

Malmesbury Town Council

Minutes of the **Planning & Environment Committee Meeting**

Held in Malmesbury Town Hall on **Tuesday 5th September 2023** at 7.00 pm.

Present: Cllrs P Exton (Chair), R Sanderson, L Crawford-Price, E Whatton, J Slade,
Richard Jones

Also present: Lisa Dent (Dep Town Clerk)

PE/23/132 To receive Declarations of Interest in accordance with the Council's Code of Conduct

None received.

PE/23/133 To receive apologies for absence

Apologies received and accepted for C Ritchie

PE/23/134 To receive Public Questions in respect of items on this agenda

None received.

PE/23/135 To adopt the minutes of Tuesday 25th August 2023

The Minutes were adopted and signed as a correct record.

PE/23/136 Planning application received since previous meeting

PL/2023/06951 – Kings Wall House, Kings Wall, Malmesbury

It was resolved the committee has **no objection** to the application.

PL/2023/07169 – Laurel House, 62 Baskerville, Malmesbury

It was resolved the committee has **no objection** to the application.

PL/2023/07070 – Westport Studio, 90 Gloucester Road, Malmesbury

It was resolved the committee has **no objection** to the application.

TOWN AND COUNTRY PLANNING ACT 1990

Appellants name: Malmesbury Self Build Ltd

WC Ref: PL/2021/09852 Appeal site: Land to the East of Waitrose, A429, Malmesbury, Wiltshire Inspectorate reference: APP/Y3940/W/23/3317252

It was resolved we would issue an objection – original comment as follows from 14th Dec 2021

Following discussion at its meeting on the 7th December, Malmesbury Town Council resolved to object to this application. The Council supports the principle of Self-Build Applications but the proposed site was not put forward in the Neighbourhood Plan and the adoption of the Plan supersedes any other consideration for the Council. There are also grave concerns over road safety as were highlighted in the previous Lidl application at the site.

Also an additional comment as attached in Appendix 1.

PE/23/136 To receive a verbal update on Waitrose Steps

We await a response to our request for a further meeting.

PE/23/137 To note and/or agree participation re planning consultations:-

- a. [Consultation on additional flexibilities to support housing delivery, agricultural sector, businesses, high streets, open prisons; a call for evidence on nature-based solutions, farm efficiency projects and diversification](#) Ends 25/09/23
- b. [Levelling-up/Regeneration Bill: consultation implementation of plan-making reforms](#) Ends 18/10/23

It was resolved a date will be arranged to complete the online survey style consultations with Cllrs Exton and Ritchie at the Town Hall with Dep Town Clerk.

PE/23/138 To note: Income and expenditure report

The report was noted, zero expenditure this financial year. It was also noted the invoice for the Market Cross survey has been received and is being processed.

PE/23/139 To consider entering into a funding agreement with Wiltshire Council for the suspension of car park charging commencing 01 October 2023 to 30 September 2024 : first two hours of a stay at Station Road and free parking on bank holidays to Station Road and Cross Hayes parking area for £9478.00

It was resolved to enter into the funding agreement.

PE/23/140 To note: Market Cross conditions survey/report and agree to forward to Conservation Group for information

The report was noted. Immediate actions will be to clear the two blocked gullies either side and Dep Town Clerk will make arrangements.

The report has not been uploaded to the Town Council website due to the file being too large.

The report will be forwarded to the Conservation Group and it was resolved that pages 6/7/8 will be removed due to sensitive financial information.

PE/23/141 Riverwalk Signage Update

The resident contacted has declined to have the signage affixed to the property.

PE/23/142 Garage parking issue at St Johns Street

Cllr Sanderson provided a report for those present. It was resolved we will contact Planning Enforcement to request their intervention. It was also resolved we will not pursue dedicated motorcycle parking provision to in this area.

PE/23/143 To note: Update on standing items

War Memorial Working Group

No further progress. It was agreed to contact Cllr W Jones regarding possible change to working group membership.

Abbey Mill Bridge

We will request Cllr G Grant's assistance in progressing the overdue repairs.

Market Cross

See PE/23/140

St Aldhelms Bridge

With progress in place, this item will be removed from standing items and will be revisited later.

Wheeler Way

We have requested Principal Highways Engineer to review this on his upcoming visit.

Meeting closed 8.04 pm.

Appendix 1

Additional comment

Objection to APP/Y3940/W/23/3317252 Land to the East of Waitrose, A429, Malmesbury, Wiltshire

This is an additional comment by Malmesbury Town Council following a review of the Appeal documentation submitted by the applicant.

We support the decision by Wiltshire Council to reject planning application PL/2021/09852 and the reasons for the rejection. We ask the Inspector to reject this Appeal.

We are confident Wiltshire Council will present a strong case in support of rejection and we do not intend to replicate it.

We would like to add the following context for our objection:

1. Malmesbury has had a made Neighbourhood Plan since 2015. It was the first in Wiltshire. It was strongly shaped by advice from Wiltshire Council and the Planning Inspectorate. It was positive and delivered a coherent approach to meeting plan led housing and related requirements through to 2026. It has delivered more housing than required in the Wiltshire Local Plan and achieved an emphasis in new housing to meet the types of new housing required by the community.
2. Since April 2020 five significant additional housing schemes have been approved in Malmesbury by either Wiltshire Council or Planning Inspectors in response to Wiltshire Council's 5 Year Housing Land Supply shortfall.

The effect of these decisions on overall house numbers being delivered in Malmesbury and the immediate area are of huge importance to the consideration of this appeal. They strongly support the conclusion that the adverse impacts of agreeing this proposal would significantly and demonstrably outweigh its benefits.

In brief:

- a. The Malmesbury Neighbourhood Plan (MNP) 2006 to 2026 required + 885 houses to meet the requirements of the Wiltshire Local Plan to 2026.
 - b. The housing opportunities identified and included in the Malmesbury Neighbourhood Plan and approved has taken this to + 972 houses (+87 houses). These are either being built or have already been built out.
 - c. The number of houses approved in Malmesbury are in response to Wiltshire Council's modest 5 Year Housing Land Supply shortfall is +317. (5 sites plus 30 additional houses at Backbridge). It is relevant to note that Wiltshire's total 5 Year Housing Land Supply shortfall, including buffer, is approximately 1,000 houses. Malmesbury, Wiltshire's smallest but one market town, population 6,000, has already met over 30% of this requirement.
 - d. A minimum of 20 additional approvals are expected at Backbridge.
 - e. This (b. + c. +d.) gives a total of +384 to +404 houses over plan approved and built out by 2026. This is 43% to 45% over Plan.
 - f. Malmesbury as a whole is set to be +15% bigger than planned by 2026.
 - g. When the approvals since 2022 are included Malmesbury has already had approvals for more housing than required by 2038 in the draft Wiltshire Local Plan.
3. The opportunity for the community – which has a made Neighbourhood Plan - to be involved in future bottom-up place shaping has already been lost for at least a generation as a result of decisions already taken to address Wiltshire Council's modest 5 Year Housing Land Supply shortfall. This application is not plan led. To maintain any shred of credibility for plan led decision making this appeal must be dismissed. This is not to say that self-build housing

should not be considered in Malmesbury in the medium term. To agree the current application, however, will cause significant harm.

4. We appreciate many of the approvals given to address the 5 Year Housing Land Supply shortfall are not in the latest 5 Year Housing Land Supply statement. Certainly, none of the four in Malmesbury approved in 2022 are included. This is not a reason to exclude the fact of their passing from decision making. It is simply not credible.
5. We are clear this application is in conflict with the Malmesbury Neighbourhood Plan. The Malmesbury Neighbourhood Plan was developed to deliver positive outcomes, not a negative coverage of all other options. Our situation is identical in all material respects to that described by the Inspector considering Appeal Ref: APP/Y3940/W/18/3202551, Land at Purton Road, Swindon, Wiltshire, 6th April 2020, para's 14 to 17.

For example, Para 15: The NP does not seek to control development outside of the allocations made [in the plan], nor does it need to. It is a plan to be read in conjunction with the remainder of the development plan and seeks merely to plan positively for development that is considered necessary and appropriate in the plan area. It does not identify how further housing applications are to be considered beyond the allocations, because none are supported. That does not displace the suitable exceptions identified elsewhere in the development plan.

And, Para 17: The community has gone to significant effort to plan positively for its neighbourhood area. The proposed development would deliver housing that is clearly not anticipated or sought by the NP.

We would ask that the Inspector's valid approach is adopted in consideration of this Appeal.

6. The site has not been identified in the made Malmesbury Neighbourhood Plan or Wiltshire Council's draft Local Plan Reserve Site Policy as a preferred development site. It is not qualified under any plan led approach to decision making, or to be the subject of development in the foreseeable future.
7. We have consulted with and share the views of Malmesbury Civic Trust on the heritage aspects of this appeal. We support the content of their response. The Appellant's 'feelings' on this matter are wrong.
8. It is the strong opinion of Malmesbury Town Council that this is not a sustainable site for development. It represents a major unjustified incursion into greenfield. It is wrong to compare itself to the brownfield Cowbridge development. It is an important rural setting, made more important by its place above the river valley and the Cowbridge/ Malmesbury green corridor and adjacent conservation area.
9. The proposed access from the by-pass at a 60mph to 30mph transition with extremely high average travel speeds in close proximity to the Waitrose entrance is being viewed with great local concern. The proposed zebra crossing is not of itself an adequate protection for pedestrians at a high speed and complex traffic point. We are concerned neither the applicant or Wiltshire Council are using up to date traffic volume, speed and accident data taking account of the operation and interaction of the entrance of the Waitrose store at this location. In summary, we think the highways issues raised by the proposed site entrance at this point on the by-pass in close proximity to the Waitrose store entrance should be independently reviewed.

10. The draft Wiltshire Local Plan to 2038 – Planning for Malmesbury - p15 - confirms the existence of significant local infrastructure challenges that must be addressed in tandem with further development. Although dated July 2023 this section of the report is anticipating acting on future planning decisions. It is the fact that these planning decisions have already been taken. In this context this proposed development is not reasonable to assume adequate infrastructure to support this application is likely to be available. It is not sustainable.

Cllr Philip Exton

Deputy Mayor, Malmesbury Town Council

Chair of the Planning and Environment committee

Also attached: Purton Road Appeal Decision