

**MARLBOROUGH TOWN COUNCIL
PLANNING COMMITTEE**

Minutes of a **Meeting** of the **Planning Committee** which was held **Monday 9 July 2018** in the **Council Chamber, Town Hall, Marlborough** at 7.00pm

PRESENT	Councillor A. Wilson Councillor B. Castle Councillor Mrs P. Dow Councillor N. Fogg Councillor A. Kirk Wilson Councillor G. Loosmore Councillor N. Barrett-Morton Councillor P. Cairns Councillor M. Cooper Councillor S. Price	Chairman
ALSO PRESENT	Mrs S. Parker Mrs D. Whitehall Councillor S. Dobson Mr N. Goodwin Plus 4 members of the public	Town Clerk Administrator Wiltshire Councillor – Marlborough East Marlborough.News

PUBLIC QUESTION TIME

Three **residents** of Town Mill raised concerns about agenda item 6(a) Planning Application **18/05276/FUL** – demolition of existing building and erection of a part single and part two storey dwelling at The Old Rope Works, Kennet Place, Marlborough:

- Privacy and overlooking concerns for 23, 24 and 26 Town Mill
- An apparent lack of clarity in the plans submitted
- Proximity to the river bank
- Whether there was a risk of compromising the flood defences due to the inclusion of a window, and whether this, if breached, would allow in and trap flood water on the wrong side of the flood defences
- Whether the reduced wall height to the minimum for flood defences was acceptable
- Whether windows could be repositioned to the east facing wall
- The slow progress of the current works at the adjoining building, and whether a time limit could be imposed to minimise the nuisance to neighbours. (The Town Clerk confirmed that a time limit of 3 years for commencement of works had been granted to the applicant in 2016)

The **Chairman** thanked them for their comments, which would be taken into consideration when Members discussed the application.

- 129/18 APOLOGIES**
Apologies for absence had been received from the Town Mayor and Cllrs. Ross, Loosmore, Hall, Forbes and Heath.
- 130/18 DECLARATIONS OF INTEREST**
Cllr. Castle – agenda item 6(a) – planning application at Town Mill – non-pecuniary interest.

131/18 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

132/18 MINUTES

RESOLVED: that the Minutes of the meeting held Monday 18 June 2018 were approved as a true record and signed by the Chairman

133/18 PLANNING DECISION NOTICES

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

Cllr. Castle acknowledged the inclusion of relevant extracts from the decisions where appropriate and **Cllr. Kirk Wilson** was glad to see the reasons for refusal of one application showed the same concerns that had been raised by Marlborough Town Council.

134/18 PLANNING APPLICATIONS

Cllr. Castle left the room for the following item

Cllr. Loosmore joined the meeting

- a. **18/05276/FUL** – Demolition of existing building and erection of a part single and part two storey dwelling at The Old Rope Works, Kennet Place, Marlborough for Mr & Mrs M Fernley

Taking into account comments from neighbours during Public Question Time, Members discussed:

- The application was a variation to approved application **16/03533/FUL** to which the Town Council had raised no objections
- Previous planning permission conditions imposed on works had been discharged
- The Design and Access Statement set out the changes to the fresh application
- The revised plans showed a reduced footprint with the proposed building to be moved 600mm away from the riverbank, allowing foundations to be installed with no danger to causing pollution to the river, and the resulting lost floor space to be made up by raising the roof of the adjacent building to provide attic space
- The quality of the drawings made it difficult to gain a full appreciation of the proposal
- The drawings showed the flood defence to be set at the minimum height of 300mm above ground level
- The plans showed obscured glazing to be installed in windows facing the river in order to avoid overlooking to Town Mill properties
- Whether the chamfered angle of the wall containing the proposed windows would mean that windows would face directly towards Town Mill (the documents referred to 'an oblique view of the river')
- Whether installing windows in the wall facing the river would provide a weak point in times of flood, allowing water to enter the Rope Works and Kennet Place and become trapped on the wrong side of the flood defences. It was not clear from the drawings whether this wall formed the river boundary wall or was set behind it
- The building proposed to be demolished was not listed but The Old Rope Works was in the Conservation Area
- Whether there was any impact on a listed wall, and whether the Conservation Officer had a view on this

RESOLVED: that Marlborough Town Council has no objection to this application and would ask Officers to include three conditions:

(1) that the revised window arrangements with obscure glass should be retained to ensure the privacy of properties at Town Mill

(2) to ensure that any changes to the flood defences were acceptable to the Environment

Agency and

(3) that the Conservation Officer should be asked to comment due to the location within the Conservation Area and also whether there would be any impact on a nearby listed wall

Four members of the public left the meeting and Cllr. Castle returned to the meeting

- b. **18/05264/FUL** – Demolition of existing chalet bungalow and attached garage/workshop. Construction of replacement one and a half storey dwelling and associated works at Ellesmere, Forest Dale Road, Marlborough for Mr Strickland

RESOLVED: that Marlborough Town Council has no objection to this application, and asked for two planning conditions: that the velux window should be frosted, and that the new hard standing should be permeable to avoid rainwater run off

- c. **18/05536/FUL** – Proposed two storey and single storey front extension with basement at Paddocks Lodge, Cross Lane, Marlborough for Mr & Mrs Eke

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

- d. **18/05046/FUL** – Proposed removal of existing lean-to potting shed and replace with single storey rear extension and alterations at 25 Kingsbury Street, Marlborough for Ms K Moseley

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

- e. **18/05565/LBC** - Proposed removal of existing lean-to potting shed and replace with single storey rear extension and alterations at 25 Kingsbury Street, Marlborough for Ms K Moseley

RESOLVED: that Marlborough Town Council has no objection to this application subject to the Conservation Officer's approval

- f. **18/05435/FUL** – Loft conversion at 3 Cold Harbour Lane, Marlborough for Miss Hannah Bennett

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

- g. **18/05438/FUL** – Single storey rear extension at 27 St John's Close, Marlborough for Mrs Sally Anne Livesley

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

- h. **18/05071/ADV** – Installation of replacement illuminated and non-illuminated signs to the exterior of the building at The Royal Oak, High Street, Marlborough for Mr Dickenson

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

- i. **18/04987/LBC** – Redecoration of shopfront from 'Lulworth Blue' to 'Stiffkey Blue' with and painted signage. Existing projecting sign to be redecorated in 'Stiffkey Blue' with and painted signage at Angel House, 7 High Street, Marlborough for Mr Morgan

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

135/18

WORK TO TREES

- a. **18/05725/TCA** – Fell 4 Ash trees (T1-4) and remove 1 major stem from 1 Ash tree (T5) at The Outside Chance, High Street, Manton for Mr Howard Spooner

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

- b. **18/06110/TCA** – Conifer tree – fell at The Green Dragon Public House, 12 High Street, Marlborough for Mr P Eustice, Wadworth & Co Ltd

RESOLVED: that Marlborough Town Council has no objection to this application, and asks that a condition be added that an alternative type of tree be planted in a suitable nearby location to replace the lost tree

- c. **18/05734/TCA** – Reduce Horse Chestnut back to previous pruning points at 47 River Park, Marlborough for Ms Deakin

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

- d. **18/06016/TPO** – Two Yew trees – reduce height by 30% and cut back to boundary all overhanging branches at 8 Kelham Gardens, Marlborough for Mr Roger Mallaburn

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

136/18

ENFORCEMENT ISSUE

Members considered the outcome of a request for an enforcement investigation made by the Town Council relating to an application for tree works (17/00937/TCA). Members considered comments from the Enforcement Team:

- The Case Officer had 110 cases under review or outstanding and had not yet been able to respond in writing about whether there had been a breach of permission but, would be doing so soon
- Trees considered under a TCA (trees in a conservation area) were not protected in the same way as those considered under a TPO (Tree Protection Order). The application processes were handled differently with the Tree Officer not normally directly involved with requests under a TCA application unless a formal objection is received (*Neighbours are not routinely informed about TCA applications*)
- Wiltshire Council has no powers to enforce the erection of a fence
- Whilst sympathising with residents, it was noted that there was no legal 'right to a view'
- That the stumps of the felled trees may be left in-situ to help protect the riverbank
- A fence erected close to a river would require prior clearance from the Environment Agency
- The proximity of underground petrol storage tanks would affect planning permission for some forms of fencing
- If a fence or screen was erected further away from the bank then it is possible that this could be done under permitted development rights so no planning permission would be required. Planners have no control over this (e.g. materials could not be specified)
- That the owner of the land had indicated that he may be amenable to some sort of screen.

Discussion also included:

- That information had been received via local residents about further tree works that had taken place
- Whether the issue of loss of habitat for bats (identified during the planning application process for an associated development) had been considered
- A desire for a 'green screen'/wildlife corridor along the riverbank

RESOLVED: to pass recently received information to Wiltshire Council and delegate to the Town Clerk to contact the owner's agent to pursue the opportunity of creating a screen

137/18

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 – WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53(A) (2): PUBLIC PATH DIVERSION

Members were disappointed to note that the proposed path diversion was proceeding. It had not been possible to discuss this with the Rights of Way Officer prior to the meeting and so Members agreed to defer further discussion to next Full Town Council meeting on 23 July when it was hoped more information about the reason for the diversion would be available.

RESOLVED: to add an agenda item to the next Full Town Council meeting on 23 July 2018

138/18 COUNCILLORS BRIEFING NOTE NO 359: EMPLOYMENT LAND REVIEW
Members noted a briefing note issued by Wiltshire Council about the latest Employment Land Review (ELR)

139/18 SECTION 14(1) OF THE ROAD TRAFFIC REGULATION ACT 1984: TEMPORARY ROAD CLOSURES
Members noted that Wiltshire Council had issued Orders as follows:

- a) Recommencement Notice of a temporary closure of the A345 (Part), Savernake from its junction with Manton Drove for a distance of approximately 3.12km in a southerly direction on 10 July for 2 days (TTRO 5431)
- b) Recommencement Notice of a temporary closure of the A4361 (Part) Broad Hinton, from its junction with Summers Lane to its junction with Uffcott on 11 July for 3 days (TTRO 5433)
- c) Recommencement Notice of a temporary closure of Granham Close, Marlborough for its entire length from 16 July for 2 days to enable highway resurfacing works (TTRO 5445)

Members were reassured that notices about road closures were posted on the Town Council’s website so the public had prior notification of them before they were submitted to the Planning Committee for information. Some notifications were received with short notice as they related to emergency repair works.

140/18 NEIGHBOURHOOD PLANNING
A workshop would take place on Wednesday 11 July where external experts would share advice on how to bring the overall Plan together. The call for land, originally to be outsourced, was now likely to be carried out by the Committee.

The meeting closed at 8.14 pm

Signed: Date:
Chairman