

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 DECEMBER 2019 AT WESSEX ROOM, CORN EXCHANGE, MARKET PLACE, DEVIZES.

Present:

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr James Sheppard and Cllr Jerry Kunkler (Substitute)

Also Present:

Cllr Christopher Williams

66. **Apologies**

Apologies were received from Cllr Richard Gamble and from Cllr Stewart Dobson, who was substituted by Cllr Jerry Kunkler.

67. **Minutes of the Previous Meeting**

The minutes of the meeting held on 7 November 2019 were considered and it was;

Resolved:

To approve and sign the minutes as a true and correct record.

68. **Declarations of Interest**

There were no declarations of interest.

69. **Chairman's Announcements**

There were no announcements.

70. **Public Participation**

The rules on public participation were noted.

71. **Planning Appeals and Updates**

The update on appeals was noted.

72. **Planning Applications**

The following planning application was considered.

73. **19/08556/FUL - 5 Andover Road, Ludgershall, Andover, Wiltshire, SP11 9LU**

Public Participation

Mr Chris Gosling, Agent, spoke in support of the application.

Mr Stig Anderson, spoke in support of the application.

Cllr Owen White of Ludgershall Town Council spoke in objection to the application.

Julie Mitchell, Senior Planning Officer presented a report which recommended that planning permission be granted with conditions for application 19/08556/FUL, 5 Andover Road, Ludgershall, Andover, Wiltshire SP11 9LU, for the change of use of ground floor and basement of the premises from A1 (Retail) to A4 Micropub (drinking establishment) together with new shopfront and associated alterations.

Key details were stated to include the following, the planning history of the site; the principle of development, neighbouring amenity, highway safety issues/parking and visual impact.

Pictures and plans were shown to the meeting.

The site was comprised of a shop unit on the ground floor and a residential unit above. The shop unit was formerly a newsagent, which had last been used in 2017. There were a mix of units on the street. It was explained that the application was for the change of use of the shop unit to A4 micropub (a small drinking establishment) and to maintain the residential unit on the first and second floor, which would be occupied by the manager of the establishment.

The application followed the refusal of an earlier application for the change of use to a micropub (A4 use class) on the grounds that the submitted plans did not adequately demonstrate how the proposed use would be accommodated within the shop unit and impact on nearby residents due to the outdoor area at the rear of the building due to its potential to be used for an outdoor area.

The proposal being considered had a new door arrangement, where the access was changed to a double door and included a very small fenced off area at the back which was to be used for a smoking area for patrons. The current proposal was felt to overcome the previous reasons for refusal.

A number of objections had been received due to the proposed nature of use of the site. These included concerns regarding the consumption of alcohol; noise and anti-social behaviour; a lack of disabled access throughout the building; loss of retail space; road safety issues and parking issues. Some of these objections stated that there was already numerous pubs and shops in

Ludgershall selling alcohol and that there was no need for another location where people could consume alcohol.

The officer stated that there had been no objections to the application from the Highways Authority. It was thought that the change of use of the building would not create more traffic than when it had been used as a retail unit. There was free parking in a public car park nearby. The applicant had worked with the police and had amended the proposed opening hours since the last application. The proposal was now for the Micropub to be open from 12.00pm to 10.00pm Monday to Friday, 12.00pm to 10.30pm on Saturday and 12.00pm to 9.30pm on Sunday. The public protection officer had no objection to these opening hours.

Licensing regulations, building regulations and the proposed conditions (if approved), would cover a lot of the issues people were worried about. The report considered all the factors and the recommendation to the committee was to approve with conditions.

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

The unitary division member, Cllr Chris Williams, spoke in objection to the application. It was stated that this was the second time this application had come before Wiltshire Council and there were still a lot of objections, including from the police. It was felt that these issues had not been addressed. There were highway safety concerns as the unit was on a busy road, with a thin strip of pavement outside. It could be especially busy in the evenings with people parking outside the takeaways. As this was to be a drinking establishment people may be intoxicated which added to the safety concerns. Although there was a public car park this was very often full. It would also be a shame to lose another retail unit in Ludgershall as there were not that many, whilst there were a lot of places to drink.

In response to public statements the officer stated that the disabled access and toilets would be considered under building regulations, alterations could be made if required without the need to alter the planning permission. There was no evidence that this proposal would make the traffic worse, people would have parked outside the site when it was being used as a retail unit.

The Chairman proposed a motion approve the application with conditions, as per the officer recommendation. This was seconded by Cllr Jerry Kunkler.

A debate followed where the following issues were raised.

Some members of the committee felt that the objections had been addressed. The retail unit had been unused for 2 years, it seemed optimistic to think that anyone would want to use the unit for retail now. It was felt that the micropub idea was a good one. Thousands of pubs had shut over the last decade which was a great shame. The formula here was different, a small establishment, with real ales, no music, no food and shorter opening hours, where people could go

to have a conversation and a drink. It would provide a venue for people to go and jobs for the area. Therefore, they would support the application.

Others felt that the issues regarding highway safety and anti-social behaviour had not been addressed and would not support the application.

In response some members stated that when considering the present use of the site (class A1 retail) all the problems detailed with this proposal still applied. There were probably already intoxicated people buying food from the takeaways. The operation was constrained by the restricted opening hours, people would not be leaving the establishment when the usual problems with anti-social behaviour occurred. The clientele were likely to be different to those that may attend other establishments in Ludgershall. It was not the committee's role to restrict the number of places selling alcohol, that was not a valid planning reason to refuse permission.

Some of the concerns raised were not planning issues but would rather be addressed by licensing or building regulations. Objectors also seemed to have an automatic assumption of poor behaviour from patrons, this was not an automatic link the committee could make. Small businesses were needed, the proposal would smarten up the parade.

The Shed Alehouse in Pewsey was cited as a similar establishment that had been successful for many years without any problems.

A member stated that the committee had to debate the application in front of them, there was not an application from a retailer in front of them. The application would improve the street scene and market forces would dictate its success. One could not see a valid planning reason for refusal.

At the conclusion of the debate it was;

Resolved:

That planning permission be approved with conditions.

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

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

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

95-560-1 Location Plan April 2019

95-560-2 Existing Floor Plans Aug 2019

95-560-3 Proposed Floor Plans Aug 2019 (Revised Plan received 29 October 2019)

**95-560-4 Existing Elevations Aug 2019
95-560-5 Proposed Elevations Aug 2019**

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

3. The occupation of the dwelling at first/second floor level shall be limited to the owner/manager or person solely or mainly employed in the business operating at the ground floor level of the building.

REASON: In the interests of the amenities of the occupiers of the residential unit due to the nature of the use at ground floor level and shared access and outdoor space of the commercial and residential units.

4. The hours of opening to customers and members of the public shall be limited to 1200 hours to 2200 hours Monday to Friday, 1200 hours to 2230 hours on Saturdays and 1200 hours to 2130 hours on Sundays and Bank 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.

5. No sound-amplifying equipment, loudspeaker, or public address system shall be installed/operated or music played within the premises hereby approved or its curtilage.

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.

6. Details of the material to be used in the infill section below the new shopfront window shall be submitted to and approved in writing by the Local Planning Authority prior to the said works being carried out. Development shall be carried out in accordance with the approved details.

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

7. The screen fences shown on the approved plans shall be erected prior to the premises being first brought into use and shall be retained and maintained as such at all times thereafter.

REASON: To prevent loss of amenity to neighbouring properties.

8. No external lighting shall be installed unless plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light

GN01:2011" have been submitted to and approved in writing by the Local Planning Authority. Any 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.

9. No external ventilation and extraction equipment shall be installed unless plans and full details (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. Any approved ventilation and extraction equipment shall thereafter be maintained in a serviceable condition in accordance with the approved details.

REASON: In the interests of the amenities of the area.

INFORMATIVE TO APPLICANT:

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

74. Urgent items

There were no urgent items.

(Duration of meeting: 3.00 - 3.40 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail tara.shannon@wiltshire.gov.uk

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