

# MINUTES

**Meeting:** MARLBOROUGH AREA BOARD  
**Place:** Marlborough Town Hall, High Street, Marlborough, SN8 1AA  
**Date:** 16 July 2013  
**Start Time:** 7.00 pm  
**Finish Time:** 8.25 pm

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Please direct any enquiries on these minutes to:

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Papers available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## **In Attendance:**

### **Wiltshire Councillors**

Cllr Stewart Dobson, Cllr Nick Fogg, Cllr Jemima Milton and Cllr James Sheppard

### **Wiltshire Council Officers**

James Cawley, Service Director Adult Care Commissioning  
Andrew Jack, Marlborough Community Area Manager  
Roger Bishton, Democratic Services Officer

### **Town and Parish Councils**

Marlborough Town Council – Richard Allen, Noel Barrett-Morton, Justin Cook,  
Elizabeth Hannaford-Dobson, Alec Light, Guy Loosemore.

Aldbourn Parish Council –

Avebury Parish Council – Andrew Williamson

Baydon Parish Council –

Berwick Bassett & Winterbourne Monkton Parish Council –

Broad Hinton & Winterbourne Bassett Parish Council –

Chilton Foliat Parish Council –

East Kennett Parish Council -

Froxfield Parish Council -

Fyfield & West Overton Parish Council – Tim Butler, Mike Morrissy, Sophie Roberts

Mildenhall Parish Council

Ogbourne St Andrew Parish Council -

Ogbourne St George Parish Council –

Preshute Parish Council -

Ramsbury & Axford Parish Council – Diana Barnett, S Findlay, Sheila Glass, G Hawes

Savernake Parish Council –

**Partners**

Wiltshire Police – Inspector Mark Thompson

Wiltshire Police Authority – Sean Cooper

Wiltshire Fire & Rescue Service – Mike Franklin, David Geddes, G Weller

Marlborough and Villages Community Area Partnership –

Marlborough Area Development Trust – Geoff Brickell, Martin Cook

Transition Marlborough – L Harvey-Frank, Alexandra Wax

Campaign to Protect Rural England – Roger Hicklin

Kennet Communities Transport – Alexander Kirk-Wilson

Youth Advisory Group – Jan Bowra, Jordan Williams

Kennet Valley Arts Trust – Fiona Lawson

**Total in attendance: 40**

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<u>Agenda Item No.</u>	<u>Summary of Issues Discussed and Decision</u>
32	<p><u>Chairman's Welcome and Introductions</u></p> <p>The Chairman welcomed everyone to the meeting and invited the Councillors and Officers present introduce themselves.</p> <p>The Chairman also noted those parish representatives who were in attendance.</p>
33	<p><u>Apologies for Absence</u></p> <p>Apologies for absence had been received from the following:</p> <ul style="list-style-type: none"> <li>• Cllr James Keith – Parish Forum</li> <li>• Cllr Alan Phizacklea – Aldbourne Parish Council</li> <li>• Cllr Clare FitzPatrick – Broad Hinton Parish Council</li> <li>• Claire Perry MP</li> </ul>
34	<p><u>Minutes</u></p> <p><b><u>Decision</u></b></p> <p><b>The minutes of the previous meeting held on 16 July 2013 were agreed as a correct record and signed by the Chairman.</b></p>
35	<p><u>Declarations of Interest</u></p> <p>There were no declarations of interest.</p>
36	<p><u>Chairman's Announcements</u></p> <p>The Chairman made the following announcement:</p> <p><u>Wiltshire Fire and Rescue Service draft Public Safety Plan 2013-16 "Have your say"</u></p> <p>The new draft Public Safety Plan 2013-16 (Integrated Risk Management Plan) was now available to view on the Wiltshire Fire and Rescue Service website. The plan showed what the service had been doing and how it intended to build on that for the future. Part of this was around how they operated as an emergency service, utilising personnel differently to have greatest impact on local communities.</p> <p>The service would very much welcome the public's thoughts and opinions on its plans for the future. The consultation period was running from 10 June until 1</p>

	<p>August. Any comments or feedback should be sent to <a href="mailto:consultation@wiltsfire.gov.uk">consultation@wiltsfire.gov.uk</a> or Sarah Hargreaves, Wilts FRS HQ, Manor House, Potterne, SN10 5PP.</p> <p>To view the plan please use the following link below or for a paper copy contact Sarah Hargreaves as above.</p> <p><a href="http://www.wiltsfire.gov.uk/About_Us/Publications/publications.htm">http://www.wiltsfire.gov.uk/About_Us/Publications/publications.htm</a></p> <p>The Chief Fire Officer explained that the Service had to find savings of £2 million and it was necessary for the contents of the new draft Plan to reflect this. The aim of the new Plan was to be proactive rather than reactive in its approach, it being noted that the number of incidents was decreasing; there had been a 30% reduction in call outs over the last three years. Cuts were being managed wherever possible through vacancies and retirements. He stressed that there were no plans to close any stations. It was noted that the retained duty system was now beginning to show signs of creaking and the Chief Fire Officer explained that he was looking into the possibility of replacing it with a salary scheme and redistributing full time staff.</p>
37	<p><u>The Planning Process</u></p> <p>The Chairman introduced Mike Wilmott, Area Development Manager and Sally Canter, Head of Customer &amp; Technical Support, Development Services and welcomed them to the meeting. She explained that they would be making a presentation on the planning process and then answer any questions.</p> <p>Mike Wilmott started by informing the meeting that Wiltshire processed the third largest amount of planning applications in the country, being exceeded only by Westminster and Cornwall. He then proceeded to make his presentation which:-</p> <ul style="list-style-type: none"> <li>• Explained the development management process</li> <li>• Set out the Development Control Scheme of Delegation</li> <li>• Provided the Development Services Customer Charter</li> <li>• Explained Planning Enforcement with a guide to the service available</li> <li>• Provided staffing structure charts for the various service areas</li> </ul> <p>(A copy of the presentation is attached as Appendix 1)</p> <p>Mr Wilmott stated that as an aid to transparency, copies of planning committee reports and the minutes of meetings were available to view on the Council's website.</p> <p>It was noted that it was now possible for local communities and parish &amp; town</p>

	<p>councils to request Wiltshire Council to consider the listing of a building as an asset of community value, e.g. public houses. Once listed, if the owner of the property wished to sell it, it would be necessary to give the community an opportunity to purchase the building. Further information on the process can be found on Wiltshire Council's website at <a href="http://www.wiltshire.gov.uk/planninganddevelopment/planningcommunityrightto bid.htm">http://www.wiltshire.gov.uk/planninganddevelopment/planningcommunityrightto bid.htm</a> (the pdf document <i>Wiltshire Ownership of Community Assets Toolkit</i> referred to might well be of particular interest).</p> <p>On behalf of those present, the Chairman thanked Mike Wilmott and Sally Canter for their presentation.</p>
38	<p><u>Partner Updates</u></p> <p><b>a. Wiltshire Police</b> Inspector Mark Thompson presented his report from which it was noted that there had been a 5.9% reduction in crime within the Marlborough area. He explained that emphasis was being given to the prevention of crime.</p> <p><b>b. Wiltshire Fire and Rescue</b> Mike Franklin introduced his report and informed the meeting that although there had been three fires in the Marlborough area in June, there had generally been no significant increase or decrease in call outs. Nationally there had been a 48% reduction in call outs.</p> <p>He explained that the Home Fire Safety Unit would supply and fit free of charge fire detectors in private residences upon request.</p> <p>He introduced Marlborough Station Manager David Geddes to the meeting.</p> <p><b>c. NHS Wiltshire</b> The submitted letter dated 27 June 2013 from the NHS Wiltshire Clinical Commissioning Group was received and noted.</p> <p><b>d. Parish Forum</b> there was no update.</p> <p><b>e. Town / Parish Councils</b> There were no updates.</p> <p><b>f. MADT (Marlborough Area Development Trust)</b> It was noted that the Board had just been appointed and that a report would be made at the next meeting.</p> <p><b>g. Community Area Young People's Issues Group (CAYPIG)/Youth Advisory Group (YAG)</b> Jan Bowra reported that the Youth Advisory Group (YAG) was being developed and it was planned to start the introduction of the new Youth Service in September 2013. The YAG was</p>

looking for adults to help and support the service.

**h. Transition Marlborough** It was reported that Marlborough Town Council's Planning Committee the previous evening had approved new proposals for the provision of improved cycle racks in High Street as follows (taken from the minutes of the Town Council's Planning Committee meeting):-

- There are two stands for two bikes by the Town Hall near the zebra crossing (*current provision*)
- The existing cycle parking attached to the planter on "the bulge" on the High St would be replaced with a cluster of five cycle racks with a provision for up to ten bikes (*new provision*)
- The large brick build-out near the new Morrison's would accommodate two new racks, one at each edge of the crossing area, enough for a maximum of four bikes (*new provision*)
- Two central, paid for car parking spaces would be exchanged for cycle parking, enough for two cycle racks at a site identified by Highways to be the safest option where there are minimal potential conflicts with turning vehicles and pedestrians (*new provision*)
- Outside the library there is provision for a maximum of five bikes using existing cast iron bollards. These would be repainted and signed to be more visible for cyclists (*current provision*). No more than this can be done at this site at the moment due to the restrictions brought by BT's installation of a fibre optic box.
- Appropriate signs would be installed at all cycle parking areas (*new provision*)

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Community Area Transport Group

An update report by the Community Area Manager was circulated at the meeting. (Appendix 2 to these minutes)

After some discussion,

**Decision**

- (1) **To approve the submission of a bid to the Substantive Fund for £3,000 match funding from Baydon Parish Council for the development of a physical traffic management feature for Ermin Street, Baydon through the village.**

	<p><b>(2) To approve the installation of new cycle parking at the Bulge and Nationwide in High Street, Marlborough and also to support the implementation of the experimental Traffic Order allowing a central car parking space to be used for new cycle parking.</b></p>
40	<p><u>Date of Next Meeting</u></p> <p>It was noted that the next meeting of the Area Board would be held on Tuesday 24 September 2013 at Marlborough Town Hall, High Street, Marlborough, starting at 7.00pm.</p>

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**Wiltshire Council**  
*Where everybody matters*

**Town and Parish Council  
Training**

15<sup>th</sup>/16<sup>th</sup> July 2013

- Agenda -**
- Development Services – what we do
  - Your role
  - Decision making
  - The Development Plan and NPPF
  - Material considerations
  - Any questions
  - Feedback on our service


**Development Services**

- Development Management
- Building Control
- Conservation
- Enforcement
- Local Land Charges
- Section 106 Monitoring
- Underpinned by Technical Support teams




**Development Management**

Walk through the process

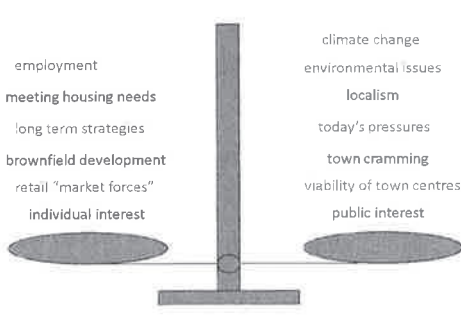


**Planning...**

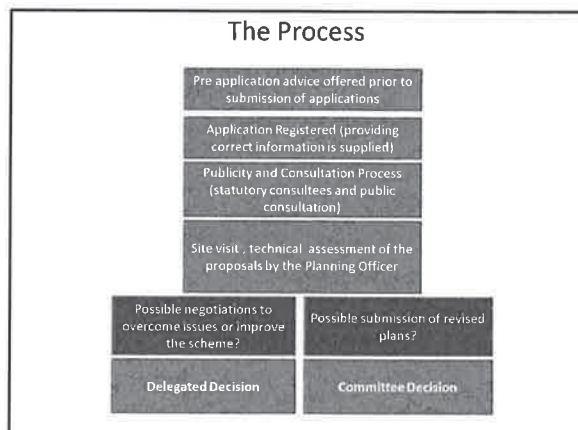
- Sets out a long term vision for places
- Provides a decision making framework to manage competing uses for land;
- Balances economic, social and environmental needs.
- Provides legitimacy through consultation and testing of evidence;
- Delivers change on the ground




**Planning involves balancing issues**



employment	climate change
meeting housing needs	environmental issues
long term strategies	localism
brownfield development	today's pressures
retail "market forces"	town cramming
individual interest	viability of town centres
	public interest




### Town/Parish Councillors have an important role –




- involvement with the community and developers at an early stage
- Raising areas of concern
- Informed debate
- Wide range of issues and material considerations to balance
- Supporting or objecting (not always easy)

### How Town/Parish Councils get involved in the process



- You will be notified of all new applications registered in your area
- Where necessary you can discuss applications with the case officers
- Where necessary you can discuss applications with the Division Member
- You can make representations to the local planning authority
- You will have an opportunity to speak at WC Planning Committee meetings when applications are 'called-in'

### Who decides planning applications



- Over 99% of planning applications are decided by local planning authorities
- Within authorities, around 90% are dealt with under delegated powers – that is, by officers
- Planning Inspectorate or Secretary of State decide appeals (and some applications in the future)


### But what's important is that...



Planning isn't just about:  
Stopping the bad stuff from happening

It's proactive, about:  
Encouraging development that delivers the right stuff for your community

### The context for decision making



- Development requires planning permission
- Government (including the Inspectorate) and local authorities can grant or refuse permission
- The rules and power for local authorities to grant permission are given by Parliament

Some development is permitted by order of Parliament – "permitted development"


### Making representations

- Start with the development plan policies and think about the outcomes
- Talk to the Planning Officers
- Take into account other material considerations, including:
  - National policy
  - Context and merits of the particular application
  - Technical consideration
  - Consultees views on planning aspects
  - Other material planning matters
- Come to a view



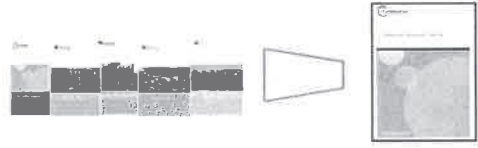
### What is the development plan?

- Local Development Framework Development Plan Documents
  - Core Strategies
  - Adopted Area Action Plans
  - Other Adopted Development Plan Documents
- Neighbourhood Plans
- Saved policies and 'old style' saved plans
  - Local Plans
  - Minerals and Waste Local Plan



### National Planning Policy Framework (NPPF)


- Bringing together all the existing policy into one policy document
- Pro-growth
- Golden thread - presumption
- Plan-led system



### NPPF and decision making

Local planning authorities should:


- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.....unless
- ....adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole



### Material considerations

Matters that should be taken into account in deciding planning applications as well as policy (NPPF, ministerial statements, emerging policy, supplementary planning guidance) can include:


- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking, highway safety and traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Disabled person's access
- Nature conservation
- Previous planning decisions



### Non material considerations

Matters that should not be taken into account in deciding planning applications include:

- Loss of view
- Negative effect on the value of properties
- Land ownership or restrictive covenants
- Applicant's personal circumstances (unless exceptional such as relating to a physical disability)
- Business competition
- Too many already
- Damage to property fears
- Disturbance during building works
- Other matters controlled under building regulations or other non-planning legislation




### Changes to Permitted Development

As from **30 May 2013** householders can build **larger single-storey rear extensions** under permitted development.

The size limits double from 4 metres to 8 metres for detached houses, and from 3 metres to 6 metres for all other houses.


These new rules do not apply within Conservation Areas, Areas of Outstanding Natural Beauty, World Heritage Sites or Sites of Special Scientific Interest, where the existing restrictions continue to operate



### Changes to Permitted Development


#### Procedure

- The Council will receive basic information on the extension
- We will notify the neighbours adjoining the proposal
- Neighbours have 21 days to comment – if no comments received the extension is PD
- If comments received, passed to Planning Officer to make a judgment




### Changes to Permitted Development

- New Change of Use Prior Notifications - Part 3 Class J Cou from office (B1 (a) Class) to single residential apartment (C3 Class)
- The applicant/agent has to provide:
  - (a) a written description of the proposed development;
  - (b) a plan indicating the site and showing the proposed development;
  - (c) the developer's contact address; and
  - (d) the developer's email address if the developer is content to receive communications electronically;
- Procedure
  - These will be allocated to a Planning Officer



### Changes to TCA applications

- We are looking to change the process for dealing with Trees in Conservation Area applications
- This will be based on the Prior Notifications
- We will notify the Town and Parish Councils of the application
- If no comments are received in 21 days, the works will be deemed permitted
- If comments are received, Landscape Officer will undertake a site visit and make an assessment




Any Questions?

# Overview of Development Services

## Marlborough Area Board

July 2013



**Wiltshire Council**  
Where everybody matters

## Contents Page

Copy of the presentation

Who's who in Development Services (including contact numbers)

Development Services Customer Charter

Enforcement Strategy

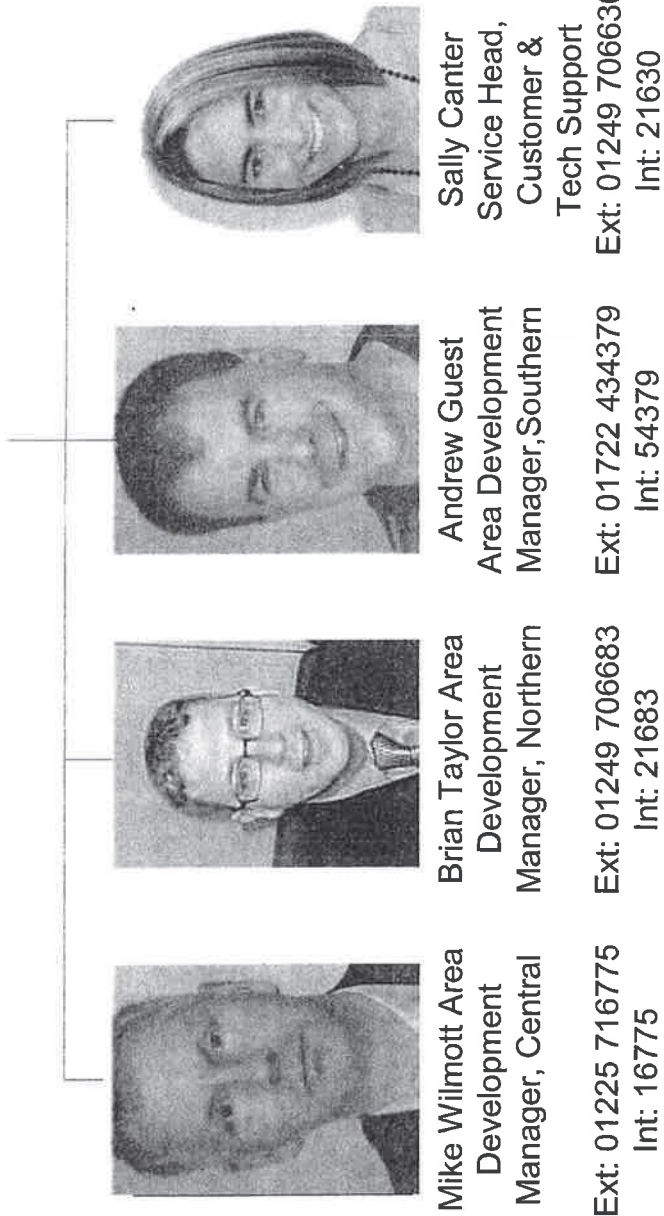
Useful websites

# MANAGEMENT STRUCTURE



Alistair Cunningham,  
Interim Service Director

Ext: 01225 713203  
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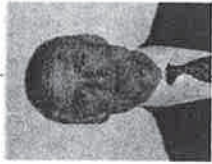








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Area Development Manager  
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Char Burkey  
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Christine Moorfield  
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Simon Smith  
Team Leader  
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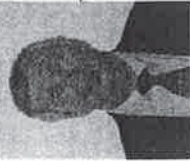
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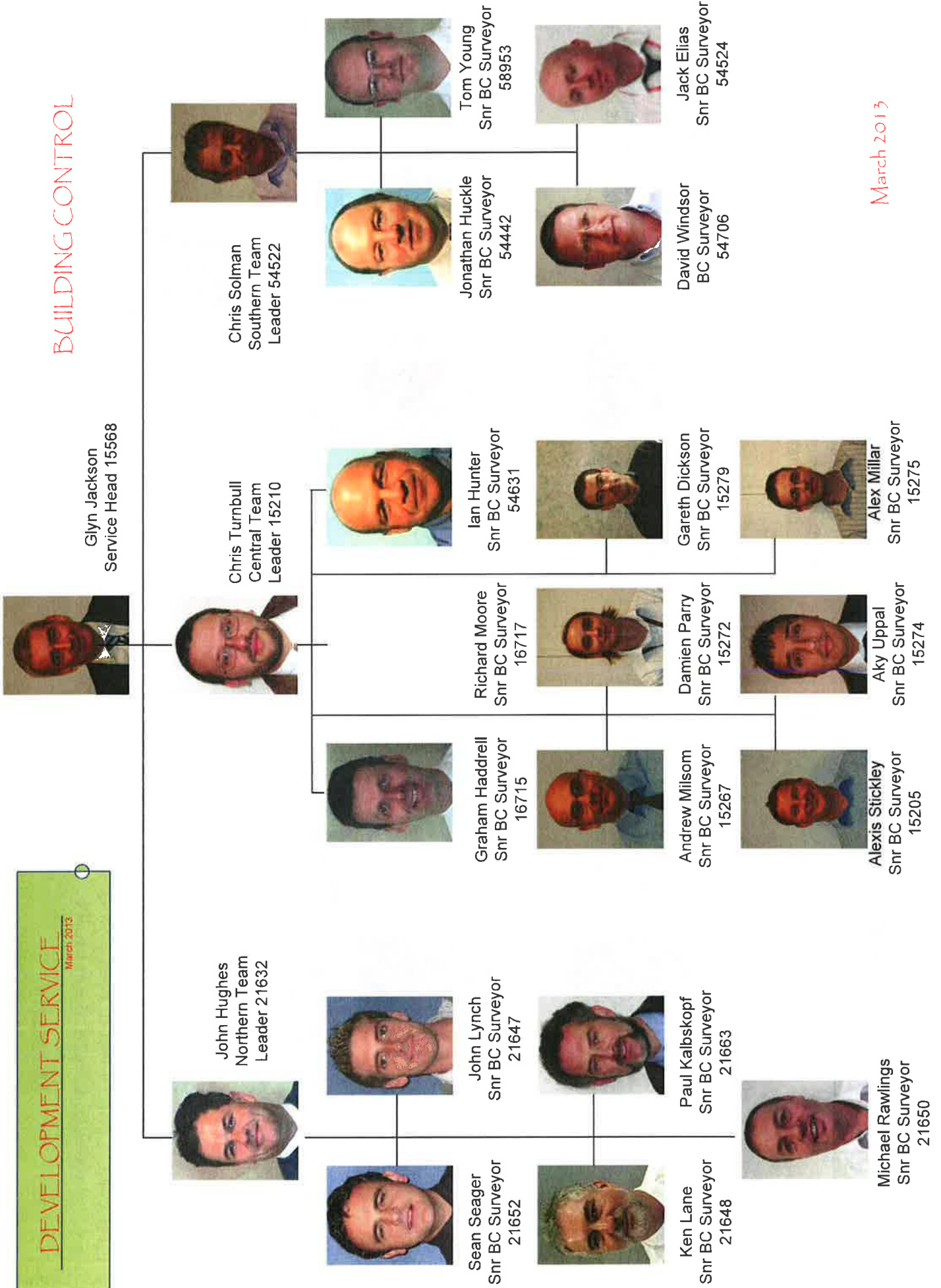
Lisa Davis  
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March 2013

**DEVELOPMENT SERVICE**  
March 2013



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Rob Parker  
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April 2013





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# Development Services Customer Charter

This Charter sets out the service standards which the people of Wiltshire can expect from their Development Service. Its purpose is to achieve greater participation and engagement with the Service to help meet community priorities.

The Charter is informed by a variety of sources of information. These range from the broad 'goals' of the Council to the nationally set performance indicators, and from the regular feedback received from customers to the requirements of law. It is a 'living' document which in all respects is a reflection of the Council's continuing commitment to delivering a high quality and accessible Development Service to a range of customers and service users.

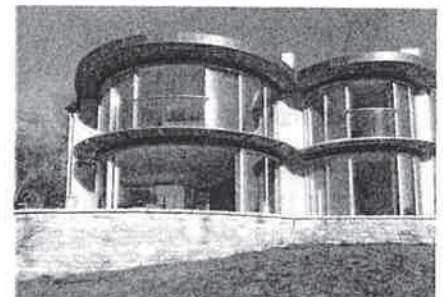
## Service and Quality

Development management provides a framework to allow development that promotes economic and social opportunities for all whilst at the same time protecting and enhancing the environment. It is a statutory duty of the Council governed by law. It involves the processing of planning and building control applications, the monitoring of development and the taking of enforcement action where inappropriate breaches of control occur. Additionally the Service is responsible for processing enquiries relating to land charges.

The Service is currently based in three 'hubs' – North, Central and South – from where the planning and building control teams operate within geographically defined areas. Additionally there are teams dealing with minerals and waste, enforcement and land charges matters across the county.

In fulfilling its purposes the Service as a whole is committed to the following principles:

- To make obtaining permission to develop in Wiltshire as simple as possible;
- To provide high standards of customer care;
- To treat all customers fairly and equally; and
- To be polite, welcoming and efficient.



More specifically the Service as a whole aims to achieve the following:

- To answer the telephone promptly or return missed calls within 1 working day; and
- To make appointments for viewing of planning history files within 5 working days.

## Development Management

The development management aspect of the Service has three broad parts to it. These are the processing of pre-application enquiries, the processing of planning applications, and the processing of post application matters, including appeals.

### Pre-application enquiries

Pre-application enquiries are requests for advice on proposed developments, including 'Do I Need Planning Permission?' requests. With the exception of the simplest enquiries, these should be in writing using application forms which are available on-line or in paper form on request. There is now a charge made for this aspect of the service.



In responding to pre-application enquiries the Service aims to achieve the following:

- To acknowledge in writing within 10 working days, if only to set out a timetable for a full response. To provide a full response within 15 working days for 'householder' enquiries and 20 working days for all other enquiries;
- To attend a meeting if deemed necessary by the case officer; and
- To provide a clear officer opinion on the need or otherwise for a planning application and/or on the likelihood of a planning application either succeeding or failing.

All pre-application enquiries are treated as confidential unless otherwise requested by the enquirer.

The Service has produced a number of leaflets which give pre-application advice. These are available at no charge both on-line and in paper form on request.

A link to the 'Planning' page of the Wiltshire Council website from where application forms and leaflets can be downloaded follows:

<http://www.wiltshire.gov.uk/planninganddevelopment.htm>

### Planning applications

Planning applications can be made either electronically (via the Planning Portal) or in paper form (downloadable from the Planning Portal). It is the responsibility of the applicant to ensure that a planning application is made correctly and in accordance with the Service's Validation Checklists. Links to the Planning Portal and the Wiltshire Council website 'Planning' page follow:

<http://www.planningportal.gov.uk>

<http://www.wiltshire.gov.uk/planninganddevelopment.htm>

In processing planning applications the Service aims to achieve the following:

- Registration of complete applications within 3 working days of receipt, or notification of reasons for invalidity within 3 working days of receipt;
- All sites to be visited by the case officer;
- A clear 21 day period for consultations with interested parties. Applications advertised by site notice(s) and neighbours notified when likely to be affected;
- Negotiation with the applicant to take place where problems are identified that can be overcome and where improvements can be made that make an application acceptable. Where there is a fundamental objection to the principle of the development which cannot be overcome, the case officer will not negotiate but will ensure early communication with the applicant.
- Determination of 'householder' and 'minor' applications within 8 weeks of the registration date; determination of 'major' applications within 13 weeks of the registration date.

The Service operates a Scheme of Delegation which enables the majority of applications to be determined by the planning officers rather than by a Planning Committee. Applications will normally be presented to a Planning Committee if requested by the Local Divisional Member in accordance with the Scheme or at the discretion of the Area Development Managers.

There are three Area Planning Committees and a Strategic Planning Committee. The Area Planning Committee's convene every three weeks.



#### Post decision matters

Planning applicants are entitled to appeal against the decision of the Council if, for example, their application is refused or is made subject to conditions which they do not accept. The Service will process appeals in accordance with the timeframes and 'rules' applied by the Planning Inspectorate. There is no third party right of appeal. A link to the relevant section in the Planning Portal follows:

<http://www.planningportal.gov.uk/planning/planninginspectorate/planninginspectorate>

Post decision matters also cover the discharge of pre-commencement conditions and the monitoring of developments as they progress. In these respects the Service will aim to achieve the following:

- To discharge pre-commencement conditions as soon as possible on receipt of all necessary information; Conditions that require consultation with external consultees may take longer to discharge.
- To investigate alleged breaches of planning control brought to the Service's attention.

## Building Control

The Building Control element of the Service applies the Building Regulations to ensure development is constructed to appropriate standards. The service has the following goals:



- To make obtaining Building Regulation approval as simple as possible;
- To help the customer to ensure that building work is carried out in accordance with Building Regulations and other standards, using officer's technical knowledge and local expertise;
- To provide the best possible professional service founded on quality, impartiality, best value and the recommendations of the national Building Control Performance Standards; and
- To monitor and actively help maintain the safety of the built environment in Wiltshire.

To achieve these goals the Building control service has the following aims:

- To give help and advice at design stage before applications are made;
- To deal with applications quickly and efficiently;
- To provide a consistent and improving level of service;
- To provide an out of hours message service for inspection requests;
- To provide a technical advisory service during office opening hours;
- To carry out all inspections promptly;
- To reply to enquiry letters and emails within 10 working days;
- To make all the surveyors contactable by mobile phone; and
- To liaise effectively with other agencies and partners to help ensure that the work complies with all relevant requirements.

## Enforcement

Planning enforcement ensures that where harmful development is carried out without permission, it is remedied, either by its removal or its modification. Enforcement action is discretionary and Government advice is that it should only be taken where it is expedient to do so. To establish expediency the Service must consider whether the unauthorised development causes harm, having regard to the policies of the Development Plan and other material considerations. The existence of a breach is not, in itself, a good reason to take enforcement action.

Where negotiations do not secure an acceptable outcome in planning terms, the landowner and/or the persons responsible may be legally required to remove building work and/or cease an activity. The Service has a range of formal powers to achieve this end including breach of conditions notices, enforcement notices, stop notices and 'untidy land' notices.

In applying its enforcement function the Service aims to achieve the following:

- To register enforcement related enquiries within 3 days of receipt;

- Where there is an immediate threat to public safety, or substantial damage to, or loss of, statutorily protected buildings or land, trees or areas ('Priority 1' cases), to carry out a site inspection within 24 hrs of the enquiry being registered;
- Where there is an adverse impact on protected areas and residential amenity, or breaches of conditions and legal agreements resulting in serious harm to the amenities of neighbours, affected parties and/or the environment, or unlawful adverts in protected areas, or unauthorised development where it is possible that the time for taking enforcement action could expire within the next 6 months ('Priority 2' cases), to carry out a site inspection within 5 working days of the enquiry being registered;
- Where the alleged breach is of a minor nature which does not cause immediate/long term harm or loss of amenity ('Priority 3' cases), to carry out a site inspection within 10 working day of the enquiry being registered.
- To respond to enquirers within 10 days of the site inspection;
- To close all Priority 1 cases within 12 months of the registration date, and to close all Priority 2 & 3 cases within 6 months of the registration date.

## Land Charges

The Local Land Charges service has a vital role to play in protecting the financial and legal interests of prospective purchasers of land and property, by providing information on land and property and by giving access to the Local Land Charges Register.

The Local Land Charges service is a statutory function within the Council that provides the information contained in a Local Authority Search, whether it's to inform a house purchase or sale or to complete an official conveyancing search.

The service has the following goals:

- To respond to Local Authority Searches within 10 days of receipt.
- To make all our Environmental Information publically available wherever possible.
- To respond to requests for appointments to view the Local Land Charges Registers within a reasonable timeframe to meet the needs of the customer.

## Complaints

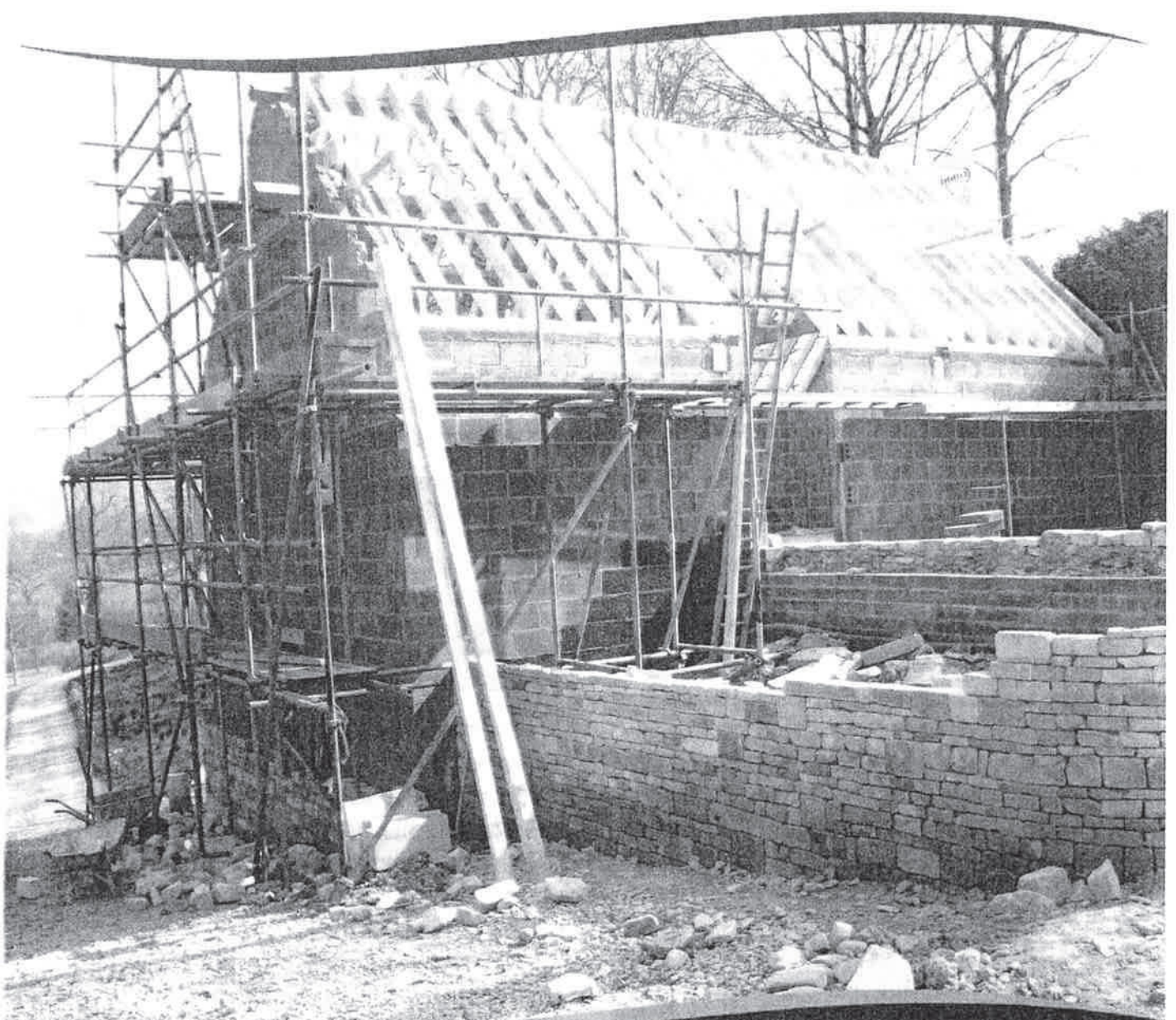
All complaints relating to Development Services will be acknowledged by the Authority within 10 working days. All complaints will be fully investigated by the Authority and the complainant will receive a written response within 20 working days of receipt of the complaint.

If a complainant remains dissatisfied with the written response, then details will be supplied for pursuing the complaint further through the Council's officer dealing with complaints in accordance with the Council's formal corporate complaints procedure. The Authority will always strive to resolve a complaint locally but if this is not possible, then the complainant will be advised on how to pursue the matter further with the Commissioner for Local Administration.



# Planning Enforcement

A guide to the service available.



**Wiltshire Council**  
Where everybody matters

**Fair and effective planning enforcement is essential to ensure that you the public benefit from the quality of Wiltshire's natural and built environment.**

The council works hard to protect the local environment and quality of life for people living, working and visiting the area by providing an effective planning service. Enforcing planning rules, where unauthorised development is causing significant harm is an important part of this process.

The aim of this leaflet is to provide you with an easy to use guide to how the enforcement service works.

Planning enforcement is a very complex area and we have tried to make this guide as easy to understand as possible. For more information on how the service works please refer to the council's planning enforcement policy, [www.wiltshire.gov.uk/planningenforcement](http://www.wiltshire.gov.uk/planningenforcement) or by asking for a hardcopy from one of the council's planning offices.

**What is a breach of planning control?**

This could be building or engineering works, unauthorised change in use of land or the display of an unlawful advertisement. Other planning breaches include:

- unauthorised work to a listed building.
- unauthorised works to trees protected by a tree preservation order or trees in a conservation area.
- breach of conditions attached to a planning permission or listed building consent.
- unauthorised demolition in a conservation area.
- not building in accordance with the approved plans.
- failure to properly maintain land so that it adversely affects the amenity of the area.
- unauthorised engineering works, such as significant ground level changes.
- failure to comply with a section 106 legal agreement.

**Did you know the following are not normally planning breaches?**

- where development is 'permitted development' under the Town and Country Planning (General Permitted Development Order). Further information on what constitutes permitted development can be obtained at: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
- internal work to a non-listed Building.
- obstruction of a highway or public right of way.



- parking commercial vehicles on the highway in residential areas or on grass verges.
- parking a caravan within the residential boundary of a property, provided that it is not used as self contained accommodation.
- clearing land of overgrowth, bushes and trees, provided they are not subject to planning protection.
- operating a business from home where the residential use remains the primary use and there is no adverse impact on neighbours.
- boundary disputes are a private matter and cannot be controlled under planning legislation.
- a breach of deeds and covenants provided there is not a planning condition to prevent this.
- trespassing on land.
- health and safety issues.

### How can you notify us of a suspected breach of planning?

The planning enforcement service is concerned with resolving serious breaches of planning control where there is significant harm. Where it looks likely that a breach is occurring you can contact us by phone, letter, E-mail or fax. Anyone contacting us by phone will normally be asked to put their complaint in writing. An enquiry form is also available on our website.

[www.wiltshire.gov.uk/planningenforcement](http://www.wiltshire.gov.uk/planningenforcement)

We will require your details and those of:

- The site address or location.
- What the development is.
- The times things are happening, if applicable.

Details of how to contact the council are set out at the end of this leaflet.

Please note that the council will not deal with anonymous complaints and unless government legislation dictates otherwise (in exceptional circumstances), we keep the names of all private enquirers confidential.

If you are worried about giving your name and address, you can contact your local division member who can lodge a complaint on your behalf.

### What happens to my enquiry?

After the council logs and acknowledges enquiries, cases are prioritised in accordance with the council's adopted planning enforcement strategy.

An officer will then normally visit the site to establish if a breach is occurring. If a breach exists, negotiations will then take place to try and ensure that any breach is resolved without recourse to formal action. The enquirer will be advised of the outcome of the investigation.

Whilst many of our investigations are resolved promptly, some can be quite time consuming as the council can be accused of acting unreasonably if it appears they

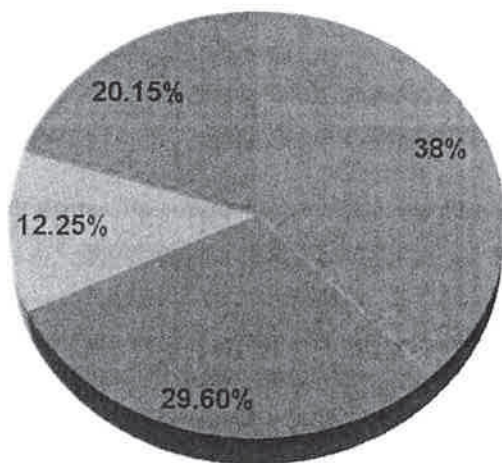
have been unwilling to explore 'all options' before taking formal action. If you would like an update on progress this is best done by telephoning the case officer.

If unauthorised development causes no 'demonstrable harm' (i.e. if planning permission had been sought and it would almost certainly have been granted without conditions) then enforcement action is not appropriate.

Similarly, in some other cases it is not expedient to pursue enforcement as any harm may not be so serious as to justify formal action.

This chart illustrates how investigations are resolved in a typical year.

## Investigations



- Planning permission not required
- Breach of planning resolved
- Not expedient to pursue
- Cases still being worked on

Data taken from figures in the north hub for the year ending 2008

## Priorities

Different breaches can result in more harm than others. The council has to ensure that it targets resources at those that have the greatest impact. For example, knocking down substantial parts of a Listed Building will have a greater priority than someone erecting a short length of boundary fence.

The council's planning enforcement team priorities are as follows: -

The council has finite resources and to ensure they can be used in the most effective manner, enforcement cases are prioritised according to the seriousness of the harm caused by the breach.

### Priority 1

We aim to visit 80% of these sites within 24 hours of your enquiry being registered.

**Immediate threat to public safety, substantial damage to or loss of statutorily protected buildings, trees or areas.**

### Priority 2

We aim to visit 95% of these sites within 5 working days of your enquiry being registered.

**Adverse impact on protected areas and residential amenity. Breaches of conditions and legal agreements resulting in serious harm to neighbours, affected parties and/or the environment. Unlawful adverts in protected areas.**

**Unauthorised development where it is possible that the time for taking enforcement action could expire within the next 6 months.**

### Priority 3

We aim to visit 95% of these sites within 10 working days of your enquiry being registered.

**The breach is of a minor nature which does not cause immediate/long term harm or loss of amenity.**

**We also aim to:**

- **Register 95% of new enquiries within 3 working days of receipt.**
- **Respond to 95% of enquirers within 10 working days of initial site visit.**
- **Complete 80% of priority 1 cases to be within one year.**
- **Complete 80% of priority 2 & 3 cases within 6 months.**

Notes:

Protected buildings are listed buildings and unlisted buildings in Conservation Areas.

Protected trees are trees subject to a Tree Preservation Order, in a Conservation Area or protected by a condition of planning permission.

Protected areas include Conservation Areas, Historic parks and gardens, Area of Outstanding Natural Beauty, World Heritage Sites, The Green Belt, Sites of Special Scientific Interests, Special Areas of Conservation and land at high risk of flooding.

The priority afforded to the investigation may change following an initial site visit or at any other time during the investigation, if for example new information comes to light.

### Government guidance

Planning policy note no. 18 - 'enforcing planning control', sets out advice on how to deal with breaches of control and states that the action taken should be proportionate to the breach of control and that each case will be judged on its individual merits. Furthermore: -

- Planning legislation allows retrospective applications to be made.
- Development can be immune from enforcement action if it has been substantially complete for more than 4 years (10 years for a use or a breach of condition other than one relating to residential development).
- Enforcement action cannot be taken solely to 'regularise' development which does not have planning permission where permission would have been granted unconditionally.
- Taking enforcement action contrary to government advice can result in costs being awarded against the council at appeal.

Experience has shown that through effective negotiation, planning enforcement matters are usually capable of resolution without

resorting to formal enforcement action or prosecution.

Where a person has been served with an enforcement notice they may have the right to appeal against it to the Planning Inspectorate (a government executive agency). When an appeal is made, it suspends an enforcement notice until it has been determined. An appeal often takes many months to determine and the timing is outside the council's control.

## How to contact us

Good communication is essential, both when dealing with the party responsible for a breach of control and those reporting it. The map opposite contains relevant contact details for the council's planning offices located within our administrative boundaries.

**If you have any questions relating to planning enforcement please contact the relevant enforcement team (details opposite)**

### **Planning Services**

**Wiltshire Council or visit our website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)**

Information about Wiltshire Council Services can be made available on request in other languages including BSL and formats such as large print and audio.

Please contact the council by telephone, 0300 456 0100, by textphone 01225 702500, or email [customerservices@wiltshire.gov.uk](mailto:customerservices@wiltshire.gov.uk)

These notes are intended to help you to understand the processes the council needs to go through to enforce most of the complaints received. There is separate legislation that relates to carrying out works to a listed building without the necessary consent or deviating from or failing to discharge conditions attached to a consent. There are also different powers relating to the display of advertisements, works to protected trees and untidy land.

The council takes the enforcement of planning control very seriously and we hope that this leaflet gives you an understanding of our commitment regarding the expediency of pursuing enforcement action.

## Useful Website Address

### **Planning Portal**

Gives useful information to the public on all aspects of planning

<http://www.planningportal.gov.uk/>

### **Planning Advisory Service**

General advice on planning and advice for Members

<http://www.pas.gov.uk/pas>

### **Communities and Local Government**

Government website which includes information on legislation all the Planning Policy Statements and Guidance Notes

<http://www.communities.gov.uk/planningandbuilding/>

### **The Planning Inspectorate**

Website that holds all information on appeals, including online appeals

<http://www.planning-inspectorate.gov.uk/pins/index.htm>

### **Wiltshire Planning Policies**

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy.htm>

### **Our website**

[www.wiltshire.gov.uk/environmentandplanning](http://www.wiltshire.gov.uk/environmentandplanning)



## Community Area Transport Group Recommendations to Marlborough Area Board

### 1. Purpose of Report

- 1.1 To provide an update on the position of the proposals from the CATG meeting that took place on 11 July 2013.
- 1.2 To request that Marlborough Area Board supports the recommendations of the Community Area Transport Group made at its meeting of 11 July 2013.

### 2. Finances

- 2.1 Marlborough CATG received a funding allocation for 2013/14 of £13,615. All funding from 2012/13 had been allocated and therefore there is not rollover.
- 2.2 All of this £13,615 is available to be spent on highways projects within the Marlborough Community Area during 2013/14. There have been no allocations of funding to projects to date

### 3. Background

- 3.1 Councillor James Sheppard was proposed and accepted as Chairman of Marlborough CATG for 2013/14.
- 3.2 The project to increase the length of footway next to the road by the two bus stops at Avebury Trusloe and so change the place where pedestrians cross the A4361 has been completed. Avebury PC confirmed this scheme has made crossing the road at this point much safer and thanked CATG. This project included match funding from Avebury PC and shows how important a contribution from the local area can be.
- 3.3 At the last meeting of 2012/13, Baydon PC requested development of a physical traffic management feature for Ermin Street through the village, noting that the implementation of the scheme would require funding from the Highways Substantive Funding Scheme. This was accepted by CATG and £3,000 allocated as match funding towards this bid. Baydon PC would also allocate £5,500 towards the project. This scheme has now been developed to the point where it can be put forward for funding from the Substantive Scheme. CATG agreed a bid for funding for this project should be submitted.  
**Recommendation: Marlborough Area Board to agree to the submission of this bid to the Substantive Fund for physical traffic management features in Ermin Street, Baydon.**

### 4. Priority Schemes for 2013/14

- 4.1 It was noted that there are currently no schemes proposed for funding from CATG's 2013/14 budget. It was agreed that the Community Area Manager

would contact the Parish Forum and work with them to collate and prioritise a list of projects / schemes for funding during 2013/14.

## 5. Summary of On-going Issues

5.1 Of the traffic and transport related issues on the Community Issues System the following action is being undertaken:

5.1.1 Marlborough; concern for pedestrian safety at York Place, St Martin's - There was discussion as to the level of incidents involving pedestrians and the need for improvements at this location. A number of possible solutions were considered including new warning signage, build-outs into the road to improve crossing and changing bus routes to make it safer for users to cross here.

5.1.2 Traffic management through West Kennet – the Community Area Manager outlined the suggestions from a resident of this village for traffic calming. This broadly fits in with measures contained within Avebury PC's Village Traffic Plan. This issue no longer needs to remain as a separate item and can be removed from the Issues system.

5.1.3 Cycle Parking at Marlborough High Street – the Community Area Manager outlined the background to this and described the very successful meeting held between Transition Marlborough, Marlborough TC and Wiltshire Highways. A number of changes, including improvements to existing cycle parking and new provision were discussed and these were presented to CATG. These include improvements to existing cycle parking at the Bulge and outside the Library, new cycle parking on the build-out near Nationwide and new cycle parking in one of the central car parking spaces. This latter option would need an experimental traffic order to allow the change of use from car to cycle parking. Martin Cook and Spencer Drinkwater (Wiltshire Highways) confirmed that the costs of the Sheffield cycle hoops and their installation as well as the costs of the traffic order would be paid for from their own budgets and there would be no costs to CATG for any of these improvements. CATG welcomed and supported these changes and proposed the implementation of the traffic order be put in place. CATG noted it would still like the cycling survey proposed by Transition Marlborough go ahead and the results used to inform this work. **Recommendation: Marlborough Area Board agree to the installation of new cycle parking at the Bulge and Nationwide and the implementation of the experimental traffic order allowing a central car parking space to be used for new cycle parking.**

5.1.4 Improvements to Treacle Bolly bridleway. Transition Marlborough has developed a cycle network across Marlborough avoiding major roads. Treacle Bolly bridleway forms an important route from Manton towards the centre of town. During the winter, parts of the bridleway became flooded and very muddy. The Community Area Manager held a site visit with Transition Marlborough, Martin Cook and Esther Daly (Wiltshire Rights of Way) about improvements to the surface. Esther has suggested ways this could be done and was due to be putting together a project and funding with Sustrans. Spencer Drinkwater confirmed he had offered some funding towards this project. CATG requested a report from Esther Daly in this work and potential funding for it.

## 6. Other Highways Issues

6.1 The Community Area Manager updated CATG on work to re-surface Marlborough High Street: work is due to begin on Monday 5 August and will go



through to Wednesday 25<sup>th</sup> September. The hours of work will be 6.00pm to midnight Monday to Thursday and 7.00pm to midnight on Fridays. No works are planned for weekends. Jim Bailey, the project manager, has previously confirmed that the costs of excavations and ducting necessary to install the electric points will be absorbed into the overall re-surfacing work. Southern Electric has quoted a figure of £14,500 to install 6 electric points. These will be three-phase, sufficient to power market and fair stalls (not large fair rides) and electric car charging. Justin Cook (Marlborough TC) pointed out this figure does not include any form of metering to allow users of the electricity to be charged for what they use. Marlborough Area Board has previously ringfenced £11,277 towards this project depending on certain criteria being met.

- 6.2 The Community Area Manager mentioned discussions he had held with Police colleagues about the occurrence of thefts from vehicles at local beauty and tourist spots. The Police's own warning signs are often removed and the Community Area Manager suggested more permanent sign might be provided by Wiltshire highways via CATG. CATG felt that these beauty spots did not need more signage and asked Wiltshire Council Communications to put out more information and warnings about this matter. There was a suggestion to work with car hire companies to make this clear to their customers.
- 6.3 The Community Area Manager described that there had been a problem over the deployment of Speed Indicator Devices (SIDs) throughout Wiltshire whilst the Highways contract changed over. This had now been resolved and the deployment rota was back on track. There was discussion about the devices themselves, their locations and the data they record. This led to discussion about other measures that can be taken locally such as Community Speedwatch (CSW). The Community Area Manager was asked to circulate information about the process for identifying locations for the SID or CSW
- 6.4 There was discussion around the review of C-class roads in the area. CATG had previously selected the C146 and C6 be reviewed with the C18 considered as a reserve. The C18 was chosen by Highways as being of greater benefit to Wiltshire, although the review has not taken place. Baydon PC is concerned that the C146 through their village will not be reviewed after many years of asking. There was a feeling that speed reviews such as this would not be carried out in future and the Community Area Manager has been asked to find this out from the Cabinet member.

## **7. Recommendation**

- 7.1 To support the recommendations from CATG meeting of 11 July 2013 as outlined above.

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**Contact:** Andrew Jack  
Marlborough Community Area Manager

**Background Papers**  
CATG notes of 11.07.2013

**Appendices**  
None

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