

MINUTES
of the
Extraordinary Planning Advisory Committee
held on Thursday 12th April 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 Nicklin (West)	*
Cllr Fryer (Broadway)	*		
Cllr Jeffries Vice Chairman (Copheap)	*		

Key: * Present A Apologies AB Absent

In attendance:

Officers: Fiona Fox and Judith Halls

Public and press: 63 members of public, 0 press

PC/17/118 Apologies for Absence

None.

PC/17/119 Declarations of Interest

None.

PC/17/120 Minutes

PC/17/120.1 The minutes of the meeting held on Tuesday 3rd April were approved as a true record and signed by the chairman.

PC/17/120.2 The Town Clerk, Fiona Fox, advised the committee that a meeting had been arranged with herself, Councillor Denis Brett and the Wiltshire Council Public Art Officer about the Redrow Homes Warminster Public Art, minute No. PC/17/116.

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

PC/17/121 Chairman's Announcements

None.

Standing Orders were suspended at 7.02pm to allow for public participation

PC/17/122 Public Participation

Unitary Councillor Tony Jackson advised the committee that he had been following this application closely. It had previously been called in and that would still stand. Initial comments were made recommending refusal due to the unsuitability of Upper Marsh Road to accommodate the development unless improvements were made to allow two vehicles to pass and more detail was provided for a dedicated pedestrian/cycle route from the site.

Conversations have been had with the developer's transport consultants, IMA, with regards to the improvements required on Upper Marsh Road to achieve an acceptable scheme. IMA have confirmed that some localised road widening/a passing place can be provided to ensure a minimum width of 4.1m for the majority of the route north of the site access. Subject to various highway improvements/aspects being demonstrated acceptably, most notably the improvements to Upper Marsh Road, an objection on Highway grounds is appearing weak.

This application is on the wrong piece of land and should not be permitted.

William Fryer spoke against planning application No 17/12348/OUT. His notes are attached to the minutes.

Adrian Bailey spoke against planning application No 17/12348/OUT. His notes are attached to the minutes.

Andrew Rushton spoke against planning application No 17/12348/OUT. His notes are attached to the minutes.

Mark Kimpton spoke against planning application No 17/12348/OUT, saying that he agreed with all the comments that had been already said. He wanted to add that that he felt the highway access was not suitable and was already dangerous for pedestrians, and that it was incredulous that this application was even being considered.

Rod Simpson spoke against planning application No 17/12348/OUT. His notes are attached to the minutes. He also showed a video demonstrating the traffic problems in Upper Marsh Road and Smallbrook Road.

David Deacon spoke in favour of planning application No 18/02740/FUL. He explained as the applicant that he had been a developer for years and had taken into consideration all the aspects of this planning application. The building had been empty for many years and the planned development would be in keeping with the surrounding area. There would be no parking scheme for the proposed houses. All building materials would be delivered using a small lorry and at pre-arranged times that would not affect any of the local schools, which the head teachers have agreed with.

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

Standing Orders were reinstated at 7.29pm

PC/17/123 Reports from Unitary Authority Members

None.

PC/17/124 Comments from Spatial Planning Review Group

The comments submitted on the previous application remain. These are as follows:

Minute number NP/17/014 from the working group meeting held on 12th January 2018:

Planning Application 17/12348/OUT

Outline application for 34 dwellings on land to the east of Damask Way with all matters reserved except access.

The group wished to submit the following comments to the Planning Advisory Committee on 29th January, suggesting the outline plans should be recommended for refusal on the following grounds:

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.

The chair proposed bringing forward item 17/12348/OUT for discussion and the committee agreed unanimously.

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

PC/17/125 Planning Applications

17/12348/OUT Outline application for up to 28 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

Members discussed this application and wholeheartedly agreed with all the comments that residents had put forward. They all had concerns with this application.

Councillor Fraser proposed that this application be refused using all the previous comments that had been sent in, and in addition the development may cause traffic problems such as traffic generation, access or safety problems. The proposed development will damage the natural environment or will result in significant loss of trees for which tree protection orders are in place and the natural habitat. Any decision about this application should be deferred until after the settlement boundaries have been decided. Seconded Councillor Nicklin, voting unanimous in favour.

18/02740/FUL Demolition of existing glove factory building and erection of 3 two storey and 3 one storey town houses. 1 North Row, Warminster, Wiltshire, BA12 9AD

Councillor Jolley proposed acceptance of the plans, seconded Councillor Fryer, voting in favour 5, against 0, abstentions 1. The motion was carried.

PC/17/126 Tree applications

None for this agenda.

PC/17/127 Communications

Members wished for a press release to be issued about the Damask Way development and their reinforced belief that this was the wrong place for this site and that this should be deferred until after the Settlement Boundary Review had been completed.

Meeting closed at 7.48pm

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

2 Planning Objection to 17/12348/OUT

Madam Chairman, I am William Fryer of [REDACTED] and I object to this application on the following grounds:

The traffic analysis is defective. The counters used were located where traffic slows to avoid a pinch-point giving artificially low readings for average speed. They were NOT deployed at the point of entry to this proposed development so all of the traffic count data is flawed. The flawed data allows them to specify 50m sight lines rather than more demanding 70m sight lines; a hazardous strategy given that just in the last month there was an accident between a Land Rover and a van at this precise point.

In addition, the wrong reference data has been used. They have used data for number of cars per household from a retired area and applied it to what will be family homes. They are suggesting that average cars per household will be 1.2 which might be accurate for retired housing in Warminster but not for family homes.

Their own TRICS data output suggests an additional 45 car movements during peak morning hours, this is not acceptable on this road.

The traffic survey did not use any pedestrian/cyclist counters. This is important because this section of road is single track for 58% of its length. There is no pavement or street lighting.

My own survey, conducted on a cold, wet January week, shows there are over 100 pedestrian movements per day at weekends and over 60 pedestrian movements per day on weekdays. In addition, there are over 10 cycle movements per day down this section of road. These figures are obviously higher during the summer months.

My three children walk to Kingdown School via Upper Marsh Road and Smallbrook Road. As you know, they have been shouted at by drivers keen to get past. The speed limit on Smallbrook Lane is 60mph. The nature of these roads means drivers are forced to slow and accelerate, leading to road rage. In the winter months visibility worsened because this area is next to a river and prone to fog. Three other children and one teacher also walk this way to school and one child cycles. By increasing traffic on this road you will be increasing the likelihood of an accident involving a pedestrian and a vehicle.

If this development were to go ahead, to be safe, it would need the full length of Upper Marsh Road and Smallbrook Lane to be resurfaced with pavement added and proper passing bays.

Is it right to approve a development of 28 homes on this single track road? No, Madam Chairman, it is not.

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Application: Wiltshire Council Application No: 17/12348/OUT

Proposal: Outline application for up to 28 dwellings on land to the East of Damask Way with all matters reserved except access (with new access proposed off Upper Marsh Road)

Location: Land East of Damask Way and East of Upper Marsh Road and North of Smallbrook Lane, Warminster, BA12 9PP

Madam Chairman – my name is Adrian Bailey and I live at [REDACTED]

My objections are in relation to the Amended Plans for Application reference 17/12348/OUT, the proposal to develop land for up to 28 houses and for an access road off Upper Marsh Road.

As members of the Town Council you will be familiar with this proposed development and access road, as the original Application was unanimously Rejected by the Town Council at the Planning Advisory Committee meeting of 29th January 2018.

The Council objected to the Planning Application on four points:

1. The site of the proposed development was not under consideration in the Draft Wiltshire Housing Site Allocation Plan and Revised Settlement Boundaries. The Town Council supported its exclusion, therefore it would be inappropriate to include it now.
2. The access point to this site would be disastrous
3. The impact on the environment would be detrimental, and
4. There is a highways conflict with pedestrians, cyclists, horse riders and residents of the care home

It is my opinion that the Amended Plans and Transport Statements submitted by the developer do not address and resolve the fundamental issues of any of the above four points.

On the contrary, the amended positioning of the proposed access to the site is now more disastrous than the original scheme, being even closer to the narrow, steeply winding section of Upper Marsh Road and the proposed introduction of a passing place in no way mitigates these dangers.

The removal of the established deciduous trees on what is now the area of the proposed access road was a pre-meditated action by the developer to clear this area of healthy, established and valuable trees.

Planning permission has been refused on this section of Upper Marsh Road in the past as a result of concerns regarding the suitability of the access available (see 07/01209/FUL).

The Revised Transport Statement Volume 1 at point 4.1.6 states that 'The proposed access incorporates part of the existing emergency access'

There are planning conditions attached to the use of the emergency access road, which would render changes to its use in breach of these planning conditions (see 12/00687/OUT Condition 8 of Planning Acceptance) which state that the access road shall be retained in perpetuity and shall not be used other than for emergency purposes at any time.

In addition to this there has been with no consultation with residents or Remus (the Management Company) in relation to the new footpath and proposed access road adjoining the Emergency access.

In conclusion I would add that as the owners of a house at Henford Marsh View this proposed development and access would create a significant negative impact on the house that we live in and the environment that exists around us and our neighbours and has also generated considerable public interest from the people in the town of Warminster as a whole.

Thank you Madam Chairman for your time.

Adrian Bailey

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Madam Chairman,

I am Andrew Rushton. I live at [REDACTED]

I wish to object to the revised proposals for outline application 17/12348/OUT.

I believe that the comments from the Neighbourhood Plan Policy Review Working Group still hold true.

I also believe that the revisions to the application make no material difference to the reasons for your previous refusal.

With regard to the Settlement Boundary, the developer objected to the exclusion of the site from the Allocation Plan on the grounds that the Council had unfairly removed it because it was inaccessible.

It has only become potentially accessible because the developer has removed 5 or 6 perfectly healthy mature trees. It still requires massive engineering works to overcome the steep bank onto the site.

I had a conversation with the Planning Officer last week and was told that the Planning Department had agreed with the developer to try to get this application to the Western Area Planning Committee on 30th May.

I cannot help but think that this is because there is no meeting in June and the meeting in July is at the end of that month, when the timescale to the adoption of the Allocation plan and revision to the Town Settlement Boundary would be only a few weeks away.

I believe that it is premature to consider this application ahead of the determination of the Settlement Boundary. It has been suggested that the emerging policy about the boundary carries no weight. I disagree. To lose these open fields adjacent to the nature reserve and park for ever for the want of a few weeks would be unforgivable. + destroy faith in the planning system.

I would ask this Committee to refuse the revised proposal and also recommend to the County Council that, at the very least, they defer consideration of this application until after the position on the Settlement Boundary is known.

Thank you.

Planning Objection to 17/12348/OUT

Madam Chairman, I am Rod Simpson of [REDACTED]. I would like to object to the application on the following grounds:

The planned access point is in an unsuitable location that would heighten risk due to an increase in traffic along single-track roads, which is highlighted in the video footage scenes 1 - 4. The proposed access point is adjoining Upper Marsh road which leads onto Smallbrook road, both are single track country lanes. They are not suitable for an increase in traffic that will be created by the proposed plan of 28 dwellings (estimated 60 plus cars, 130 personnel), the result will be a heightened risk to walkers, bikers and other road users. To demonstrate the dangers, I would like to present footage taken on a typical Sunday morning in Winter (January) using a vehicle dashboard camcorder (Dashcam). The proposed plan adjoins onto Wiltshire Wildlife Smallbrook Meadow and is on the route to Hunters Moon holiday lodges, both of which impact on the amount of pedestrian and vehicle traffic during holiday terms and especially in the Summer months.

The new planning application layout includes use of the emergency access road that is part of the first build by Persimmon. It was a requirement for the buyers of the first builds to enter a contractual agreement with a management and maintenance company called Remus. The contract is to cover the gardening and access road maintenance. The developer has proposed to use this road without any consultation with the Persimmon development residents, who are also not aware if there has been any consultation with Persimmon. It is assumed due to it being part of the first development and the residents paying for its upkeep that we have a right to be consulted prior to any planning, especially as these plans intend to restructure parts of this access road. I have discussed this point with Remus and at the time they were not aware of the proposed application.

Dashcam Scenes

Please view actual footage of the return journey along Upper Marsh and Smallbrook Roads and note the areas of concern, as it is not just at the planned access point but the risks along the whole of Upper Marsh and Smallbrook Roads.

Dashcam scene 1 - was taken at the point of the planned access. It demonstrates the difficulties when passing another vehicle due to the road being only wide enough for 1 vehicle, which is the case for most of Upper Marsh and Smallbrook roads. Note pedestrians are forced to move into private drives or on private verges when vehicles pass. The phase one procured emergency access for Damask Way can also be seen in this footage, it was deemed unsuitable for normal road use, hence the ballads at the top and bottom, this section is maintained by Remus on our behalf.

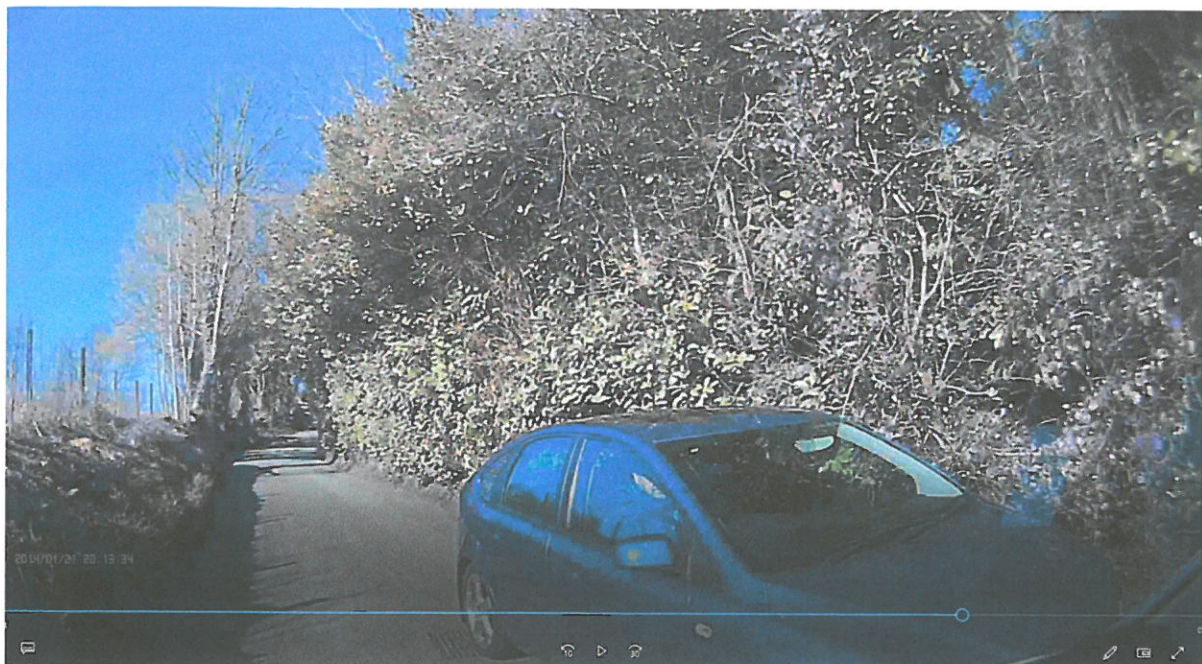






Dashcam scene 2 – was taken at the northern end of Smallbrook road, the road that will be used to access the planned estate and the one used by school children; note the blind bends and additional dangers within the scene. To make these roads suitable to an increase in traffic would require significant restructuring along its length, which would have a major impact on the Wiltshire Wildlife protected area of Smallbrook meadow as the road runs through it. Consequently, likely to receive significant objections from Warminster community and Wiltshire Wildlife (please read their current objection on the portal).







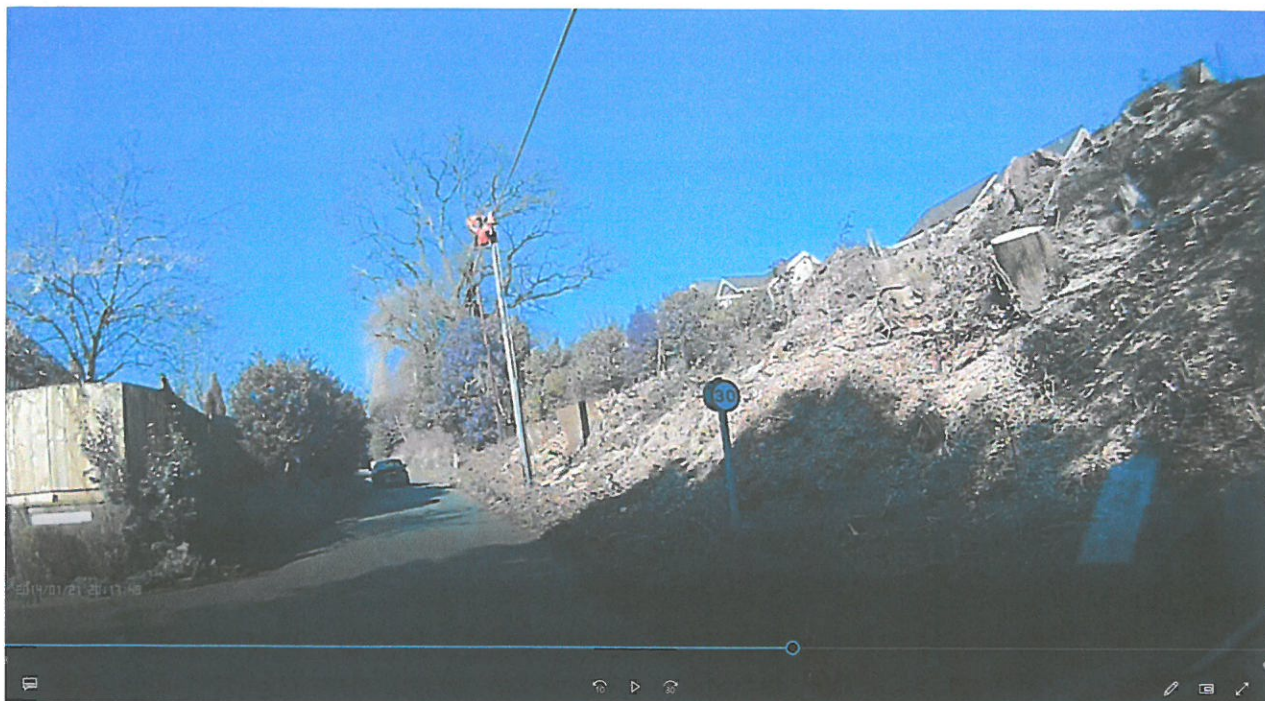
Dashcam scene 3 – the return journey driving down the hill at the north end of Smallbrook road. Note, minimal room for the pedestrians and the dangers of the blind bends, an increase in traffic would be disastrous, also note the amphibian sign.





Dashcam scene 4 – driving back (return journey) along Smallbrook road and up the hill of Upper Marsh road past the area where the 130-year-old trees that were felled for access. Children use both roads whilst walking to school, one of whom at the previous Warminster council meeting spoke about the daily dangers during the journey. It is of note that if planning is granted there will be a substantial increase in school children needing to walk this road. Also note the trees that were removed stated as being un-healthy, these stumps showed no sign of disease (confirmed by independent local tree surgeons).









Handover of dashcam footage and accompanying notes

Due to the size of the video files it is not feasible for publication to the objection portal, therefore on behalf of the residents I request that this dashcam footage (handed over on memory stick) and these accompanying notes will be considered in the decision-making process. Should it be passed to committee it is requested that these notes and footage are forwarded to the relevant councillors for consideration.