

Notes for agenda 19th August 2019
Westbury Road

**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 nursery 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, **Enviromental 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

