

MINUTES of the Planning Advisory Committee held online on Monday 14th June 2021 at 7.00pm

Membership:

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

Key: * Present A Apologies AB Absent

In attendance:

Officers: Tom Dommatt (Assistant Town Clerk), Judith Halls (Office Manager), Stuart Legg (Park and Estates), Stuart Atherton (Committee and Admin Clerk)

Members of the Public in attendance: 8 members of the public, 1 member of the press

- PC/21/001 Election of Committee Chairman**
Members elected Cllr John Syme as Committee Chairman.
- PC/21/002 Election of Committee Vice-Chairman**
Members elected Cllr Phil Keeble as Committee Vice Chairman
- PC/21/003 Apologies for Absence**
There were no Apologies for absence.
- PC/21/004 Declarations of Interest**
Cllr Keeble declared a nonpecuniary interest in application PL/0221/03889.
- PC/21/005 Minutes**
PC/21/005.1 The minutes of the meeting held on Tuesday 4th May 2021 were approved as a true record and signed by the chairman.
PC/21/005.2 Matters Arising - None.
- PC/21/006 Chairman's Announcements**
None.

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

PC/21/007 Questions
None.

Standing Orders were suspended at 7:05 to allow for public participation

PC/21/008 Public Participation
Members of the public:

Len Turner spoke in objection to application PL/2021/033889
See attached

Iain Perkins spoke in objection to application 20/07214/REM
See attached

Adrian Bailey spoke in objection to application 20/07214/REM
See attached

Standing Orders were reinstated at 7:15

PC/21/009 Reports from Unitary Authority Members

Cllr Jackson reported that this was a reserved matters planning application 20/07214/REM. He explained that Wiltshire Council had not yet had the findings and related report from the ecological group that had carried out a study. The Wiltshire Planning Officer, therefore, would not have been able to create a response at this time. He recommended that anything said for or against the application must take into account the Wiltshire planning officer's report.

PC/21/010 Planning Application

PL/2021/03323 Proposed single storey extension and two storey side extension. 94 Manor Gardens, Warminster, BA12 8PW

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

PL/2021/03229 Erection of 7m high illuminated totem sign. Warminster Services, Bath Road, A36 Bypass, Warminster, BA12 7RU

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

PL/2021/03469 Proposed single storey extension and alterations. 12 Beacon View, Warminster, BA12 8HP

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

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

20/07214/REM Erection of 28 No. dwellings associated works (pursuant to 17/12348/OUT. Land East of Damask Way and East of Upper Marsh Road and North of Smallbrook Lane, Warminster BA12 9PP

Cllr Syme proposed objection to the application using the following points,

- The development would have an adverse impact on the local environment.
- The impact on the badger population and the removal of four sets would have a serious impact on its population and the natural value of the area.
- The destruction of the four badger sets to accommodate the building of houses would contravene S3 of the protection of Badgers act 1992 paragraph 175 of the National Planning Policy framework 2018 and schedule 6 of the wildlife and countryside act 1981 as amended.
- The loss of the dark sky at night will have an adverse impact on wildlife.
- The impact of light pollution from artificial light on nature conservation, which would be generated from this proposed development, is contrary to paragraph 180 of the National Planning Policy Framework 2018
- The extra vehicle movements on Damask Way, Upper Marsh Rd and Lower Marsh Road would add to the danger to pedestrians including the elderly, mothers with prams, children and cyclists who use the roads on a daily basis.
- The increase in phosphorus generation by the proposed 28 new homes would increase the levels of phosphorus above the legal limit.
- Run off from the site containing phosphorus would have a serious impact on the Smallbrook Meadows local nature reserve and the River Avon special area for conservation and the River Avon SSSI.
- The proposed retaining wall is far too high and is out of character for the area. It is proposed to be 6 meters above ground.
- The design and access statement provided by the developers focuses only on the landscape within the immediately around the application site, rather than the appearance of the proposed development in the wider landscape context as well as the impact on the landscape of the Cranborne Chase and West Wiltshire Downs AONB.
- This planning application does not comply with paragraph 170 of the national planning policy framework 2019, which states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscape such as the Cranbourne Chase and West Wiltshire Downs Area of Natural Beauty.
- This planning application does not deliver a net biodiversity gain. Instead, it imposes an additional adverse impact through encroaching urbanisation directing to an enormously important local asset, Smallbrook Meadow Nature Reserve and close by, internationally important, the Avon and Wylfe river system and SSSI.

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

- This planning application is unsafe as it fails to provide an appropriate assessment under the habitats regulation both Natural England and the Wiltshire Council own ecologist state, that to proceed with the development until the assessment has been carried out and the mitigation measures agreed approval would be unlawful.
- Objection is raised to the ground that, Wiltshire Council planning authority cannot rule out or guarantee that significant adverse effects arising from the proposal, with the impact seriously on the surrounding areas habitats and the SSSI and nature reserve.
- Objection is raised at the potential loss of unimproved lowland dry acid grasslands which is a habitat of principle importance for conserving biodiversity including insects.
- Objection is raised that there is a very real risk that the landscape and ecological management plan will not be delivered by the developer. The Warminster Town Council, Planning Advisory Committee, asks that Wiltshire Council ensures the delivery of the landscape and ecological management plan is legally enforceable.
- The Planning Advisory Committee, objects on road safety grounds. Upper Marsh Road at the point where the access road leaves the development site, is narrow with no safe passing areas until the junction with Lower Marsh Road. The road is used by cyclists and walkers including school children, who used the route from Kingsdown School to their homes in the west side of Warminster.
- Objection is made that the development would have an adverse impact on the setting of the Grade II listed building: Turnpike Cottage.
- The planning authority have a statutory obligation to have 'special regard' for the desirability of preserving the setting of a listed building. Considerable importance and weight MUST be given to preserving this setting.
- The decision maker has to concentrate on the surroundings in which the listed building asset can be experienced overtime. In addition, the way in which the listed building can be experienced is not limited only to the sense of sight but the asset of its physical surroundings.

Seconded Cllr Fraser, the committee voting unanimously against the application.

PL/2021/03891 Two storey extension providing additional accommodation to increase four bed sitting rooms into four, one bedroom flats. 49 Woodcock Road, Warminster, BA12 9DG

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

PL/2021/03889 Erection of a two storey 62 bed care home (Class C2) together with access and parking provisions. Land North of Grovelands Way, Warminster, Wilts, BA14 8JN

Cllr Keeble proposed objection to the application based on the following points:

- Significant difference from the initial application – therefore a new application should be considered.

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

- Significant increase in rooms therefore the increased amount of related traffic to an already, overly congested small local road.
- No additional parking provided from the initial 48 bed to the now proposed 62 bedrooms.
- The principle of this being a care and retirement community seems to have been omitted from this application. There is no provision for the pharmacy and medical centre, despite the increase in bedrooms.
- The Environment Agency's report that is robust in objection. It states it is inappropriate to the flood zone (specifically flood zone 3b) to which the site is located.
- The flood risk assessment doesn't comply with requirements and does not adequately assess the flood risks assessment.
- Concerns over flood water run off into the nearby stream that are tributaries to the adjoining rivers is of great concern due to the impact on local ecology.
- Flood risk zone 3b states only essential infrastructure and water compatible uses are permitted in the zone.

**Seconded Cllr Allensby. The committee voting unanimously against the application.
Motion carried.**

PL/2021/03728 Single storey rear extension. 1 Cley View, Warminster, Wilts, BA12 8NS
It was resolved that there was no objection to the application.

PL/2021/03638 Proposed detached double garage, on land to the side of the property.
18 Were Close, Warminster, BA12 8TB
It was resolved that there was no objection to the application.

PL/2021/04711 New boundary security fencing and gate, adjustments to main school
gates and pedestrian access, new drive surface. New Close Primary
School, Woodcock Lane, Warminster, BA12 9JJ
It was resolved that there was no objection to the application.

PL/2021/05208 Tractor and agricultural storage building. Land at Smallbrook Road,
Warminster.
**It was resolved that there was no objection to the application. Members requested
that there be trees planted to screen off the building from view.**

PL/2021/03699 Extension to Orchard Cottage at Shepherds Cottage. Shepherds
Cottage, Eastleigh Wood Lane, Bishopstrow, Warminster, BA12 7BE
It was resolved that there was no objection to the application.

PL/2021/04265 Existing lawful use as a residential care facility (Use Class C2)
Willow View 63B Boreham Road Warminster BA12 9JX
It was resolved that there was no objection to the application.

PL/2021/04587 Demolition of existing conservatory and bathroom and construction of
single storey kitchen. 21 Vicarage Street, Warminster, BA12 8JG
It was resolved that there was no objection to the application.

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

PL/2021/03080 Change of use, extension and alterations to form 5 1 bedroom flats 32 Imber Road, Warminster, BA12 9DD

It was resolved that there was no objection to the application. Members requested that future residents should have the condition of not being car owners/users.

PL/2021/04352 Demolition of conservatory and construction of side extension and garage loft conversion, with fenestration alterations to the dwelling. 32 Upper Marsh Road, Warminster, BA12 9PL

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

PL/2021/04978 Single storey rear extension and two storey side extension. 88 Manor Gardens, Warminster, BA12 8PW

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

PC/21/011 Tree applications

PL/2021/04644 T1 Multi stemmed Lawson cypress, previously reduced in height. Tree is out growing its situation. Fell. 68 Boreham Road, Warminster, BA12 9JN

Noted

PL/2021/04645 T1 Lawson Cypress, previously reduced in height. Tree forms part of crown with adjacent trees. Out growing its situation. Fell. Warminster And District Conservative Club, Prestbury Drive, Warminster, Wilts BA12 9LB

Noted

PL/2021/04837 Beech T1- Reduce the lateral limbs growing out over the road by approx 2.5 - 3.5m to suitable growth points to alleviate some of the end weight and re-balance the crown, reduce the rest of the tree where necessary to suitable growth points to maintain its shape. Remove major deadwood. Yew group G2(three trees)- Cut back their overhanging branches on roadside back to the boundary. Reduce the height of the two smaller ones to below the Low voltage powerline cable and shape the crowns. Reduce and shape the largest tree by approx 2.5m to suitable growth points. 9 Boreham Road, Warminster, Wilts, BA12 9JPb

Noted

PL/2021/05092 T1 walnut - Prune back to the boundary line by pruning 2-4m of side-growth back to the fence. 1 Cannons Close, Warminster, BA12 9LA

Noted

PC/21/012 Communications

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

Members requested that there be press release relating to objection to Grovelands Way planning application. Cllr Keeble was nominated as spokesperson.

Meeting closed at 7:59pm

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

Site Address: Land North of Grovelands Way, Warminster

Planning Application: **PL/2021/03889**

Proposal: Erection of a two storey 62 bed care home (Class C2) together with access and parking provisions

This detailed application relates to one key element of the CCRC, namely the Care Home. The principle of constructing a Care Home as part of the CCRC, was established when outline permission was granted in June 2018, but whether or not the CCRC can ever be constructed has been brought into question by the consultation response submitted by the Environment Agency.

The key points from their response are as follows:

We object to the proposed development as submitted as it falls within a flood risk vulnerability category floodplain that is inappropriate to the Flood Zone in which the application site is located, specifically Flood Zone 3b functional floodplain. The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG) as well as your Wiltshire Strategic Flood Risk Assessment. We recommend that planning permission is refused on this basis.

In addition, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development.

In addition to the FRA states that ground raising in these locations will be provided to elevate the proposed development above current and future flood levels. This is not considered acceptable as raising in functional floodplain should be strongly avoided.

The development is classed as more vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG which make it clear that this type of development is not compatible with FZ3b and therefore should not be permitted. Your SFRA also states for FZ3b that, "Only Essential Infrastructure and Water Compatible uses are permitted in this zone".

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to: - Demonstrate how suitable flood compensation will be provided on a level for level basis; - Provide sufficient details on the proposed creation of a new preferential flood channel for overland flood flows; - Provide a suitable allowance for climate change; - Provide a clear site plan of the proposed development in relation to the various flood scenarios i.e. current 1 in 20, 1 in 100 and future scenarios.

Other Points of Note that give cause for concern:

- 1) The number of bedrooms has been increased from the 48 in the outline permission to 62 – an increase of 33.33%
- 2) The footprint of the two-storey building is only slightly larger than originally proposed, and the roof heights have been increased to 2.5 storeys at the highest points. The additional bedrooms are to be achieved on the ground and first floors, by moving services, previously shown as located on the ground floor, into the enlarged roof space. Services such as staff facilities, the laundry, the kitchen, and the plant room will all be in the roof, with all but the plant room positioned directly above residents' bedrooms. My concern is for the well-being of residents and the need for significant attenuation measures to protect them from the overhead noise, vibration and fumes generated by equipment, plus the noise of staff walking around whilst carrying out their duties.
- 3) The increase in the number of residents does not appear to be reflected by any increase in the number of parking spaces to be provided. (Neither is there any increase in the amount of amenity space). Some of these additional residents may well have their own cars, they will certainly have visitors and there will be additional care staff.
- 4) Reference to the Care Home forming an integral part of the CCRC is made in statements submitted with the application by the scheme's architects. *Our client is a specialist care operator and has identified the need for the highest quality of care in Warminster. The Grovelands Way site provides an opportunity for a care facility to match this need as part*

of a wider Continuing Care Retirement Community (CCRC). There is no indication that any thought has been given as to how the Care Home will eventually integrate into the CCRC.

- 5) This is the first element of the CCRC to be brought forward for Development, and as yet there appears to be no other element at such an advanced stage, or indeed at any stage at all. My concern is that the residents of the Care Home will be living in the heart of a construction site for what is an indeterminable number of years. Many of the other elements will be constructed in very close proximity to the Care Home, and all further buildings will require significant pile-driving. The peaceful ambience that should prevail within the Care Home will be seriously prejudiced for years to come.
- 6) Wiltshire Council's Urban Design Officer has raised a number of issues that should be supported. One that I had identified is that The Care Home is to be located in what is currently open countryside, and the proposal is erect a close-boarded perimeter fence. The residents of the Care Home, particularly those residing in ground-floor rooms, should not be denied open views of the surrounding public open space. Whilst recognising the need to ensure the security and privacy of residents, a more visually and environmentally sympathetic means of defining the Care Home site boundary is required.

In Conclusion: The issues raised by the Environment Agency are of such significance that consideration of the application should be held in abeyance until they have been satisfactorily resolved. If and when that happens, there should then be a further short period of public consultation during which the Town Council would have the opportunity to submit their representation.

I do not believe that the application as submitted gives sufficient reassurance that the issues referred to above have been appropriately dealt with. Therefore, I do not believe that the Planning Advisory Committee is in a position to give unreserved support to the application at this time.

Recent Planning History - Land North of Grovelands Way, Warminster., BA14 8JN

The recent history of this site started in 2016 with the submission of an:

Outline Planning Application 16/08425/OUT - Proposal Continuing care retirement community comprising a 64 bed care home (Class C2), 50 extra care apartments and facilities (Class C2), 40 affordable sheltered apartments/38 affordable extra care apartments and facilities (Class C3), 41 age restricted bungalows/chalet bungalows (Class C3), 6 Key Worker flats (Class C3), Medical Centre and Pharmacy, Dental Surgery, Community Shop (200 Sqm), community rooms (2 X 50sqm), relocation of children's play area, recreational activity and flood compensation area and biodiversity protection/enhancement of county wildlife site, all with associated access road, parking and infrastructure (Outline application relating to access and layout).

This application was refused in February 2017.

The application was resubmitted in June 2017 under a new number 17/05360/OUT – Proposal – 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.

Outline Permission was permitted in June 2018.

Comparing the refused application with the resubmission there are a number of differences:

- 1) Care Home: reduced by 16 - from 64 to 48 bedrooms.
- 2) Extra Care Apartments: reduced by 4 - from 50 to 46.
- 3) Affordable Sheltered Apartments: all 40 units removed from the scheme – from 40 to 0.
- 4) Affordable Extra Care Apartments: increased by 1 from 38 to 39.

- 5) Age Restricted Retirement Bungalows/Chalet Bungalows: increased by 4 – from 41 to 45
- 6) Key Worker Flats: all 6 units removed from the scheme – from 6 to 0
- 7) Medical Centre, Pharmacy and Dental Surgery: Dental Surgery removed from scheme.
- 8) Community Shop (200sq.m): removed from the scheme.
- 9) Community Rooms (2 x 50sq.m): removed from the scheme.

*A number of further applications were subsequently submitted, withdrawn and resubmitted with the final version validated in March 2020 - **19/07198/VAR***

*Variation of conditions 1, 2, 3, 4, 5, 6, 7, 8, 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.***

This application had three main aims:

- 1) To reduce the age restriction on the Retirement Bungalow/Chalet Bungalows from 65 to 55 (subsequently changed to 60)**
- 2) To allow the development to be phased as there was no longer any realistic anticipation that all the key elements of the CCRC would be delivered by a single developer/operator.**
- 3) To extend the implementation date from 3 years to 5 years from the date the Outline Permission was granted on 8th June 2018.**

Permission was granted in May 2020 giving an implementation date of 4th May 2023.

Presentation of a petition 'Save Warminster's Biodiversity for Future Generations to Enjoy' at the next PAC Committee meeting on Monday 14th June.

Aim (What & Why)

We (Sustainable Warminster) request that Warminster Town Council unite and take this petition '**Save Warminster's Biodiversity for Future Generations to Enjoy**', which is centred on the Damask development and has over 2,600 signatures from the local community and champion its cause.

We ask that the Town Council present it to the Cabinet of the Wilts Council.

Handed over petition and 12 pages document showing A selection of comments representing the feelings of the 2,609 signatures..

Objective (How)

Firstly reconfirm and strengthen their resolve to object to this development.

On the grounds that it does not come anyway near the material considerations required to allow full planning consent.

Secondly, request a site visit for new Area Planning Committee and stakeholders.

And finally demand that the outline planning decision is reviewed in the light of the following:

- Too many significant changes have been made to the original documentation i.e. the design and layout
- Ecological reports insufficient and misleading
- Landscape Report – misleading and important historical landscape views were omitted where others were made to look insignificant
- Statutory consultees were not consulted – AONB
- Dark-skies

- It does little for affordable housing and the local community and only meets the needs of the great City Exodus into the country which has been brought on by Covid-19 - consuming our natural environments at a new unprecedented rate.
- The negative impact on the adjoining areas for nature – AONB, the River Wylfe, Were, Smallbrook NR and protected species
- Failed to provide evidence of no net loss + 10% net gain for biodiversity
- And most importantly recognise that the world has moved on, surely to lose this is a backward step - we are amid a Climate Emergency and Biodiversity Crisis let's not act in haste and repent in our leisure

Finally we request that the Town Council form a working group to fully represent the feelings of the local people/petition signatories that this reflects and take ownership to save Warminster's Biodiversity from the hand of greedy developers looking to get in quick before the environment bill is finalised and time runs out (for us and the planet)

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 Amended Plans for the Application to develop land for 28 houses off Upper Marsh Road

As members of the Town Council, you will be very familiar with this proposed development, having unanimously Rejected this on numerous occasions

Planning permission has been refused on this section of Upper Marsh Road in the past as a result of concerns regarding the suitability of the access available (reference 07/01209/FUL)

The main focus of my objection is around the details of the retaining wall at the point of access to the site, but there are many other reasons for valid objections to this proposal

The Application contains information which is substantially and materially different from the Outline Planning Application, that was granted Planning Permission

An example of this is the retaining wall associated with the access road. The retaining wall was only shown on a superseded drawing that was headed '....2m Retaining Wall...' with no other details in the Application of this structure

The developers document entitled 'Revised Design and Access Statement' at point 4.3 states 'The principal access road into the site has been meticulously engineered to work closely with the natural contours of the site, ...with SOME retaining works as necessary.....'. The same document makes reference to The Warminster Neighborhood Plan including "E5 – Development should respect the local character and support the provision of green space and improvements to the natural character"

On the basis of the above information the Access was granted permission with Conditions and all other matters Reserved

The Reserved Matters Application now contains specific details that were absent from the Outline Application

The retaining wall is now designed as a piled structure with masonry facing – piles are up to 15m length in total, the retaining wall to be constructed for up to 80m and approx. 6m in height above ground at places, with a concrete capping and then railings

In what context can this massive engineering structure ever be considered to be, and I quote '...respect the local character and support the provision of green space and improvements to the natural character'?

It is without question a monstrous industrial scale structure that is unequalled in size or construction in the whole of Warminster yet is being considered suitable to facilitate the build of 28 dwellings in the most rural setting imaginable

As a Condition of the Reserved Matters this has been delegated to and can therefore be decided on by the Planning Officers of Wiltshire Council without reference to the Planning Committee

Had the Members of Wiltshire Council been even remotely aware of the scale, size, construction and unsuitability of the retaining wall they most certainly would have rejected the Outline Application

The Members have been misled in this respect alone and the Planning Committee should do the right thing and reject this Application and withdraw the decision to grant permission to the Outline Application

Wiltshire Council is held accountable for ensuring that Planning applications are dealt with in a transparent manner that can be evidenced to be fair under scrutiny. The evidence above would indicate that Planning Permission, even with Reserved Matters, was granted without sufficient detail on which to make such decision. The details now disclosed highlight the unsuitable nature of the work required, being substantially and materially different from that originally indicated to the Members and the decision to grant is flawed

Thank you, Chairman for your time.

Adrian Bailey
14th June 2021