

MALMESBURY TOWN COUNCIL

Minutes of the Planning & Environment Committee held on 18th November 2020 at 7pm via Zoom

Present; Cllrs, P Exton (Chair) C Ritchie W Jones
S D'Arcy

Also present; Clerk to the Committee, Cllr Doody & 2 members of the public

PE/222 To receive Declarations of Interest in accordance with the Council's Code of Conduct

None

PE/223 To receive apologies for absence

Apologies received from Cllrs Hardwick & J Exton

PE/224 To receive public questions in respect of items on this agenda

None

PE/225 To confirm the minutes of the meeting held on the 27th October 2020

Cllr Doody was in attendance as she had been contacted by a member of the public with regard to planning application 20/08613/FUL (Land adjacent to Kings Wall) noting that since the P&E Committee had discussed the application at its last meeting objections had been raised by members of the public. Cllr Exton responded that he had been advised by the Town Clerk that MTC had reached its decision on the application and that there is no requirement to re-visit that decision, reiterating that MTC is a statutory consultee, not the deciding authority, and that WC will determine the application based on all representations.

The minutes of meetings held on the 27th October were approved as a correct record and will be signed following the restrictions of COVID-19 being lifted.

**PE/226 Planning issues – to consider the following;
a. Planning Applications received since previous meeting**

19/05898/OUT – Land off Park Rd

It was resolved that the P&E Committee **strongly objects** to the application. Comments would be submitted based on;

- The application undermines the Neighbourhood Plan
- The development is contrary to Core Policies 1, 2 & 13 of the Wiltshire Core Strategy
- Malmesbury is set to exceed its housing delivery requirements by 2026 by over 50%

20/09108/FUL – Hope Hse

It was resolved that the P&E Committee has **no objection** to the application.

20/09521/TCA – Old Stable Cottage

It was resolved that the P&E Committee has **no objection** to the application subject to the views of the Wiltshire Council Tree Officer

20/09007/FUL – 41a High Street

It was resolved that the P&E Committee **objects** to the application for the following reasons;

1. The property is an important and visually attractive commercial building at an important point on Malmesbury High Street. It was constructed for commercial purposes. It is clearly not, for example, a house converted to a shop, as was the case with the Manor House on Oxford Street, and it is a much more important building in the streetscape than Amanda's on Oxford Street, (which was probably also originally a residential property). A change to residential use would be incongruous at this point and, notwithstanding the single much smaller residential property next door, out of character with this part of the High Street.

2. We do agree with the applicant that this property is located marginally within the secondary frontage area of the High Street. However, it is right on the boundary of the primary frontage area at a very important entry to the primary frontage area. In this case our view is that at this particular location and junction point the fact it is in the secondary frontage area should not carry significant weight. It is the general intention and direction of the Malmesbury Neighbourhood Plan as laid out in Section 3.2 A Prosperous High Street that must be the leading consideration in this planning decision.

3. In this respect it must also be noted that the Malmesbury Neighbourhood Plan - pages 34 and 35 - envisaged a southward extension in the focus of the High Street and of the total Malmesbury frontage area as the period of the Plan progressed. This is indeed the current experience of commercial development in the Town Centre and needs to be supported. The proposed change of use of a major property in the middle of this run of active commercial frontages would be contrary to the Malmesbury Neighbourhood Plan.

4. The applicant argues in 2.2 that there is a presumption in favour of residential use in the secondary frontage area in the Malmesbury Neighbourhood Plan. This is not correct. The point being addressed in the Malmesbury Neighbourhood Plan was the potential change of use from residential use to commercial use in an area where this change might be anticipated following the Waitrose development in 2013. It was not addressing a change of use from commercial use to residential use. This is also the case in respect of the references to Policy R2 of the North Wiltshire Local Plan 2011 and Wiltshire Core Policy 38. They do not refer to this type of application because, quite simply, this type of application cannot add to the vitality and viability of town centres. It is therefore clear, again, that this application is contrary to the overall direction of Section 3.2 of the Neighbourhood Plan and the Malmesbury Neighbourhood Plan in general and should be rejected.

20/09421/TCA – Ty Newydd

It was resolved that the P&E Committee has **no objection** to the application subject to views of Wiltshire Council Tree Officer.

20/08864/FUL – Hill Haven

Following discussion it was agreed that Malmesbury Town Council has concerns that the proposed materials for the front elevation are not in keeping with the surroundings & would make comments noting this.

20/08775/FUL – 14a High Street

It was resolved that the P&E Committee **supports** the application.

20/08774/LBC – Town Hall

It was resolved that the P&E Committee **fully supports** the application.

b. Unresolved planning issues

None

c. Planning updates

Cllr Ritchie stated that the developer has started consultation on plans for the residential development of the Land Off Jenner Lane (previously known as Land South of Filands). His view is that the developer is acting prematurely. The application to change the designation of the site from education use to housing use is still being considered and is strongly objected to by Malmesbury Town Council, which has also identified viable educational uses for the site.

It was noted that Wiltshire Council have advised they have made an error when advising that a CiL allocation of £85,000 linked to the development of the Aldi site would be paid to Malmesbury Town Council. It is in, fact, due to be allocated to St Paul Malmesbury Without Parish (the Parish). It was agreed to enquire with Wiltshire Council what discretion the parish has on the allocation of this CiL with a view to discussing the appropriate allocation of this CiL directly with

Signed.....

Date.....

the parish. Cllr Ritchie also reported that the mistaken belief by Wiltshire Council that this CiL payment would be allocated to Malmesbury Town Council is long standing - it appears in the recently released officer report on the Malmesbury Town Team s106 submission written in June 2019 - and may have been an influencing factor in this report and the subsequent decision by Wiltshire Council not to allocate s106 funding to Malmesbury Town Team.

Wiltshire Planners will be meeting with the Wiltshire town and parish councils who have joined together over concerns on the future of Neighbourhood Planning in Wiltshire to discuss the current position of the Five-Year Land Supply in Wiltshire.

PE/227 To consider Highways Improvement Request with reference to noise from Bypass

It was agreed that the Request would be passed to CATG to consider how this could be dealt with.

PE/228 To determine budget requirements for 2021/22 – Car Parking Subsidies & CATG Contributions

It was resolved that the budget requirements for 2021/22 is likely to remain in the region of expenditure anticipated for the current year and would be set at 4096 (Strategic Planning) £6,000.00 & 4097 (Car Parking Subsidy) £8,000.00

Meeting closed at 8.40pm