

**MARLBOROUGH TOWN COUNCIL
PLANNING COMMITTEE**

Minutes of a meeting of the **Planning Committee** which was held on **Monday, 22 February 2021**
at 7pm via videoconference

PRESENT: Councillor Susie Price
Councillor Mark Cooper
Councillor Bryan Castle
Councillor Nicholas Fogg
Councillor Andrew Ross
Councillor Alexander Kirk Wilson
Councillor Guy Loosmore
Councillor Noel Barrett-Morton
Councillor Lisa Farrell
Councillor Mervyn Hall
Councillor Peter Cairns
Councillor Andy Wilson
Councillor Vanessa Hillier
Councillor Jo Waltham

Chair
Town Mayor (*ex officio*)

ALSO

PRESENT: Mrs Shelley Parker
Dawn Whitehall
Councillor Stewart Dobson
Councillor Jane Davies
Neil Goodwin
Plus 10 members of the public

Town Clerk
Administrator
Wiltshire Councillor – Marlborough East
Wiltshire Councillor – West Selkley
Marlborough.News

PUBLIC QUESTION TIME

Local resident, **Ian Mellor** referred to agenda item 15 (Neighbourhood Planning). He stated that he lived in Barton Park and that he was a Fellow of The Royal Town Planning Institute. He asked whether the Planning Committee had applied the requisite level of scrutiny to the work of the Steering Group to ensure the soundness of the Neighbourhood Plan. He stated that the Development Director of Marlborough College was a member of the plan making Steering Group. In the context of a Land Use Plan the College had the status of a prospective developer. The College proposed sites for development, which they own, to the Steering Group. The College had a significant financial interest in the outcome of the plan being prepared by the Steering Group. The Steering Group had now proposed to allocate the same sites for development and this committee has approved that plan for consultation. Mr Mellor had sought Counsel's opinion on the soundness of the plan and been advised that the test to be applied was whether there may be the appearance of bias. It seemed to Mr Mellor that the appearance of a conflict of interest and bias seems inescapable. Every member of this Committee, as sponsoring body, was responsible individually and collectively for oversight, due diligence and scrutiny of the work of the Steering Group, appointment or approval of Steering Group members etc. Last year Robert Jenrick, Minister for Planning, quashed his own decision approving a development in London because he had sat next to the prospective developer of the land concerned who had shown him an image of his development on his phone. Government lawyers advised him to quash his decision because in a Review a Judge was likely to conclude that there was the appearance of bias. This established a recent benchmark. The College Director of Development attended about 50 meetings as a member of the plan making body. Would the Committee review the Neighbourhood Plan process and consider whether it believes a Review by a Judge under the Planning and Compensation Act

2004 might conclude that there is the appearance of bias? He confirmed that the relevant agency was aware of this issue.

Councillor Fogg wanted to register that he had previously requested the opportunity for the Planning Committee to discuss the plan but had been told that it would not be possible, and still believed it to be inappropriate that this Committee had not discussed the plan. The **Chair** reminded Members that Neighbourhood Planning had been a standing item on the agenda since the formation of the Steering Group and that as Marlborough Town Council was the 'qualifying body it could not be consulted on its own plan. **Councillor Fogg** disagreed and felt that it could be discussed in full as it was being published in the Town Council's name. He asked the minutes to record that he would disassociate himself from the plan if Councillors weren't consulted. The **Town Clerk** reminded members that the draft Neighbourhood Plan had been presented to both the Planning Committee and Full Town Council in its entirety and that Town Council- owned land put forward for use had also been discussed formally by the Council. She asked Mr Mellor to provide a full copy of his written question, which he agreed to do.

448/20 APOLOGIES

Apologies for absence were received from Councillors Dow and Heath.

449/20 DECLARATIONS

The **Town Mayor** – agenda item 6(a) – planning application at St Johns School - pecuniary interest. **Councillors Farrell and Wilson** – agenda items 6(k) and 6(l) – planning applications at Marlborough College - pecuniary interest.

450/20 CHAIR'S ANNOUNCEMENTS

The **Chair** reminded Members that the consultation period for the draft Marlborough Area Neighbourhood Plan was open until 8 March, and there was an opportunity to register for an online event which would include a presentation and question and answer session at 7pm on Wednesday, 24 February.

451/20 MINUTES

RESOLVED: that the minutes of the meeting held on Monday, 1 February 2021 were approved as a true record and signed by the Chair

452/20 PLANNING DECISION NOTICES

Members noted the Planning Decision Notices that had been issued by Wiltshire Council.

453/20 PLANNING APPLICATIONS

The Town Mayor left the meeting for the following item

- a) **20/11579/FUL** – New external courts, landscaping and 4 court sports hall with changing rooms at St Johns School, Granham Hill, Marlborough for Mr Martin Cook

During a suspension of Standing Orders, the Principal and the Logistics Director at St John's Academy spoke and answered questions.

RESOLVED: that Marlborough Town Council has no objection to this application

The Town Mayor returned to the meeting

- b) **21/00374/DP3** – Construct a shared use path from the southern side (rear) of the Beechcroft care home to the A346 at the entrance to Marlborough Business Park at Beechcroft Care Home, Marlborough for Miss Fiona Steven

RESOLVED: that Marlborough Town Council has no objection to this application but would

like clarification on when this stretch of path will be joined up to cycle path (old railway line)

- c) **20/08810/FUL** – revised plans – Garden room and storage shed at 33 High Street, Manton for Mrs Claire Graham
RESOLVED: that Marlborough Town Council has no objection to this application
- d) **21/00037/FUL** – Rear roof dormer incorporating a shower room at Paddock Gate, Poulton Crescent, Marlborough for Mr & Mrs Geoff Harvey
RESOLVED: that Marlborough Town Council has no objection to this application
- e) **21/00509/FUL** – Erection of single storey extension at The Old Courts, Back Lane, Marlborough for Mr William Egerton
RESOLVED: that Marlborough Town Council has no objection to this application
- f) **21/00848/FUL** – Single storey rear extension, two store side extension at 5 Police Houses, Five Stiles Road, Marlborough for Justin/Emma-Jane Kimber
RESOLVED: that Marlborough Town Council has no objection to this application
- g) **21/00821/FUL** – Demolish existing front extension and replacement with new larger extension at Norden, Back Lane, Marlborough for Mr & Mrs Haines
RESOLVED: that Marlborough Town Council has no objection to this application
- h) **21/00953/FUL** – Second storey extension at Cheriton, Barnfield, Marlborough for Mr Andrew Barclay
RESOLVED: that Marlborough Town Council has no objection to this application
- i) **21/00953/FUL** – Alter the location of the kitchen to be at the northern end of the lounge and the existing kitchen used as a utility area at Flat 1, Wye House, Barn Street, Marlborough for Mr Hew Jones
RESOLVED: that Marlborough Town Council has no objection to this application
- j) **21/00192/FUL** – Installation of storage mezzanine at 5 Glympton Court, Blenheim Road, Marlborough Business Park for Mr P MacLauchlan
RESOLVED: that Marlborough Town Council has no objection to this application

Councillors Farrell and Wilson left the meeting for the following two items

- k) **20/11102/FUL** – Erection of an aluminium framed and glazed link walkway between gymnasium and sports hall at Marlborough College, Bath Road, Marlborough for Marlborough College
RESOLVED: that Marlborough Town Council has no objection to this application
- l) **21/00470/LBC** – Erection of an aluminium framed and glazed link walkway between gymnasium and sports hall at Marlborough College, Bath Road, Marlborough for Marlborough College
RESOLVED: that Marlborough Town Council has no objection to this application

Councillors Farrell and Wilson returned to the meeting

454/20

WORK TO TREES

- 21/01040/TCA** – 1 – Horse Chestnut tree – crown raise up to 5m & cut back overhanging branches; 2 – Sycamore tree – cut back overhanging branches & remove squirrel damaged branches; 3 – Horse Chestnut trees – cut back overhanging branches at Land to west of 57A George Lane, Marlborough for Mr Eric Rose
RESOLVED: that Marlborough Town Council has no objection to this application

455/20 PLANNING APPEAL OUTCOME

Members noted that under the Town and Country Planning Act 1990 the appeal APP/Y3940/W/20/3259855 lodged by Amcar Homes against the refusal of planning application 20/00623/FUL at Brunel Court, Elcot Lane, Marlborough was dismissed by the Planning Inspector for the reason of its effect on the living conditions of nearby residents, having particular regard to privacy.

456/20 WILTSHIRE COUNCIL – LOCAL PLAN REVIEW

Members considered a response to the Local Plan Review, in particular the proposals for Marlborough, as well as feedback from the Climate Emergency Working Group on addressing climate change and biodiversity.

The **Chair** had made notes specifically relating to Marlborough against the questions including responses from the Climate Emergency Working Group and outlined the key points. Points raised by other Councillors included:

- The impact a 'made' Neighbourhood Plan would have on the number of new dwellings to be built
- Whether being within an AONB had been considered
- Whether Social housing providers selling off homes increased the requirement for new builds to provide affordable housing, and whether, if this policy were reversed, a smaller number of new homes would be required
- Whether opportunities for future brownfield sites were considered
- Whether the need for one-person homes had been considered
- That infrastructure including roads, traffic issues, public transport and air quality would all be affected by an increase in population, and that development should not be allowed in isolation without addressing these issues

Councillors agreed to send their comments to the Town Clerk so that final responses to questions could be discussed at the Full Town Council meeting on 1 March 2021.

457/20 PLANNING FOR WILTSHIRE'S GYPSY AND TRAVELLER COMMUNITIES

Members considered a response to the consultation around Planning for Wiltshire's Gypsy and Traveller Communities.

The **Chair** had made notes against each question, including adding suggestions. Comments included:

- Whether it should include awareness or education for non-travelling communities
- Whether there were clearly defined criteria or agreements around the use of temporary sites, particularly with regard to leaving the land in the same condition as it was found

Councillors agreed to send their comments to the Town Clerk so that final responses to questions could be discussed at the Full Town Council meeting on 1 March 2021.

458/20 COMMUNITY AREA TRANSPORT GROUP (CATG) & HIGHWAYS IMPROVEMENT REQUESTS

Members noted a report by the Town Clerk and considered requests under the Highways Improvement Scheme for the CATG meeting on 4 March 2021.

It was understood that there may be a 3 year wait for any new projects to make it to the top 3 priorities for CATG.

A4 at Manton

Manton Residents Association had broken down its request into five separate proposals. Members believed that a proposal to move the speed limit signage would be highly unlikely to be successful as the proposal didn't meet national guidelines, and that raising the height of a Pelican light would be too costly. However, they did support three other suggestions going forward to CATG for a new traffic island, painting yellow hazard stripes on the carriageway and an additional sign for the Bridge Street turn.

RESOLVED: (i) to put forward three suggestions for A4 Road Safety and Traffic Calming as suggested by Manton Residents Association (priorities 2, 3 and 4) to be considered by CATG

RESOLVED: (ii) that collaborative work continues on the widening of the Van Diemens path subject to costs

Kingsbury Street

A request for traffic calming measures in Kingsbury Street had been assessed by a Highways Engineer who had put forward several options. Although a chicane had been included, it wasn't clear whether this would be feasible on a bus route. Members also noted that work was progressing towards the installation of a suitable pole for a Speed Indicator Device in Kingsbury Street, and that works to the Town Hall requiring scaffolding would likely result in a temporary one way system being required. Both of these may well address some of the issues which had given rise to the request, and Members felt it prudent to wait until the impact on traffic was known before putting forward a request for permanent changes in Kingsbury Street.

RESOLVED: (iii) to defer proposals for traffic calming measures in Kingsbury Street until more evidence was available

RESOLVED: (iv) to request CATG invoices from Wiltshire Council ahead of the end of the financial year

459/20

SAFE RE-OPENING OF THE HIGH STREET

Members noted the Town Clerk's report and very recent announcements from the UK Government about the gradual lifting of COVID-19 restrictions in England over the next weeks and months.

It was recognised that outdoor space for hospitality outlets would likely be required to continue as gradual reopening was allowed, and Members also anticipated that those which had requested the removal of temporary additional pavement space might wish to reconsider. The original pavement widening scheme had a 12-month maximum period: Members discussed whether a shorter timetable for removal should be considered balanced against whether there was an opportunity for more permanent partial pedestrianisation of the High Street. Close consultation with local businesses should continue, as there had been strong feelings when the temporary changes had been first proposed. There were no comments to feed back to Wiltshire Council.

460/20

CLIMATE EMERGENCY WORKING PARTY

The **Chair** reported that the Working Party had met to draw together comments on Wiltshire Council's Local Plan Review, and another meeting was scheduled within the next week or so. Several community groups had already come on board with enquiries continuing to bring together more, including climate groups from local schools.

461/20

TEMPORARY ROAD CLOSURE

Members noted that under Section 14(1) of the Road Traffic Regulation Act 1984 Wiltshire Council had issued Order TTRO 7041 to close temporarily to all traffic:

Sound Copse Lane (part), Mildenhall; for a distance of approximately 50m each side of the bridge from 15 to 26 March to enable Wiltshire Council to carry out bridge parapet repairs.

462/20

NEIGHBOURHOOD PLANNING

The Regulation 14 (draft Plan) consultation was well under way with responses being received. A second public meeting would take place at 7pm on 24 February 2021 via Zoom to enable members of the public to ask questions. **Councillor Hall** referred to the points raised in Public Question Time and stated that town and parish councils acted as enabling bodies in the Neighbourhood Planning process. He declined to comment on the points raised about Marlborough College. AsS the Chair of the Marlborough Area Neighbourhood Plan steering Group, he would also be happy to discuss **Councillor Fogg's** concerns with him directly.

Councillor Cairns updated Members about the work of Wiltshire Area Localism and Planning Group (WALPA) and reminded Members that due to Wiltshire Council not meeting its 5-year land supply, developers would likely continue to put forward speculative proposals – he referred to the application appeal discussed earlier in the meeting as a case in point. Local councils would need to be on guard against this and ensure they had robust reasons for refusal.

The meeting closed at 8.51pm

Signed: Date:
Chair