

**MARLBOROUGH TOWN COUNCIL
PLANNING COMMITTEE**

Minutes of a meeting of the **Planning Committee** which was held on **Monday, 31st October 2016** in the **Council Chamber, Town Hall, Marlborough** at 7.00 pm

PRESENT Councillor M. Hall Chairman
Councillor N. Barrett-Morton Town Mayor (*ex officio*)
Councillor S. Dobson
Councillor Mrs E.M. Hannaford-Dobson
Councillor Mrs P. Dow
Councillor N. Fogg
Councillor A. Ross
Councillor A. Kirk Wilson
Councillor Mrs M. Rose
Councillor G. Loosmore
Councillor L. Farrell
Councillor J. Cook
Councillor R. Allen
Councillor A. Light

ALSO PRESENT Mrs S. Parker Town Clerk
Mrs D. Whitehall Administrator
Mrs S. Pryor The Adviser
Mr R. Mills Gazette & Herald
Plus 2 members of the public

PUBLIC QUESTION TIME

Dr Charmaine Bartlett, resident – noted agenda item 6(d), an application for change of use at Cherry Orchard House to create a number of flats and bungalows by Bridgewood plc and Southern Health NHS Foundation Trust. She asked who would benefit financially and expressed concern that local health services might not benefit. **The Chairman** clarified that the legal owners of the land would be the beneficiaries and whilst this may not feel morally right, it was legal and was not a planning matter. The **Town Clerk** agreed to try to clarify ownership of the legal title.

299/16

APOLOGIES

Apologies for absence were received from Cllrs. Castle and Lam

300/16

DECLARATIONS OF INTEREST

Cllr. Fogg – agenda item 6(e) – erection of sunroom at Ironmonger Cottage – non-pecuniary. Cllr. Dobson – agenda items 6(j) – changes to access at site

adjoining Wakefield House and 7(a) – fell Lime tree at Wakefield House – non-pecuniary

301/16 CHAIRMAN'S ANNOUNCEMENTS

Councillors would have received letters from Marlborough College inviting them to a preview of the second public consultation for Dancy House, Marlborough, at the Marlburian Centre between 2pm and 3pm on Tuesday, 8th November. The exhibition would be open to the public from 3pm to 8pm the same day and it was believed an artist's impression of the revised plans would be available.

Members were advised that the Town Council had received the results of a consultation from the residents of Kingsbury Street about parking. This would be presented to the next Planning Meeting as well as to the Neighbourhood Plan Steering Group.

302/16 MINUTES

RESOLVED: that the minutes of the meeting held 10th October 2016 were approved as a correct record and signed by the Chairman

303/16 PLANNING DECISION NOTICES

Members noted Planning Decision Notices which had been issued by Wiltshire Council. In relation to 16/05954/FUL and approval for retrospective permission for the erection of a wooden gazebo at The Green, Kingsbury Square, Wiltshire Council had now confirmed that Kingsbury Square was not designated as public open space.

304/16 PLANNING APPLICATIONS

a) **16/06921/ADV** – advertisement consent for 1 halo illuminated fascia sign in powder coated metal & 1 hanging with top illumination at Lloran House, 42A High Street, Marlborough for Mr Neil McCleod

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

b) **16/09293/LBC** – to display advertising on the High Street façade consisting of a non illuminated main painted sign and an externally illuminated hanging sign at Lloran House, 42A High Street, Marlborough for Mr Neil McCleod

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

c) **16/09562/VAR** – variation of Condition 2 of planning permission 15/11477/LBC (Change of Use from A1 at basement and ground floor & B1 Office space at 1st and 2nd floor to A3 Restaurant throughput, plus provision of extract and AC units, provision of fire escape and associated internal alterations) at Lloran House, 42A High Street, Marlborough for Munro Properties Ltd and Stein Trading Limited

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

- d) **16/08971/FUL** – the change of use and conversion of the existing upper ground floor C2 residential institution accommodation to 8 x 2 bedroom flats and 2 x 1 bedroom flats to include changes to fenestration and the provision of parking including the variation of conditions 1 and 2 of 16/06007 to allow for a revised parking scheme, and the erection of 3 x 2 bedroom detached chalet bungalows with parking at Cherry Orchard House, Cherry Orchard, Marlborough for Mr C Isaac, Bridgewood plc and Southern Health NHS Foundation Trust

Discussion points included:

- The Town Council had raised no objection to the prior notification proposal for this development
- Members very much regretted the loss of amenity to local people caused by the closure of Postern House (now known as Cherry Orchard House) and withdrawal of its services
- Whether there might be a way to protest that the profits from this development would not be returned in the form of services to the local community
- There had been a number of complaints about how the consultation on the closure of Postern House had been carried out. Few had been informed about it and as a result only 14 responses had been generated
- The NHS Sustainability & Transformation Programme running across the country involves rationalising assets and attempting to centralise services – this may include a view by the NHS that Green Lane in Devizes provides an adequate service for the Marlborough area
- Whether there was any contravention of policy in the Core Strategy
- Three letters of objection were noted
- The proposed type of accommodation was much needed in Marlborough
- Cllr. Fogg agreed to call in the application to be considered at Eastern Planning Committee in order to explore adjustments to S106 arrangements
- The increase in traffic in Cherry Orchard and its junction with the already-busy Salisbury Road
- Consultation with Wiltshire Council's Highways had already indicated little concern about access
- The access road was in poor condition, and Members hoped a planning condition could be applied to have the surface improved

A motion to object to the application on the grounds of overdevelopment, traffic issues and restricted access attracted 3 votes for with 8 against. This motion, therefore, failed.

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

Cllr Fogg agreed to call in the application to Eastern Area Planning Committee

Members of the public left the meeting

- e) **16/09191/LBC** – erection of single storey lean to sunroom and associated works at Ironmonger Cottage, 140a High Street, Marlborough for Mrs R Hill
RESOLVED: that Marlborough Town Council has no objection to this application
Cllr. Fogg did not vote
- f) **16/09226/ADV** – 2 x internally illuminated letters, 1 x internally illuminated free standing sign, 1 x internally illuminated free standing directional sign, 1 x internally illuminated post mounted projecting sign at Skurrays Garage Site, George Lane, Marlborough for Mr Wesley Cole
RESOLVED: that Marlborough Town Council has no objection to this application
- g) **16/09264/LBC** – replacement single storey rear extension, internal alterations including work to fireplaces and modernisation at 31 The Green, Marlborough for Mr & Mrs Nick Awbery
RESOLVED: that Marlborough Town Council has no objection to this application
- h) **16/09345/FUL** – various alterations to include new signage for centre, new shopfront signage, new canopies, new directory signage, improved lighting and alterations to 1st floor windows at Land at Hughenden Yard, Marlborough for Mr Maxstead, Hertford, Hereford and Hampshire Properties LLP
RESOLVED: that Marlborough Town Council has no objection to this application
- i) **16/09726/ADV** – front and rear entrance signs, directional/signage boards, projecting signs, aluminium letters and window films at Land at Hughenden Yard, Marlborough for Mr Maxstead, Hertford, Hereford and Hampshire Properties LLP
RESOLVED: that Marlborough Town Council has no objection to this application
- j) **16/09367/FUL** – changes to access to allow separation for new dwelling (approved application 16/05002/FUL) at site adjoining Wakefield House, Cardigan Road, Marlborough for Qdos Homes Ltd
RESOLVED: that Marlborough Town Council objects to this application as it will be detrimental the amenity of the area

Cllr. Dobson did not vote

- k) 16/09492/FUL** – four bedroom detached house at Wingreen, Poulton Hill, Marlborough for Mr Tim Jones
RESOLVED: that Marlborough Town Council has no objection to this application
- l) 16/09516/FUL** – new garden wall and sentry box garden shed at 13-14 Silverless Street, Marlborough for Mrs Helen Cleland
RESOLVED: that Marlborough Town Council has no objection to this application
- m) 16/09838/LBC** – new garden wall and sentry box garden shed at 13-14 Silverless Street, Marlborough for Mrs Helen Cleland
RESOLVED: that Marlborough Town Council has no objection to this application
- n) 16/09657/CLE** – certificate of lawfulness to convert part of building into three flats at Flats 2, 3 and 4, Pelham Court, Marlborough for Mr M Lovelace
The Town Clerk reminded Members that Pelham Court was considered a principal employment area at Core Policies 14 and 35 of the Wiltshire Core Strategy.
RESOLVED: that Marlborough Town Council has no objection to this application
- o) 16/09724/FUL** – change of use from B1 use to D1 Clinical Health Centre for use as a Physiotherapy and Energy Healing office at 5A The Parade, Marlborough for Miss Racquel Torralba
RESOLVED: that Marlborough Town Council has no objection to this application
- p) 16/10066/106** – application to amend Section 106 (14/07804/FUL) – deletion of Schedule 1 requirement for affordable housing payment following the re-analysis of the financial viability appraisal at former Clarke and Rodway, Granham Close, Marlborough for McCarthy & Stone Retirement Lifestyles

Discussion points included:

- The Town Council had objected to the original application for this development and its two Unitary Councillors and local residents had also opposed it at Eastern Area Planning Committee
- Wiltshire Council had instigated the requirement for a S106 contribution towards affordable housing and Members hoped they would defend that requirement robustly
- New legislation enabled developers to renege on Section 106 (S106) agreements at any time based on a financial viability statement

- Central government guidance indicates that there be a presumption in favour of development when considering changes to S106 agreements. This policy, therefore, contradicts local policies as set out in the Wiltshire Core Strategy to provide affordable housing
- Whether the application could be called in for discussion at Eastern Area Planning Committee; it was agreed that Cllr. Fogg would attempt to do so
- Whether the additional S106 requirements would be affected (e.g. contribution towards open spaces)

RESOLVED: that Marlborough Town Council objects to this application and issues the following statement:

This was an application for 27 retirement flats where Town Councillors and local residents had raised objections. It was subsequently called in and considered by Wiltshire Council's Eastern Area Planning Committee. The resolution included that a Section 106 Agreement should include a financial contribution towards affordable housing in Marlborough. We understand that this was agreed at £334,625. There is now a request indicating that because estimated costs for clearing the site have been exceeded, that the developers, McCarthy & Stone, need no longer honour this agreement if Wiltshire Council agrees with the viability report.

Marlborough Town Council should like to remind Wiltshire Council that the Marlborough Area Strategy as set out in the Wiltshire Core Strategy at para. 5.78 recognises the need for affordable housing in the town. Core Policy 14 further supports this consideration. The Town Council urges Wiltshire Council not to agree to this amendment.

Cllr. Fogg agreed to call in the application to be considered at Eastern Area Planning Committee.

- q) **16/10081/FUL** – replacement of existing outbuilding with utility room and toilet (resubmission of 16/06618/FUL) at 8 Upper Isbury, Marlborough for Mr & Mrs David Stevens

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

- r) **16/05587/FUL** – proposed ground and first floor extensions to create first floor, new attached garage, and associated alterations at 31 Manton Hollow, Marlborough for Mr T Smith

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

305/16

WORK TO TREES

- a) **16/09683/TPO** – T1 – Lime – fell at Wakefield House, Cardigan Road, Marlborough for Mr & Mrs Scott
RESOLVED: that Marlborough Town Council has no objection to this application subject to the Tree Officer's approval and a condition that ensures a like-for-like replacement
- b) **16/09879/TPO** – T3 – Walnut tree – crown thin & lift by approx. 25% and reduce overall by approx. 3m at Ash Lodge, Chopping Knife Lane, Marlborough for Mr Garry Pells
RESOLVED: that Marlborough Town Council has no objection to this application
- c) **16/10267/TPO** – Western Lime tree – fell. Eastern Lime tree – remove basal suckers; height reduction by approx. 2.5m & reduce spread by approx. 2m at Upcott Cottage, Bath Road, Marlborough for Mr Guy Watson
RESOLVED: that Marlborough Town Council objects to this application on the grounds that the Western Lime tree, subject to a Tree Preservation Order, appears to be healthy

306/16

VARIATION OF PREMISES LICENCE

Members considered an application for a Variation of Premises Licence for The Polly Tea Rooms, 26-27 High Street, Marlborough to:

- Extend the times in which the sale of alcohol for consumption on the premises – Mon to Sun 09:00-23:00
- Also to play Live Music until 23:00 (this activity has not been deregulated under the Legislative Reform Order 2014 to allow alcohol licensed premises to play amplified live music between the hours of 08:00-23:00 before an audience of no more than 500)

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

307/16

PRE-CONSULTATION FOR A PROPOSED RADIO BASE STATION AT ST PETER'S CHURCH, MARLBOROUGH

Members considered a pre-consultation exercise for a radio base station in Marlborough as part of Vodafone's network improvement programme. Points of discussion included:

- Improved network coverage was badly needed and long overdue in the town and this installation would also improve the signal to certain rural blackspots
- Whether there were any risks to health and if they could be considered negligible
- Technical details about the installation, including positioning, direction of radiation and power output

- The impact on the appearance of St Peter's Church
- That there had been a site visit involving Vodafone, Wiltshire Council's Conservation Officer and trustees of St Peter's
- That there should be a wide public consultation on the proposal

RESOLVED: that Marlborough Town Council welcomes the proposal but expects a wider public consultation

308/16 FREE EVENT PARKING ALLOCATION

Members noted a report by the Town Clerk and considered recommendations from the Town Team for a free parking day on the Saturday after the Christmas Lights switch-on, and a request for parking spaces for a Christmas tree in 2017 from The Rotary Club

RESOLVED: (i) that Saturday, 19th November is the free parking day for the town as recommended by the Town Team, with free parking from 9.30 am

RESOLVED: (ii) that, in principle, up to 2 parking spaces for 55 days (so an allocation of up to 110 days) are allocated to the Rotary Club to enable its Charity Christmas Tree to be placed in the High Street in 2017, subject to ratification by the next Council which will be in place after the elections in May 2017.

309/16 CLLR MR WHITEHEAD'S NOVEMBER NEWSLETTER

Members noted Councillor Philip Whitehead's most recent newsletter, which contained the devolution of responsibility for contacting land owners about overgrown hedges/verges to Town and Parish Councils. The Town Clerk agreed to ask Wiltshire Council about the legality of taking this action.

310/16 AIR QUALITY MEETING

RESOLVED: that Cllr. Hall will represent the Town Council at a meeting between the Area Board, Transition Marlborough and the Town Council to discuss Air Quality issues

311/16 NEIGHBOURHOOD PLANNING

Work was progressing well and the Plan index was being written. More consultations were planned and the working parties were moving forward.

The meeting closed at 8.15 pm

Signed

Date

Chairman