

MINUTES
of the Planning Advisory Committee
held on Monday 20th September 2021 at 7.00pm
at
Warminster Civic Centre, Sambourne Road,
Warminster BA12 8LB

Membership:

Cllr Allensby (West)	*	Cllr Macdonald (East)	*
Cllr Fraser (West)	*	Cllr Robbins (East)	*
Cllr Jeffries (North)	*	Cllr Syme (Broadway)	*
Cllr Keeble (West)	*	Chairman	
Vice Chairman			

Key: * Present A Apologies AB Absent

In attendance:

Officers: Tom Dommett (Deputy Clerk), Judith Halls (Office Manager), Stuart Legg (Parks and Estate Manager)

Wiltshire Council: Cllr Tony Jackson

Members of the public in attendance: 4

PC/21/034 Apologies for Absence
There were no apologies for absence.

PC/21/035 Declarations of Interest
Declarations of interest were received under Warminster Town Council's Code of Conduct issued in accordance with the Localism Act 2011 by Cllr Fraser, who declared an interest in planning application No. PL/2021/07428 as a trustee of the MS Society, she would not take part in discussion or vote.
Cllr Keeble who declared an interest in planning application No.PL/2021/08092 as the applicant is known to him, he would not take part in discussion or vote.
Cllr Macdonald who declared an interest in planning application No.PL/2021/07494 as the applicant is known to him, he would not take part in discussion or vote

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

PC/21/036 Minutes

PC/21/036.1 The minutes of the meeting held on Monday 16th August 2021 were approved as a true record and signed by the chairman.

PC/21/036.2 There were no matters arising.

PC/21/037 Chairman's Announcements

The Chairman advised that with members approval he would move forward planning applications PL/20/07214/REM and PL/2021/07207 for discussion.

Members unanimously approved this decision

PC/21/038 Questions

There were no questions submitted in advance by members of the council for this meeting.

Standing Orders were suspended at 702pm to allow for public participation

PC/21/039 Public Participation

Andrew Rushton spoke in objection to application 20/07214/REM
(Paperwork attached)

Adrian Bailey spoke in objection to application 20/07214/REM
(Paperwork attached)

Harriett James spoke in objection to application 20/07214/REM
(Paperwork attached)

Ian Perkins spoke in objection to application 20/07214/REM

Jon Ellis submitted a question about application 15/1800/OUT which was read out by the chairman, Cllr John Syme.

(Paperwork attached)

Standing Orders were reinstated at 7.15pm

PC/21/040 Reports from Unitary Authority Members

Cllr Tony Jackson advised the members that Wiltshire Council had consultations on their Draft Climate Strategy and Green and Blue Strategy and reminded the council that all comments should be received by 17th October 2021.

Cllr Tony Jackson spoke on the Damask Way planning application reminding Members that he had already 'called in' this application at Wiltshire Council.

PC/21/041 Planning Application

20/07214/REM

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

Cllr Syme proposed that Warminster Town Council objects to the development on the grounds that grassland will be lost to the detriment, survival and recovery of many rare plant species, as well as the pollinators and other wildlife that depend upon these environmentally important grasslands.

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

The Council objects to this development on the grounds that there will be a 27% loss of important habitats on the site.

The Council retains its previous objections relating to the impact on the Smallbrook SSSI, the River Wylfe SAC, the AONB and SLA.

The Council also retains its objections relating to the impact this development would have on the Grade 2 Listed Building. (Turnpike Cottage)

The Council objects to the access into Upper Marsh Road on the grounds that the road is too narrow, with obstructed sight lines to the east. This will increase the road safety concerns and put pedestrians and motor vehicles in danger from traffic leaving the development.

The Council also retains its objection to the retaining wall on the grounds that it is out of character with the area, owing to its size and position.

The Council objects to the application on the grounds that rare and nationally scarce flora and fauna will be at risk: Examples found on the site include Crab Spider, Subterranean Shiny Black Clown Beetle, Dumpy Leaden Grey Weevil and the Rove Beetle.

Objection is made to the intended destruction of an active badger sett sited approximately 10 metres from one of the proposed dwellings

Objection is made because the proposals for drainage of surface water and water from roofs are unsuitable and will direct water down the road and increase the risk of flooding elsewhere.

All the other statutory consultees are still opposing the proposals as they stand. Seconded Cllr Macdonald, voting unanimous in favour for refusal.

PL/2021/07207 Application for the Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) for Phase 1 comprising the Erection of 145 Dwellings, Public Open Space, Children's Play Area, Landscaping and Associated Infrastructure following Outline Planning Permission 15/01800/OUT. Land North of Victoria Road & to the West of Bath Road, Phase 1, Land North of Victoria Road, Warminster.

Members unanimously agreed that they had no planning objection to the application however, the following comments were made:-

The Town Council has concerns about the phosphate levels which have already exceeded recommended levels in the Upper Wylfe. This development will add to that pressure.

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

The site is now in Flood Zone 3 – the Town Council believes a holistic approach should be adopted with the development and the development for the care home and associated works. The cumulative impact of developments needs to be taken into account.

Previous experience of balancing ponds shows that often they don't work from day 1 or that they have no maintenance regime. The Town Council thinks that having a maintenance regime in place and funded ought to be included in an Environmental Management Plan (EMP)

The Town Council would like to see construction of the children's play area upfront and in advance of the housing included as a condition of development.

The Town Council is concerned about the impact of traffic down West St and Vicarage Street at peak times. The Town Council is concerned that site traffic can rely on satellite navigation system which takes vehicles down inappropriate roads.

The Town Council is concerned about the adverse impact on Cley Hill, a nationally recognised geographic feature.

The Town Council has concerns about the potential flooding problems and that mitigation measures may merely move the problem.

The Town Council hopes that the development delivers on net zero carbon and that account is taken of the phasing out of gas boilers. Accessible housing for disabled people should include family homes and not just apartments.

The Town Council considers that the proposals have shifted so significantly from those granted in the outline planning application that a new planning application should be submitted.

PL/2021/07344 Two storey side and single storey rear extensions
26 Highbury Park, Warminster, BA12 9JF

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

PL/2021/07428 Proposed Shipping Container Bradbury House The Avenue
Warminster BA12 9AB

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

PL/2021/07494 Front extension, new roof to existing porch and first floor side
extension over existing footprint. 7 Wren Close, Warminster,
BA12 8EH

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

PL/2021/07388 Demolition of an outbuilding and erection of a single storey
extension with roof lantern. 24 Ferris Mead, Warminster, Wilts
BA12 9PZ

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

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

- PL/2021/07135 Proposed single storey extension to provide utility and boot room.
6 The Mead, Warminster, Wilts, BA12 8RB
It was resolved that there was no objection to the application.
- PL/2021/07727 Demolition of existing garage & construction of 2-storey side
extension & single storey rear extension to main house to include
replacement garage & associated landscaping. 88 East End
Avenue, Warminster, BA12 9NE
It was resolved that there was no objection to the application.
- PL/2021/07572 Proposed Dropped Kerb. The Fitz Smithy 215A Boreham Road
Warminster BA12 9HF
It was resolved that there was no objection to the application.
- PL/2021/07803 Sub division of plot to create a separate dwelling (2 bed 3
person) at land to the side of 6 Ash Walk. 6 Ash Walk,
Warminster, BA12 8PY
**Cllr Macdonald proposed acceptance of the application, on the grounds that the
Land was plentiful and there were no planning reasons to object. Seconded Cllr
Fraser, Voting in favour 4, abstention Nil, against 3. Motion carried.**
- PL/2021/07865 Development of rear and side house extension. 86 Deverill Road,
Warminster, BA12 9QT
It was resolved that there was no objection to the application.
- PL/2021/07972 Erection of single storey ground floor extension, first floor
extension above existing ground floor structure, provision of
pitched roof over existing two storey flat roofed wing,
reconfiguration of parking area and frontage walling & part north
boundary, adding tiling hanging to upper storeys all round,
including revising fenestration, rendering over existing blockwork
to north & west walls to garage.1 Chain Lane, Warminster, Wilts
BA12 9LT
It was resolved that there was no objection to the application.
- PL/2021/08005 Single storey rear and side extensions.75 Damask Way,
Warminster, BA12 9PP
It was resolved that there was no objection to the application.
- PL/2021/07946 Insertion of rooflights to front and rear elevations Highfield
House, 2 Henford Close, Warminster, Wilts, BA12 9RA
It was resolved that there was no objection to the application.
- PL/2021/08092 Demolition of single garage to make way for 2 storey side
extension. 3 Camellia Drive, Warminster, BA12 7RN
It was resolved that there was no objection to the application.
- PL/2021/08162 Proposed single storey extension.84 East Street, Warminster,
BA12 9BQ
It was resolved that there was no objection to the application.

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

PL/2021/08426 Room to Roof Conversion with Dormer Units. 10 Maddocks Hill,
Warminster, BA12 8DJ

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

PL/2021/03986 Installation of storage container for storage of equipment and
wild animal feed. Land to the North of Willow Barn, Henfords
Marsh, Warminster, BA12 9PA

**Cllr Syme proposed acceptance of the plans, seconded Cllr Fraser, Voting in favour 5,
abstention Nil, against 1. Motion carried.**

PC/21/042 Tree applications

PL/2021/08550 Lawson Cypress - Fell Prunus Nigra – Fell
Warminster Community Hospital, The Avenue, Warminster,
BA12 8QS

**Cllr Syme proposed objection to the tree application as there was a lack of
information on the plans and no justification, Seconded Cllr Macdonald, voting
unanimous in favour of objection.**

PC/21/043 Communications

Members requested that there be press release relating to the continued
objection to the Damask Way planning application. Cllr Syme was nominated
as spokesperson.

Meeting closed at 8.11pm

Next meeting 18th October 2021

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

Comment from Andrew Rushton of Damask Way, Warminster

Thank you Chair,

Well, here we are again. This must be the fifth or sixth time this Committee has discussed this development either at outline or reserved matters stage. Just what does it take for Wiltshire Council to get the message that development on this site is neither wanted nor required?

Let us remind ourselves of some of the history. During consultation on the Wiltshire Strategic Housing Allocation Plan, the site was assessed and removed from consideration for development and placed outside the settlement boundary. In May 2018, The Cabinet refused the then applicant's appeal against its exclusion and in July 2018 approved the plan for submission to the Secretary of State. All this ahead of the officers report to the Western Area planning committee at which, despite the Council's clear intentions not to develop the site, we were told little weight could be given to the Housing plan ahead of its consideration by the Planning Inspector.

Put this alongside the woefully inadequate description of the work required to create an access. Nowhere in any of the reports was an 80m long, 5m high wall described. This is longer and much higher than the retaining wall in Morrison's car park. Have a look on your way out. Add to that the current paucity of the ecological and environmental submissions from the developer, the very minor revisions made to the application despite many legitimate objections and it is impossible not to believe that the Planning Department are determined to see this development happen irrespective of facts.

They have ignored the hundreds of submissions from local people (and beyond) and objections and concerns raised by statutory consultees. The development also flies in the face of the newly published Green Blue Infrastructure Strategy.

I would urge you to suggest to your fellow councillors at Wiltshire to respect the views of local people and the Town Council and demand they rescind the outline approval and reject this reserved matters application.

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Application: Wiltshire Council Application No: 20/07214/REM (pursuant to 17/12348/OUT)

Proposal: Reserved Matters Application for 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

Chairman – my name is Adrian Bailey and I live at Henford Marsh View

My objections are in relation to the further Amended Plans for the Application to develop land for 28 houses off Upper Marsh Road

Following submission of a further 26 Documents by the Developer the Consultation Expiry Date for the Application was extended, yet again, to 2nd September. I reviewed each of the 26 Documents and submitted my objections and comments to the Council in relation to these documents

Days after the closing date of 2nd September for comments yet more Documents appeared on the Council website for this Application – both Developers details and Consultee Responses – does this now lead to a further extension of the Consultation Period or is the Council merely playing by its own set of rules in extending yet further opportunities to the Developer

There are a number of conflicts in the detail of the submitted documents which indicates a lack of accuracy and attention to detail when preparing the documents, and the Developer must be made to address these conflicts so that all parties are able to comment and ultimately make decisions on accurate and consistent information. This is a reasonable request

The Emergency Road is shown as being outside of the Legal Red Line and therefore outside the ownership of the landowner for the proposed development. There is no mention in any of the submitted plans of how the Emergency Road is intended to be maintained for its purpose during the entire period of the proposed construction works. **The Emergency Road serves many homes in Damask Way and must be maintained as it's intended use at all times. The Developer has not submitted any detail on how it is intended to meet this requirement**

New documents now state that the Footpath adjacent to the entrance road is now not DDA compliant, however previous documents stated it was DDA compliant. What is the reason for this change and why is a non-DDA compliant footpath acceptable as this restricts its use for those persons with DDA requirements? Why would a new development be allowed to submit plans for a non-DDA footpath?

The Damask Way Construction Environmental Management Plan (CEMP) – **superseding the version dated 18/1/21 – V3 Page 2 has the bullet point relating to the closure of badger setts removed – what has changed, or been changed on the site, to verify the removal of this item?**

The Landscaping and Ecological Management Plan – **superseding versions 3/8/20 & 9/12/20 – page 2 of the revised document at bullet point 2 has the word badger simply blanked out (not very professional) –**

The removal of all references to the badgers and badger setts raises the question of what the landowner and/or Developer has done on the site to justify these changes and if all such changes were approved and are within the appropriate regulations relating to badgers and wildlife

Under the Consultee Responses there is a letter from Natural England dated 12th January, where the Summary of Advice states "the application could have potential significant effects on River Avon Special Area of Conservationand requires further information, without which Natural England may need to object to the proposal" – this has not been addressed by the Developer. The Developer has failed to submit any further detail in support of their obligations under the ecology measures and have not undertaken the Biodiversity Metric required by Natural England

The comments by the County Ecologist stating that the application 'is becoming more acceptable' is baffling and brings into question how this process is being administered

Additional documents and statements submitted by the Developer perfectly summarise this Application to date – with the Council affording the Developer the opportunity to amend details and the Developer directly contradicting their own previously submitted details

Where is the truth in these contradicting statements?

The Council must be seen to be accountable, and the Members must be provided with disclosure of full details and given the opportunity to vote on all significant matters of this Application

Thank you, Chairman for your time.

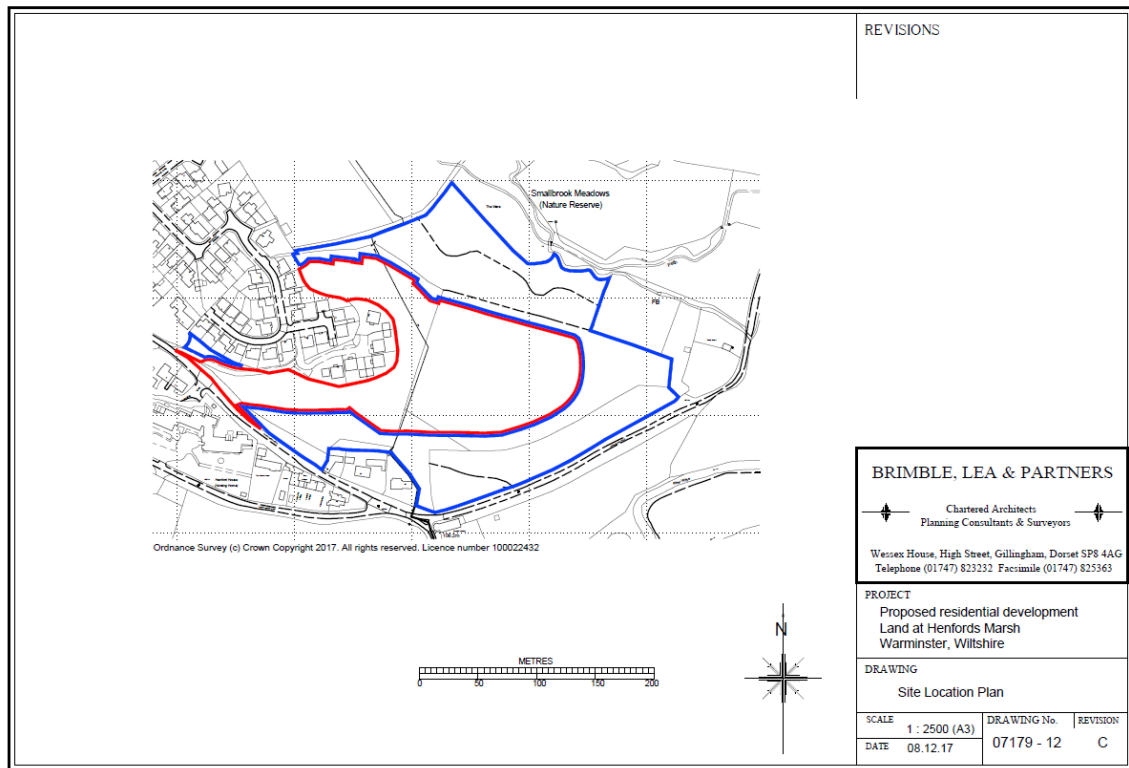
Adrian Bailey
Henford Marsh View
Warminster
Wiltshire
BA12 9PP

20th September 2021

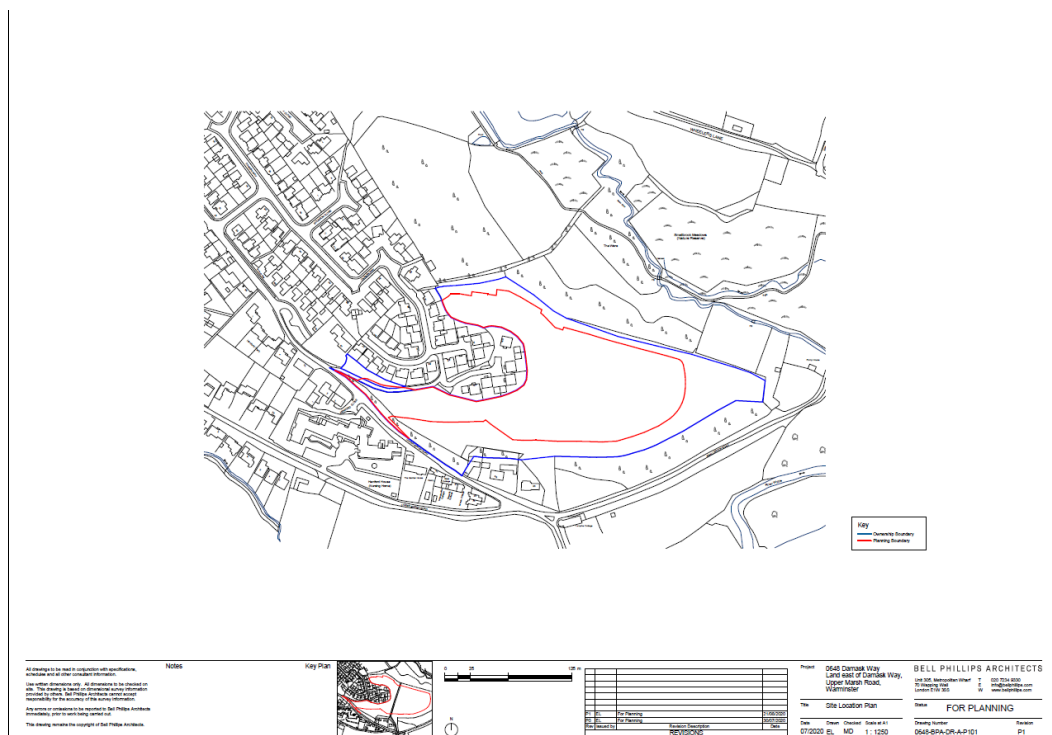
Harriet James public participation 20/9/21

The blue line of the site has changed since outline permission was granted

Blue line land is any other land owned by the applicant that is close to or adjoining the development site.



(Above) Site location plan at outline planning permission stage, now revised for reserved matters



Current reserved matters application site plan. Blue line area reduced.

In her objections to this application the County Ecologist wrote:

24/6/2021

"The acceptability of the OUT permission for ecology relied on mitigation being delivered in perpetuity on land outside the red line. Therefore, I can only support this REM application if we can confidently enforce against non-compliance within the blue line. I do not believe this is possible without some form of legal agreement. I therefore suggest the developer offers a unilateral undertaking to address this issue."

Now the blue line area has been reduced the mitigation for wildlife is restricted so it is likely that there will be a net loss of biodiversity from this development. Contrary to Wiltshire Core Policy 50.

The County Ecologist wrote:

26/4/21

*"Biodiversity net gain calculation, prepared by NLG Ecology Ltd, Jan 2021
This calculation is based on the phase 1 habitat map prepared by Sharon Pilkington.
I have not gone through the metric in detail and therefore I cannot confirm whether it is accurate or not. The applicant has not prepared a metric calculation. However, given the extent of loss of semi-improved grassland, unless the applicant can demonstrate otherwise, it is reasonable to assume there is a net loss of biodiversity."*

The layout of housing at reserved matters stage is quite different from that permitted at outline stage. The landscape officer's consultee response at outline stage said there would be an adverse effect on the listed building Turnpike Cottage. The reserved matters layout shows houses closer to the cottage so the impact will be increased.



Layout of site granted outline permission (Indicative site layout 07179-10 rev U)

<https://development.wiltshire.gov.uk/pr/s/contentdocument/0693z00000H2d8rAAB>



Amended layout in Illustrative Landscape Plan for 20/07214/REM application, August 2020
<https://development.wiltshire.gov.uk/pr/s/contentdocument/0693z00000GZAS2AAP>

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Questions submitted by Jon Ellis Reserved matter of planning application 15/01800/OUT, and specifically the proposed Bath Road roundabout.

Does the Town Council support the approved design of the Bath Road roundabout, and does it believe the safety concerns raised during consultation have been adequately mitigated. For context, the approved design (P897/01) includes an access to a residential property and an 'informal loading bay' (a parking space in layman's terms) directly off the roundabout. This design was challenged as unsafe as could require long vehicles (ie: car and trailer) to have to stop on the roundabout, or un-authorised vehicles to reverse onto the roundabout. The fact that the proposed design (P507/38), quoted as 'indicative only' by the developers during consultation, (dated some 5 years earlier) is identical in every aspect, leading to the suggestion that any safety concerns were ignored and no mitigation undertaken. If the Town Council support the design, and agree that safety concerns raised have been mitigated, would they please provide documented references to those discussions and mitigations, as I have been unable to trace them among the 366 registered documents on Wiltshire Council's planning portal, however they state 'these have been published'.