

**MINUTES  
of the  
Planning Advisory Committee  
held on Monday 11<sup>th</sup> September 2017 at 7pm  
at the Civic Centre, Sambourne Road, Warminster, BA12 8LB**

**Committee membership:**

Cllr Brett (East)	*	Cllr Jolley (Broadway)	*
Cllr Fraser, Chairman (West)	*	Cllr Macdonald (East)	A
Cllr Fryer (Broadway)	*	Cllr Nicklin (West)	*
Cllr Jeffries Vice Chairman (Copheap)	*		

Key: \* Present    A Apologies    AB Absent

**In attendance:**

Officers: Fiona Fox and Judith Halls

Public and press: 10 members of public, 0 Press

**PC/17/047 Apologies for Absence**

Apologies were received and accepted from Councillors

**PC/17/048 Declarations of Interest**

Councillor Fraser declared an interest in planning application No. 17/07825/FUL saying that it had been submitted by her son so she would not take part in the discussion or vote. Councillor Nicklin declared an interest in planning application No. 17/07825/FUL saying that the architect who drew the plans also worked within his company but he had no discussions with him and was unaware of this application. He would therefore take part in the discussions and vote.

Councillor Fryer declared an interest in planning application No. 17/07711/FUL saying that the applicant was his sons neighbour, he would remain for the discussion but would not take part in the voting.

**PC/17/049 Minutes**

**PC/17/049.1** The minutes of the meeting held on 21<sup>st</sup> August 2017 were approved as a true record and signed by the chairman.

**PC/17/049.2** None.

**PC/17/050 Chairman's Announcements**

Councillor Fraser advised the committee that the wording for the planning application No.'s 17/07825/FUL and 17/08275/LBC had been altered, she would read out the new wording when the application came up for discussion.

*Standing Orders were suspended at 7.05pm to allow for public participation*

**PC/17/051 Public Participation**

**Ian Frostick, Feoffee of the Chapel of St Lawrence**, spoke against planning application No's 17/03839/FUL and 17/04445/LBC. His notes are attached to the minutes.

*Standing Orders were reinstated at 7.10pm*

**PC/17/052 Reports from Unitary Authority Members**

None.

**PC/17/053 Comments from Neighbourhood Plan Policy Review Working Group**

None.

**PC/17/054 Planning Applications**

17/03839/FUL and 17/04445/LBC

Refurbishment of existing frontage building to provide 2 shops with 4 flats above plus new residential development of 5 dwellings and landscaping to the rear. 3 High Street Warminster BA12 9AG

**The members had a lengthy debate about this application. With no obvious amendments to the plans members therefore felt there was nothing there to change their original decision. Councillor Brett wanted it clearly pointed out that this could be burial ground and all work should be done with great empathy. He also had major concerns any new potential residents in the cottages could have issues with the church bells. It should be made clear that they would not be able to challenge the ringing of the bells in the future. Councillor Brett asked for this to be minuted. The members discussed all their concerns including access to the site, ownership of the pathway and drainage issues. They were aware that they had to provide clear planning issues for refusal. Councillor Nicklin proposed refusal of the plans on the grounds of overdevelopment and loss of Heritage both visual and physical, seconded Councillor Jeffries, voting unanimous in favour of refusal.**

17/06356/ADV and 17/06365/LBC

Remove old signage and replace with new : 2 no. hanging signs, 1 no. set of letters, 2 no. flood lights, 1 no. lantern, 2 no. amenity signs, 2 no. disclaimer signs. The Cock Inn, 55 West Street, Warminster, Wiltshire, BA12 8JZ

**It was resolved that there was no objection to the application.**

17/07191/FUL           Erection of single storey conservatory at rear of property. 26 Chestnut Tree Gardens, Warminster, Wiltshire, BA12 8FD

**It was resolved that there was no objection to the application.**

17/07516/FUL           Proposed two storey extension including above existing single storey garage. 36 Gipsy Lane, Warminster, Wiltshire, BA12 9LR

**It was resolved that there was no objection to the application.**

17/07463/FUL           Extension to garage. 75 Deverill Road, Warminster, Wiltshire, BA12 9QL

**The members had concerns over this application, they felt it could be used as living accommodation as it was not attached to the property coupled with the positioning of the doors and windows. Councillor Nicklin proposed acceptance of the plans with the condition that it could not be converted in to accommodation at a later date, seconded Councillor Jeffries, voting unanimous in favour.**

17/07293/FUL           Erection of a single-storey rear extension to create an open plan kitchen diner, new office, utility and upgraded ground floor shower room. 8 Prestbury Drive Warminster Wiltshire BA12 9LB

**It was resolved that there was no objection to the application.**

17/07711/FUL           Proposed replacement porch, alteration to roof, removal of conservatory and construction of rear extension. 11 Beacon View, Warminster, BA12 8HP

**Councillor Brett proposed acceptance of the plans, seconded Councillor Jeffries, voting in favour 5, against Nil, abstentions 1. Motion carried.**

17/07491/FUL and 17/07969/LBC

Replacement of the current C20 replacement pitched roofs to kilns No.3 and 4, with slate covered pyramidal roofs to original design, to match existing to kiln No.1. New dormer entrance to kiln No.4 with new external access staircase, both to the south elevation. Replacement of C20 brickwork and metal fan on south elevation with random rubble to match existing. Re-modelling of C20 door opening at ground level on south elevation to match original details to the rest of the building. Malthouse, 39 Pound Street, Warminster, BA12 8NN

**It was resolved that there was no objection to the application.**

17/07742/FUL           Proposed rear extension and dormer windows. 43 Ludlow Close, Warminster, Wilts, BA12 8BJ

**It was resolved that there was no objection to the application.**

17/07863/FUL           Proposed two storey side extension and single storey rear extension. 99 Victoria Road, Warminster, Wiltshire, BA12 8HD

**Councillor Jolley proposed acceptance of the plans, seconded Councillor Brett, voting in favour 5, against Nil, abstentions 1. Motion carried.**

17/07825/FUL and 17/08275/LBC

Redevelopment of the existing haulage yard to provide a total of 9 residential units as follows: retain the existing house, erect a row of 3 x 3 bed terraced houses, provide access and parking for these 4 houses via Smallbrook Road, demolish existing infill structure between 34 and 40 Boreham Road, convert and extend the existing office to a 1 bed house, erect a 2 bed house attached to No 34 Boreham Road, demolish existing structure in centre of site, erect 3 x 3 bed two storey detached houses in the centre of the site and provide access and parking for these 5 houses via Boreham Road.

**The members were delighted to see these plans before them and were sure all the residents in the area would be pleased. It was resolved that there was no objection to the application.**

17/07987/FUL Demolition of existing garage and construction of split level dwelling with integral garage (resubmission of 14/04270/FUL). 27 Ludlow Close, Warminster, Wiltshire, BA12 8BJ

**The members could not see the location of the integral garage on the plans so felt that they were unable to comment. Councillor Jolley proposed that the Town Clerk speak to the planning officer to ask for the updated plans and for the Chairman to make a decision, this could then be ratified at the next planning meeting. Seconded Councillor Jeffries, voting in favour 5, against 1, abstention Nil. Motion carried.**

**PC/17/055 Tree applications**

17/07713/TCA T1 - Conifer tree – fell. 24 West Street, Warminster, Wiltshire BA12 8JJ

**Noted**

**PC/17/056 Communications**

The members wished for a press release to be issued about 3 High Street and how the council would like to see it developed but the amendments on the plans were so minor they didn't affect the initial decision.

**Meeting closed at 8.10pm**

**(Warminster Advisory Planning Committee meeting 11/09/2017)**  
**17/03839/FUL - 3 High Street**

Ian Frostick (Feoffee of the chapel of St Lawrence Warminster)  
8-10 Bath Road Warminster BA12 8PD

The Feoffees have been responsible for the Chapel of St Lawrence for 500 years. This historic landmark is well loved by the town of Warminster and needs to be protected from inappropriate surrounding development.

During the original planning application, we highlighted a wide range of concerns about this project, particularly that it was an over development in a sensitive area, that the bells strike every 15 minutes, very limited site access, no easement rights and the close proximity to the Chapel, its bell tower and Curfew cottage.

The application has since been resubmitted to cover minor modifications, but importantly now includes the entire Chapel owned path.

This is a major alteration. It now assumes that the path is vital to the application to provide access rights and that some form of excavation will be required to support utilities, foundations, scaffolding or other building works.

The path is an integral part of the chapel.

- It provides the only access to Curfew cottage and was the original main entrance to the Chapel (This doorway has since been blocked up and a disabled toilet constructed).
- The ground is consecrated and includes a historic grave yard. Records show that that human remains have been found during previous excavations of the path and surrounding area
- The tower is a key landmark and at its closest point the buttress wall is only **90cm** away from the proposed development.
- Buildings of this age have limited or no foundations.
- Any excavation, building works or piling could easily damage the Chapel.
- The Feoffees, with the support of the Friends, charities, the Council and other donors have spent more than £120k in recent years on repairs to the tower, installation of the toilet, a new kitchen and other improvements.
- The tower works specifically focused on erosion of the stonework, repointing and general stability.
- Previously we modified the main Chapel bell from the traditional swinging mechanism to a fixed system to reduce structural damage to the tower.
- We also have concerns regarding Curfew cottage and its lack of foundations.
- There is a major retaining wall between the cottage and the proposed lower development in the garden to the rear.
- If digging or piling is required, then we believe additional support works may be needed to prevent damage to the cottage and the surrounding area.

- Repairs to these Grade 2 buildings would require expert craftsman, are time consuming, expensive, could limit vital rental income from Curfew cottage and importantly impact Chapel events.
- Our insurers have advised us that if damage should occur due to the building works then this would not be covered and that we rely entirely on the developers and the future home owners to have sufficient insurance cover in place.
- In many instances, it can be difficult to prove fault and this could leave us in a precarious financial position. (The Feoffees can be held personally liable).
- The Chapel and 3 High Street Land registry both clearly show that the developers have no easement rights to their site via the Chapel owned path (Hence the need to include it within the new application).
- Legal documents clearly show that the Chapel boundary has been in place since 1840 and that the path is only for access to the Chapel and Curfew cottage.

The Feoffees have recommended the following to Matthew Perks (Wiltshire Planning Officer)

1. That before the application is finalised detailed "Independent" surveys of the Chapel, the Chapel path, Curfew cottage, the main retaining wall and the surrounding area are undertaken:
  - a. Archaeological
  - b. Structural
  - c. Geological
2. That this survey work will require the written permission of the Chairman of the Feoffees.
3. That the outcome of these surveys may require substantial alterations to the plans.

The Feoffees welcome the development of this site, but it needs to be appropriate and must not compromise the historic 13<sup>th</sup> Century St Lawrence Chapel, Curfew cottage, the path or our long-established easement rights.

In summary, our recommendation to this meeting is that the revised application is rejected and that the proposed detailed survey works are undertaken. Once the full impact is known then revised plans can be submitted for consideration.

Ian Frostick  
(On behalf of the Feoffees of St Lawrence Chapel, Warminster)