

17 Culver Gardens
Malmesbury
Wiltshire
SN16 9BY

Alex Smith
Development Services
Monkton Park
Chippenham
Wiltshire, SN15 1ER

9th September 2016

Land at Filands South – 16/07288/OUT

Dear Alex,

The St Paul Malmesbury Without Parish Council at its meeting on the 24th August expressed its very strong opposition to this unwelcome and unwanted speculative application for 71 dwellings. Our reasons for objection are detailed below,

Conflict with the Malmesbury Neighbourhood Plan (MNP)

It is our contention that the broad thrust of the policies underpinning the National Planning Policy Framework (NPPF) was to give prominence to neighbourhood plans to allow local communities to shape and direct sustainable development in their neighbourhood area. The application site was not one of the three sites recommended for development in the MNP, indeed in terms of its preference for development it fell well down the list of the 26 sites assessed during the process to prepare the MNP that was subsequently endorsed by 90% of the a 32% turnout of voters in the three sponsoring parishes. The council believes this alone should be grounds for the application's refusal.

Community rejection

The applicant's low-key pre-application public consultation resulted in objections and/or negative comments from local organisations, individuals and a petition with 145 signatures. In a disingenuous attempt to discredit these heartfelt concerns the applicant explains that these should be ignored because they were not from near neighbours. As there are not above a dozen dwellings near the site, this council believes the number of widespread adverse comments reflect the offence taken by the community at large by the opportunistic nature of this application.

Over-development

The applicant claims that the town requires these additional dwellings but this view is flawed and not supported by evidence. The MNP offered a 15% contingency in excess of the minimum target of 885 houses identified in the Wiltshire Core Strategy

(WCS). As of April 2015, the latest figures available, house completions in the Malmesbury urban area stand at 492 with another 521 either under construction, subject to a current planning application or well-advanced in pre-application preparation. It is therefore evident that the MNP's housing development plans, including its contingency, are being delivered and thus this application is surplus to requirement and should be refused.

Benefit v Harm

The council acknowledges that currently Wiltshire Council is unable to demonstrate a sound 5-year land supply of deliverable housing for the North West Housing Market Area, however it is our contention that in the present temporary absence of a 5-year land supply position, paragraph 49 of the NPPF is effectively engaged alongside paragraph 14 for the purposes of considering planning applications for housing development. Paragraph 14 explains that where the development plan is absent, silent or relevant policies are out of date, permission may be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

As explained above this council believes the benefits of this application are either grossly overstated or untrue whereas the harm produced by its approval would be considerable. This harm would include

- Infrastructure and services will be put under increased pressure that would not be alleviated by the applicant's proposal of S106 funding because financial contributions, such as CIL, will have limited direct benefit to the town and will be incapable of preventing Malmesbury becoming overcrowded with people and traffic. These 71 additional dwellings will only serve to irrevocably unbalance the carefully researched and evidenced democratically supported MNP.
- Exacerbating the shortage of primary school education because as the MNP explains "*New development should be phased to synchronise with the potential expansion of Malmesbury CE Primary School so that additional demand for primary school places can be met.*" Simply making a hitherto unquantified S106 contribution to education would not directly add to the additional required primary school capacity.
- Irrevocable damage to the character and culture of the town because although the applicant quotes WC's identification of Malmesbury as a market town capable of supporting growth, they choose to ignore the fact that WC placed a target on the town of 885 houses for the period 2006 to 2026 and as explained above this is on course to be met with a significant contingency provision.

Conclusion

Given the above comments, the council's assessment of this application is that it would

- Cause harm to Malmesbury and is not sustainable development.
- Be contrary to the adopted Neighbourhood Plan and the overwhelming view of the community and would contribute significantly to over-development of the town with all the associated adverse impact upon infrastructure and

services.

- Add additional housing over and above that sensibly provided in the adopted Neighbourhood Plan without any provision of hard evidence to explain why it is needed.
- Provide no compelling benefits to the community
- Engender a very deep feeling of democratic betrayal amongst the local community with the likely result that the disenchantment with the NPPF's apparent inability to give prominence to neighbourhood plans will spread to the national level and thereby create scepticism amongst communities that they will be unable to shape and direct sustainable development in their local area free of developer interference.

For these principle reasons the council urges you to refuse this application.

Yours sincerely,

Roger Budgen

Chairman