

**MINUTES OF THE PLANNING ADVISORY COMMITTEE**

**WARMINSTER TOWN COUNCIL**

**held on Monday 5<sup>th</sup> December 2011 at 7.00pm**

Councillor C March in the chair

**Membership:** Baker, Burden, Field, Fryer, March and Ridout.

**Present:** Councillors Burden, K Fryer, R Fryer, March, Ridout and Nicklin

**339. Apologies and substitutions** – Councillor Baker (ill), Councillor Field (WALC Mtg, K Fryer substituted).

**340. Minutes** – The minutes of the meeting held on Monday 14<sup>th</sup> November 2011 were approved as a true record and signed by the chairman.

**341. Chairman’s Announcements** – None

**342. Public Participation**

**Martin Webb, Warminster Motor Co., Fairfield Road**, speaking on planning application 11/02856/TEL, said he was planning to build eight dwellings next spring on a piece of land approximately 26 metres from the proposed mobile phone mast. There are least 23 dwellings already in close proximity to the site of the mast which he felt were too close for safety. The mast will be considerably taller than the previous one, and will be in a different location. He would like it moved closer to the mature beech trees on Fairfield Road so that it can be hidden to a certain extent, and had approached Waitrose with a request for a something that would appear ‘softer’ for the environment.

**Michael Turner, Company Secretary, Were Court Management**, speaking on planning application 11/02791/FUL, said that the access and service lane that runs parallel to the Civic Centre belonged to Were Court Management Company and is an ‘access over’ rather than an access road. He believed the application from Dominos Pizzas would cause problems if Dominos needed to use this road for delivery and service vehicles, as this would be likely to occur late at night and would be untenable for Were Court residents. Deliveries were unlikely to be made at the front of the building because of lack of parking. There would also be a noise and smell nuisance from the extraction duct, and the close proximity of dwellings to the shop premises needed to be taken into consideration.

**George Jolley, 1 Turnpike Court**, speaking on planning application 11/02982/FUL, said that the planning application submitted by Chinn Brothers for two starter homes at the rear of George Street contained errors. There is no right of way to the proposed site, and there is no agreed access to the rear of 15–17 George Street from Sambourne Road as implied by the plans. The land is owned by Turnpike Court Management. The photographs included with the plans are out of date and contribute to the misleading evidence, as they do not reflect the site as it at present.

Chinn Brothers sold the site of No. 7 Sambourne Road for building nine dwellings which have been completed. They are now looking for planning consent for two further dwellings. Had they applied for consent for 11 dwellings in the first place, they would have had to support the Section 106 agreement. By splitting the application in this way they are depriving the local community of the extra funding available under Section 106.

Mr Jolley requested that the application should be recommended for refusal based on the above reasons.

**Janet Clampit, 6 Station Road**, speaking on planning application 11/02856/TEL, said that this application is for a replacement of an existing mast, and queried whether the design and position of the replacement had been approved by Wiltshire Council or the Town Council. Waitrose had been approached with regard to camouflaging the mast, and had suggested that poplar trees could be planted around the base. However, these would take seven years to grow and would not blend with the existing mature beech trees. The other proposal was a 5½ ft fence, but this would go little way towards obscuring the mast, and would be scalable by vandals. Mrs Clampit pointed out that the temporary mast is not in the position where the new one would be, and the new one would be a metre higher than the existing mast in the Central Car Park. She urged councillors to look at the sites and take these points into consideration. She requested that a representation be made to Wiltshire Council requesting that the replacement mast should be of the same height and in the same place as the old mast.

**Mandy Saunders, 6 Old Were Court**, speaking on planning application 11/02791/FUL, said that she lived at the rear of 45 High Street and overlooked the road that could potentially be used as a service alley. There had been problems with rats in the alley, which would be exacerbated by the introduction of a food outlet, and could cause health problems.

She was concerned that the two proposed refrigeration units would be running at all times, causing a noise nuisance, and reiterated the concerns raised by Mr Turner. She handed over a letter from herself and Mrs Agnew at 5 Old Were Court, which outlined their concerns.

### **343. Petitions and Deputations – None**

### **344. Declarations of Interest**

Councillor Ridout declared as a Unitary Member she is dual hatted.

Councillor R Fryer declared he had been lobbied by George Jolley.

Councillor K Fryer declared she had been lobbied by Janet Clampit and Martin Webb.

Councillor Nicklin declared that he is Chair of the Athenaeum Trust. He had no prejudicial interest in planning application 11/02996/LBC but would not vote. Councillor March declared he is a trustee of the Athenaeum but would remain in the chamber and vote. He had also been lobbied by George Jolley.

**345. Reports from Unitary Authority Members relevant to this committee**

Councillor Ridout said that she had called in the George Street application 11/02982/FUL so would not vote as this would be prejudicial.

**346. Planning Applications**

Councillor Nicklin proposed bringing forward the applications that the public had spoken on, to enable them to leave if desired. This was agreed.

**11/02791/FUL            Change of use from A1 to A5, erection of new shop front and extract duct/ventilation to rear, 45 High Street**

Councillor Nicklin stated that an almost identical application had been approved for 3 High Street, and was just being moved further down the road. Service access was an important part of the planning application, but the Town Council cannot judge whether there is a right to use the access road. This would be an issue for the Planning Officer to sort out. With regard to the ventilation ducts and the concerns about both noise and smells, these were covered by planning laws. Since the original application had been approved, there was no reason to suggest that the ducts that had been deemed suitable in the original application were now unsuitable. However, the concerns raised should be noted as comments to the Planning Officer.

Councillor Ridout said that the access point was an issue for residents and planners and was not a planning consideration. She did not think the Town Council was in a position to make a definitive decision. It was difficult to reject on the basis of proximity to dwellings, as the nearest building was the skittle alley of the Organ Inn.

Councillor March proposed that the Council recommends that there are no objections to granting change of use and restyling the shop front, but that there are concerns relating to noise and opening hours, which are recognised as a licensing issue, and questions relating to access, seconded Councillor Nicklin, voting unanimous In Favour.

Councillor Ridout suggested that Councillor Davis be asked to call this in. This was agreed.

**11/02856/TEL            Installation of a Radio Base Station (15m high monopole supporting antennas and 3 equipment cabinets within a fenced compound and small cabinet towards front of car park, Waitrose Car Park, Fairfield Road, Warminster.**

Councillor Nicklin said that Mrs Clampit had raised some very pertinent points, and the Council should go wholly with her recommendations. The application could not be turned down as permission had already been granted, but Councillor Nicklin proposed that the planners be asked to reconsider both the design and position of the replacement mast, seconded Councillor March, voting In Favour 5, Against 1, Abstentions Nil.

**11/02982/FUL Construction of two starter homes, land rear of 15–17 George Street, Warminster**

Councillor R Fryer had visited this site and the proposed new dwellings would have front doors opening directly on to the parking plot of Mr Jolley and his neighbours. The photographs of the site are inaccurate. Councillor March felt the plans would be damaging for the residents of Turnpike Court. Councillor Ridout reported that she had called this in on the grounds of overdevelopment, in that there would be too many properties on too small a site. Access is a legal issue, not a planning issue, so could not be raised. Councillor March proposed that refusal be recommended on the grounds of overdevelopment, seconded Councillor K Fryer, voting In Favour 5, Against Nil, Abstentions 1.

**11/02915/FUL Side extension, 11 Bradley Road, Warminster**

Councillor Nicklin proposed recommending acceptance of the plans, seconded Councillor Ridout, voting unanimous In Favour.

**11/02909/FUL Proposed rear conservatory, 7 King Street, Warminster**

Councillor Ridout proposed recommending acceptance of the plans, seconded Councillor R Fryer, voting unanimous In Favour.

**11/02807/FUL Fenced vehicle storage compound, Building 47 Battlesbury Barracks, Woodcock Road, Warminster**

Councillor Ridout proposed recommending acceptance of the plans, seconded Councillor March, voting unanimous In Favour.

**11/02806/FUL Change of use of retail (A1) to residential (C3) and minor alterations relating to ground floor of plots 192–197 Victoria Fields permitted by consent 08/03470/REM. Land North of Victoria Road, Warminster**

Councillor Nicklin proposed recommending refusal of permission to change use on the basis that Persimmon Homes had consistently tried to change the original permission in which a community facility would be provided. He said this “is another attempt by the developer to chip away at the original planning permission”. Seconded Councillor Ridout, voting unanimous In Favour. Councillor Ridout suggested this should be called in. This was agreed.

**11/02932/FUL Retention of temporary classroom building, Bishopstrow College, Barrow House, Bishopstrow Road, Warminster**

Councillor Nicklin proposed acceptance of the plans, Councillor March seconded, voting unanimous In Favour.

**11/03030/FUL Change of use of ground floor from nursery school to residential, 16 Bath Road, Warminster**

The building had originally been a residential property and the current owner had obtained permission to run a nursery school from the property. She had now retired and wished to convert the property back to residential. Councillor Nicklin proposed recommending acceptance of the plans, seconded Councillor Burden, voting unanimous In Favour.

**11/03003/TPO** Fell lime (T2) and sycamore trees (T4) coppice ash trees (T7 and T10) and crown raise remaining trees (T1–T17) up to 5.1m, Warminster School, Church Street, Warminster  
NOTED.

**11/03018/LBC** New boiler and flue, 3 Vicarage Street, Warminster  
NOTED.

**11/02995/FUL**  
**and 11/02996/LBC** Demolition and reconstruction of ground floor cloakrooms to facilitate disabled access, The Athenaeum Theatre, High Street, Warminster

Councillor Burden said that she was happy to support anything that promotes equality within the community. It was noted that all the works were internal. Councillor March proposed recommending approval of the plans, seconded Councillor Ridout, voting In Favour 5, Against Nil, Abstentions 1.

### **347. Communications**

The Members requested that a press release be issued concerning the radio mast, the Persimmon site, the long overdue access for the disabled at the Athenaeum and the fact that this had been the first meeting at the new Civic Centre, with a good amount of public participation.

**Meeting closed at 8.00pm**