development and to the ecology of the site is proposed.

The final comments of the Ecologist will be reported to Committee, along with any proposed conditions to be added to the grant of planning permission.

However, the applicants clarification about there being no foul drainage from the site is important as the site lies within the River Test catchment area where Natural England have concerns about additional levels of nitrates entering into the system, leading to adverse impacts on the water quality of sites protected under the Habitats Regulations. If the site were to be connected to the sewer system, or was proposing another method

of foul water disposal, then the development would be required to demonstrate that it was nitrate neutral, but that is not the situation as it stands.

9. Conclusion (The Planning Balance)

The concerns of the third parties have been fully considered, as has the outcome of the previous Inspectors decision.

This planning application proposes the change of use of a site with an existing commercial planning permission that has evolved out of an agricultural enterprise, but which currently has few limitations on its level of usage other than the site should be restored if the use ceases. This proposal therefore offers an opportunity to better restrict the operations carried out on this site, whilst providing a continued employment use in compliance with the aims of Core Policy 34 and saved policy E19 in particular.

In officers opinion there would be no more impact on the wider landscape of the countryside than the existing historic use. The Council's Highways, Environmental Health, and Ecology team are content that the development will not have an adverse impact on the amenities of the surrounding area, will not cause a highway danger or impact on ecology. Consequently, the scheme will not have an adverse impact on the biodiversity of the area, subject to necessary conditions. As a result, a refusal of this scheme based on those matters would be difficult to justify. The proposal would therefore comply with other Council policies such as CP 50,51,52, 57.

It is therefore concluded that the proposal complies with both local and national policy in that it seeks to re-use an existing rural employment site without having an adverse impact on the local environment to provide for a rural enterprise.

RECOMMENDATION: APPROVE, subject to the following conditions:

1) Full Planning Permission – commencement in 3 years

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) Approved plans

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

Site Layout Plan – Drawing No. WG-SITELAYOUT dated 26.08.20 received on 13th May 2021

Proposed Ground Floor Plan, elevations and perspectives – received 13th May 2021.

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

3) Approval of materials

No development shall commence on site above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4) Details of staff canteen/office

The development hereby permitted shall not be brought into use unless and until details of the staff canteen/office building have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area.

5) RESTRICT TO (SPECIFIED) USE

The site shall be used for the storage, processing and distribution of horticultural products only and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

6) The proposed toilet facilities shall not be connected to the foul sewer or any other means of disposal of sewerage other than a temporary structure which is to be emptied on a regular basis by an approved contractor.

REASON: to ensure that no additional nitrates enters the River Test SAC catchment area.

7) Details of external lighting

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and

approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, including the biodiversity of the area, and to minimise unnecessary light spillage above and outside the development site.

8) Prior to the first use of the operation hereby approved, a fully -functioning wheel wash facility shall be provided, and shall thereafter be retained in full working order.

REASON: To ensure that no debris from the site enter onto the public highway, in the interests of highway safety.

9) The use hereby permitted shall only take place between the hours of 07:00 in the morning and 18:00 in the evening. from Mondays to Fridays and between 07:00 and 13:00 on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays

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

10) Before the use hereby approved is brought into use the 30m long 3m high sound attenuation bund located in the position identified on the approved site layout plan shall be constructed and maintained in that position in perpetuity.

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

11) Dust management will be carried out at all times in accordance with the Dust Management Strategy Plan v1.0 dated 09.02.2021.

REASON: To ensure the creation/retention of an environment free from intrusive levels of dust in the interests of the amenity of the area.

12) The roller shutter doors to the bagging barn will remain closed at all times when operations are taking place inside.

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

13) The site shall be designed and operated so that the rated level of noise from the site shall not exceed 1dB above background (LA90) at the boundary of the nearest residential noise-sensitive receptors when assessed in accordance with the methods of BS4142:2014+A12019. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

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

14) No construction or demolition work shall take place on Sundays or Public Holidays or

outside of the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

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

15) No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

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

16) The established existing planting/landscaping around the perimeter of the site (within the red line of the application) shall be retained in perpetuity. If within 10 years of this consent, the existing landscaping/planting dies or is otherwise removed, a scheme of replanting shall be submitted to the Local Planning Authority, and replanting shall be carried out in accordance with the agreed scheme.

REASON: In the interests of visual amenity to screen the site from the surrounding landscape.

17) Any additional conditions proposed by Ecology.

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Appeal Decision

Site visit made on 27 June 2012

by **C J Anstey BA(Hons) DipTP DipLA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 July 2012

Appeal Ref: APP/Y3940/A/12/2170099

The Lime Yards, Crockford Corner, West Grimstead, Salisbury, Wiltshire, SP5 3RH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Lush against the decision of Wiltshire Council.
 - The application Ref S/2011/1395/FULL, dated 15 September 2011, was refused by notice dated 2 February 2012.
 - The development proposed is the change of use of land from lime yard to B2/B8 mixed use with B2 use constrained to the existing crushing plant area.
-

Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect of the proposal on highway safety, the local landscape, wildlife, and the amenities of residents, having regard to the existing use of the site.

Reasons

3. The appeal site, which measures about 1.6 ha in area, lies in the countryside to the west of the village of West Grimstead. The site has been used for over 20 years for the storage, grading and crushing of lime, which is then sold for agricultural purposes. At the western end of the site are a row of substantial steel framed, open-sided sheds used in the processing of the lime. The site is mainly open, uneven and poorly surfaced. There are numerous items of plant and equipment dispersed across the site, although some appear not to have been used recently. At the time of my site visit there were no processes being undertaken on the site.
4. The appeal application is for the change of use of the land from an agricultural lime yard to a B2/B8 mixed use. The B2 (General Industry) use would be located at the western end of the site and would incorporate the existing steel framed buildings. The remainder of the site would be used for B8 (Storage and Distribution).
5. Both local and national planning policies encourage the re-use of existing employment sites and buildings in the countryside for employment purposes. However in order to assess the likely effects of such schemes it is important to have up-to-date and accurate information on existing site usage, as well as

details of the proposal. In this way a comparison can be made of the land use implications of the existing and proposed and whether any additional impact would result.

6. Although much is made of the fallback position for the appellant (i.e. the existing use of the site as a lime yard) there is limited information as to the scale and intensity of the existing use of the site. Submissions by local people would suggest that in recent years the use of the site for lime processing has been sporadic and the number of lorry movements limited. Indeed it is stated in the appellant's written submissions that the operations on the site are becoming more limited in their capacity for future use due principally to the increase in transport costs. In view of this it is by no means certain that the existing operation generates, or is likely to generate, the level of traffic movements claimed in the appellant's transport statement of over 70 heavy lorry movements per day at peak operating periods. Even if such levels were to be generated it is likely that this would be on an infrequent basis rather than constantly.
7. To compound the difficulty of making a comparison only limited information is provided as to the nature of the proposal other than it involves the provision of a considerable amount of land for B2 and B8 use (i.e. the appellant's transport survey refers to about 5,000 sq m of B2 use and 11,000 sq m of B8 use). Clearly if permission was granted a large industrial and warehousing/storage site could be established that is likely to be operational throughout the year. Although no additional buildings are proposed at this stage in the event that the appeal is allowed subsequent applications for buildings related to B2 and B8 uses would be difficult to resist, subject to acceptable design and layout. Given the uneven nature of the ground across the site and the poor state of the existing surface it is also likely that the site would have to be suitably levelled and hard-surfaced to facilitate the intended uses. Such an improved site would appeal to a variety of operators and in turn could generate high levels of traffic, including large commercial vehicles, vans, and cars, throughout the working day. In my view the traffic generated by the proposal could be significantly more and of a different type than that generated by, or likely to be generated, by the existing use.
8. I do not consider that the rural lanes in the local area, including those through West Grimstead are suitable for carrying the likely additional traffic flows through the day that could occur if the development was allowed. The lanes to the east are generally narrow, twisting and often lack proper footways. Consequently there is the real possibility of conflict between traffic generated by the proposal and other vehicles, cyclists, horse-riders and pedestrians. Although I am aware that the railway bridge prevents certain heavy lorry movements this would not prevent vans and cars using this particular route. Furthermore there are other routes available through the village that would not be so restricted. I do not believe that the proposed alterations to the site access and a Traffic Management Plan would guarantee that all vehicles, including vans and cars, would only use the lanes to the west of the site. I am mindful that the Highway Authority is not opposed to the scheme on highway safety grounds but this does not alter my view that unacceptable harm could occur.
9. The Council is also concerned about the impact on the local landscape, wildlife and the amenities of local residents. I accept that given the substantial tree-

belts around the site that the appeal development, subject to appropriate conditions is unlikely to detract visually from the appearance of the Special Landscape Area. The appellant's Extended Phase 1 Habitat Survey demonstrates that provided the various habitats and areas of vegetation across the site are retained and various mitigation measures introduced wildlife would not be prejudiced. As regards the impact on those living in the area I am concerned that certain B2 uses could frequently generate higher levels of noise and disturbance than the existing use of the site. Although the nearest dwellings are some distance away in the absence of any information as to the intended B2 usage unacceptable noise disturbance for those residing in the area cannot be ruled out. Noise from the additional traffic likely to be generated by the proposal would cause further disturbance for those living nearby

10. I conclude, therefore, on the main issue that the proposal is likely to be detrimental to highway safety and the amenities of residents. Consequently the scheme is in conflict with the objectives of *Policies G2* and *E19* of the *Salisbury District Local Plan* which seek to ensure, amongst other things, that new development does not compromise highway safety or the living conditions of local residents. These findings constitute compelling grounds for dismissing the appeal. None of the other matters raised outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector

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REPORT OUTLINE FOR AREA PLANNING COMMITTEE

Report No.

Date of Meeting	24 June 2021
Application Number	PL/2021/03958
Site Address	29 and 29A Brown Street Salisbury SP1 2AS
Proposal	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”)
Applicant	Newbury Pension Scheme
Town/Parish Council	SALISBURY CITY
Electoral Division	Salisbury St Edmund’s - Cllr Paul Sample
Grid Ref	
Type of application	Full Planning
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

At the request of the elected member Cllr Paul Sample due to location of the site being within close earshot of Charter Court and Gigant Street where residents have expressed concerns about the use of amplified music, lighting and preservation of the quiet hours between 2300 and 0700.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be approved subject to conditions.

2. Report Summary

The main issues to consider are:

1. Demolition of the existing building and impact on the Conservation Area
2. Principle of the proposed use
3. Impact on residential amenity and noise/disturbance

3. Site Description

The application site lies within an urban, built up part of Salisbury city which includes a mix of commercial and residential land uses. The site itself, numbered 29A Brown Street, is developed with a single storey building which brick façade and asbestos roof, being constructed in the 1940's (approximately), and last used by the Alzheimer's Society charity. To each side of the building are timber gates and alley ways which provide access to the building behind, No. 29 Brown Street, also known as Sarum 76. During the course of the consideration of the current application, the building, other than its frontage wall, and the timber gates to each side have been demolished. The photograph below shows the building prior to any demolition works with the gated entrance to the Vision nightclub to the right-hand side and 29 Brown Street behind.



Immediately to the north of the site is the blank brick wall of a large building occupied by a vehicle parts and servicing centre, 'Motabitz'. Immediately to the south of the site is a further blank brick forming the side of Chequers Court, a commercial building comprising offices and consulting rooms. To the rear (east) of the site is part of the nightclub premises (in the same ownership as the applicant site) and on the opposite side of Brown Street to the west is a hotel, which includes an outdoor courtyard dining area, and Brown Street car park. Residential development at Charter Court is located to the south east, off Gigant Street (redevelopment of former brewery site).

The building at 29 Brown Street is internally linked to The Chapel Nightclub and Vestry Bar (34 Milford Street), both Grade II Listed Buildings, via a large extension over a courtyard which forms part of the nightclub. The plan extract below shows the relationship of 29A Brown Street to the Club fronting Milford Street.



The site lies within the Salisbury Conservation Area. The extract map below shows the relationship of the site to listed buildings hatched in black.



4. Planning History

No planning history for the subject building has been identified.

Various permissions relating to the adjacent building, No 29 Brown Street, are identified as follows:

S/1999/1025 - ERECTION OF 1.2M SATELLITE DISH ON SIDE OF BUILDING

S/2000/0925 - ALTERATIONS TO EXISTING NIGHTCLUB TO ALLOW FIRST FLOOR ACCESS FOR SEATING/DINING ROOM WITH NEW ROOF ABOVE TOGETHER WITH EXTENSION OF NIGHTCLUB ACTIVITIES TO REAR INCORPORATING ENTRANCE TO BROWN STREET

S/2003/1966 - PROPOSED ALTERATIONS TO BOTTOM OF STAIRS ADJ. TO ORGAN IN THE CHAPEL

Permissions relating to The Chapel Nightclub (34 Milford Street) excluding land at 29 and 29A Brown Street are identified as follows:

S/2000/1037 - ALTERATIONS AND FIRST FLOOR EXTENSION

S/2004/0735 - REMOVAL AND REFIXING OF PROJECTING LIGHT FITTING TO BELOW STONE DECORATIVE FEATURE. RELOCATION OF SIGN BOARDS TO POSTS IN FAR COURT. ENLARGEMENT OF VENTS

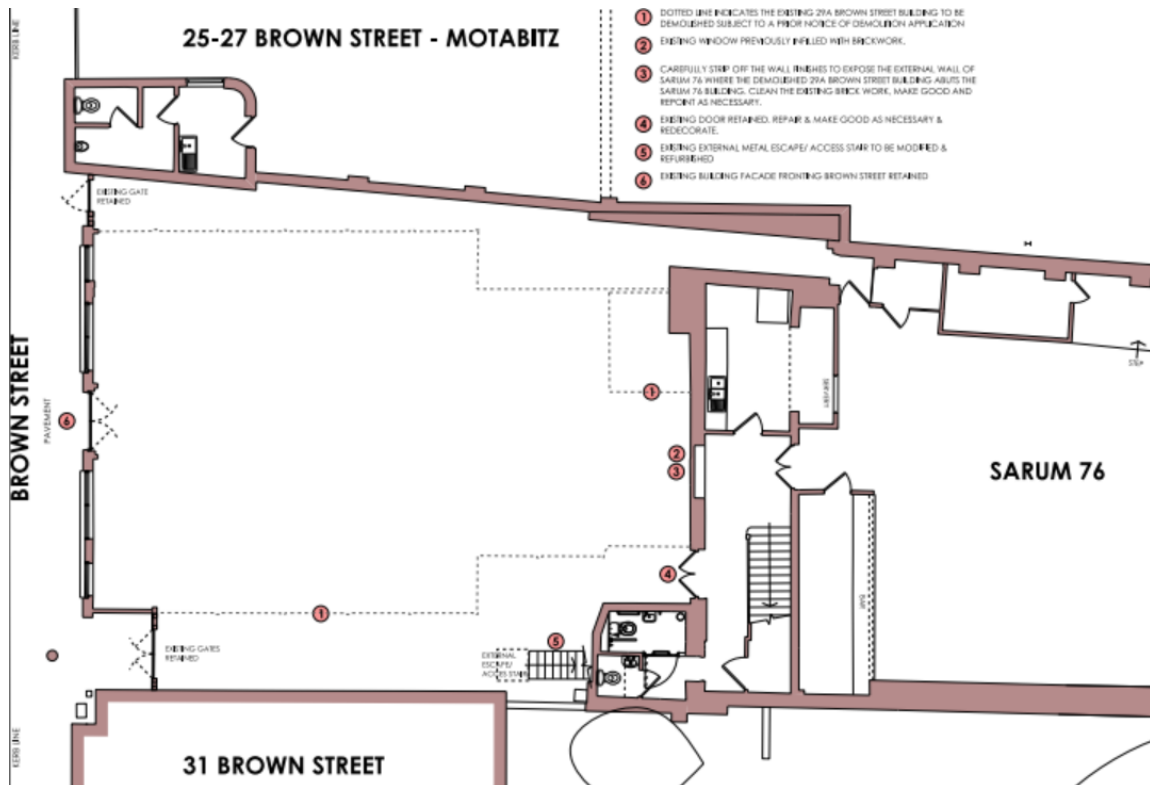
S/2007/0992 - INTERNAL AND EXTERNAL ALTERATIONS

S/2009/1168 - PROPOSED FIRST FLOOR EXTENSION AND ALTERATIONS TO PROVIDE CASINO, PRIVATE DINING ROOM, BAR, MALE AND FEMALE TOILETS

S/2009/1169 – LISTED BUILDING CONSENT - PROPOSED FIRST FLOOR EXTENSION AND ALTERATIONS TO PROVIDE CASINO, PRIVATE DINING ROOM, BAR, MALE AND FEMALE TOILETS

5. The Proposal

The proposal is for the demolition of the existing single storey building at 29A Brown Street and use of the land created as an outside hospitality area, together with front boundary treatment comprising the retention of the frontage wall of the existing building. This replaces the railings and gate detailing which was originally proposed.



Site Plan as proposed



Elevation plan as proposed (revised detailing)

6. Local Planning Policy

Planning (Listed Building and Conservation Areas) Act 1990

Section 72: General duties of planning authorities

Wiltshire Core Strategy (2015)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 20 – Spatial Strategy for the Salisbury Community Area

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

Core Policy 69 - (Protection of the River Avon SAC)

Salisbury District Local Plan (2003)

National Planning Policy Framework 2019

In particular: Section 4 (decision making); Section 11 (making effective use of land); Section 12 (achieving well- designed places); Section 16 (conserving and enhancing the historic environment)

Government Planning Practice Guidance

Salisbury City Conservation Area Appraisal and Management Plan

National Design Guide (September 2019)

Habitat Regulations 2017

7. Summary of consultation responses

Salisbury City Council –

- No comment

WC Conservation –

- I'm satisfied with the agent's comments regarding the heritage interest of the site and consideration of the CA and setting of nearby LBs, this provides the necessary information.
- The amended plans are an improvement, although still not especially reflecting or continuing the character of the gates.
- I wonder if the railings would look better with a double strip along the top that is aligned with and incorporates a similar curl detail to the gates?

Updated response:

- I understand that the proposals have been amended so that the front elevation of the Alzheimer's Society building will be retained, and there will be no replacement railings and gates.
- I am satisfied that this would preserve the character of the CA and would have no adverse impact on the setting of any listed buildings.
- I have no particular conditions in mind; if they intend to reglaze the frontage, or to install signage, then these may require consent, depending on the details.

WC Public Protection –

- I have given this some thought and recommend the following conditions are applied to any approval:
 - The use hereby permitted shall only take place between the hours of 11am and midnight daily.
 - Amplified music will not be played on the development site after 2300hrs.

8. Publicity

The application was publicised by newspaper advertisement, site notice and neighbour notification to properties immediately adjacent to the site. A total of 14 representations had been received in objection to the proposal at the time of writing the report.

Comments are summarised as follows:

- Demolition has already taken place
- Venue has opened before planning permission granted - egregious conduct
- Building should be reinstated
- Why has this been allowed to happen without full consent/unlawfully?
- Is the property not within a Conservation Area?
- Residents already blighted by noise pollution from Chapel Nightclub in early hours
- Open air venue will increase noise pollution, nuisance and anti-social behaviour
- Outdoor music events in Market Square means noise from late after until 3 am
- Additional venue in residential area is not wanted or needed
- It would create an unbearable living environment
- Nightlife and urban, residential regeneration does not sit well
- The proposal is a material change of use
- Full examination of potential noise and nuisance to residents needs to be undertaken
- There are enough hospitality areas in the centre of Salisbury

- More beneficial to turn area into an open/green space to be used and enjoyed by residents who do not have a garden of their own
- Charter Court Management has no issue with the demolition of a building which was unattractive and without either historic or architectural importance
- “Existing hospitality use” (section 9 of the planning application) is The Chapel nightclub at 34 Milford Street, Salisbury SP1 2AP, which was established in 1997
- This predates the Charter Court Estate which was built between 2000 and 2001
- Charter Court residents have suffered noise problems at night which the club has taken steps to alleviate through soundproofing
- The proposed business at 29 and 29a Brown Street is a new hospitality venture not “external space in association with existing hospitality use”
- Salisbury Journal (published online on 27 April 2021) refers to it as “a new establishment to be called Brown Street”
- This is a separate open-air venue with “three street food caterers and a platform for live music and DJs” not an integral part of The Chapel
- Opening hours would be 11am to 11pm (initially it would be 4pm to 11pm on weekdays)
- This is a substantial new venture not an extension of existing hospitality use
- The nearest residents in Charter Court are 35 metres from the new venue, all are within earshot
- Loud music will be played outside
- The smell from street food and noise from drinkers at an earlier time of day than the night club’s current opening hours will be a major nuisance to residents
- The proposed use of the land is an integral part of this planning application which requires planning permission, not just demolition/gates
- Concerns about noise and smell should be taken into account
- The scheme should either be rejected or subject to strict controls to minimise nuisance
- We appreciate that licencing is the responsibility of a separate department at Wiltshire Council but feel it should be mentioned
- The applicant stated that The Chapel has a Pavement Licence valid until September 2022 which would enable the night club to operate ‘Brown Street’
- Pavement Licences are issued for public highways and pavements, not privately-owned land
- If such a licence has been issued it is not relevant to the ‘Brown Street’ project
- The Chapel would have to apply for a new premises licence
- An open air area for late night revellers
- Numerous complaints/calls to police to control loud/drunken behaviour in this area
- Barnard St/Gigant St/Trinity St vicinity has one of the highest police call outs in the area
- We are obliged to live with noise and inconvenience at present, which the police do their best to control, this new venue will merely exacerbate the situation
- The occupants of nearby properties are entitled to enjoy peace and quiet in the evenings - this will not be possible with a loud open-air entertainment venue
- Will cause unnecessary stress to those living/working nearby

- Residents deserve better than a late night venue on their doorstep
- There are many empty buildings in Salisbury which could be used to provide valuable and needed services to the young
- The site is directly opposite and overlooked by hotel bedrooms
- There is no mitigation for increased levels of noise and disturbance on residents staying in the hotel during evening/late operation of this proposed area
- Both long-term and short-term residents have a reasonable expectation of acceptable levels of noise pollution
- Exponential increase in noise levels
- Impact on visual amenity
- Hotel guests would not expect to oversee a recently installed beer style garden
- Concerns for highway safety from increased footfall onto Brown Street especially at closing of the late-night venue
- At the close of business, the seating capacity would theoretically allow one hundred plus people to spill directly onto Brown Street
- Wire gates and decorative walls will not reduce noise of over 100 additional seats for people to sit, drink and become louder
- Fail to see how increasing the level of late-night noise is acceptable.
- Regeneration of the City should not come as a highly visible late night noise generator Will increase the likelihood of accidents on Brown Street as people leave late at night
- The application is obviously a “stand alone“ request - by definition a Night Club only operates in the late evening
- Further permission will be required to include change of use
- Proposal will extend the area blighted by night time noise away from Milford St
- Many more residential properties will be affected
- It will be joined with the Chapel and there will be mingling of both clientele
- The presence of a DJ will ensure that every night will become 'party night'
- Residents who came to live in the area never appreciated the nuisance the Chapel already produces
- Local residents are mainly, if not all, pensioners
- Local residents will suffer further inconvenience and sleepless nights
- Surely this application is only to take advantage of current, short-term government guidance
- The night club will continue to have early morning, outdoor, extremely loud and drunk people causing distress to nearby and elderly residents
- Residents have had to suffer unreasonable levels of noise and disruption from late night revelry and anti-social behaviour from the customers of The Chapel
- The proposed “extension” named “Brown Street” can only increase these levels to unacceptable proportions
- Food take-aways are already prolific in nearby Milford Street
- Early morning walkers - residents and visitors - already have to face dirty pavements, discarded food and human detritus strewn around
- Object to loud music going on into the early hours
- Revellers leaving The Chapel have no consideration for people living in the area
- I dread the reopening of the nightclub

- Club goers use Gigant Street as a route to the southern area of the city with no concern for local residents
- The noise from the proposed Brown Street outdoor area, music playing and link into the Chapel will without any doubt be heard within the ring road

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

9.1 Demolition of Existing Building and Impact on the Conservation Area

The existing red-brick building which occupied the site until its recent demolition was previously occupied by a charity and known as the 'Alzheimer's Society building' or 'Eventide Centre'. Historic mapping indicates that the building was built between 1936 and 1953-4. The building is unlisted but lies within the Conservation Area. Gated alleyways to each side of the building have historically been used as access/egress from the late-night venue within the building behind the Alzheimer's Society building, most recently known as 'Vision' nightclub. This venue is in the same ownership as The Chapel Nightclub and The Vestry which both front onto Milford Street as well as the building at No. 29 Brown Street (also known as Sarum 76) and there is internal access between each of the venues. The photograph earlier in the report in the Site Description shows the building prior to the commencement of demolition works and the existing gate to the Vision venue. The photograph below shows the inside of the gated entrance from the club and part of the retained from wall and floor.



Prior to the submission of the current application, the applicant applied for a prior notification for the demolition of the existing building. Permission under the prior

notification procedure was refused due to the building being a 'relevant building' within the Conservation Area. This was a procedural decision rather than a decision to refuse the demolition on its merits, the applicant states that she received advice from another department within Wiltshire Council that a demolition notice would be the correct process to follow and this led to delays in the submission of a full planning application, which is the application now under consideration.

Due to the time delays experienced and on the basis that this part of the proposal receiving no objection in principle to the demolition from the Council's Conservation Officer, subject to agreement of detailing to the street elevation, the applicant proceeded with the demolition of the building other than the frontage onto Brown Street. Objections have been received in respect of the timing of the demolition of the building although no objections with regard to the loss of the building. Officers have advised the applicant that undertaking such works without the necessary permission are carried out at their own risk. However, as a valid application had already been submitted, the LPA is not in a position to consider any enforcement action pending the outcome of this application. The decision whether to allow permission must be judged on its merits. The timing of the building being demolished prior to the determination of the application is immaterial to the acceptability of the proposal.

The site is within the Salisbury Conservation Area consideration is required to be had to the impact of the proposed demolition of the building on this designated heritage asset. The Brown Street frontage is not physically related to any identified listed buildings although part of the Grade II listed Red Lion Hotel which fronts onto Milford Street also has a frontage onto Brown Street on the opposite side of the highway to the application site. It is considered that the development proposal would not have any impact on the setting of listed buildings due to the distance and separation.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF (Section 16) states at :

Paragraph 193, 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 and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195, where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196, where a development proposal will 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, where appropriate, securing its optimum viable use.

Paragraph 200, Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Core Policy CP58 (Ensuring the Protection of the Historic Environment) of the adopted WCS indicates that development should protect, conserve and where possible enhance the historic environment and designated heritage assets and their settings should be conserved, and where appropriate enhanced in a manner appropriate to their significance.

Taking into account the age, structure and appearance of the existing building and on the basis of the expert advice of the Council's Conservation Officer, it is considered that there are no grounds to consider that the loss of the building at No. 29A Brown Street would cause harm to the character and appearance of the Conservation Area. The removal of the building also has the benefit of revealing more of the more historically significant building behind (No. 29). Accordingly there is no basis to not permit the principle of the demolition of the building on heritage grounds, however this is subject to the consideration of any proposed building works, including the means of enclosure, providing an acceptable feature within the streetscene taking into account the relationship with adjoining buildings and impact on the character and appearance of the area.

The original plans submitted with the scheme showed that the frontage of the building would be replaced by metal railings and gate, providing an enclosure of the site but enhanced visibility of No. 29 Brown Street, which was previously obscured by the presence of No. 29 A. During the consideration of the application, the majority of the building has been removed but the red brick frontage of the building has been retained. The applicant has advised that it is now the intention to retain the existing front wall of the building rather than remove this wall and install new railings. Revised plans detailing the retention of the front wall have been provided and it has been agreed to amend the description of development which previously referred to the provision of gates and railings. Comments have been sought from the Council's Conservation Officer who is satisfied that this would preserve the character of the CA and would have no adverse impact on the setting of any listed buildings. No conditions are

recommended, however it is noted that if it is intended to reglaze the frontage, or to install signage, then these elements may require consent, depending on the details.

Having regard to local and national planning policy and Section 72 of the P(LBaCA) Act, as referred to above, it is considered that the proposed physical works associated with the change of use will have no material impact or harm to the character and appearance of the Conservation Area.

9.2 Principle of the Proposed Use

As a result of the demolition, an outdoor space is to be created and the second part of the description of development relates to the proposed use of land as a 'hospitality area'. This will include tables and chairs for the consumption of food and drink which would form part of the proposed use but are not development within the definition of the 1990 Town and Country Planning Act.

Wiltshire Core Policy 1 (Settlement Strategy) identifies settlements where sustainable development will take place. Salisbury is categorised as a 'Principal Settlement', which is a strategically important centre and the primary focus of development. Core Policy 2 (Delivery Strategy) states that a more detailed distribution is set out in the Community Area Strategies and development proposals should also be in general conformity with these. Core Policy 2 includes the following statement:

"...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..."

The description of development originally given was for the "demolition of existing building, erection of gates and railings as modification to front facade to facilitate use of land as a hospitality area". Whilst noting the content of third-party representations regarding the use of the land being part of the consideration of this application, officers consider that the original description of development was sufficiently clear to indicate that the proposal was to include the proposed use of land as a hospitality area as well as the demolition and associated operational development as described. However with the need to change the description to include the retention of the front wall instead of new railings, the description of development has been simplified to: "Demolition of existing building with retention of existing façade with minor modifications and use of land as a hospitality area."

The description does not state that the use of the hospitality area would be linked to any specific commercial element of the applicants existing businesses in Brown Street or Milford Street and in planning terms there is no requirement for it to do so. From the information available and provided by the applicant, including the land ownership plan, the proposed use of the space would be related to the existing use of adjoining licenced premises but also proposes a more flexible use that would represent a diversification of the existing business to include a daytime/early evening use as well as the existing night club. The hours of opening of the hospitality area are proposed in the accompanying planning statement as 11 am to 11 pm with some flexibility until midnight requested through discussions with the applicant. From the information provided, there is no

stated intention to seek permission to use the outdoor space for any purpose beyond midnight and into “the early hours” as suggested in a number of third-party representations.

The applicant may need to consider whether or not any future use of the existing building at 29 Brown Street as a mixed use to include nightclub/public house/drinking establishment with food provision (sui generis uses) would constitute a material change of use from a nightclub (also a sui generis use), however this is not included within the scope of the current application which seeks to establish the principle of the demolition, use of land and associated alterations to the site. Any appropriate licensing requirements for an alternative business offer will be dealt with outside of the scope of the planning regime.

The application site lies within an urban, built up part of the city which includes a mix of commercial and residential land uses. Immediately to the north of the site is the blank brick wall of a large building occupied by a vehicle parts and servicing centre, ‘Motabitz’. Immediately to the south of the site is a further blank brick forming the side of Chequers Court, a commercial building comprising offices and consulting rooms. To the rear (east) of the site is the associated nightclub premises and on the opposite side of Brown Street to the west is a hotel, which includes an outdoor courtyard dining area, and Brown Street car park. Residential development at Charter Court is located to the south east, off Gigant Street (redevelopment of former brewery site).

It is acknowledged that the site lies within an area which accommodates residential properties but which also has a strong commercial element including licensed premises. Within a city centre location such as this, it is considered that a hospitality area such as that which would normally be associated with a public house or restaurant would not be out of character or incompatible, in principle, with the range of commercial uses and activities that are present in the immediate and wider locality. Most food and drink establishments incorporate outdoor seating areas where there is the land available to do so. The potential use of the hospitality area in association with existing licensed premises with a late-night licence (“nightclub”) is of significant concern to local residents. However the information provided within the application is that this is not what the application is seeking to achieve.

A third-party representation has suggested that the privately owned land should be used to create a garden/park area for public use, it would not be possible to require a private land owner to provide such a use.

It is concluded that the principle of the proposed land use is an appropriate re-use of this city centre site following demolition of the existing building.

9.3 Impact on Residential Amenity and Noise/Disturbance

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have 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)".

The NPPF at paragraph 127(f) states that the planning system should seek to secure a high-quality design and good standard of amenity for all existing (and future) occupiers of land and buildings. The issue for consideration in this case is the impact of the proposed land use on the amenities of neighbouring residents.

Numerous third-party objections have been received on the impact on the amenity of nearby residents and the local community as a result of the proposed use of the land due to the potential for noise and disturbance to residents late at night as well as food smells. The representations are made by occupiers of Charter Court, which is located off Gigant Street to the south east of No. 29 Brown Street, as well as other addresses in the locality. Not all representations include an address and it is not possible to verify the individual relationship of their properties to the application site. The majority of representations state that their experience of living in this locality is already adversely affected by noise and disturbance from the existing late night venues with many reporting that this has reduced due to the Covid-19 restrictions where premises have been closed for significant periods. It is strongly felt by the residents that have commented on the application that the proposed land use would increase noise and disturbance further. However, it is also accepted that the refusal of the current application would not address any pre-existing issues or complaints relating to established drinking establishments.

The submitted documentation states hours of use as 11 am to 11 pm daily although it was requested that the Council consider allowing for the use of the seating area up until midnight as elsewhere in the city centre. The application documents do not propose the use of the land into the early hours of the morning and no request has been made for the LPA to consider the use of land after midnight on any day of the week.

In consideration of the proposal, the Council's Public Protection Officer has not raised any objection in principle to the proposed land use. The following conditions have been recommended in respect of the hours and nature of use which is considered appropriate in this context:

1. The use hereby permitted shall only take place between the hours of 11am and midnight daily.
2. Amplified music will not be played on the development site after 2300hrs

The suggested conditions indicate that in this city centre location, the continuation of the use as a seating area only for one hour beyond 11pm is not considered to represent a noise nuisance having regard to existing night-time activity generated by existing, non-associated premises with the provision that this does not include amplified music. It is considered that with such a condition, the proposed land use would not demonstrably increase the potential for noise impacts on the surrounding area when assessed in the context of the existing evening and night-time activity in the locality and is considered acceptable in principle. The Council's Public Protection Team (EHO) has raised no objection in relation to residential amenity and noise other than to comment on the hours of use and amplified music as set out above.

Given that the application site is within a location where there are established night time venues and associated activity and movement to and from such premises, including food takeaway premises, which objectors to the proposal have confirmed in their representations, it is not considered that the proposed use of land is likely to generate any significantly greater impact on the residential amenity of nearby occupants through

increased levels of noise, disturbance or food smells than already exists (other than during the temporary pandemic conditions). Whilst this proposal would represent a new hospitality area where there was previously a building, it would be difficult for the LPA to argue that the refusal of the use of land would be justified on residential amenity grounds in a city centre location of mixed uses where outdoor 'beer gardens' and terraces and premises serving alcohol and hot foods form a significant and integral part of commercial uses. Similarly, the hotel accommodation on the opposite side of the road incorporates a courtyard seating area including food and drink provision from within the existing premises which would have a similar relationship to guest rooms as the proposed site.

Taking the views of the local residents and the suggested wording of the condition recommended by the Council's Public Protection Officer into account, officers consider that it would be reasonable and justifiable to alter the suggested wording to allow for the hours of use to be 11 am to 11 pm daily (Sundays to Thursdays inclusive) and 11 am to midnight only on Fridays and Saturdays, with no amplified music at any time/day after 11 pm. In terms of the use of the site itself, this would preserve the standard quiet hours between 11 pm and 7 am with the exception of 2 days each week at weekends. Subject to this condition it is not considered that the proposal would demonstrably harm the amenities of local residents or hotel guests given the city centre location of the site and the context for existing commercial activity. The proposed activities may also require a new licence which would be dealt with separately to the planning regime.

10. Conclusion (The Planning Balance)

In the planning balance, the principle of the demolition of the existing building is acceptable having regard to the neutral to positive impact that the removal of the building would have on the character and appearance of the Conservation Area and opening up views of No. 29 Brown Street. The retention of the front wall as a means of enclose on the front boundary along Brown Street is also acceptable having regard to the interests of preserving the character and appearance of the Conservation Area. The principle of the proposed land use as a hospitality area is also considered acceptable having regard to the location of the site where such a use would not be out of character or incompatible with commercial uses within the city centre, with due regard to the proximity to residential properties, conditions limiting the hours of use would be necessary in the interests of residential amenity.

Whilst noting the level of objection from local residents, the issues raised are predominantly associated with the impacts of noise and disturbance resulting from established and permitted land uses including the late licence of the adjoining nightclub premises and other bars, drinking and food establishments in the area. As these impacts are reported as being experienced for many years, these impacts cannot be attributable to the current proposal. The suggested hours of use of the proposed hospitality space, which have been recommended by the Council's Public Protection Officer, as amended, would not materially increase impacts on the surroundings given the existing context. The licensing requirements for the proposed use are outside the scope of the planning considerations and will be dealt with separately by the licensing officer as necessary. Comments relating to the demolition of the existing building taking place prior to planning permission being granted are not a reason for refusal of development where the proposed development would be considered acceptable on its merits. It is not within the scope of planning controls to require that a private landowner

makes the space available for the public enjoyment and recreation only. Taking all matters into consideration there are no material considerations which would weigh against the acceptability of the proposal, subject to the conditions set out.

RECOMMENDATION

Approve subject to the following conditions:

- 1 The use 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:

Site Location Plan PP1338/100 P3 dated 25.03.2021
Ground Floor Plan PP1338/101 P3 dated 22.03.2021
Street Elevation PP1338/104 P1 dated 04.06.2021
Site Survey PP1338/DM02 dated 10.03.2021

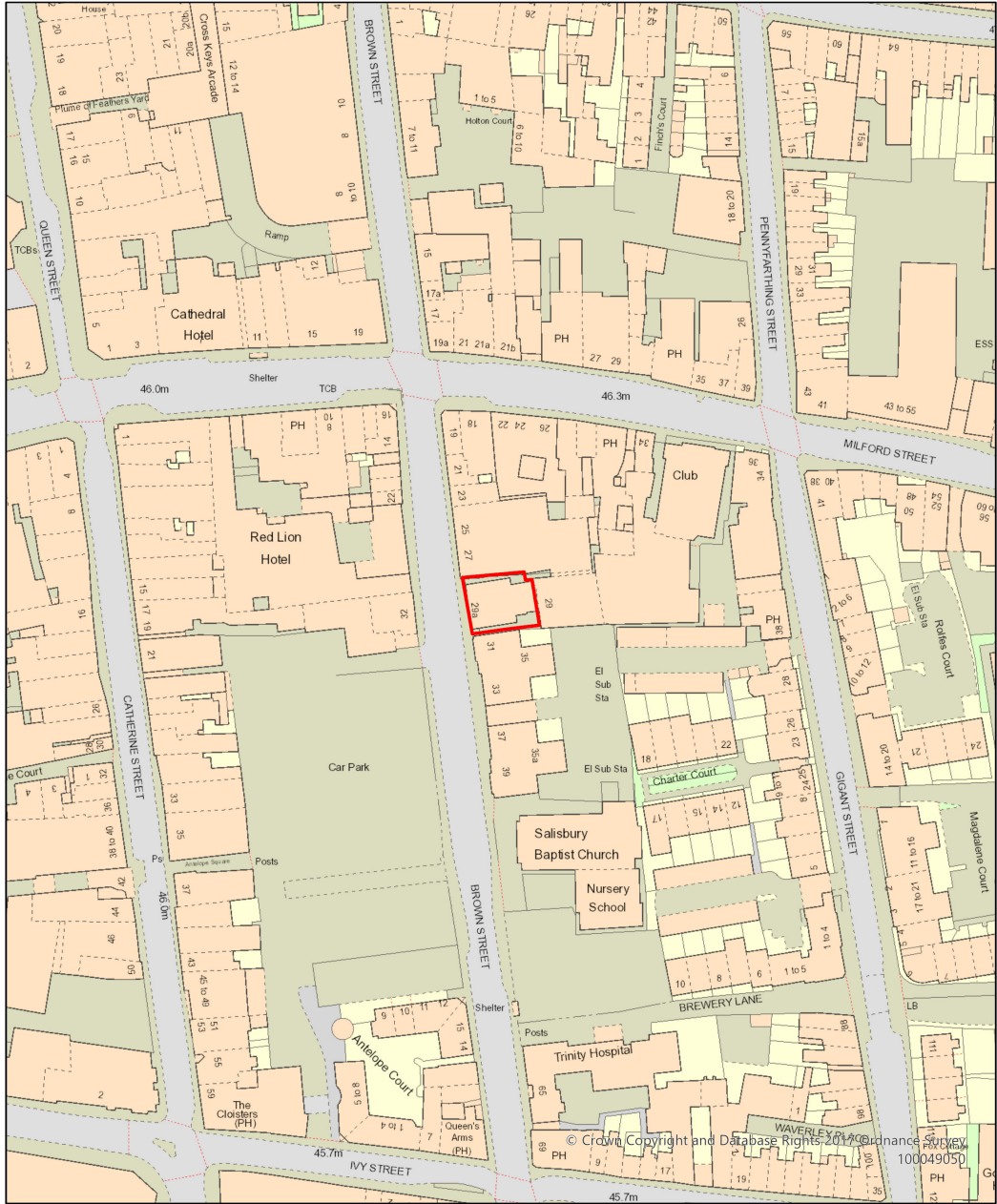
REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The use hereby permitted shall only take place between the hours of 1100 hours and 2300 hours daily and 1100 hours and midnight on Fridays and Saturdays. Amplified music shall not be played on the development site after 2300 hours on any day.

REASON: In the interests of residential amenity.

INFORMATIVES TO APPLICANT:

- The applicant is advised that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
- Any alterations to the approved plans, brought about by compliance with Building Regulations, Licensing or any other reason, and resulting in external alterations to the approved details must first be agreed with the Local Planning Authority before commencement of work.



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