

Malmesbury Town Council

(ENGLAND'S OLDEST BOROUGH - CHARTER GRANTED 880)



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Alex Smith
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14th September 2016

Land South of Filands Malmesbury – 16/07288/OUT

Dear Mr Smith,

Malmesbury Town Council Planning and Environment Committee met last night to discuss this application. The Committee resolved the following.

Malmesbury Town Council very strongly objects to this application for the following reasons.

1. The application is in clear conflict with the democratically-validated MNP.

The application conflicts with the adopted Malmesbury Neighbourhood Plan (MNP) which was approved by 90% of a 32% turnout of voters in the parishes of Malmesbury, St Paul Malmesbury Without and Brokenborough.

The applicant attempts to deny any conflict by claiming that "*The delivery of this site is not in direct conflict with the MNP, per se, as there is no policy in the MNP that restricts or precludes the development of additional sites on the edge of the settlement.*" This is sophistry. The Plan was not required to produce policies that precluded development on sites that were deemed unsuitable. Its principal purpose was to allocate sites for development, which it did through a technical assessment in which the proposal site was found unsuitable. The application site conflicts with the MNP's site allocation, and, as that was the principal task of the MNP, this application is in clear conflict with the MNP.

Moreover, the NPPF states that (para 198) "*where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.*" The NPPF offers no qualification regarding "policies" or any other constituents of a neighbourhood plan.

Further, the public's objection to the applicant's pre-application public consultation (68 direct responses and a petition of 145 people) reflected the "*key theme*" that "*the development is outside the agreed Neighbourhood Plan*".

2. The proposal has been widely rejected by the public.

As above, the applicant's pre-application public consultation resulted in it being sent, in addition to organisational comments, 68 emails and letters and a petition signed by 145 people, all of which objected to the proposed development. The applicant's *Statement of Community Engagement* attempts to discredit these 200+ objections by showing that the majority of these comments were not from "*the nearest neighbours*" to the application site. In fact, there are very few houses currently neighbouring the site.

The applicant shows maps of objectors' locations. But rather than discrediting their comments, these serve dramatically to show the extent in the Town and elsewhere of the offence caused by the application.

3. Granting the application would encourage democratic deficit.

Twenty-one local organisations were involved in drawing up the MNP - with a total top-tier membership of over 300. The MNP itself received support from 1,768 voters at its referendum. Additionally over 200 people made objections direct to the applicant most citing the MNP.

Granting this application would create a widespread feeling of democratic deficit. That is: doubt that local views matter and the belief that significant decisions are made by an undemocratic elite. Particularly the people who prepared and supported the MNP would feel betrayed.

Granting the application would also demoralise groups locally and nationally who are or intend to create neighbourhood plans and would be a severe blow to Localism.

4. The 71 dwellings proposed are incremental towards a tipping point where Malmesbury's infrastructure and character will be overwhelmed through over-development.

[Over-development is defined by the Government's Planning Portal Glossary as *An amount of development (for example, the quantity of buildings or intensity of use) that is excessive in terms of demands on infrastructure and services, or impact on local amenity and character.*]

In its response to the pre-application public consultation, Malmesbury Town Council wrote that "*The demands of this unplanned site will unbalance the infrastructure of the Town and place unacceptable demands on highways, education and health care.*" The effects on infrastructure and services and town character were also raised by other direct objectors and in the petition, summarised by the applicant thus:

- *Traffic and road maintenance is already an issue*
- *Local services and infrastructure such as education, healthcare and highways will not be able to cope*
- *The character and culture of the historic market town will be lost.*"

All these comments precisely concern over-development.

3a. Infrastructure and services

The applicant attempts to counter concerns about infrastructure and services by referring to financial contributions to the Town via S106 contributions and also directly to Wiltshire Council.

The S106 local contributions are anticipated in the *Planning Supporting Statement* to include (a) provision of affordable housing (b) provision of primary and secondary school places (see below). These local S106 contributions are required by legislation to mitigate the impact of the development.

However the other financial contributions will be incapable of preventing Malmesbury becoming overcrowded with people and traffic, which will be exacerbated by 71 dwellings additional to current plans.

3b. Schooling

Simply making an (unquantified) S106 payment to the schools would not directly add to the educational capacity. That capacity can only increase as the result of step changes made possible by new classrooms. That is why the MNP says (page 43) "*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.*" There is a current forecast for over-capacity at the primary school and this application would exacerbate that problem.

3c. Malmesbury's character and culture

The applicant cannot find any way directly to counter the public's concerns about "*[t]he character and culture of the historic market town*". All it finds to say is that "*Malmesbury is identified by Wiltshire Council as a market town, identifying it as a sustainable location capable of supporting growth.*"

But Wiltshire Council placed a limit to that growth by requiring the Malmesbury urban area to accommodate 885 new dwellings in the period 2006 to 2026. This number is already being over-achieved: the most recent figures indicate 492 have been delivered with another 521 either under construction or subject to outstanding planning applications.

Housing above these totals is not consistent with Wiltshire Council's plan for growth. Critically, it will dilute Malmesbury's built character and noticeably vibrant and cohesive culture and spirit of community.

4. Claimed benefits are not.

The applicant's *Planning Supporting Statement* summarises its proposition for the application's benefits. These are summarised below with our brief assessment.

- "*The residential development proposed would assist Malmesbury in improving its self-containment by providing homes for new employees and helping to address net in-commuting.*" With self-containment in mind, the required number of new homes is already in planning or development and this application is extra to those planned by Wiltshire Council and allocated in the MNP.
- *The delivery of much needed housing* As above, there is no case that more housing is needed.
- *The delivery of much needed affordable housing.* It is for Wiltshire Council, in applying Policies 4 and 5 of the MNP, to advise on the need for affordable housing further to that already in application or development, which we would expect to be limited to clearly-defined local need.
- *The delivery of publically accessible open space to benefit new and existing residents.* Only required as a result of the application itself, which builds on greenfield land.
- *Net biodiversity gain.* Not a matter of great weight.
- *Support for community facilities and services through an increase in the local population.* No – contributing to an overwhelming of community facilities and services.
- *Economic benefits, through construction activities and increased local population.* Construction activities are not necessarily local. Increased local population beyond that

planned is a negative not a positive and an overcrowded town will deter shoppers and visitors.

- *Reduction in surface water drainage issues for residents of Reeds Farm.* We don't see any net betterment as a result of the proposed development.

5. Conclusion: The proposed development would cause harm to Malmesbury and is not sustainable development

Summarising Malmesbury Town Council Planning and Environment Committee's assessment of this application:

- It is counter to the adopted Neighbourhood Plan and the public's views.
- Its approval would create local feelings of democratic deficit and betrayal and injure neighbourhood planning and Localism both locally and nationally.
- It would contribute to over-development of Malmesbury with adverse impact on infrastructure and services including schooling.
- It would have an adverse impact on the character and culture of the Town.
- There is no demand for further housing above that already planned.
- There are no compelling other benefits.

In conclusion, the Town Council finds no benefit to the Town of the proposed development and very significant harm. The development is clearly not sustainable development, identified by the Minister in his Foreword to the NPPF with being "change for the better."

Note

This being an outline application, in which all matters except means of access are reserved, we have generally not commented on the detailed plans presented.

Yours Sincerely
James Whittleton
Deputy Town Clerk
Malmesbury Town Council