

Report No

Report to P&E 15th January 2019

Further comment to Wiltshire Council on Backbridge application

1. Purpose of the report

- 1.1 To agree a formal comment from the Town Council on application 16/06401/FUL Land at Backbridge Farm Malmesbury based on the informal meeting held on 11th December 2018.

2. Background

- 2.1 At its meeting on 24th October, this Committee agreed the Town Council's comments on Persimmon's Backbridge Farm application. Item 4 of those comments was:

“Link to MALM24 footpath

MTC notes that the applicant commits to providing a pedestrian / cycle link to its south-eastern site boundary. However it also notes the applicant does not own the land over which this link could be extended eastwards to meet with footpath MALM24 to Tetbury Hill and no plan for this link is presented in the current application.

MTC notes that the absence of this link was one reason for Sustainable Transport's 2017 objection to the application, which described the link as “essential to the development”.

MTC is concerned that there has been no agreement with Malmesbury CE Primary School regarding that eastwards link, which would be valuable in connecting the development with the Town, as envisaged in the Malmesbury Neighbourhood Plan. MTC urges further urgent consideration of this link and will call a meeting of the involved parties, together with itself and a relevant third party, to investigate the feasibility of a link to the footpath.

If this link can be achieved, a further parking area in the south-east of the site (recommended in MTC's September 2017 comment) would become highly desirable.”

- 2.2 The establishment of a footpath had been called for in the Malmesbury Neighbourhood Plan Policy 1(c):

“The site layout shall include provision for the construction of a new bridge suitable for pedestrians and cyclists across the River Avon to Park Road and for the provision of pedestrian and cycle links to Tetbury Hill and the town centre by way of the school access and public footpath 'MALM 24' “

- 2.3 In accordance with this third paragraph of its October comment on the application, the Committee decided to hold an informal meeting with local stakeholders to discuss the feasibility of a link to the MALM24 footpath.

- 2.4 This informal meeting took place following the formal P&E meeting on 11th December 2018. Present were Councillors Budgen, Exton J, Exton P, Gundry and Power (members of the P&E Committee) and the following invitees:

- a) Malmesbury C of E Primary School: Mr Steve Heal, Headteacher and Mr Laurence Mussett, Chair of Governors
- b) Malmesbury Victoria Football Club: Mr Jonathan Davies
- c) Persimmon Homes: Mr James Prowyer

- 2.5 Considerable discussion took place amongst all present regarding the feasibility of a footpath from the edge of the Persimmon land to connect with the public footpath MALM24 and arising matters as follows.
- 2.5.1 That such a footpath would need to have a high fence on its northern side to provide visual, physical and access protection for the School, and a high fence on its southern side to provide visual and access protection for the Football Club's Flying Monk playing field.
- 2.5.2 The School anyway had strong objections to even a high-fenced footpath running along its southern boundary.
- 2.5.3 Such a footpath would need to be wide enough to cater for pedestrians and cyclists and it was unclear that there was space available for such a path and fencing without entering the School's land or compromising the Football Club's playing area.
- 2.5.4 A footpath with a high fence on both sides could become a place for anti-social behaviour as had been seen elsewhere in the town.
- 2.5.5 The School wished the footpath shown on Persimmon's plans leading south-eastwards from the residential area to be re-aligned and to terminate at a gated entrance at the south-west corner of its land. Discussion took place on the desirability of a connection from this footpath to the planned footpath connecting the residential area to the Park Road access point.
- 2.5.6 The School wished for a high fence / screening on its western boundary to provide visual and access protection from the populated Persimmon development to the west.
- 2.5.7 The Football Club wished for a high fence / screening on its western boundary to provide visual and access protection from the populated Persimmon development to the west.
- 2.6 Discussion also took place regarding the southerly access to and from the site shown on Persimmon's plans. It was noted that this exit would provide pedestrian and cycle access to and from the town and locations such as Malmesbury Academy and the Activity Zone. It was noted that the Town Council's comment on the application of 24th October had called for a the developer to make a financial contribution to Pelican crossing across Park Road near to this southerly access point. It was later pointed out that the provision of such a crossing was noted in the Malmesbury Neighbourhood Plan page 18 column 2 para 3.

3. Proposal

- 3.1 It is proposed that a formal comment to Wiltshire Council on this application is submitted by the P&E Committee on behalf of the Town Council as follows.
- 3.1.1 Having met with representatives of Malmesbury C of E Primary School, Malmesbury Victoria Football Club and the developer, MTC now considers that a footpath connection from the south-east corner of the application site to footpath MALM24 is currently infeasible. The School does not wish to provide a footpath across its land and further objects to a fenced pathway on the border of its land for reasons of security and privacy. MTC has noted these concerns and wishes to confirm their agreement to a footpath from the Persimmon development to the School only as described below.
- 3.1.2 MTC notes the planned provision of pedestrian and cycle access to the application site from Park Road and considers this adequate for such access to the town subject to a pelican crossing being provided as below.
- 3.1.3 MTC reinforces its October 2018 comment 8(a) "In order to provide a safe crossing for the development's residents across Park Road, there needs to be a suitably-placed pelican crossing near the site's access on Park Road. The funds for this should be provided by the applicant." MTC comments that the need for such a crossing and funding was noted in the Malmesbury Neighbourhood Plan page 18.

- 3.1.4 MTC supports Malmesbury C of E Primary School's requirement for the footpath shown on Persimmon's plans leading south-eastwards from the residential area to be re-aligned and terminate at a gated entrance at the south-west corner of its land. MTC considers it highly desirable (as per its October comment 8(b)) that this footpath joins with the footpath leading to the Park Road access point.
- 3.1.5 MTC supports Malmesbury C of E Primary School's requirement for a high fence / screening on its western boundary to the application site to provide visual and access protection from the planned residential development to the west.
- 3.1.6 MTC requires a high fence / screening to be erected on the western boundary of the Flying Monk Ground, which is owned by MTC, to provide visual and access protection from the planned residential development to the west.

4. Financial implications and risks

- 4.1 None in making this set of comments to Wiltshire Council on the application.

5. Recommendation

- 5.1 Committee is requested approve the recommendation in 3.1 above.

Cllr John Gundry
Chair, P&E Committee
7th January 2019