

Minutes

Thursday, 3rd February 2005
at Wilton Middle School
Commencing at 4.30pm

**THESE MINUTES SHOULD BE KEPT FOR USE BY DISTRICT COUNCILLORS
AT THE NEXT COUNCIL MEETING**

P R E S E N T

District Councillors

Councillor Mrs C A Spencer – Chairman
Councillor Mrs J A Green – Vice Chairman

Councillors A J A Brown-Hovelt, J A Cole-Morgan, T F Couper,
E R Draper, P D Edge, J B Hooper, G E Jeans and Mrs S A Willan.

Apologies: None

County Councillors

I West (Wilton & Wylye)

Parish Representatives

R G Coward (Mere), Mrs P Culley (Tisbury), M Cullimore (Donhead St Andrew),
G Medley (Tisbury) and J Tadman (Donhead St Andrew).

Officers

J Crawford (Legal & Property Services), Mrs J Howles (Development Services),
A Rose (Democratic Services) and P Ruddle (Revenue & Benefits).

MINUTES NOT REQUIRING COUNCIL APPROVAL

383. PUBLIC QUESTION/STATEMENT TIME

There were none.

384. COUNCILLOR QUESTION/STATEMENT TIME

There were none.

385. MINUTES OF THE LAST MEETING

RESOLVED – that the minutes of the last special meeting held on 4th January 2005
and the last ordinary meeting held on 6th January 2005 (both previously circulated)
be approved as correct records and signed by the Chairman.

Councillor J Hooper asked the planning officer present whether the conditions in minute 372 have
been met, and if not, has a permission notice been given?

The Principal Planning Officer advised that the conditions mentioned require certain actions to take
place prior to the development, however, planning permission has been given.

386. DECLARATIONS OF INTEREST

Councillor Mrs Green declared a personal and prejudicial interest in agenda item 10 as her husband
is the applicant. The Councillor left the meeting during consideration of this matter.

387. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Members that the Western Area Co-ordinator had received a response from Robert Key, MP in response to the Western Area Committee's request (minute 356 on 2nd December 2004) that breaches of planning control should receive higher penalties.

The letter has been attached as an appendix to these minutes.

388. S/2005/0034 – FULL APPLICATION – ERECTION OF 11 No. DWELLINGS, CONVERSION OF OFFICE AND STORE, CASTLE HILL GARAGE, CASTLE STREET, MERE, WARMINSTER – FOR MR D GRAYSON

Mr M Morris, agent to the applicant was in attendance to speak in support of the proposal. Mr R Coward of Mere Town Council informed the Committee that the Town Council supported the proposal but still has a concern regarding the loss of employment land.

Following the receipt of these statements the Committee considered the previously circulated report of the Head of Development Services together with a schedule of late correspondence circulated at the meeting:

RESOLVED –

- (1) That subject to
 - (a) no representations raising any new issues being received prior to the publicity expiry date of 10th February 2005, and;
 - (b) all persons concerned entering into a Section 106 agreement under the provisions of the Town and Country Planning Act 1990 (as amended) for the payment of a commuted sum under the requirements of policy R2 within one month of the date of this decision, and;
 - (c) a written undertaking to be supplied by the applicant agreeing to pay a commuted sum totalling £6,000 towards highways improvements in Castle Street.

then the above application be approved for the following reason:-

the proposal is considered appropriate to the setting of the listed building and the adjacent conservation area and subject to conditions will have an acceptable impact upon residential amenity and the highway network.

and subject to the following conditions

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2. The finished floor levels of the proposed buildings shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced.

Reason: In the interests of amenity.

3. The precise positioning of the proposed buildings shall be pegged out on site and agreed in writing by the Local Planning Authority before development is commenced, and the buildings shall be positioned as so agreed.

Reason: To ensure the exact position of the buildings within the site.

4. Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

5. Before development is commenced, large scale details (not less than 1:10 scale) of the chimney stacks, (to confirm height, corbel detailing and materials), eaves, gables and window sections to the front elevations of the dwellings hereby approved, shall be submitted to, and approved in writing by the Local Planning authority, and the development shall thereafter accord with the approved scheme.

Reason: To secure a harmonious form of development.

6. No development shall take place until details of the treatment of all the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the buildings.

Reason: In the interests of the amenity and the environment of the development.

7. No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and the environment of the development.

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the amenity and the environment of the development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or

plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity and the environment of the development.

10. No development shall commence until a desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed then using this information:

- A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.
- A site investigation should be designed for the site using this information and any diagrammatical representations. (Conceptual Model) Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected; and;
 - refinement of the Conceptual Model; and;
 - the development of a method statement detailing the remediation requirements.

The site investigation shall be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment shall be undertaken.

A method statement detailing the remediation requirements including measures to minimise the impact upon ground and surface waters, using the information obtained from the Site Investigation should be submitted to the Local Planning Authority. This Statement shall include the phasing for any required works. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To ensure that the proposed development will not cause pollution of Controlled Waters.

11. No construction work shall take place on Sundays or public holidays or outside the hours of 7.30am to 8.00pm, weekdays and 8.00am to 1.00 pm Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings.

12. Notwithstanding the provisions of Classes A-E inclusive of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no alterations nor extensions to the dwellings nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: In order that visibility across the site may be protected in the interests of highway safety.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed.

Reason: To enable the Local Planning Authority to retain control over the appearance of the dwellings in the interests of visual amenity and the amenity of adjoining properties.

15. No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise adequate control over any development which would affect the area of archaeological interest.

16. No built development shall take place until traffic management measures in Castle Street have been submitted to and agreed in writing by the Local Planning Authority

Reason: In the interests of highway safety.

17. No development shall commence upon the conversion of the listed building until works have finished to demolish the existing garage buildings on site.

Reason: In order to ensure that there is no adverse impact on the amenity of the occupants of the listed building from the existing garage facility.

18. The proposed bathroom windows in the first floor south facing elevation of the southern building hereby approved shall be obscure glazed and fixed shut at all times and shall be permanently maintained in this condition thereafter.

Reason: To ensure adequate privacy for the occupants of neighbouring properties.

19. Measures shall be submitted to and approved in writing by the Local Planning Authority to prevent mud being deposited on the public highway by vehicles leaving the site and must be implemented during the whole of the construction period. No vehicle shall leave the site unless its wheels have been sufficiently cleaned to prevent mud being deposited on the public highway.

Reason: In the interests of highway safety

20. Before development commences, a scheme for the discharge of surface water from the buildings hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved.

Reason: To ensure that the development is provided with a satisfactory means of surface water disposal.

- (2) That the applicant be informed that the above decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

GI & G2	General Policies
D1	Extensive development
D2	Infill development
E16	General employment
CN3, CN4 & CN5	Listed buildings
CN8 & CN9	Conservation areas
TR11	Off street Parking
TR13	Footpaths
TR14	Bicycle Parking
R2	Recreational Openspace

- (3) That the applicant be informed that the scheme put forward to comply with condition 16 above must be developed in conjunction with Wiltshire County Council as highway authority and is likely to require a financial contribution in the region of £6,000.
- (4). That the applicant be informed that if a completed S106 obligation is not received within a month of the date of the decision then the Head of Development Services is delegated to refuse on grounds of non compliance with Policy R2.

389. S/2005/0037 – LISTED BLDG (WKS) - CONVERSION OF THE OFFICE / STORE BUILDING TO A SINGLE DWELLING AFTER DEMOLITION OF ATTACHED 1960'S GARAGE: CASTLE HILL GARAGE, CASTLE STREET, MERE, WARMINSTER – FOR MR D GRAYSON

Mr M Morris, agent to the applicant was in attendance to speak in support of the proposal.

Following receipt of this statement, the Committee considered the previously circulated report of the Head of Development Services, together with the schedule of late correspondence circulated at the meeting.

RESOLVED –

- (1) that subject to no new issues being raised by any representations received by 10th February 2005, then the above application be approved for the following reasons:-

the proposed conversion of this building to residential use will not have an adverse effect on the residential amenity of neighbouring occupiers and will facilitate the preservation of this listed building in compliance with policies CN3 and CN4 of the adopted local plan.

And subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

3. Notwithstanding the details shown on the plans hereby approved the existing windows in the listed building shall not be removed or altered without the further written consent of the Local Planning Authority.

Reason: In the interests of preserving the integrity of the listed building.

- (2) that the applicant be informed as follows:-

INFORMATIVE: - PARTY WALL ACT

It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

- (3) that the applicant be informed that the above decision has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

E16 Employment uses
CN3 & CN4 Listed buildings

390. S/2004/2419 – FULL APPLICATION – MANEGE: ROWBERRY FARM, FERNE PARK ESTATE, SHAFTESBURY – FOR LORD AND LADY ROTHERMERE

Graham Warren, of RPS Consultants and representing the owners of a neighbouring property, spoke in objection to the above proposal.

Mr Pollard, agent for the applicant, spoke in support of the above proposal.

John Tadman, of Donhead St Andrew Parish Council, advised the Committee that the Parish Council objected to the above proposal.

Following receipt of these statements and further to the site visit held earlier that day, the Committee considered the report of the Head of Development Services (previously circulated), together with the schedule of late correspondence circulated at the meeting:

RESOLVED - that the above application be refused for the following reasons:

The proposed ménage would cause detriment to the amenities of neighbours by reason of disturbance and overlooking contrary to G2 (vi) and RIC (iv) of the Adopted Salisbury District Local Plan.

391. S/2004/2458 – FULL APPLICATION – CONSTRUCTION OF A FLOOD ALLEVIATION SCHEME: COURT STREET AREA, TISBURY, SALISBURY – FOR THE ENVIRONMENT AGENCY

Henry Harboard, a representative of the applicant, spoke in support of the above proposal.

Mrs P Culley, of Tisbury Parish Council, advised the Committee that the Parish Council supported the above application.

Following receipt of these statements, the Committee considered the report of the Head of Development Services (previously circulated):

RESOLVED -

(1) that the above application be approved for the following reason:

the proposed development would not harm the character and appearance of the countryside, Area of Outstanding Natural Beauty, adjacent listed buildings/scheduled ancient monument or the Conservation Area. It would not harm the living conditions of properties nearby, or protected species or archaeological features. It would therefore comply with Replacement Salisbury District Local Plan policies G1, G2, G4, CN3, CN8, CN20, C1, C2, C4, C5, C12, C18

and subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be undertaken in accordance with the information submitted as part of the application, including undertaking a revised survey in accordance with the Wiltshire Wildlife Trust's timing requirements (as identified in their letter of 23rd December 2004), and undertaking the identified mitigation measures, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protected species.

3. Prior to the commencement of development, a scheme ensuring long term retention of the remaining elements of water meadow within the field where the weir and ford are to be constructed, shall

be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the scheme thereby approved.

Reason: In the interests of retaining archaeological features

4. No development shall take place until details and samples of the external facing materials to be used in the proposed development shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: in the interests of the character and appearance of the Conservation Area, AONB and nearby listed buildings

5. The culvert hereby approved shall not be undertaken until details of its precise position including calculations, drawings etc have been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: To ensure its precise position is established in the interests of the water environment and footpath

- (2) that the applicant be informed that the above decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

- G1 General development criteria
- G2 General development criteria
- G4 The Water Environment
- CN3 Development affecting the setting of listed buildings
- CN8 Development affecting Conservation Areas
- CN20 Development affecting Scheduled Ancient Monuments
- C1 Development in the countryside
- C2 Development in the countryside
- C4 Development in the AONB
- C5 Development in the AONB
- C12 Protected species
- C18 Development affecting rivers and river valleys

- (3) that the applicant be informed as follows:-

- (a) With regard to the road raising element of the proposed scheme, the Environment Agency are advised to liaise with Mr Peter Hanson of Wiltshire County Council on 01722 744440. With regard to the culvert and its effect on the public right of way, the Environment Agency are advised to liaise with Mr David Weston of Wiltshire County Council on 01225 713387.
- (b) The applicant is advised that the prior agreement of Wessex Water will be required for arrangements for the protection of Wessex Water infrastructure crossing the site, and for connection to Wessex Water infrastructure.

392. S/2004/2628 – FULL APPLICATION – DEMOLITION OF EXISTING DWELLING & EXTENSIONS AND ALTERATIONS TO SAWMILLS BUILDING TO FORM REPLACEMENT DWELLING: SAWMILLS, WARDOUR, TISBURY, SALISBURY – FOR MR AND MRS W EDWARD

W. Edward, the applicant, spoke in support of the above proposal. George Medley, of Tisbury Parish Council, advised the Committee that the Parish Council supported the above proposal.

Following receipt of these statements and further to the site visit held earlier that day, the Committee considered the report of the Head of Development Services (previously circulated), together with the schedule of late correspondence circulated at the meeting:

RESOLVED -

- (1) that subject to no new issues being raised before the advertisement expiry date the above application be approved for the following reason:-

the application is acceptable in policy terms as a replacement dwelling. It is considered that the revised siting is considered to have significant benefits to the Area of Outstanding Natural Beauty and the proposed, scale, design and materials are considered appropriate to the surroundings.

and subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. This development shall be in accordance with the amended drawing[s] ref: Sawmills Parking, WE/1001/RI(A), WE/A1/1002 Revision 1 1/5/05 and WE/A1/1001 Revision 1 5/1/05, deposited with the Local Planning Authority on the 11th January 2005, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.
3. If any sign of bats, barn owls or bats or barn owls themselves are found during the building works, work should stop immediately and English Nature be contacted immediately for further advice.

Reason: To safeguard protected species.
4. No development shall commence until a scheme for foul drainage to the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the development first coming into use.

Reason: To ensure that the development will be effectively served by a sewage system
5. No development shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

6. There shall be no occupation of the extended building hereby permitted until the existing dwelling known as 'Sawmill Cottage' has been demolished and the resultant debris has been removed from the site.

Reason: In the interests of the amenity of the locality to enable the reuse of materials and to ensure that there is only one dwelling on the site.

7. Notwithstanding the provisions of Class[es] A-E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

8. No development shall commence until sections through and levels of the proposed parking area in relation to the surrounding landform have been submitted to and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the approved details.

Reason: In the interests of the amenity and the environment of the development

9. No development shall commence until details of the landscaping to the proposed parking area have been submitted to and approved in writing by the Local Planning Authority. The details shall include size, species and positions of all plants/trees to be planted. Development shall be completed in accordance with the approved details.

Reason: In the interests of the amenity and the environment of the development

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the extended building, any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity and the environment of the development.

- (1) that the applicant be informed that the above decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

- G2 General
G5 Drainage

D3	Design
C5	AONB
H30	Replacement dwellings in the countryside
C24	Extensions in open countryside
C12	Protected species

- (2) that the applicant be informed that it is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site.
- (3) that the applicant be informed that both national and European Union law protects bat and bat roosts. The law requires that, in the event that bats or evidence of their presence (eg droppings) are found during development works, work is stopped and English Nature is informed (01380 726 344). Although no signs of bats were found, care ought to be taken when working on the building.

National law protects barn owls and because it is a vulnerable, rare species its protection is beyond that given to other nesting birds. It is an offence to intentionally or recklessly disturb them while they are building a nest or are in, on or near a nest containing eggs or young or to disturb dependent young. Therefore, if breeding barn owls are subsequently discovered close enough to be disturbed by the proposed work, we recommend that English Nature be consulted immediately.

- (5) that the applicant be informed that if a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase into an existing system, a Consent to discharge will be required. This must be obtained from the Environment Agency before any discharge occurs and should be obtained before any development commences. The applicant is advised to contact the Regulatory Water Quality Team at the Blandford Office on 01258 483 370 for further details on Consents to Discharge.

393. **AIR QUALITY MANAGEMENT AREA ORDER – A36 AT WILTON**

The Chairman read a statement from the Senior Environmental Health Officer (who was unable to be present) in response to a statement from Wilton Town Council.

The Committee considered the previously circulated report of the Senior Environmental Health Officer.

RESOLVED – that the Committee does not revoke the order designating air quality management area in King Street/Queen Street, Wilton because it is deemed premature to do so at this stage.

Councillors Cole-Morgan and Mrs Willan requested that it be minuted that they did not participate in the vote on this matter as they felt unable to take a decision due to lack of information on the repercussions of not revoking the order.

394. **COUNCIL TAX FOR EXTENDED DWELLINGS, SECOND HOMES AND ANNEXES**

The Committee considered the previously circulated report of the Head of Revenues and Benefits Services.

RESOLVED – that the report be noted.

During the course of the discussion on this matter, members were invited to ask questions of the Head of Revenue and Benefits. Those questions, and any answer given, are as follows:

- There appears to be an anomaly in that annexes to dwellings can be liable for additional Council Tax charges, but extensions to properties which may be used in exactly the same way as an annex, are not liable.

The officer replied that the Council has an obligation to report all new builds. There are some exemptions available, namely where the annex is being used to house a dependent of the resident of the main dwelling. However, annexes to properties which can be identified as separate to the main dwelling are liable for Council Tax payments.

- When a property is demolished and a new, much larger dwelling put in its place, is there any re-valuation made? Is Salisbury District Council doing everything it can to be vigilant to ensure it does not lose any revenue?

When a property is demolished its Council Tax banding is removed from the system and a new valuation (and hence banding) made on the replacement property.

Salisbury District Council is vigilant and there are inspectors who are out and about in the area. Also, they have “read-only” access to the planning department’s system to keep up to date on changes to buildings etc.

- When the revaluation of properties takes place in 2007, will the valuation be completed as previously, by assessing a whole street at a time and not entering dwellings?

The plan is that the process will be completed in a similar way using drive-by valuations plus statistical data from the Land Registry which will provide the details of recent house sales in a particular area.

In situations where the Council believes a property is in the wrong band, it can apply to the Valuation office for a re-banding.

- What can householders do to protect themselves against a possible large rise in their Council Tax bill following re-valuation?

There is nothing householders can do. The only dispensation available is for people claiming Council Tax benefit which is based on earnings. However, everyone has a right of appeal against their banding.

395. HISTORIC BUILDING REPAIR GRANT FOR CROMWELL MANOR, SUTTON MANDEVILLE

The Committee considered the previously circulated report of the Principal Conservation Officer.

RESOLVED – that a grant offer of £550 be made towards the cost of the repairs, this amount being 25% of the lowest quote

396. RECOMMENDATIONS OF THE SWAG REVIEW PANEL – TRANCHE 3 2004/05

The Committee considered the previously circulated report of the Western Area Co-ordinator.

RESOLVED –

- (1) that grants be determined as follows:-

No.	Applicant	Decision
W011	Teddy Bears Parent and Carer Baby and Toddler Group	£209.95
W012	Bowerchalke Parish Council	£250
W013	The Chalke Valley Short Mat Bowling Club	£500
W014	The Burnbake Trust	Refused for the reasons as set out in the report
W015	Wylve Valley Art Trail	£600

- (2) that the Committee would like to advise Parish Councils that it considers applications for a small sum (i.e. a minor grant applications) should be funded from the Parish Precept.
- (3) that it be noted that despite the return of £7,643.05 to the Council's General Fund, the Area Committee would not wish to see the SWAG and Discretionary Budgets for 2005/06 reduced as a result of the Area Committee's general thriftiness.
- (3) that it be noted that the number of grant requests received for 2004/05 has been disappointing. The Area Co-Ordinator is therefore requested to send a letter to all Parish Councils within the Western Area publicising the SWAG scheme.

The meeting concluded at 8.15 pm

Members of the Public: 15

From: Robert Key, M.P.
(Salisbury)



HOUSE OF COMMONS

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Shadow Minister for Science

RK/SJA/Cons/SDC/Planning

28 January 2005

Arabella Davies
Western Area Coordinator
Democratic Services Unit
Salisbury District Council
The Council House
Bourne Hill
Salisbury SP1 3UZ

You wrote to me on 30th December about prosecuting breaches of planning control.

I pursued this with the Minister responsible at the Office of the Deputy Prime Minister and I have now received a response. I think the best thing I can do is enclose the letter I have received from The Rt Hon Keith Hill MP.

Keith Hill tells me that the ODPM plans to offer guidance to help Magistrate's to determine the appropriate level of fines for breaches of planning conditions. He anticipates an announcement about this review will be made in the Spring.

I do hope this is helpful and thank you so much for getting in touch about this issue.



Office of the
Deputy Prime Minister

Creating sustainable communities

Robert Key Esq MP
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Our Ref: KH/000316/05
Your Ref: RK/SIA/Cons/SIDC/Planning

21 January 2005

Dear Bob,

Thank you for your letter dated 4 January enclosing one from Arabella Davies, Western Coordinator of Salisbury District Council concerning the levels of fines for breaches of planning conditions.

The maximum fine that can be imposed in the Magistrates' Court for a breach of a condition is level 3 on the standard scale, which is currently £1,000. However, in cases where an enforcement notice is also served, the maximum penalty on conviction for an enforcement notice offence in the Magistrates' Court is £20,000. There is no upper limit on the penalty which the Crown Court may impose on conviction. It is, of course, a matter for the Court to determine the level of fines imposed.

As part of our review of the planning enforcement system, we looked at whether there is a case for raising the levels of fines that the Courts can impose. We have also looked at whether the actual fines imposed were insufficient to act as a deterrent. In order to help Magistrates to determine the appropriate levels of fines, we propose to offer them guidance. We expect to make an announcement about the review in the Spring.

Yours ever,
Keith

KEITH HILL