

Malmesbury Town Council

Minutes of the **Planning & Environment Committee Meeting**
Held in Malmesbury Town Hall on **Wednesday 3rd May 2023** at 7.00pm.

Present: Cllrs P Exton (Chair), R.P Jones, C Ritchie, E Whatton, L Wood,
Also present: Lisa Dent (Deputy Town Clerk)

PE/23/71 To receive Declarations of Interest in accordance with the Council's Code of Conduct

None declared

PE/23/72 To receive apologies for absence

Apologies received and accepted for Cllrs Sanderson, W Jones and S D'Arcy.

PE/23/73 To receive Public Questions in respect of items on this agenda

None received.

PE/23/74 To adopt the minutes of Tuesday 11th April 2023

The Minutes were adopted and signed as a correct record.

PE/23/75 Planning application received since previous meeting

The following **comment** was resolved:-

PL/2023/02258 - The Old Bell Hotel, Abbey Row, Malmesbury, SN16 0BW

We agree with the Conservation Officer that not enough information has been supplied for us to be able to fully assess this application. This is a historical, listed building in a sensitive location and conservation area. We would therefore need more information on the fabric of the build, the building methodology and the links between this extension and the existing buildings and in particular, the integration with the existing kitchen (including services, extraction and ventilation.) This will enable us to make a fully considered comment.

On the information that has been submitted we do have specific concerns which we think can all be addressed but should be more fully covered in the application.

These are:

1. Integration with the archaeology on the site. There must of course be an appropriate archaeological survey
2. That the proposed works to the car park will change the street scene view from Mill Lane and further across the approach from Station Yard, and potentially inconvenience the local neighbours. Appropriate additional walling/ screening at an appropriate standard should be included
3. That the kitchen extraction system is designed suitably and integrated with the proposed development.
4. That the proposed window designs should better relate to the rest of the building in terms of size, surround and lead work.

At this stage we would welcome sight of more developed plans and proposals, particularly on the points we have raised. A more detailed economic assessment of the benefits of the proposal would also be helpful.

PL/2023/02643 - The Old Bell Hotel, Abbey Row, Malmesbury, SN16 0BW

Listed building consent to the above application

Comment as above was resolved.

PL/2023/02199 - 27 Corn Gastons, Malmesbury, Wilts, SN16 0DP

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

PL/2023/02563 - 28 High Street, Malmesbury, Wilts, SN16 9AU

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

PL/2023/02927 - 28 High Street, Malmesbury, Wilts, SN16 9AU

Listed building consent to the above application

Comment as above was resolved.

PL/2023/02175- 87A Gloucester Road, Malmesbury, SN16 0AJ

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

PL/2023/02575 - 87A Gloucester Road, Malmesbury, SN16 0AJ

Listed building consent to the above application

Comment as above was resolved.

PL/2023/01816 - 1-3 Kings Wall, Malmesbury, Wilts SN16 9BJ

The following **Comment/objection was resolved**

We object on the following basis: 1) Having reviewed the Highways and Conservation Officer statements, we have sufficient doubt that the proposed car port is a viable solution for parking. 2) The planning proposal would change the look and feel of this part of Kings Wall, in the context and management of the conservation area zone.

PL/2023/01973 - 13 Kings Wall, Malmesbury, Wilts SN16 9BJ

The following **comment** was resolved:-

We are concerned about the look and feel of the combination of these extensions in a conservation area and would ask consideration is given to a more integrated design to a look more in keeping with the original building.

PE/23/76

To resolve comments for x2 Filands appeals

1. Town and Country Planning Act 1990 - Appellants name: Bloor Homes

Appeal Site: Land at Filands Road/Jenner Lane, Malmesbury

Planning application ref: PL/2022/02062

Proposed development: Erection of 69 dwellings with public open space and associated infrastructure, and land for nursery, approval of reserved matters (scale, layout, landscaping and external appearance) pursuant to outline application ref:

21/01363/OUT. Inspectorate reference: APP/390/W/23/3317359

Appeal start date: 31 March 23 Comments should be received by 5 May 2023

The following comment was resolved:-

1. Malmesbury Town Council strongly objects to this Appeal.
2. Following rejection of Planning Application PL/2021/05209 by Wiltshire Council negotiations between the Appellant and Malmesbury Town Council have resulted in a Masterplan Application Ref PL/2023/00958, Land at Filands Road/Jenners Lane, Malmesbury SN16 9GT for the site covered by this Appeal and this PL/2022/02062.
3. This Masterplan Application significantly addresses the concerns that led to PL/2021/05209 being quite correctly rejected by Wiltshire Council. It is vastly superior in terms of layout, open space allocation, location of the nursery site, ecology, and building sustainability to those in the individual applications PL/2021/05209 and this PL/2022/02062.
4. Malmesbury Town Council is not objecting to the Masterplan Application PL/2023/00958, Land at Filands Road/Jenners Lane, Malmesbury SN16 9GT.

We believe Appeal on the rejection of PL/2022/02062 and this Appeal should be suspended pending the outcome of Wiltshire Council decision making on Application PL/2023/00958. This is to avoid the waste of Planning Inspectorate and Wiltshire Council resources and unnecessary cost.

5. Our reasons for objecting to this Appeal are summarised below.
6. This application causes direct significant harm. For the avoidance of doubt, Malmesbury Town Council is not refighting the agreement of the Outline planning permission for this site. Houses and a nursery will be built in this area. However the proposals in PL/2021/05209 are very much worse than could be achieved if the site is Masterplanned with PL/2022/02062. These concerns have largely been addressed in PL/2023/00958.
7. There is substantial harm in comparison to what could be achieved at this site as part of the wider development the applicant has created at this very important location.
8. A separate Reserved Matters application cannot be decided for this site before an RM decision is taken for PL/2022/02062. The Applicant themselves has 'mixed' the sites by creating overlapping applications following the original approval of 21/01363/OUT. The non-determination of this application is the responsibility of the Applicant.
9. The following opportunities will be missed if this appeal is allowed:
 - Higher quality design
 - Better place shaping
 - Greater continuity in layout
 - Greater efficiency
 - Better use of space
 - Better siting of supporting infrastructure and facilities, including the nursery.
 - Improved community cohesion
 - Residential amenity
 - Tree planting
 - Highways integration, connectivity, legibility, and accessibility
 - More efficient drainage
 - Improved ecology

The cumulative impact is huge. That they are each and together a substantial harm.

10. The impact of Climate Change and the challenge of reaching net zero must be considered. Wiltshire has declared a climate emergency. A development that does not maximise the efficient use of resources, the best use of space and does not get much closer to the 2025 Future Homes Standard by still proposing houses that will require significant retrofitting creates a substantial harm in its own right.
11. This Application falls short of CP2, CP13, CP51 and CP57, NPPF 7, 8a&b, 38, 112, 124, 130, 134 and 135 and the Malmesbury Neighbourhood Plan, Obj 8.17. This application represents significant harm and must be rejected.
12. The Applicant's pursuit of this Appeal is vexed given that prior to the refusal it refused all invitations to masterplan the two sites to remove significant issues identified by ourselves and Wiltshire Council, therefore consciously reducing the quality of both developments.
13. Any commercial and timescale pressures and other difficulties which mean that master planning is not considered the best way to achieve timely delivery which the Applicant could be put forward can be dismissed as a Masterplan Application PL/2023/00958 has now been made and is being determined. The fact now is that this Appeal is delaying the decision making process by forcing an allocation of Wiltshire Council resource that could otherwise be involved in progressing PL/2023/00958.
14. The Developers own company policy on sustainability starts by saying 'We all want to live in a better world. Where there is more consideration for our surroundings and each other.' In the Planning Context in the Design and Access Statement supporting the Southern site (i.e the Appeal site) Bloor Homes wrote: 'Bloor Homes have now acquired the northern parcel from

Gleeson and intend to progress a comprehensive, integrated scheme across both northern and southern land parcels.'

15. In Chapter 6, Design Principles, it says that 'the approach to comprehensively masterplan across the two land ownership areas (the red and blue lined land) is highly beneficial in ensuring a permeable and legible development with a strong sense of place. This approach also allows a masterplan to come forward that is shaped by green infrastructure and structured by an efficient arrangement of residential development that is accessed via connected network of streets.' We agree. Accepting this Appeal would undermine the Applicants own stated intentions.
16. In the application for the Southern Parcel (i.e. the Appeal site) – which takes land from the original Northern site - the word Masterplan is mentioned 19 times.
17. We believe that any concerns the Applicant had on timing could have been addressed if they had applied for an extension to the timing conditions in the Outline approval. The current difficulties on the overlap of Planning Applications and Appeals and the additional work imposed on Wiltshire Council and the Planning Inspectorate are of the Applicant's own making.
18. This Appeal isn't just important to Malmesbury. If approved it will give a green light to poorer development than could be achieved and as evidenced by PL/2023/00958.
19. Approving the Appeal would conflict with the Malmesbury Neighbourhood Plan. This was the first Neighbourhood Plan in Wiltshire and it remains current until 2026. It is being reviewed for the remainder of the plan period and it will be reviewed through to 2036 when we have the necessary information from the emerging Wiltshire Local Plan.
20. The Malmesbury's Neighbourhood Plan has delivered substantially more than the housing required in Malmesbury until 2026 but that, nonetheless, permission has been given for over 400 houses more because of Wiltshire Council's modest shortfall in the 5 Year Housing Land Supply. That is at this site, the site covered by PL/2023/00958 and three further sites.
21. Our community has been well and truly been 'done to' because of the modest shortfall in Wiltshire Council's 5 Year Housing Land Supply, our Neighbourhood Plan has been shredded and the opportunity for our community to be 'done with' and involved in bottom up place shaping has been removed for a generation.
22. So it is a really big deal if, on top of this, this development at this very important site in Malmesbury is of lower quality than it could be because a significantly harmful plan proposed by the developer are let through on the imperative to give permission because it is considered to be a 5 Year Housing Land Supply action plan site. There is no doubt these detailed proposals are substantially inferior to those that are in PL/2023/00958. Officers have previously spelt this out. The Urban Design team was very critical about the implications for the quality of the Southern Site (PL/2022/02062) if it is not masterplanned with the Northern Site PL/2023/00958. The Nursery location at the far end of the site and in a dead end maximises vehicle movements. And as the Planning Officer states in his report, these and many other issues will be baked in and irrecoverable if stand alone approval is given to either this Appeal or the Appeal on PL/2023/00958.
23. The Malmesbury Neighbourhood Plan has an important design section. There is a clear step back from important principles within it in the application represented by this Appeal. Notably the unsympathetic pattern of this development, its dormitory like appearance, the proposed placement of the nursery, and ecology and sustainability considerations. They have largely been addressed in PL/2023/00958, which is currently being determined by Wiltshire Council.
24. It is therefore of huge concern to our community that this Appeal could lead to a watered down and significantly harmful set of proposals for such an important development in our town's future – over 5% of the whole town – being approved when obviously better solutions are at hand and can be achieved without detriment to the plan to meet Wiltshire Council's modest

5YHLS shortfall, and which will create a better place to live for hundreds of residents for decades to come.

We urge you to reject the Appeal. Much better proposals are already in hand to be agreed and implemented.

2. Town and Country Planning Act 1990 - Appellants name: Bloor Homes

Appeal Site: Land at Filands Road/Jenner Lane, Malmesbury

Planning application ref: PL/2021/05209

Proposed development: Erection of 70 dwellings with public open space and associated infrastructure, and land for nursery, approval of reserved matters (scale, layout, landscaping and external appearance) pursuant to outline application ref:

21/01363/OUT. Inspectorate reference: APP/Y3940/W/23/3315962

Appeal start date: 31 March 23 Comments should be received by 5 May 2023

1. Malmesbury Town Council strongly objects to this Appeal.
2. Following rejection of Planning Application PL/2021/05209 by Wiltshire Council negotiations between the Appellant and Malmesbury Town Council have resulted in a Masterplan Application Ref PL/2023/00958, Land at Filands Road/Jenners Lane, Malmesbury SN16 9GT for the sites covered by this application and PL/2022/02062.
3. This Masterplan Application significantly addresses the concerns that led to PL/2021/05209 being quite correctly rejected by Wiltshire Council. It is vastly superior in terms of layout, open space allocation, location of the nursery site, ecology, and building sustainability to those in the individual applications PL/2021/05209 and PL/2022/02062.
4. Malmesbury Town Council is not objecting to the Masterplan Application PL/2023/00958, Land at Filands Road/Jenners Lane, Malmesbury SN16 9GT.

We believe this Appeal and the Appeal PL/2022/02062 should be suspended pending the outcome of Wiltshire Council decision making on Application PL/2023/00958. This is to avoid the waste of Planning Inspectorate and Wiltshire Council resources and unnecessary cost.

5. Our reasons for objecting to this Appeal are summarised below.
6. This application causes direct significant harm. For the avoidance of doubt, Malmesbury Town Council is not refighting the agreement of the Outline planning permission for this site. Houses will be built here. The question is quality and quantity. The proposals in PL/2021/05209 are very different – and much worse - than what was approved in Outline by Wiltshire Council's Strategic Planning Committee in May 2020.
7. There is substantial harm in comparison to those Outline proposals and to what could be achieved at this site as part of the wider development the applicant has created at this very important location. Together these harms make for 'significant harm'.
8. If passed in its current form new planning policy will be made – that developments in Wiltshire in response to the Council's modest 5 Year Housing Land Supply shortfall can be at a lower standard than if there was not a shortfall because of 'pressing need'. This would be a further 'significant harm'. And undermine public confidence in planning decision making.
9. Wiltshire Council was perfectly entitled to conclude this application represents significant harm and its concerns were substantial. It is not in breach of any specific plan policy/national guidance based test. It was perfectly entitled to reject the application.
10. The facts are that the site covered by PL/2021/05209 is 15% smaller than the Outline site: It is 3.16 hectares. The Outline site was 3.63 hectares. The balance is in the Southern site PL/2022/0206.

This smaller site is accommodating 70 houses versus 71 houses on the larger Outline site, so 1.4% less houses

The land that was in the original Outline site that is now in the Southern site is set to accommodate 16 houses (Latest Plan version N). So the site passed in Outline for 'Up to 71 houses' is now set to accommodate 86 houses. That's a 21% increase. This is not 'broadly in accord with design parameters set at the Outline stage' as stated in the Officer report.

Open space is reduced from up to 8,000sq mtrs to 6,041sq mtrs. A reduction of 25%. In addition, the attenuation basin is in this reduced open space.

11. Fundamental design principles presented in Outline have gone. For example 4.3 Design Principles in the Outline Design and Access Statement states that there would be a connected street network minimising the need for cul-de-sacs. The proposals in PL/2021/05209 is a development full of cul-de sacs.
12. It cannot be said either that – 'it's OK, all these things were for Reserved Matters'. The Site Concept Plan was revised multiple times before the Outline proposal was made and consulted on publicly before the Outline decision was made. We, Wiltshire Council and the community saw a well designed development for 71 houses on a 3.63 hectare site. PL/2021/05209 is completely different and significantly worse.
13. It is also inextricably linked to the Southern Parcel of land by the developers proposed land transfer and connections.
14. When the PL/2021/05209 was rejected Wiltshire Council was aware what could be achieved if this application is retained in its Outline form of site size density and layout or the two sites are masterplanned. All these points also apply to the 70 houses and the nursery coming forward on the Southern parcel. They were de-facto faced with deciding the quality of development of 140 houses.
15. The following opportunities will be missed if this appeal is allowed:
 - Higher quality design
 - Better place shaping
 - Greater continuity in layout
 - Greater efficiency
 - Better use of space
 - Better siting of supporting infrastructure and facilities, including the nursery.
 - Improved community cohesion
 - Residential amenity
 - Tree planting
 - Highways integration, connectivity, legibility, and accessibility
 - More efficient drainage
 - Improved ecology
16. The cumulative impact is huge. That they are each and together not at a level expected from the Outline proposal is a substantial harm.
17. The impact of Climate Change and the challenge of reaching net zero must be considered. Wiltshire has declared a climate emergency. A development that does not maximise the efficient use of resources, the best use of space and does not get much closer to the 2025 Future Homes Standard by still proposing houses that will require significant retrofitting creates a substantial harm in its own right.
18. It is not just 86 houses on a site approved for 'upto 71'. It falls short of CP2, CP13, CP51 and CP57, NPPF 7, 8a&b, 38, 112, 124, 130, 134 and 135 and the Malmesbury Neighbourhood Plan, Obj 8.17. This application represents significant harm and must be rejected.

19. The Applicant's pursuit of this Appeal is vexed given that prior to the refusal it refused all invitations to masterplan the two sites to remove significant issues identified by ourselves and Wiltshire Council, therefore consciously reducing the quality of both developments.
20. Any commercial and timescale pressures and other difficulties which mean that masterplanning is not considered the best way to achieve timely delivery that may be put forward by the Applicant can be dismissed as a Masterplan Application PL/2023/00958 has now been made and is being decided on. The fact now is that this Appeal is delaying the decision making process by forcing an allocation of Wiltshire Council resource that could otherwise be involved in progressing PL/2023/00958.
21. The Developers own company policy on sustainability starts by saying 'We all want to live in a better world. Where there is more consideration for our surroundings and each other.' In the Planning Context in the Design and Access Statement supporting the Southern site Bloor Homes wrote: 'Bloor Homes have now acquired the northern parcel from Gleeson and intend to progress a comprehensive, integrated scheme across both northern and southern land parcels.'
22. In Chapter 6, Design Principles, it says that 'the approach to comprehensively masterplan across the two land ownership areas (the red and blue lined land) is highly beneficial in ensuring a permeable and legible development with a strong sense of place. This approach also allows a masterplan to come forward that is shaped by green infrastructure and structured by an efficient arrangement of residential development that is accessed via connected network of streets.' We agree. Accepting this Appeal would undermine the Applicants own stated intentions.
23. In the application for the Southern Parcel – which takes land from the original Northern site - the word Masterplan is mentioned 19 times.
24. It is not a question of timing: In the Developer's Northern Site Amendment Tracker dated April 22 2022 it is stated that the 'The intention is to submit a RM for this southern parcel imminently (during March 2022) and once submitted, the Council will be able to secure appropriate connectivity into this northern parcel'. However as at August 2022, when application PL/2021/05209 was considered, the Officer was reporting that the Applicant has made Reserved Matters submissions for the Southern site but they are not complete and can't be registered, which means we, elected officers and the local community couldn't see them. It was a three cup trick by the developer. Our Planning team, our elected councillors and the residents of Malmesbury were being played with by the Applicant. We are however pleased that these concerns have been addressed by PL/2023/00958, which is now being determined, and to which we do not object.
25. We believe that any concerns the Applicant had on timing could have been addressed if they had applied for an extension to the timing conditions in the Outline approval. The current difficulties on the overlap of Planning Applications and the additional work imposed on Wiltshire Council and the Planning Inspectorate are of the Applicant's own making.
26. This Appeal isn't just important to Malmesbury. If approved it will give a green light to poorer Reserve Matter's applications in all those towns and parishes who have also had their Neighbourhood Plans put to one side because of the need to make decisions to address Wiltshire Council's 5YHLS shortfall. This is Lyneham (twice), Calne, Broad Town, Semington (twice), Worton, Westbury, Neston, Purton and Malmesbury again, where we have four more decisions for Reserved Matters quickly approaching (including PL/2022/02062).
27. Approving the Appeal would conflict with the Malmesbury Neighbourhood Plan. This was the first Neighbourhood Plan in Wiltshire and it remains current until 2026. It is being reviewed for the remainder of the plan period and it will be reviewed through to 2036 when we have the necessary information from the emerging Wiltshire Local Plan.
28. The Malmesbury's Neighbourhood Plan has delivered substantially more than the housing required in Malmesbury until 2026 but that, nonetheless, permission has been given for over

400 houses more because of Wiltshire Council's modest shortfall in the 5 Year Housing Land Supply. That is at this site, the site covered by PL/2021/05209 and three further sites.

29. Our community has been well and truly been 'done to' because of the modest shortfall in Wiltshire Council's 5 Year Housing Land Supply, our Neighbourhood Plan has been shredded and the opportunity for our community to be 'done with' and involved in bottom up place shaping has been removed for a generation.
30. So it is a really big deal if, on top of this, this development at this very important site in Malmesbury is of lower quality than it could be because the significantly harmful and unnecessary changes proposed by the developer are let through on the imperative to give permission because it is a 5 Year Housing Land Supply action plan site. There is no doubt these detailed proposals are substantially inferior to those anticipated at the Outline Stage. Officers have previously spelt this out. The Urban Design team is very critical about the implications for the quality of the Southern Site (PL/2022/02062) if it is not masterplanned with this site. The Nursery location at the far end of the site and in a dead end maximises vehicle movements. And as the Planning Officer states in his report, these and many other issues will be baked in and irrecoverable if approval is given to this Appeal application.
31. The Malmesbury Neighbourhood Plan has an important design section. There is a clear step back from important principles within it in the application represented by this Appeal. Notably the unsympathetic pattern of this development, its dormitory like appearance and lack of coherence in comparison to the original Outline application. They have largely been addressed in PL/2023/00958, which is currently being determined by Wiltshire Council.
32. It is therefore of huge concern to our community that this Appeal could lead to a watered down and significantly harmful set of proposals for such an important development in our town's future – over 5% of the whole town – being approved when obviously better solutions are at hand and can be achieved without detriment to the plan to meet Wiltshire Council's modest 5YHLS shortfall, and which will create a better place to live for hundreds of residents for decades to come.

We urge you to reject the Appeal. Much better proposals are already in hand to be agreed and implemented.

PE/23/77

To receive an update on EV charging project

There has been no response from JoJu who are managing the project for Wiltshire Council. It was agreed we will request Cllr G Grant (Mayor) to seek an update.

PE/23/78

To agree representation for Wiltshire Council Planning Peer review

It was agreed a response will be sent to advise will be sending a representative, name to be advised later. Cllr K Power to be invited to attend on behalf of Malmesbury Town Council. It was noted we can respond via email with our comments.

PE/23/79

To receive an update on proposed Waitrose steps repair following recent meeting.

It was reported the recent Zoom meeting had been productive and that we are expecting a response due tomorrow for another meeting date within a month with a senior member of management. Cllr Exton will respond if this is not received.

PE/23/80

**Standing Items
War Memorial Working Group**

The preamble is in progress and when completed a working group meeting will be convened.

Abbey Mill Bridge

It was agreed this issue needs to be escalated as public safety issue we will request Cllr Gavin Grant to bring this to the attention to Highways Dept at Wiltshire Council for immediate attention. Cllr Exton has also requested that it is escalated through contact with S Hind and R Chivers.

Market Cross

The survey from Dittrichhudsonvasetti will take place on the morning of 24th May and residents will be notified of this through social media and website posting. Grounds team staff will assist with ladder access and managing pedestrians whilst the survey takes place. It was confirmed part of the survey will be assessing any cleaning regime to the structure.

St Aldhelms Bridge

It is anticipated that work re loadbearing to the bridge will take place during the flood alleviation scheme activities.

Wheeler Way

Cllr Exton is in the process of reviewing the initial report from Cllr W Jones which followed a resident's complaint with a view to progressing an action plan with Bloor.

PE/23/81**Update on dropped kerbs and signage**

It was agreed to maintain a list of possible improvements in the Town Hall office. This will be added to, the Grounds Team staff would like to contribute.

PE/23/82**Update on Improving the pedestrian experience**

It was agreed we will ask Wiltshire Council for their input on what is achievable from the short, medium and long term goals of this project work. This may involve Cllr Exton reverting to LHFIG and Mayor Gavin Grant making enquiries at Wiltshire Council

The meeting was closed at 8.32 p.m.