

Western Area Committee

Minutes

Thursday, 31st March 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

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: Councillor Mrs J A Green

Also in attendance: Councillor J M Collier (for agenda item 9)

County Councillors

County Councillor I West

Parish Representatives

Mrs G Henderson (Tisbury)

Members of the Public

15

Officers

J Crawford (Legal & Property Services), Mrs J Howles (Development Services)
and A Rose (Democratic Services)

MINUTES NOT REQUIRING COUNCIL APPROVAL

408. PUBLIC QUESTION/STATEMENT TIME

There were none.

409. COUNCILLOR QUESTION/STATEMENT TIME

- (i) Councillor I West advised the Committee that Wilton Middle school, which is 70 years old this year, is due to close in July. Many people in the local community will mourn its closure. Councillor West also gave his best wishes to the staff, pupils and governors for the future and his thanks for all of their hard work over the many years.

These sentiments were supported by the whole Committee.

- (ii) Councillor Hooper made a statement to the Committee that a report be requested from the Council's Housing Department on the issue of Scheme Managers for Sheltered Housing. Many tenants in Tisbury are concerned about the reorganisation as people are familiar with one person and are unhappy with change.

Councillor Cole-Morgan (in his capacity as Portfolio Holder for Community and Housing) responded by stating that all Councillors were briefed on this matter approximately four months ago. It is important that cover is available for periods when Scheme Managers are either on holiday or sick and it is important that a consistent service is provided 24 hours a day. The only way that this can be achieved is to either share managers amongst schemes or for a group of managers to cover a number of schemes between them. It is vital that adequate cover is provided otherwise the Council will lose its "Supporting People" grant. We are currently rotating managers so that tenants get used to the different faces.

Following this response, it was agreed that no subsequent report would be requested.

410. MINUTES OF THE LAST MEETING

RESOLVED – that the minutes of the last ordinary meeting held on 3rd March 2005 (previously circulated) be approved as a correct record and signed by the Chairman.

411. DECLARATIONS OF INTEREST

None.

412. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made two announcements, which were as follows:

- (i) Arabella Davies, Western Area Co-ordinator in Democratic Services (currently on maternity leave) has sent a thank you card to the Committee for the present they bought for her. The card was circulated to all Members during the meeting.
- (ii) The Chairman has received, from the Chief Executive of Wiltshire County Council, a letter of acknowledgment in respect of a letter sent from this Committee regarding the protection of bridle and footpaths. The Director of Environmental Services, George Batten, has been asked to consider the points raised in the letter and to reply to them directly to the Chairman of the Western Area Committee.

413. S/2005/0198 - FULL APPLICATION - ALTERATIONS AND EXTENSIONS TO EXISTING LODGE INCORPORATING PART OF ORIGINAL DWELLING AND PART DEMOLITION AT PILE OAK LODGE, DONHEAD ST ANDREW, SHAFESBURY, SP7 9EH FOR DR. AND MRS G LEWIS

Patricia Maxwell-Arnot, of Sands Lane, spoke to object to the above application
David Sharpe, agent for the applicant, spoke to support the above application.

Following receipt of these statements, and further to a site visit held earlier that day, the Committee considered the report of the Head of Development Services (previously reported):

RESOLVED - that

- (1). The above application be **refused** for the following reasons:
 1. The proposal would be significantly larger in size than the existing dwelling, would have greater visual impact and would effectively constitute a new dwelling in the countryside. It would not be subservient to the existing lodge and would substantially alter the character of the dwelling and is not considered in keeping with its surroundings. The proposal is therefore contrary to policy H31 of the Adopted Salisbury District Local Plan and PPS 7.

2. The site is located within the open countryside of the designated Cranborne Chase & West Wiltshire Downs AONB. The proposal would not protect or enhance the natural beauty of the area and would not benefit the local economy. In addition it would not be sympathetic to the landscape of the AONB in terms of siting and scale and the proposed design does not reflect the character of the area. The proposal is therefore contrary to policies C1, C2, C4 and C5 of the Adopted Salisbury District Local Plan, C8 of the Wiltshire Structure Plan and PPS 7.
 3. The design of the proposed house would subsume the existing lodge, which although unlisted is an integral feature of the historic landscape of the Grade II* Wardour Park and it is therefore contrary to policy CN18 of the Adopted Salisbury District Local Plan, HE3 of the Wiltshire Structure Plan and PPG15.
 4. There are no mains sewers available in the locality and it has not been demonstrated to the satisfaction of the Local Planning Authority that a satisfactory method of foul drainage can be achieved within the site. The proposal is therefore contrary to Policy G2 of the Adopted Salisbury District Local Plan and the advice in circular 3/99.
- (2). The applicant be informed that this decision has been taken in accordance with the following policies:

Adopted Salisbury District Local Plan:

Policy G1	General Development Guidance
Policy G2	General Development Guidance
Policy C1	Development within the Rural Environment
Policy C2	Development within the Rural Environment
Policy C4	Development within an AONB
Policy C5	Development within an AONB
Policy H31	Extensions to Buildings within the Countryside
Policy CN18	Development within Historic Parks and Gardens

Wiltshire Structure Plan

Policy HE3	Development within Registered Historic Parks and Gardens
Policy C8	Development within an AONB

Councillor Cole-Morgan requested that his dissent from this decision, and his concerns regarding legal issues raised during consideration, be minuted.

414. S/2005/0258 - O/L APPLICATION - DETACHED BUNGALOW AT LADY CROFT, PORTNELLS LANE, ZEALS, WARMINSTER, BA12 6PG FOR MR AND MRS A SMITH

This application was withdrawn by the applicant prior to the meeting and was therefore not considered.

415. S/2005/0083 - FULL APPLICATION - SINGLE STOREY EXTENSION TO REAR OF PROPERTY TO PROVIDE DISABLED BEDROOM SUITE AT 2 MANOR TERRACE, KILMINGTON, WARMINSTER, BA12 6RN FOR SALISBURY DISTRICT COUNCIL

The Committee considered the report of the Head of Development Services (previously circulated) together with a schedule of late correspondence circulated at the meeting:

RESOLVED - that

(1). For the following reasons:

the proposed extension is appropriate in terms of appearance and scale in relation to the house and the immediate environment and will not have an adverse impact upon residential amenity;

and subject to the receipt of satisfactory amended plans the above application be **approved** 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To ensure that the proposed extension will satisfactorily harmonise with the external appearance of the existing building.

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

Policy C5 Conservation and protection of the Area of Outstanding Natural Beauty.

Policy D3 To ensure a suitable design.

Policy G2 To safeguard the amenities of neighbours.

416. S/2004/2628 - FULL APPLICATION - DEMOLITION OF EXISTING DWELLING & EXTENSIONS AND ALTERATIONS TO SAWMILLS BUILDING TO FORM REPLACEMENT DWELLING AT SAWMILLS, WARDOUR, TISBURY, SALISBURY, SP3 6RJ FOR MR AND MRS W EDWARD

Tim Reeve, agent for the applicant, spoke in support of the above application.

Following receipt of this statement the Committee considered the report of the Head of Development Services (previously circulated) together with a schedule of late correspondence circulated at the meeting:

RESOLVED - that the decision to approve the application, subject to conditions, be delegated to the Head of Development Services, to be conditioned in accordance with English Nature's advice on the second bat survey.

Councillor Hooper requested that his dissent from this decision be minuted.

417. PLANNING APPLICATION S/2004/0586: FULL APPLICATION – CHANGE OF USE OF LAND FROM ALLOTMENTS (DISUSED) TO RECREATION AND PUBLIC AMENITY GROUND AT PART OF VILLAGE ALLOTMENT SITE OFF ANGEL LANE, HINDON, SALISBURY, SP3 6DW FOR HINDON RECREATION TRUST

John Kitchen, a member of Hindon Allotment and Conservation Association, spoke in objection to the above application.

Sue Warren, representing the applicant, spoke in support of the above application.

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

RESOLVED - that the Planning and Regulatory Panel be informed that the Western Area Committee wishes to adhere to its original resolution of 4th November 2004, but also to include an extra condition to read as follows:

“Before the change of use hereby permitted is commenced, the boundary between the allotments and the recreation ground as shown on the amended red line plan/drawing no. MWA (B) received 24th March 2005 shall be securely fenced in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority.”

418. SOUTH WEST REGIONAL ASSEMBLY

The Committee received a presentation from David Tretheway, Director of Strategy and Local Government at the South West Regional Assembly. Following his presentation, the Committee was invited to ask questions or make statements. They were as follows (with any subsequent reply):

- Will the Regional Assembly replace local authority structures, and what is the influence of the European Union on the Regional Assembly?

The Government has stated that it has no proposals for creating elected Regional Assemblies or for changing local government structures at present. The Regional Assembly also has no policy in respect of this issue.

The Regional Assembly receives no funding from the European Union. However, the Assembly does seek to influence the EU regarding policies and/or funding that will benefit the South West of England.

- As the Assembly is not elected it does not appear accountable, therefore, who can the public turn to for accountability?

Although the Assembly is not an elected body it does not have any executive powers. For example, the Regional Spatial Strategy has to be signed off by the Office of the Deputy Prime Minister (ODPM). Therefore, accountability remains with central government but the Assembly gives local authorities a framework with which to influence government.

- What is the size of the Regional Assembly’s officer body?

There are slightly over 50 people employed by the Regional Assembly. These are split between the Regional Assembly, South West Provincial Employers and the South West Local Government Association. David Tretheway himself is a secondee from a local authority.

- Why are National Parks given membership of the Regional Assembly but AONBs are not?

The Government states that National Parks must have representation on their respective Regional Assembly whereas this statutory requirement is not in place for AONBs. A change to this structure is in the gift of Central Government and not the Assembly itself.

- The Government has stated that it wishes to devolve power, however, experience seems to indicate that all that is happening is that structures are being put in place to make it easier for Government to interfere with local authorities. The Government now simply implements its objectives via regional bodies. Any local discretion is being over-ruled by Government and the current structure is very much under the control of Government also.

The whole area of regional government produces strong opinions but the Regional Assembly is dedicated to obtaining the best deal for the South West.

- The public are suspicious of all forms of government as it does not appear to reflect public opinion and there is very little local accountability. Many government offices, such as the Government Office of the South West (GOSW) appears to have its own agenda rather than the improvement of the South West. It is important that the public are consulted and listened to. When consultations are undertaken they appear to be loaded to give one answer or the results are ignored anyway.

If the Regional Assembly could take action to scrutinise these issues then it would gain a lot of respect from the public.

- Does the South West have as much influence with government as other regions of England?

The traditional answer is no, but the South West is trying to change this. The Regional Assembly is well placed to perform this role and to gain influence.

Following this discussion, Councillor Collier, as Salisbury District Council's representative on the South West Regional Assembly, made the following comments:

- The boundaries of the South West are artificial and were created during World War 2 for emergency planning administration. The issues affecting Cornwall and Wiltshire are very different.
- The South West is the largest English region by geography.
- Salisbury District is right on the cusp of the region, and probably has more in common with Hampshire which is part of the South East region, than with the South West region.
- As South Wiltshire is at the very edge of the region it has to shout very loud for its voice to be heard. Many of the regions' strategies are based around centres of population.
- Unlike some local authorities, it is vital that we continue to be represented at the Regional Assembly to try and give influence.

The Chairman thanked both David Trethewey and Councillor Collier for attending this meeting.

419. CODE OF CONDUCT

The Committee considered the report of the Head of Legal and Property Services (previously circulated) together with a verbal presentation from the Officer. During the verbal presentation, the officer made the following points:

- This consultation follows the Graham Committee Review of Standards in Public Life
- The consultation is to close on 17th June
- It is intended that comments will be fed from each Area Committee to the Standards Committee and then to Full Council.
- Members can make their comments known individually, if they so wish, to the Standards Board of England.
- There is further information about this consultation on the website of the Standards Board for England.
- One area of disagreement between the Standards Board of England and the Graham Committee is the assessment of complaints (whether they should initially be dealt with at local or national level).

Following this introduction, Members were invited to make comments. They were as follows (and made reference to the questions asked in the consultation which were numbered 1 to 29 and can be found on appendix 1 to the officers report):

- The Standards Board is very overloaded by trivial complaints that could easily and more efficiently be handled at the local level.
- Re: question 22 – there is of course a requirement for all business to be above board, but, if Members have an interest, they are denied the same rights as any member of the public to, at the very least, address the respective Committee before leaving the meeting.
- A Member being investigated by the Standards Board has their name released, even if no case is proved, whilst the person making the complaint is given anonymity.
- There need to be restrictions on people making very trivial complaints.
- The method used by the Standards Board for advising Members that they are being investigated is not satisfactory and should also happen much earlier in the process. The Council's Standards Committee should be informed of all complaints.
- The time that the Standards Board takes to investigate complaints is far too long and a target should be put in place by which investigations must be completed. Three months would be a suitable time.
- Re: questions 18 and 19 – many Members serve on outside bodies which then excludes them from considering matters when discussed at the Council. These Members should have the right to address the Committee at the very least.
- Due to the ease by which people can make complaints about what Members have said in a Committee meeting it runs the risk of undermining freedom of speech.
- During its investigation, no account is taken by the Standards Board of the intimidation that some Members suffer by some members of the public.
- When the Standards Board concludes its investigations, where the Member is not found guilty, the Standards Board does not say that the Member is “not guilty” but advises that the complaint has not been proven. This can still leave a stain on a Member's reputation.
- Where a Member is not found guilty their name should not be put into the public domain.
- When a person making a complaint is sent a letter from the Standards Board advising that the Member they have made the complaint against is not found guilty, that letter should be sent recorded delivery so that there can be no claim that the letter has not been received which allows that person to continue stating that a particular Member is under investigation.

- There is a need to protect Members from malicious complaints. The system at present encourages such complaints.
- There is very little, if any, feedback given to either the person making a complaint or the Member who has had a complaint made against them.
- Re: number 27 – this is very difficult. If a Member had to report every offer they declined then it could result in a lot of time and paperwork
- Re: number 28 – serial hospitality offers should be reported.
- Do not agree that there should be a requirement to report other Councillors for suspected breaches.
- Complainants should not be allowed the opportunity, once a decision has been made that there is insufficient evidence to support a complaint, to have another go at providing evidence to support the complaint.

420. LOCAL ACCESS FORUM

The Committee considered the report of the Area Co-ordinator (previously circulated):

RESOLVED – that

1. a copy of the letter which was sent to both MPs for the area regarding the need for increased protection of bridle paths and pathways, be sent to the Chairman of the Wiltshire and Swindon Local Access Forum for discussion at the next meeting on 20th April 2005.
2. when the Cranborne Chase AONB Local Access Forum is established, the Western Area Committee nominate one of its members to complete an application form to attend future meetings of the Forum on behalf of the Committee.

The meeting concluded at 8.05pm