

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

Membership:

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

Key: * Present A Apologies AB Absent

In attendance:

Officers: Tom Dommett (Assistant Town Clerk) and Judith Halls (Office Manager)
Public and press: 5 members of public, 0 Press

PC/19/024 Apologies for Absence

Apologies were received and accepted from Cllr Doyle

PC/19/025 Declarations of Interest

No declarations of interest were received under Warminster Town Council's Code of Conduct issued in accordance with the Localism Act 2011.

PC/19/026 Minutes

PC/19/026.1 The minutes of the meeting held on Monday 22nd July 2019 were approved as a true record and signed by the chairman.

PC/19/026.2 Matters arising - None.

PC/19/027 Chairman's Announcements

None.

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

PC/19/028 Public Participation

Len Turner spoke in objection to the planning application No's.19/06795/VAR and 19/07198/VAR, his notes are attached to the minutes.

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

David Johnson spoke in objection to the planning application No's.19/06795/VAR and 19/07198/VAR, he agreed wholeheartedly with all the concerns raised by Mr Turner.

Susan Frances Thompson spoke in objection to the planning application No's.19/06795/VAR and 19/07198/VAR. She felt that the proposed development was too ambitious and had concerns over the inadequate access to the site, and the possible impact on the wildlife in the area.

Standing Orders were reinstated at 7.10pm

PC/19/029 Reports from Unitary Authority Members
None.

PC/19/030 Comments from Neighbourhood Plan Policy Review Working Group
None.

PC/19/031 Planning Applications

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

Members had a lengthy debate regarding this application and whilst they accepted there was a need for a nursery, councillors felt this was not a suitable location. The planning application to change use of the building from residential to nursery and to permit the number of children allowed to attend the nursery from 45 to 70. Cllr Nicklin proposed the following points:

- This is a residential area and unsuitable for this type of use
- 70 children make a lot of noise, if the noise was coming from an industrial site, planners would be much tougher.
- The number of children attending is approaching that of a school, but in a building ¼ of the size.
- There are concerns about children being cramped inside if the weather was bad.
- There are concerns about insufficient toilet and other facilities
- There are concerns about the volume of traffic created by having 70 children dropped off and picked up
- There are concerns that in future an application may follow to increase from 70 children to an even higher number.

Seconded Cllr Fryer, voting unanimous in favour for refusal.

It was requested that this application be called in by Unitary Cllr Pip Ridout.

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

19/06795/VAR Variation of condition 8 for application 17/05360/OUT Land north of Grovelands Way, Warminster, BA12 8TB

Members discussed both applications together 19/06795/VAR and 19/07198/VAR the proposal is below.

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

Members had a lengthy debate regarding the applications for Grovelands Way regarding the changes to planning conditions. Planning permission was previously granted in June 2018 for the building of a Care Home and 45 bungalows as part of a "Continuing Care Retirement Community". Planning permission was granted with a number of conditions. The developer is now trying to get at least 26 of those conditions changed. Cllr Nicklin proposed Warminster Town Councillors refusal of the conditions and made the following points:-

- The site is outside the settlement framework boundary for Warminster and not part of the Neighbourhood Plan, therefore development should only be allowed in exceptional circumstances.
 - The provision of specialist accommodation for older people may be an exceptional circumstance.
 - It was only the provision of a "Continuing Care Retirement Community" that allowed planning permission to be granted.
 - The bungalows were granted planning permission on condition they were to be reserved solely for elderly residents over 65 in perpetuity.
 - The bungalows were to incorporate detailed design elements geared to the needs of the elderly.
 - Part of the new application was to reduce the age of residents allowed to start living in the bungalows from 65 to 55 years.
 - Councillors believe that 55 is too young an age for a continuing care community.
 - When planning permission had been granted it had been agreed that the Care Home and Bungalows had to be built at the same time to provide a Continuing Care Retirement Community. Now the developer also wants to change the planning conditions that mean the bungalows and care home must be built at the same time. Councillors are concerned that this could result in the Care Home not being built.
 - Councillors supported the comments made by residents in objecting
- Seconded Cllr Jolley, voting unanimous in favour for refusal.**

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

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

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

19/07319/ADV Replacement of existing illuminated Fascia, externally illuminated projecting sign and illuminated ATM surround. 52 Market Place, Warminster, Wiltshire, BA12 9AN

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

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

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

19/07335/FUL Demolition of existing garage and conservatory and erection of new two storey extension. 29 Luxfield Road, Warminster, BA12 8HH

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

19/07093/FUL Single storey extensions to rear and side of house. 5 Martin Crest, Warminster, Wilts, BA12 8DR.

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

19/05801/LBC Structural repair works. 16 Silver Street, Warminster, Wilts BA12 8PS

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

PC/19/032 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

19/07560/TCA Yew tree - crown raise to 6.5m. 1 Beavans Court, Warminster, Wiltshire, BA12 9BS

Noted en bloc.

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

PC/19/033 Communications

Members requested that press releases be issued for both 19/06692/VAR, Westbury Road and 19/06795/VAR & 19/07198/VAR Grovelands Way. Cllr Jeffries and Cllr Brett were nominated as speakers respectively, if required.

Meeting closed at 7.40pm

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

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Submission to Warminster Town Council's Planning Advisory Committee

From:

Len Turner, [REDACTED] – local resident

19th August 2019

Land North of Grovelands Way, Warminster BA12 8TB

Application No: 19/06795/VAR

Proposal: Variation of condition 8 for application 17/05360/OUT

Application No: 19/07198/VAR

Proposal: 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.

The outline application 17/05360/OUT was a resubmission of 16/08425/OUT that had been refused in February 2017.

The planning authority's letter of refusal contained the following statements

The proposal is for residential development in the open countryside, outside of the settlement framework boundary for Warminster. As such the proposal is contrary to the Spatial Strategy set out in Core Policies 1, 2 and 31 of the Wiltshire Core Strategy.

The Wiltshire Core Strategy does contain several "exceptions policies", including Core Policy 46 "meeting the needs of Wiltshire's vulnerable and older people". This policy states that in exceptional circumstances the provision of specialist accommodation for older people outside but adjacent to Market Towns such as Warminster may be considered.

The age restricted bungalows are neither "specialist accommodation" for vulnerable and older people nor affordable housing, and hence represent inappropriate residential development in the countryside. Furthermore, the proposed occupation of the bungalows by persons aged 55 and over would be incompatible with a statement in the PPG which suggests that an older person is someone aged 65 and older.

When considering the resubmitted outline application – 17/05360/OUT – Peter Horton, the Planning Case Officer produced a detailed report with a single recommendation:

That outline planning permission be granted subject to a S106 legal agreement

The report contained the following explanation as to why the planning authority now assessed that the retirement bungalows are acceptable

*...the proposal includes a substantial proposal for retirement bungalows which do not qualify under the exceptions policy CP46 as specialist accommodation. As such, **Spatial Planning initially considered that the bungalow element was not justified as an exception to the requirements of CP2 and requested a more detailed description of the scheme, occupants' obligations and functional interdependencies of the different components of the proposed scheme. As a result, further information was provided that gave a clearer understanding of the scheme and Spatial Planning accepted that there was insufficient flexibility to consider a disaggregation of the different component uses. In particular, further detail was provided which explained that the bungalows were to be reserved solely for elderly residents in perpetuity secured by planning control and a contractual obligation to a service charge. Furthermore, the bungalows would incorporate detailed design elements geared to the needs of the elderly. Hence it is now accepted that the bungalow element of the scheme qualifies as 'specialist accommodation' in respect to CP46.***

The two applications now under consideration seek to vary the conditions attached to the permission issued on 8th June 2018.

The first variation seeks to reduce the age at which the bungalows can be occupied from 65 to 55 years old. The permitted development is not for a retirement village where 55 years may be an acceptable age limit. It is for a Continuing Care Retirement Community.

Key features that distinguish a CCRC from traditional sheltered housing include:

- high levels of care available;
- 24-hour on-site staffing;
- extensive facilities.

At 55 the majority of people are not considering long term care accommodation. Indeed, the vast majority of decisions are known to be made only when circumstances demand a move to housing where care is a key element.

The reduction in age should be rejected.

The second set of variations seek to facilitate the delivery of the development in separate phases. This is linked to recent marketing of the housing element as a separate freehold parcel of land for sale at a price of £3m. Details are available from Cooper & Tanner's Frome office and can be viewed online on the Rightmove website:

<https://www.rightmove.co.uk/commercial-property-for-sale/property-63771987.html>

The outline permission was only granted because: ***'further information was provided that gave a clearer understanding of the scheme and Spatial Planning accepted that there was insufficient flexibility to consider a disaggregation of the different component uses.'***

If the sale of the housing land and development of the bungalows goes ahead in advance of the care elements, it would have delivered an unacceptable housing provision outside of the town development limit in the countryside in contravention of the Core Strategies Exception Policy CP46.

There would be no way in which guarantees could be given that would ensure the construction of the remainder of the permitted development.

The community would have lost the provision of affordable housing attached to the whole development, which is to be delivered by way of the 39 extra care apartments.

The proposal seeks a disaggregation of different component uses in direct contradiction of the information that the applicant had provided to demonstrate there was insufficient flexibility to consider such a disaggregation. Information without which, the outline permission had been previously refused, and would without doubt have been refused again.

These proposed revisions should be rejected.

Nowhere have I been able to find any further clarification of the outline permission for bungalows under Use Class C3.

CLG Circular 8/2010 states that **Class C3 is a dwelling house which is now defined as:**

- C3(a) those living together as a single household – a family
- **C3(b) those living together as a single household and receiving care****
- C3(c) those living together as a single household who do not fall within C4 definitions of a house in multiple occupancy

****Care is also defined in the original order as: “Personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or past or present mental disorder”**

It should be more clearly stated and understood that the outline permission is for bungalows under Use Class C3(b).