

Warminster Civic Centre Sambourne Road Warminster Wiltshire BA12 8LB Town Clerk: Fiona Fox Tel: 01985 214847 Email: admin@warminster-tc.gov.uk www.warminster-tc.gov.uk

AGENDA

12th August 2019

Dear Councillor

You are summoned to a meeting of the:

Planning Advisory Committee to be held on Monday 19th August 2019 at 7pm at Civic Centre, Sambourne Road, Warminster, BA12 8LB

Membership:

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

Copied to all other members for information.

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

Yours sincerely,

Fiona Fox BA (Hons) MCIPD FSLCC

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

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 Monday 22nd July 2019; 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 Monday 22nd July 2019.

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

19/06692/VAR	Removal of condition 3 of planning permission 18/01851/FUL (
10/00002/1/11	Tremeval of condition of planning permission 10/01001/1 CE

Change of use of part of building from residential to nursery uses (Part Retrospective) and Variation of Condition 3 of planning consent W/06/00806/FUL to change the permitted number of children from 45 to 70) to allow the use of the site for 70 children to be made permanent. 5 Westbury Road, Warminster, Wiltshire,

BA12 0AN

19/06795/VAR Variation of condition 8 for application 17/05360/OUT Land north

of Grovelands Way, Warminster, BA12 8TB

Variation of conditions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 19/07198/VAR

> 17, 18, 19, 20, 21, 24, 25, 29, 30, 31, 34 & 35 pursuant to planning application 17/05360/OUT (Continuing care retirement

> community (CCRC) comprising a 48 bed care home (Class C2), 46 extra care apartments and facilities (Class C2), 39 affordable extra care apartments and facilities (Class C2), 45 retirement bungalows/chalet bungalows (Class C3), medical centre and

pharmacy, relocation of children's play area, recreational and



protection/enhancement of County Wildlife Site, all with associated access roads, parking, infrastructure and raising of ground levels by 500mm (outline application relating to access and layout). Resubmission of 16/08425/OUT) to allow for phasing of the development. Land north of Grovelands Way, Warminster, **BA12 8TB** 19/07130/FUL Replacement of existing illuminated Fascia, externally illuminated projecting sign and illuminated ATM surround, works to include the preparation and decoration of existing shopfront. 52 Market Place, Warminster, Wiltshire, BA12 9AN 19/07319/ADV Replacement of existing illuminated Fascia, externally illuminated projecting sign and illuminated ATM surround. 52 Market Place, Warminster, Wiltshire, BA12 9AN Prepare and decorate existing shopfront and fix new illuminated 19/07131/LBC fascia, ATM surround and externally illuminated projecting sign all to replace existing, 52 Market Place, Warminster, Wiltshire, **BA12 9AN** Demolition of existing garage and conservatory and erection of 19/07335/FUL new two storey extension. 29 Luxfield Road, Warminster, BA128HH 19/07093/FUL Single storey extensions to rear and side of house. 5 Martin Crest, Warminster, Wilts, BA12 8DR. 19/05801/LBC Structural repair works. 16 Silver Street, Warminster, BA12 8PS 9. Tree Applications 19/07299/TPO Beech tree in rear garden (T1 on Plan 1) - TPO REF W/10/00017/IND Stem on left-hand side has a weak union with bark inclusion (picture 2). Remove the stem along with the two lower branches alongside it (indicated by red dots on picture 1). Remove the four lower branches on the left-hand side (indicated by red dots on picture 3) to balance the canopy. 19/07447/TCA Clear site in middle leaving large established trees marked B & raise crown of these so there is a 6m clearance. 25B High Street, Warminster, Wiltshire, BA12 9AG 19/07546/TPO Beech and Thuja trees - crown lift to 5m. 10 Elm Hill, Warminster, Wiltshire BA12 0AU Yew tree - crown raise to 6.5m. 1 Beavans Court, Warminster, 19/07560/TCA Wiltshire, BA12 9BS

flood compensation area and biodiversity



10. 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 9th September 2019

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



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
23.07.19	19/06843/TCA	TG1 - comprises of:1 x dead Rowan tree; 1 x Holly tree & 2 x Apple trees - fell 2 x Apple trees & 1 x Fig tree - overall reduction by 1m. 9 North Row, Warminster, Wiltshire, BA12 9AD http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	16.07.19	06.08.19	(0)	Sue Morgan	
23.07.19	19/06692/VAR	Removal of condition 3 of planning permission 18/01581/FUL (Change of use of part of building from residential to nursery uses (Part Retrospective) and Variation of Condition 3 of planning consent W/06/00806/FUL to change the permitted number of children from 45 to 70) to allow the use of the site for 70 children to be made permanent. 5 Westbury Road, Warminster, Wiltshire, BA12 0AN http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	12.07.19	20.08.19	(m)	David Cox	
24.07.19	19/06795/VAR	Variation of condition 8 for application 17/05360/OUT Land north of Grovelands Way, Warminster, BA12 8TB http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	16.07.19	21.08.19	(m)	Karen Guest	

26.07.19	19/07198/VAR	Variation of conditions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25, 29, 30, 31, 34 & 35 pursuant to planning application 17/05360/OUT (Continuing care retirement community (CCRC) comprising a 48 bed care home (Class C2), 46 extra care apartments and facilities (Class C2), 39 affordable extra care apartments and facilities (Class C2), 45 retirement bungalows/chalet bungalows (Class C3), medical centre and pharmacy, relocation of children's play area, recreational and flood compensation area and biodiversity protection/enhancement of County Wildlife Site, all with associated access roads, parking, infrastructure and raising of ground levels by 500mm (outline application relating to access and layout). Resubmission of 16/08425/OUT) to allow for phasing of the development. Land north of Grovelands Way, Warminster, BA12 8TB http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	18.07.19	30.08.19	(m)	Karen Guest	
27.07.19	19/07114/TCA	Section Fell Dead Tree. Lidl Store, Station Road, Warminster, BA12 9BR http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	24.07.19	17.08.19	(0)	Beverley Griffin	
30.07.19	19/07130/FUL	Replacement of existing illuminated Fascia, externally illuminated projecting sign and illuminated ATM surround, works to include the preparation and decoration of existing shopfront. 52 Market Place, Warminster, Wiltshire, BA12 9AN http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	30.07.19	30.08.19	(m)	Steve Vellance	

30.07.19	19/07319/ADV	Replacement of existing illuminated Fascia, externally illuminated projecting sign and illuminated ATM surround. 52 Market Place, Warminster, Wiltshire, BA12 9AN http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	30.07.19	30.08.19	(m)	Steve Vellance	
30.07.19	19/07131/LBC	Prepare and decorate existing shopfront and fix new illuminated fascia, ATM surround and externally illuminated projecting sign all to replace existing. 52 Market Place, Warminster, Wiltshire, BA12 9AN http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	30.07.19	30.08.19	(m)	Steve Vellance	
31.07.19	19/07335/FUL	Demolition of existing garage and conservatory and erection of new two storey extension. 29 Luxfield Road, Warminster, BA12 8HH http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	31.07.19	28.08.19	(m)	Steve Vellance	
01.08.19	19/07299/TPO	Beech tree in rear garden (T1 on Plan 1) - TPO REF W/10/00017/IND Stem on left- hand side has a weak union with bark inclusion (picture 2). Remove the stem along with the two lower branches alongside it (indicated by red dots on picture 1). Remove the four lower branches on the left- hand side (indicated by red dots on picture 3) to balance the canopy. http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	01.08.19	23.08.19	(m)	Shane Verrion	
01.08.19	19/07447/TCA	Clear site in middle leaving large established trees marked B & raise crown of these so there is a 6m clearance. 25B High Street, Warminster, Wiltshire, BA12 9AG http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	01.08.19	23.08.19	(m)	Beverley Griffin	

06.08.19	19/07546/TPO	Beech and Thuja trees - crown lift to 5m. 10 Elm Hill, Warminster, Wiltshire BA12 0AU. http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	06.08.19	28.08.19	(m)	Shane Verrion	
06.08.19	19/07560/TCA	Yew tree - crown raise to 6.5m. 1 Beavans Court, Warminster, Wiltshire, BA12 9BS http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	06.08.19	28.08.19	(m)	Sue Morgan	
09.08.19	19/07093/FUL	Single storey extensions to rear and side of house. 5 Martin Crest, Warminster, Wilts, BA12 8DR. http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	09.08.19	06.09.19	(m)	Matthew Perks	
12.08.19	19/05801/LBC	Structural repair works. 16 Silver Street, Warminster, BA12 8PS http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx	12.08.19	13.09.19	(m)	Jocelyn Sage	

Date agenda to be sent out: 12.08.2019
Date of Planning Advisory Committee Meeting: 19.08.2019

MINUTES of the PLANNING ADVISORY COMMITTEE WARMINSTER TOWN COUNCIL held on TUESDAY 28 MARCH 2006 at 7.00pm

W06 00806/FUL Extensions and alterations to 5 Westbury Road for Mrs L Ashton

This property is operating as a Nursery School and as such the application should be considered as an extension to a business and not to a private property. One extension has already been added some 2-3 years ago. The nursery does create a traffic hazard as children are delivered to and collected from school. The property is near a sharp corner in the road and cars park along Westbury Road causing a problem for neighbouring properties.

Voting for refusal was unanimous with 5 votes for and 0 against.

MINUTES of the Planning Advisory Committee held on Tuesday 3rd April 2018 at 7pm

PC/17/111 Public Participation

Paul Scrase spoke against planning application No 18/01851/FUL saying that the increased number of children at the nursey would make the noise intolerable. He had concerns over road safety with the additional traffic flow which is already problematic.

Councillor Pip Ridout spoke against planning application No 18/01851/FUL saying that she had been approached by several residents in the area about the nursery school. She felt that the increased number of children attending the school was unacceptable and this would cause a noise nuisance for local residents. There were highway issues as the property was situated three houses up from a major bend. Parking is already a problem and the increase in parents dropping off children will only make matters worse. The school have tried to address this with a schedule of times for dropping off children but Councillor Ridout had concerns that this would be unworkable. Staff were advised to park away from the property but this would cause more displaced parking problems.

Larry Bohana spoke against planning application No 18/01851/FUL. His notes are attached to the minutes.

Application No: 18/01851/FUL

The comments I raise regarding the above application are as follows;

Noise Disturbance

The increase change in permitted children from 45 to 70 will be an intolerable increase in the noise level for neighbouring dwellings. This issue was addressed under, Environmental Protection Act 1990, to the HSE Dept in 2014. The noise level from 09:15 to 17:15 daily, was after investigation, recognised as having a disturbance factor. However, for the sake of neighbourly harmony we agreed with measures that were accepted to reduce outside play times to a reasonable level. Regrettably over the course of time the agreement has too often been flouted.

Should Variation of Condition 3 of planning consent W/06/00806/FUL be permitted the noise level will correspondingly double throughout the day. This would be wholly unfair to adjacent neighbours.

Highway Safety and Traffic

The effect the application will have on Highway Safety and Traffic is of much concern as the property is not ideally placed with busy peak-hours traffic. The amount of parking at the location permits for, at best, 6/7 saloon type cars. With full parking capacity taken up the egress turning circle is very restricted. Coupled to this exiting vehicles joining an extremely busy road (a road that has become somewhat of a 'rat run' at peak times to avoid the town by-pass) have difficulty because of vehicles parked on the road, in seeing the fast moving traffic approaching from a sharp bend a short distance from their exit point. Alas, despite request from residents and in fairness, the efforts of the nursery staff, clients do still continue to park whilst dropping off children on restricted yellow lines placed there by the council to eliminate the possibility of accidents occurring. A substantial increase in the amount of vehicles entering and exiting Barney Lodge would have quite an alarming impact on highway safety.

Conclusion

Provision has been made in law, which is available to all businesses, for a defence of "best practicable means" (bpm) in dealing with such issues as those commented upon above. However, we believe the nursery has now achieved this. To attempt a bpm beyond that which now stands would be unreasonable. The owners of Barney Lodge Nursery reside in the tranquillity of Devon and are perhaps not fully aware of issues that they create for local residents. The possibility of this dwelling place coming wholly a place of business will only exasperate the situation.

18/01851/FUL

Change of use of part of building from residential to nursery uses (Part Retrospective) and Variation of Condition 3 of planning consent W/06/00806/FUL to change the permitted number of children from 45 to 70. Barney Lodge Day Nursery, 5 Westbury Road, Warminster, BA12 0AN

Members had a lengthy debate regarding this application. They had listened to all the concerns raised by local residents and agreed with the issues raised. Councillor Nicklin proposed refusal of the application due to the adverse effect on the residential amenity of neighbours by reason of noise, and that the development would adversely affect highways safety and the convenience of road users. Seconded Councillor Jolley, voting in favour for refusal. It was requested that this application be called in by the Wiltshire Council Unitary member, Councillor Pip Ridout

Minutes

Planning Advisory Committee Monday 17th October 2016 at 7.00pm

193/16 Public Participation

John Montgomery, Ace Retirement spoke in favour of planning application No. 16/08425/OUT, Land North of Grovelands.

Valerie McClundie, representing residents of the Grovelands spoke against planning application No. 16/08425/OUT, Land North of Grovelands.

Len Turner, Were Close spoke on planning application No. 16/08425/OUT, Land North of Grovelands, saying it was the least worst application that had been seen but he felt that more details were required.

16/08425/OUT

Continuing care retirement community comprising a 64 bed care home (Class C2), 50 extra care apartments and facilities (Class 2), 40 affordable sheltered apartments and facilities (Class 3), 42 age restricted bungalows/chalet bungalows (Class C3), 6 Key Worker flats (Class 3), medical Centre and Pharmacy, Dental Surgery, Community Shop (200sqm), community rooms (2 x 50sqm), relocation of children's play area,recreational activity and flood compensation area and biodiversity protection/enhancement of local wildlife site, all with associated access road, parking and infrastructure (Outline application relating to access and layout) Land north of Grovelands, Warminster, Wilt, BA12 8TB

The Members had a lengthy debate about this application.

Councillor Fraser had several concerns relating to drainage. The reports don't supply enough information and there was no emergency exit to the rear of the site which could cause problems for emergency vehicles.

Councillor Jolley proposed that the application be accepted as it meets the requirements set in the Wiltshire Council's Core Strategy, policy numbers 38,43,46,50,51,52,60,68 and 69.

There was no seconder.

Councillor Macdonald proposed that this application should not be supported. If it was anywhere else within the Settlement Boundary, it would be ideal as it is something the town needs. We have to stick with the Core Strategy. Where is the flood risk assessment? We have to be consistent and stick by our emerging Neighbourhood Plan.

There was no seconder.

Councillor Dancey provided a written statement and the following is an extract:

I think we all need to accept that this is a very complicated application with many aspects to consider before we can arrive at a judgement.

Like all applications this one involves assessing and weighing the evidence for and against to find whether the balance lies in favour of the proposal when held up against the prism of planning considerations we have to work with.

I spent considerable time going through the mountain of evidence submitted by the applicants – it is very detailed, reasonably easy to understand and I would commend those responsible for its production. Having said that we face a very tricky decision and one that is more taxing than that which will be made by those who ultimately will determine this application in Trowbridge. The reason for this is because councillors at County Hall will have the benefit of a very comprehensive and detailed report from a professional planning officer and a recommendation to approve or reject.

This is one application we need to get right as it is a major development which will have an impact on many lives in years to come, if approved. The building of a 64 bed care home, 50 extra care apartments, 40 affordable sheltered apartments, 42 age restricted apartments, 6 key worker flats and 250 car parking spaces can only be described as a major development set over 30 acres. It is one that could provide 75-full time and 85-part time jobs.

There are obvious concerns about this plan including the impact on the propensity for flooding downstream and traffic congestion, especially when coupled with the additional 1,500 homes expected to be built on an adjacent site west of this one in the years between now and 2035.

We could argue about flooding and highway aspects all night and these considerations may well provide sufficient grounds for refusal but until those taking the ultimate decision have sight of professional guidance from its experts I cannot say that we could object on these grounds, only highlight the potential concern.

So what we can we object to, here today? Opponents are on much firmer ground when they say the site falls outside the settlements boundary of the town. With this

application it is hard not to accept that genuine need exists – the number of 85s in Warminster is set to rise by 61% between 2001 and 2021. It isn't a case of wanting to cater for these people there is a genuine and provable need.

If this application passes the needs test, then it must also show that the local environment and landscape is not compromised. I've read a considerable amount of the material submitted by the applicants and would accept that it is their intention to meet this requirement. Then they must ensure that the scale and type of development is appropriate to the character and setting of the area. Given that this 30-acre section of land will, in a few years, be hemmed in

by modern development I think it can meet that test. However, I would question the need to provide 250 parking spaces, which seems excessive. Would the bus service remain and if not, make a development such as this, isolated?

Councillor Dancey proposed that Warminster Town Council do not wish to make a recommendation for approval or objection because it is felt that we do not have enough information at our disposal, however we would like to bring to the attention of the planning authority the following concerns: -

- Why so many car parking spaces provided?
- This development is in the highest flood risk area.
- Traffic congestion.
- No emergency exit provided but required at the back of the development.
- . Removes the buffer zone between the West Urban Extension.
- Drainage.

Seconded Councillor Fryer, voting in favour 5, against 1 and abstention 1. Proposal carried.

Minutes

Planning Advisory Committee Monday 17th July 2017 at 7.00pm

PC/17/028 Public Participation

Paul Trofimov, Director Ace Retirement spoke in favour of planning application 17/05360/OUT, his notes are attached to the minutes.

Len Turner, 3 Wren Close, spoke about planning application No.17/05360/OUT saying that he knew this site well and it had been in dispute for many years. He was neither for nor against it, if it were proved that this facility was required. This is an exception site and was deliberately excluded from the Core Strategy.

17/05360/OUT

Continuing care retirement community (CCRC) comprising a 48 bed care home (Class C2), 46 extra care apartments and facilities Class C2), 39 affordable extra care apartments and facilities (Class C2), 45 retirement bungalows/chalet bungalows Class C3), medical centre and pharmacy, relocation of children's play area, recreational and flood compensation area and biodiversity protection/enhancement of County Wildlife Site, all with associated access roads, parking, infrastructure and raising of ground levels by 500mm (outline application relating to access and layout). Resubmission of 16/08425/OUT. Land north of Grovelands Way Warminster BA12 8TB

Notes from the previous Planning Meeting held on Monday 17th October for the application No.16/08425/OUT had been circulated with the agenda and many of these points were re- iterated.

The members had a lengthy debate about this application. Councillor Nicklin told the Committee that he had read through the documents and felt that as this was an outline planning application, Warminster Town Council should approve it subject to it passing all Flood Risk Sequential Test & Exception Tests and further assessments including legal issues, public rights of way and planning approval. Seconded Councillor Jolley, voting in favour 4, against 1, abstentions 0. The motion was carried.