

11<sup>th</sup> June 2018

Dear Councillor

You are summoned to a meeting of the:

**Planning Advisory Committee**  
**On Monday 18<sup>th</sup> June 2018 at 7pm**  
**at the Civic Centre, Sambourne Road, Warminster, BA12 8LB**

**Committee membership:**

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

Copied to all other members for information.

Members of the public are welcome to attend meetings of the Council and Committees, unless excluded due to the confidential nature of the business.

Yours sincerely,



**Fiona Fox BA (Hons) MCIPD FILCM**

**Town Clerk and Responsible Financial Officer**

Copies of plans are available to view at the Town Council offices or online at <http://www.wiltshire.gov.uk/planninganddevelopment.htm>

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## A G E N D A

**1. Apologies for absence**

**To receive and accept** apologies, including reason for absence, from those unable to attend.

**2. Declarations of Interest**

**To receive** any declarations of interest under Warminster Town Council's Code of Conduct issued in accordance with the Localism Act 2011.

### 3. Minutes

**3.1 To approve and sign** as a correct record, the Minutes of the Planning Advisory Committee meeting held on Thursday 31<sup>st</sup> May 2018; copies of these minutes have been circulated and Standing Order 12.1 provides that they may therefore be taken as read.

**3.2 To note** any matters arising from the minutes of the Planning Advisory Committee meeting held on Thursday 31<sup>st</sup> May 2018.

### 4. Chairman's Announcements

**To note** any announcements made by the Chair.

***Standing Orders will be suspended to allow for public participation.***

### 5. Public Participation

**To enable** members of the public to address the Council with an allowance of three minutes per person regarding any item on the agenda and **to receive** any petitions and deputations.

***Standing Orders will be reinstated following public participation.***

### 6. Reports from Unitary Authority Members

**To note** reports provided which are relevant to this committee.

### 7. Spatial Planning Review Working Group

None for this agenda

### 8. Planning Applications

18/03809/FUL Planning application to support Listed Building Consent previously approved 18/00001/LBC for reinstatement of stone piers, metal railings and gates. St Lawrence Chapel, High Street, Warminster, Wiltshire, BA12 9AG

18/03774/FUL Replace 12 existing flood lighting columns with 8 new flood lighting columns to existing artificial turf surface court. Warminster School, Church Street, Warminster, Wiltshire, BA12 8PJ

18/03810/FUL and 18/04200/LBC

Demolition of single storey substandard section of cottage and construction of two storey extension. Curfew Cottage, Rear of St Lawrence Chapel, High Street, Warminster, Wiltshire, BA12 9AG

18/04323/FUL Proposed porch extension. 15 Beech Grove, Warminster Wiltshire, BA12 0AB

18/04555/FUL Erection of extension to existing workshop, retrospective approval for engineering operations and proposed laying of hardcore and scalping and erection of fencing. 43 Copheap Lane, Warminster, BA12 0BQ

18/01232/FUL Hall extension. Grange Court, 19 Grange Lane, Warminster, Wilts, BA12 9EY

- 18/04727/FUL Replacement flat roof/parapet walls with pitched slate roof. 39 Silver Street, Warminster, Wiltshire, BA12 8PT
- 18/04777/FUL Two storey side and rear extension of the existing dwelling. 19 Ferris Mead, Warminster, Wilts, BA12 9PY
- 18/04788/FUL Replacement conservatory. 3 Elm Hill, Warminster, BA12 0AU
- 18/04762/FUL Two storey rear extension. 5 King Street, Warminster, Wiltshire, BA12 8DG
- 18/03909/FUL Single storey side, porch & rear extension. 20 Copheap Lane, Warminster, BA12 0BG
- 18/02254/FUL Conservatory Extension. 6 Mill Island, Warminster, BA12 9FJ
- 18/04733/FUL Proposed bungalow. Land Between 12 Mount Lane and 31, Marsh Street Warminster BA12 9PG

#### 9. Tree Applications

- 18/04792/TPO T1 - Ash tree – fell. 19 Sambourne Road, Warminster, BA12 8LB
- 18/05057/TPO Crown raise Turkey Oak to 6 metres. Kingdown School, Woodcock Road, Warminster, Wiltshire, BA12 9DR
- 18/05187/TPO T1 - Oak - thin by 20%. 8 Canons Close, Warminster, Wiltshire, BA12 9LA
- 18/05202/TCA Reduce Height of (T1) Beech Tree by 1 Metre and Reduce Sides by up to 2 Metres; Reduce Height of (T2) Norway Maple by 2 Metres and Reduce Width by 1 Metre, Thin Crown by 30% and remove Several Large Trunkated Stems. Trinity Cottage, Vicarage Street, Warminster, Wiltshire, BA12 8JE

#### 10. Damask Way

The attached letter that was submitted as part of the public consultation on the proposed Damask Way development 17/12348/OUT.

**To note.**

#### 11. Communications

**The members to decide** on items requiring a press release and **to nominate** a speaker for any item on the agenda if required.

The date of the next Planning Advisory meeting is 16<sup>th</sup> July 2018

Minutes from this meeting will be available to all members of the public either from our website [www.warminster-tc.gov.uk](http://www.warminster-tc.gov.uk) or by contacting us at Warminster Civic Centre



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**WARMINSTER TOWN COUNCIL**

No.... 06

Date recvd Warm	Planning No	Description	Date recv'd Wilts Council	Date reply due back to Wilts Council	Chair's decision 1. meeting (m) 2. no time for action (o) 3.extension (e)	Case Officer	Wiltshire Council decision
17.05.18	18/03809/FUL	Planning application to support Listed Building Consent previously approved 18/00001/LBC for reinstatement of stone piers, metal railings and gates. St Lawrence Chapel, High Street, Warminster, Wiltshire, BA12 9AG <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	16.05.18	14.06.18	(e) Agreed 18.05.18	Jocelyn Sage	
24.05.18	18/03774/FUL	Replace 12 existing flood lighting columns with 8 new flood lighting columns to existing artificial turf surface court. Warminster School, Church Street, Warminster, Wiltshire, BA12 8PJ <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	22.05.08	19.06.18	(m)	Steve Vellance	
25.05.18	18/04792/TPO	T1 - Ash tree – fell. 19 Sambourne Road, Warminster, BA12 8LB <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	22.05.18	19.06.18	(m)	Shane Verrion	

25.05.18	18/03810/FUL	Demolition of single storey substandard section of cottage and construction of two storey extension. Curfew Cottage, Rear of St Lawrence Chapel, High Street, Warminster, Wiltshire, BA12 9AG <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	23.05.18	29.06.18	(m)	Verity Giles-Franklin	
25.05.18	18/04200/LBC	Demolition of single storey substandard section of cottage and construction of two storey extension. Curfew Cottage, Rear of St Lawrence Chapel, High Street, Warminster, Wiltshire, BA12 9AG <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	23.05.18	29.06.18	(m)	Verity Giles-Franklin	
25.05.18	18/04323/FUL	Proposed porch extension. 15 Beech Grove, Warminster Wiltshire, BA12 0AB <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	24.05.18	21.06.18	(m)	Verity Giles-Franklin	
25.05.18	18/04555/FUL	Erection of extension to existing workshop, retrospective approval for engineering operations and proposed laying of hardcore and scalping and erection of fencing. 43 Copheap Lane, Warminster, BA12 0BQ <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	25.05.18	22.06.18	(m)	Eileen Medlin	
29.05.18	18/05057/TPO	Crown raise Turkey Oak to 6 metres. Kingdown School, Woodcock Road, Warminster, Wiltshire, BA12 9DR <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	29.05.18	20.06.18	(m)	Shane Verrion	
30.05.18	18/01232/FUL	Hall extension. Grange Court, 19 Grange Lane, Warminster, Wilts, BA12 9EY <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	30.05.18	27.06.18	(m)	Steve Vellance	

31.05.18	18/04727/FUL	Replacement flat roof/parapet walls with pitched slate roof. 39 Silver Street, Warminster, Wiltshire, BA12 8PT <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	31.05.18	28.06.18	(m)	Steve Vellance	
31.05.18	18/04777/FUL	Two storey side and rear extension of the existing dwelling. 19 Ferris Mead, Warminster, Wilts, BA12 9PY <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	31.05.18	28.06.18	(m)	Katie Yeoman	
31.05.18	18/05187/TPO	T1 - Oak - thin by 20% 8 Canons Close, Warminster, Wiltshire, BA12 9LA <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	29.05.18	22.06.18	(m)	Shane Verrion	
31.05.18	18/04788/FUL	Replacement conservatory 3 Elm Hill, Warminster, BA12 0AU <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	31.05.18	28.06.18	(m)	Steve Vellance	
01.05.18	18/04762/FUL	Two storey rear extension 5 King Street, Warminster, Wilts, BA12 8DG <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	01.06.18	29.06.18	(m)	Steve Vellance	
01.05.18	18/03909/FUL	Single storey side, porch & rear extension 20 Copheap Lane, Warminster, BA12 0BG <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	01.06.18	29.06.18	(m)	Verity Giles-Franklin	
01.05.18	18/02254/FUL	Conservatory Extension. 6 Mill Island, Warminster, BA12 9FJ <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	01.06.18	29.06.18	(m)	Steve Vellance	



04.06.18	18/04733/FUL	Proposed bungalow. Land Between 12 Mount Lane and 31, Marsh Street Warminster BA12 9PG <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	31.05.18	28.06.18	(m)	James Taylor	
07.06.18	18/05202/TCA	Reduce Height of (T1) Beech Tree by 1 Metre and Reduce Sides by up to 2 Metres; Reduce Height of (T2) Norway Maple by 2 Metres and Reduce Width by 1 Metre, Thin Crown by 30% and remove Several Large Trunkated Stems. Trinity Cottage, Vicarage Street, Warminster, Wiltshire, BA12 8JE <a href="http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx">http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx</a>	05.06.18	27.06.18	(m)	Sue Morgan	

Date agenda to be sent out: 11.06.2018

Date of Planning Advisory Committee Meeting: 18.06.2018



Mr Steven Sims  
Development Services Central  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

23 April 2018

Dear Mr Sims  
Re Application 17/12348/OUT Damask Way, Warminster

I write to object to the above application.

Previous applications W/12/00687/OUT and 14/03655/REM, and 15/01661/OUT and W/15/12197/REM relate to this site and contained conditions relating to landscaping which have not been complied with.

Conditions 2, 12, 13, 15 and 16 of the 2012 consent deals with the landscaping requirements and make specific reference to landscaping both within the site and a strategic landscaping area outwith the site boundary. The developers Landscape and Visual Appraisal and Landscape Strategy document makes specific reference (at paragraph 5.12) to the area beyond the site boundary and it being within the ownership of one of the applicants. A Landscape Ecology and management plan was required by condition and in the officers report specific reference was made to the retention and management of exiting trees to the north and south and also to provide buffer planting around the site and the external edge of the landscape area to create a long term well landscaped and appropriate edge to the town. This strategic landscaping is shown on drawing PER 19053 12a and has never been undertaken and the 2015 permission has allowed the construction of 5 houses over the key screening areas.

Planning Applications 15/01661/OUT and W/15/12197/REM dealt with the 5 additional houses. Once again there were planning conditions 2 and 4 on the outline and 1 and 3 of the reserved matters approval about landscaping including areas beyond the site boundary as shown on plan AH2015/120-Wider Landscaping, which again remained within the ownership of one of the applicants. The failure to undertake the landscaping has been referred to the Enforcement Team at Wiltshire Council

Just before the submission of application 17/12348/OUT the developer removed 6 mature oak trees adjacent to Upper Marsh Road and his intended access. These trees formed part of the strategic landscaping for both the previous 23 and 5 house developments. The above plan AH2015/120-Wider Landscaping clearly shows woodland on the approach to Upper Marsh Road as being retained and this condition can be enforced through the wording of the Condition 1 requiring compliance with this plan. "The development hereby permitted shall be carried out in accordance with the following approved plans".



Hazel Farm, Upper Littleton, Bristol. BS40 8HG  
**Tel:** 01275 331228 **Mob:** 07973 156218 **Fax:** 01275 331248  
**Email:** [info@merrettandco.com](mailto:info@merrettandco.com) [www.merrettandco.com](http://www.merrettandco.com)



The reason given for the imposition of most of the general landscaping conditions is;  
*"To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features."*

The condition 4 of 15/01661/OUT which requires a Landscape and Ecology Management Plan which prevents any commencement of development prior to its submission and agreement was specifically imposed to protect the long term management of the retained and newly planted trees. The standard conditions all allow for the replacement of any trees removed in the first 5 years of these conditions and could be enforced.

Section 70 of the Town and Country Planning Act 1990 gives local planning authorities the power to impose such conditions they think fit. Section 72 (1) (a) of the Act permits the imposition of conditions in respect of land under the control of the applicant though not necessarily within the application site.

Clearly therefore conditions can be imposed on land outside the application site but within the control of the applicants which in this case is confirmed at paragraph 5.12 of the Landscape and Visual Appraisal and Landscape Strategy document for application W /12/00687/OUT.

In the case of *Davenport v Hammersmith and Fulham London Borough Council* 1999 April 26 The Times, Divisional Court, conditions relating to land outside of an application site or outside the control of the applicants are valid so long as they could be complied with.

Consequently the strategic landscaping conditions imposed on the 2012 permission i.e. conditions 12, 13 and 16 can be enforced despite the fact they are outside the site boundary.

The land transfers from the owners to the developers allow specifically for access to carry out the strategic landscaping works and refer to a Landscape Strategy Plan and contain a right of access and therefore the land remains within the control of the applicant or at the very least can be complied with.

The right granted is to enter areas of land "as are required to carry out and maintain the strategic landscaping and to satisfy the conditions of the planning permission (and any reserved matters approval) in relation to the strategic landscaping".

The failure of the developer to carry out the relevant strategic landscaping in accordance with the conditions related to the 2012 permission and the 2015 permission have been reported to Wiltshire Council. The enforcement officer Mr Mark Williams responded "That as the trees that have been felled were outside the red line and not in a conservation area the council were unable to take any action".

He states that "the case officer that dealt with the planning application appears to have made an error regarding the conditions, as the landscaping mentioned is upon land that is outside the red line on the application, and therefore not under the control of the conditions, meaning that it is unenforceable."

"The officer that took over confirmed that condition 4 is unenforceable in the circumstances."  
This is totally incorrect as set out above, in this case the land is within the control of the applicants and the conditions can be complied with therefore they are enforceable.



Government guidance in the National Planning Policy Guidance states that local planning authorities have responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative areas.

Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations.

In this case conditions 2,12,13,15 and 16 on the 2012 and on the 2014 permission conditions 2 and 4 and conditions 2 and 4 on the 2015 outline permission and conditions 1 and 3 on the 2015 reserved matters permission were imposed for a reason and that was stated to be "To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features" and to ensure the proper management of the landscaped areas in the interests of visual amenity and biodiversity.

National Guidance advises that effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

Landscape was and has continued to be an important issue for development in this location. I enclose a copy of the Council's landscape architect's consultation response to the first application W/12/00687/OUT.

Landscape architect Maxine Russell states that during the pre-application consultation five key landscape constraints are identified, the setting of the AONB, interface with the countryside, visual prominence, amenity of residents and from public rights-of-way and change in landscape character. She stated that a robust design solution had been achieved which will provide overall enhancement to the edge of Warminster and its wider landscape setting. She stated it's being achieved by placing the houses on the least prominent position and maintaining existing mature tree belts to provide natural screening. Secondly the development of a landscape strategy of additional planting and management to the land immediately beyond the site (i.e. off-site) providing a natural interface with the open countryside enhancing the setting of the town and the Area of Outstanding Natural Beauty, enhancing the amenity of the public right-of-way and strengthening the landscape character with additional tree planting will complement the key characteristics of the Longleat Greensand Hills landscape character area.

In this case it is in the public interest to take enforcement action to protect this important landscape provision which was critical to the initial granting of planning permission in this location.

It is also imperative that enforcement action is taken to prevent an unacceptable impact on the amenity of the area and to maintain the integrity of the decision-making process and ensure the confidence in the decision-making process of local authorities is maintained.

It would appear unreasonable for a local authority who has accepted that the protection of the landscape is a material consideration of high importance to now accept for the second time that this landscaping provision can be disregarded and not enforced.



There is a need for consistency in decision-making and it was explained by Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P&CR 137

*"Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system"*.

It's clearly inconsistent decision-making having identified landscape issues as being a material consideration of the highest level of importance to then disregard the need for and the provision of strategic landscaping and retention /replacement of trees. In the event that the council continue to disregard the requirement for strategic landscaping and the need to enforce previous landscaping conditions they must provide reasons as to why they have disregarded this material consideration if they make the decision to grant planning permission for this application.

I would respectfully request that you reject this application for the above reasons and enforce the landscaping conditions.

Yours sincerely

Tracey Merrett

Merrett & Co

**Dale, Judith**

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**From:** Russell, Maxine  
**Sent:** 22 June 2012 13:31  
**To:** Dale, Judith  
**Subject:** W/12/00687/OUT Land east of Damask Way, Warminster Landscape 12\_06\_2012

Dear Judith

During the pre-application consultation 5 key landscape constraints were identified: setting of the AONB; interface with countryside; visual prominence; amenity of residents and from PROWs and change in landscape character.

The Landscape and Visual Appraisal (LVA) submitted with the application has explored the landscape issues that I raised and developed a robust design solution which will provide overall enhancement to the edge of Warminster and its wider landscape setting.

This will be achieved through the following mechanisms:

1. Placing the new houses in the least prominent position as identified in the LVA and maintaining existing mature tree belts to provide natural screening.
2. The development of a Landscape Strategy of additional planting and management to the land immediately beyond the site
  - Providing a natural interface with the open countryside (rather than a harsh urban edge)
  - Enhancing the setting of the town and the AONB
  - Enhancing the amenity of PROW
  - Strengthening the landscape character with additional tree planting will compliment the key characteristics of the Longleat Greensand Hills landscape character area.

I'm sure that there will be minor tweaks required to the final design and detailed plans will need approval but I am satisfied that in principal all landscape issues have been considered at this stage.

Let me know if you want to discuss in more detail

Regards

Maxine

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Maxine Russell BA(Hons) DipLA CMLI  
Landscape Architect  
Landscape & Design Team

Economy & Regeneration  
Wiltshire Council

Tel: 01225 713314

Email [maxine.russell@wiltshire.gov.uk](mailto:maxine.russell@wiltshire.gov.uk)

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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