

MINUTES of the Planning Advisory Committee held on Monday 29th January 2018 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)	*
Cllr Fryer (Broadway)	*	Cllr Nicklin (West)	*
Cllr Jeffries Vice Chairman (Copheap)	*		

Key: * Present A Apologies AB Absent

In attendance:

Officers: Veronica Mills and Judith Halls

Public and press: 62 members of public, 0 members of the press.

PC/17/077 Apologies for Absence

None.

PC/17/078 Declarations of Interest

Councillor Macdonald declared an interest in application 17/12078/FUL. He would remain in the room but would not take part in the discussion or the vote.

PC/17/079 Minutes

PC/17/079.1 The minutes of the meeting held on Monday 11th December 2017 were approved as a true record and signed by the chairman.

PC/17/079.2 None.

PC/17/080 Chairman's Announcements

Planning application 17/11493/FUL had already been approved by Wiltshire Council so would not be discussed. Planning application 18/00001/LBC had been withdrawn.

Signed..... Date.....

Standing Orders were suspended at 7.04pm to allow for public participation

PC/17/081 Public Participation

The following members of the public spoke in opposition to planning application 17/12348/OUT, outline application for 34 dwellings on land to the east of Damask Way. The notes from those who provided them are attached to the minutes.

Andrew Rushton

Rebecca Fryer

Toby Fryer

Richard Bullock

Councillor Tony Jackson (Unitary Councillor for the Broadway ward) said the application had been called in to be decided by the Western Area Planning Committee on the basis that the access is unsuitable.

Michael Napper (Chair of the West Wiltshire District Campaign to Protect Rural England)

John Pomeroy

Ian Frostick spoke on application 17/08220/VAR. His notes are attached to the minutes.

Standing Orders were reinstated at 7.26pm

PC/17/082 Reports from Unitary Authority Members

None.

PC/17/083 Comments from Neighbourhood Plan Policy Review Working Group (NPPRWG)

The comments from the NPPRWG were read out and their recommendations for refusal were noted.

PC/17/084 Planning Applications

17/12348/OUT Outline application for 34 dwellings on land to the east of Damask Way with all matters reserved except access (with new access proposed off Upper Marsh Road). Land East of Damask Way and East of Upper Marsh Road and North of Smallbrook Lane, Warminster BA12 9PP

Councillor Brett congratulated Toby Fryer, saying young people had a right to speak and should be heard. The contributions had been informative and instructive. He showed photographs from the site, showing the wanton vandalism of the removal of the oak trees prior to planning permission being given. Other evidence was shown including a dash cam video of the difficulty in navigating the lower part of Upper Marsh Road.

Standing Orders were suspended at 7.42pm to allow for additional public participation

Signed..... Date.....

Nicholas Yates said that the narrowest part of the road that had been shown on the dash cam was where the new road would come out. Once traffic had passed the pinch point it always speeded up and he felt sure that there would be an accident at some point.

Standing Orders were reinstated at 7.44pm

It was resolved to recommend refusal of the application on the following grounds:

This Council objects to this planning application on the grounds listed below:

1. The site was not under consideration on the Draft Wiltshire Housing Site Allocation Plan and Revised Settlement Boundaries which had been consulted on in September 2017. The comment that had been submitted by the Council on the settlement boundary in the Damask Way area was as follows:

ITEM NO.	MAP GRID REFERENCE	PROPOSED AMENDMENT OR CORRECTION
4	J10	The newly developed extension to Damask Way should be included within the boundary.

This was a reference to the site already built, which should be inside the new settlement boundary. Wiltshire Council had not included the site in application 17/12348/OUT in the revised settlement boundaries and the Town Council had supported its exclusion, therefore it would be inappropriate to include it now.

2. The access point for this site would be disastrous. This section of Upper Marsh Road is narrow with no footpath and leads on to a narrow country road that is prone to flooding and often has to be closed. Runoff water from the site would exacerbate the problem.
3. The impact on the environment would be detrimental. The site is on the cusp of the Wiltshire Wildlife Trust area.
4. There is a highways conflict with pedestrians, cyclists, horse riders and the residents of the old people's home.

The Town Council requests Councillor Jackson to call this in at the Western Area Planning Committee.

It was agreed to bring forward application 17/08220/VAR

17/08220/VAR Variation of conditions 2,3 & 4 of planning permission 15/02079/FUL (Erection of 15 Small Business Starter Units (Usage class B1/B2/B8) to allow for proposed new cladding system and amendments to the delivery and operational hours. Removal of condition 6 relating to the requirement of BREEAM certificate. Area A1, Furnax Lane, Warminster, Wiltshire.

Members had supported residents throughout on this application and would continue to do so. It was resolved to accept the operational hours.

Signed.....Date.....

17/11493/FUL Demolition of existing residential dwelling to be replaced with a new cottage style residential dwelling and increase in private residential curtilage/amenity space.
Ludlows Farm, 112 Bradley Road, Warminster, Wiltshire, BA12 7JY

This application was not debated as it had already been approved by Wiltshire Council.

17/10456/FUL Replace derelict garden shed. 72 Portway, Warminster, Wilts, BA12 8QE
It was resolved that there was no objection to the application.

17/09170/FUL Proposed change of use and annexe providing 3 one bedroom residential units. 58 East Street, Warminster, Wiltshire, BA12 9BW
It was resolved that there was no objection to the application.

17/12266/FUL Demolish conservatory & construct 2 storey rear extension including internal modifications & front porch. 46 Imber Road, Warminster, BA12 0BN
It was resolved that there was no objection to the application.

Councillor Macdonald did not take part in the discussion or the vote on the following two applications.

17/12078/FUL Proposed installation of canopy and Portakabin within area of the supermarket car park to create car park valeting franchise. Morrisons, Weymouth Street, Warminster, BA12 9NT

It was resolved that the application be recommended for refusal on the following grounds:

- 1. The location was wrong for the visual entrance to the supermarket.**
- 2. There are grave concerns about the water runoff from the operation with solvents, oil and grease from vehicles possibly entering the River Were which runs under the car park and into the Lake Pleasure Grounds.**
- 3. The operation is located at a traffic pinch point.**

17/12229/ADV Signage scheme relating to proposed valeting franchise. Morrisons, Weymouth Street, Warminster, BA12 9NT

It was resolved that the application be recommended for refusal on the grounds given above.

17/12365/FUL Partial Demolition of Existing Garage & Construction of New Extension to Garage and Extension of First Floor Bedrooms over Garage. 38 Gipsy Lane, Warminster, Wiltshire, BA12 9LR

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

18/00001/LBC Reinstatement of stone piers, metal railings and metal gates. St Lawrence Chapel, High Street, Warminster, Wiltshire, BA12 9AG

This application had been withdrawn.

Signed..... Date.....

18/00125/FUL Refurbishment and extension of existing property to provide an additional bedroom and improved living accommodation to modern standards (Resubmission of 16/11717/FUL) 15 Elm Hill, Warminster, Wiltshire, BA12 0AY

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

18/00157/FUL Single storey side extension, porch extension and new dormer window to the rear elevation. 3 Lower Marsh Road, Warminster, Wiltshire, BA12 9PB

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

18/00216/FUL Install an additional single air conditioning condenser unit on the rear elevation. 18 Three Horseshoes Walk, Warminster, Wiltshire, BA12 9BT

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

18/00270/FUL Replace existing conservatory with solar room. 2 A Prestbury Drive, Warminster, BA12 9LB

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

18/00283/VAR Removal of conditions 2 and 3 of planning permission 05/01570/FUL to allow the building to be used as permanent residential accommodation that is no longer ancillary to the main dwelling.

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

18/00259/FUL First floor south facing dormer window. 23 Willow Crescent, Warminster, Wiltshire, BA12 9LH

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

17/10750/FUL Change of use of offices to residential (Resubmission of 14/10786/FUL) 29 George Street, Warminster, Wiltshire, BA12 8QB

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

18/00279/ADV Proposed advertising/direction signs Warminster School, Church Street, Warminster, Wiltshire, BA12 8PJ

It was resolved that there was no objection in principle to the advertising but the signs should be reduced in size.

PC/17/085 Tree applications
None.

PC/17/086 Communications
Members wished for a press release to be issued on Damask Way.

Meeting closed at 8.23pm

Signed..... Date.....



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Warminster Town Council

From: Andrew Rushton <afr3103@hotmail.com>
Sent: 29 January 2018 21:07
To: Warminster Town Council
Subject: Town Council Planning Advisory Committee 29/1/18. Public Participation

As requested I am emailing the text of my speech at the above committee this evening as I was not able to leave a copy with you at the time.

"Madam Chairman,

My name is Andrew Rushton and I live at 83b Damask Way,

I would like to object to the outline planning application 17/12348/OUT. I see that the Neighbourhood Plan Policy Working Group have suggested this application be refused on the grounds that the site was not considered for development in the Housing Site Allocation Plan and is outside the proposed revised town Settlement Boundary.

I believe that although the published intention to revise the boundary has yet to be formally adopted, it has been given a lot of careful consideration and enjoys public support.

The Working Group have also recognised that if the site was to be developed it would inappropriately extend housing to the very edge of the Smallbrook Meadows Nature Reserve and impact on the public right of way that crosses the site and is enjoyed by many people.

I understand that there are proposals for significant development to the north of the town where there is perhaps more potential for safe access and infrastructure to be created than would be possible on this site.

In addition, the Transport Statement submitted with the application references Crashmap.co.uk stating that there are no collisions recorded on Upper Marsh Road or Smallbrook Road in the last 5 years. However, this database only records accidents where there has been an injury, which is completely different from there having been no accidents at all.

For these reasons I would call upon the Town Council to support a refusal of this application.

Thank you."

I hope this helps with the minutes for the meeting

Yours sincerely,

Andrew Rushton

83b Damask Way

Objection to planning application 17/12348/OUT

From: Rebecca Fryer

The Garden House, Upper Marsh Rd, Warminster, BA12 9PW

Madam Chairman I would like to object to this planning application on the following basis:

- 1. Outside of new proposed settlement boundary.** Although the application is currently within the settlement boundary for Warminster, there is a new proposed settlement boundary which has been agreed and is out for consultation at the moment. This development runs contrary to the spirit of this boundary change and is an affront to the power invested in our elected representatives.
- 2. Traffic. The traffic analysis is of poor quality.** Traffic counters have been employed everywhere but on the actual affected section of road. The counters were located at points where traffic typically slows to avoid a pinch-point giving artificially low readings for average speed. In my experience quite a few cars travel on or above the 30mph speed limit. Additionally the projections given for traffic increase as a result of this development seem to be plucked out of the air to suit the developer. These are family homes being built where people drive to work and drive their children to school. If we assume 2 cars per household we are looking at an additional 50-70 vehicle movements at peak times.
- 3. No accounting for pedestrians and cyclists in traffic survey.** The traffic survey did not use any pedestrian/cyclist counters. My own survey (using motion-activated CCTV) indicates that there are approximately 100+ pedestrian movements per day at weekends and c. 60+ pedestrian movements per day on weekdays. In addition there are c. 10+ cycle movements per day down this section of road. Our count was done during a cold, wet January week - pedestrian and cycle movements are higher in the warm summer months. With the proposed development we would be looking at additional numbers of pedestrians and cyclists.
- 4. My three children walk each day to Kingdown School** down Upper Marsh Road and along Smallbrook Road. You will hear what it is like for them in a moment. I know of three other children and one teacher who also walk this way to school and one child who cycles. By increasing traffic on this road you will be increasing the likelihood of an accident involving a pedestrian and a vehicle.
- 5. I personally use the Public Right of Way that goes through this site on a regular basis.** I object to this being closed during construction.
- 6. The road is simply not built for heavy traffic.** The section of the Upper Marsh Road from Henford Close to the junction with Smallbrook Road is 317m in length. Of this 185m (58%) is effectively single track. The remaining 132m (42%) although it is wide enough for two vehicles, is only wide enough for vehicles to pass slowly and cautiously. There are currently 18 dwellings with access to this section of road. To more than double this by adding 34 more is an over development that will put excessive pressure on the local infrastructure. If this development were to go ahead, to be safe it would really need the full length of Upper Marsh Road and Smallbrook Lane to be resurfaced with pavement and street lighting added. The speed limit on Smallbrook Lane is 60mph.
- 7. No specific housing need.** The application makes heavy weather of the housing shortage. And indeed there is a national housing shortage. However, locally, the new settlement boundaries incorporate 1,500 new homes to the west of Warminster. Westbury is substantially over target for new home construction and Wiltshire as a whole is on target. The new homes in the West of Warminster will be built with appropriate infrastructure, this proposal does not include appropriate infrastructure.

**Does increasing traffic volumes
increase the chances of a
serious accident on this road?**

January 17, 2018
07:55

Caught between mud, puddles and a deep vegetated verge
it is no wonder car drivers regularly shout at pedestrians
on this section of road. On this section the speed limit
is 60mph

January 17, 2018
07:57

**How easy is it to see all the
school children in this picture?**

January 15, 2018
08:00

**How many pedestrians
in this picture?**

January 15, 2018
08:01

Single track section of Upper Marsh Rd

**The widest section - although two vehicles
can pass, it is narrow with no room for
pedestrians**

Planning Objection to 17/12348/OUT

Madam Chairman, my name is Toby Fryer and I am a year 7 pupil at Kingdown School. I object to this planning application for the following reason:

Each day I walk to school with my brother Ben and my sister Izzi down the Upper Marsh Road and along Smallbrook Road. This is not a nice road to walk down because there are big puddles and mud at the sides, there is no pavement, no lighting and in the winter it is often foggy and dark.

On the Upper Marsh Road and ^{Smallbrook} ~~Lower Marsh~~ Road we have been shouted at by car drivers who are frustrated because the road is narrow and there is nowhere for walkers like me to go. Often they splash us with the puddles too. The speed limit is 60 mph on the Smallbrook Road. They also zoom past very fast at the bottom of the Upper Marsh Road. I object to this planning application because it will make what is already a dangerous road even more dangerous.

My Mum has handed out some photographs for you to look at.

Thank you.

OBJECTION TO PLANNING PROPOSAL 17/12348/OUT

I wish the Town Council to object in Principle to the Proposed Development

I object to the proposal on the following grounds:

1. This is not Phase 3 of the Development or permission would be in place. The first development (Charles Church) was agreed with a landscaping plan as a condition (of the agreement), to mitigate negative impact on ecology (protected species) and view. This landscaping plan was not completed.

The second development (Calibre) was agreed with a landscaping plan for the same reasons. Again this was not completed.

Outcome – Both developments are visible for the majority of the year from around the town including the park and nature reserve; contrary to agreed Council intent. If the landscape plans had been enforced and complied with, this proposed development would be unlikely to be realised.

2. Outside of new settlement boundary. This application is currently within the settlement boundary for Warminster but there is a new proposed settlement boundary which has been agreed and is out for consultation. This development runs contrary to the spirit of this boundary change, noting the proposed site has been removed in order to keep the surrounds to Smallbrook Views/Henford Marsh “more in line with the countryside”. Further development will irreversibly destroy more of the local ecology and is contrary to the intent of the town council. Smallbrook Views was described as the Jewel in the Crown of the Neighbourhood Plan; it to objects to the proposed development.

3. Road Safety – Access and Splay. Current plans see application for access from a highly unsuitable road (Upper Marsh). Visual splay can only be achieved if trees, now covered by a Council Tree Protection Order (TPO)¹, are cut down. In addition further removal of trees and verge to a depth of 2.4m would be required, removing healthy habitat, as has needlessly occurred along the Smallbrook Views emergency access road (6 x Oak trees 100+ years old). Further, the Arboriculture Officer had to instruct tree surgeons to stop on 24 Jan 18 as work was underway to clear the intended access point prior to approval (of this application **17/12348/OUT**).

As an aside, an application W/07/01209/FUL for housing access in the same area (but opposite side) of road was refused on safety and access reasons, setting a principal.

4. Road Suitability. There is significant danger for vehicles and pedestrians from the pinch point on Upper Marsh Rd where it descends to Lower Marsh Rd and Smallbrook Lane and beyond (to other key areas). These roads are single lane with no passing points. The Application states it will use passing places along the roads to enable safe movement but there are no passing places through the entirety of all three roads. Smallbrook Estate Emergency Rd is (not adopted, is private and) NOT suitable for this use, neither are the private drive ways along Upper Marsh Rd suitable, as suggested in the proposal. Note no suitable Pedestrian Access, lighting or safeguards are in place or are planned for.

5. Ecological Damage. Many of the residents in the areas around the proposed development have witnessed slow worms, toads, Deer, Badger, Bats and Buzzards in the woodland and fields. There are extensive badger sets on the border of this development, numerous Bat nesting areas and nesting Buzzards; all which are protected species. Little regard was given to the any of these species when tree felling began before Christmas. Also note the accompanying Badger and Bat reports do not

¹ Order put in place “to safeguard the visual amenity, wildlife habitat and character of the area”

accurately represent the actual situation and are out of season. The application should be paused to allow sufficient investigation, or risk damaging local ecology beyond recovery.

6. Note the following highlighted areas have been covered by other residents but will be paraphrased should time permit:

- **Traffic Data.** Report is of Poor quality. The report does not take sufficient account of pedestrian or cyclist data and does not acknowledge the impact of the additional 80+ vehicles and car parking spaces from the proposed development. This will significantly impact the load and danger on the surrounding roads. Traffic accidents were also not fully articulated in the report; traffic injury data was used and acknowledged as low but does not use or reflect higher traffic accident data.
- **Drainage.** Drainage of the local area could be overloaded by the proposed development and present a significant risk to the River Wylfe and the SSSI Local Nature Reserve Wetlands. Natural England was not consulted during the pre-application phase and will subsequently be raising objections.
- **Housing Need.** What value? Wiltshire is on target to meet its housing need, Westbury is over target to meet its needs and Warminster will receive 1500 new homes. It would seem the destruction of the local environment and wildlife, traded off against a proposed small and high end housing development in Warminster, do not seem to be of worthwhile value to the community. Building in the west and preserving the East would seem most suitable for future generations.

Yours aye

Richard Bullock


Ian Frostick

8-10 Bath Road, Warminster, Wilts BA12 8PD

Planning application 17/08220/VAR

Variation of conditions 2,3 & 4 of planning permission 15/02079/FUL (Erection of 15 Small Business Starter Units (Usage class B1/B2/B8) to allow for proposed new cladding system and amendments to the delivery and operational hours. Removal of condition 6 relating to the requirement of BREEAM certificate

The Residents of Bath Road and Furnax lane previously highlighted that they were concerned about the proposal to increase operation and delivery to 24 hour / 7 day a week for the new business units.

The Planning and Public Protection Officers have since undertaken detailed negotiations with the developers to agree a revised set of hours.

B1

Day	Existing operation	Proposed operation	Existing delivery	Proposed delivery
Mon - Friday	07:30-18:00	06:00-23:00	07:30-18:00	07:00-21:00
Saturday	08:00-13:00	08:00-23:00	08:00-13:00	09:00-17:00
Sunday	none	08:00-21:00	none	09:00-13:00
BH	none	08:00-21:00	none	09:00-13:00

B2 - no change

Day	Existing operation	Proposed operation	Existing delivery	Proposed delivery
Mon - Friday	07:30-18:00	07:30-18:00	07:30-18:00	07:30-18:00
Saturday	08:00-13:00	08:00-13:00	08:00-13:00	08:00-13:00
Sunday	none	none	none	none
BH	none	none	none	none

B8

Day	Existing operation	Proposed operation	Existing delivery	Proposed delivery
Mon - Friday	07:30-18:00	06:00-23:00	07:30-18:00	07:00-21:00
Saturday	08:00-13:00	08:00-18:00	08:00-13:00	09:00-17:00
Sunday	none	10:00-13:00	none	10:00-13:00
BH	none	10:00-13:00	none	10:00-13:00

We have had an opportunity to review the details and whilst we still have concerns, we are prepared to support the revised proposal. This is in the belief that efforts have been made to reflect the close proximity of residential properties.

We are also keen to demonstrate to the developers that we are prepared to work with them to ensure the success of the units and welcome the opportunity to increase employment within the town.

The Planning department have also undertaken separate discussions and reached agreement on cladding and BREEAM.

We would ask the Committee to support the recommendations of the Planning Officer with regard to this Variation.

Ian Frostick (On behalf of the Residents of Bath Road and Furnax Lane)