



AGENDA SUPPLEMENT (1)

Meeting: Annual Council
Place: Olympiad Sports Hall - Olympiad Leisure Centre, Monkton Park,
Chippenham
Date: Tuesday 17 May 2011
Time: 10.30 am

The Summons for the above meeting was published on 06.05.11 and indicated that the reports detailed below would be to follow. These are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718024 or email yamina.rhouati@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

6. **Referendum Results** (*Pages 1 - 2*)

Report attached.

14. **Councillors' Questions** (*Pages 3 - 20*)

Details of questions and responses attached.

16. **Minutes of Cabinet and Committees** (*Pages 21 - 48*)

Minutes of the following Committees attached:

Eastern Area Planning Committee 21 April 2011

Southern Area Planning Committee 5 May 2011

Western Area Planning Committee 4 May 2011

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Agenda Item 6

Wiltshire Council

Annual Council

17 May 2011

Results of the Alternative Vote Referendum held on 5 May 2011

Introduction

1. This report give Council details of the votes cast and counted in the Wiltshire area and nationwide with respect to the referendum on the Alternative Vote held on 5 May 2011.

Results in Wiltshire

2. The total number of ballot papers counted is 159,463
The number of votes cast in favour of YES is 45,782
The number of votes cast in favour of NO is 113,459
The number of rejected votes is 222
3. This means that Wiltshire Council counted just under 1% of all votes cast in the UK.
4. Please note that the figures above do not form a local result, only a local “total”, as Wiltshire feeds into the South West total (see the nationwide totals below).

Regional Results

5. The regional results can be seen below:

Regions	Yes	No
East Midlands	408,877	1,013,864
Eastern	530,140	1,298,004
London	734,427	1,123,480
North East	212,951	546,138
North West	613,249	1,416,201
Northern Ireland	289,088	372,706
Scotland	713,813	1,249,375
South East	823,793	1,951,793
South West	564,541	1,225,305
Wales	325,349	616,307

Regions	Yes	No
West Midlands	461,847	1,157,772
Yorkshire and the Humber	474,532	1,042,178

Nationwide Result

6. The nationwide result was as follows:

	Yes	No
Final UK Results	6,152,607	13,013,123

Ian Gibbons
Solicitor to the Council and Monitoring Officer

Report Author: John Watling, Head of Electoral Services

Unpublished documents relied upon in the production of this report: NONE

Environmental impact of the recommendations contained in this report: NONE

Appendices

None

Agenda Item 14

Wiltshire Council

Council

17 May 2011

Councillors' Questions

Questions From Councillor Michael Cuthbert-Murray Westbury East Division

Question 1 – to Leader

Would you please quantify exactly what you mean when you refer to “Front Line Services”?

Response

Front line services are services which are delivered directly to or for the council's customers – that is: citizens of all ages, visitors and businesses. These services include (among many others) benefits, housing, planning/development control, registration, social services, schools and education, leisure, road repairs, libraries, waste collection and recycling, parking, licensing, and libraries. Services such as ICT, human resources, procurement or finance, while essential for front line service delivery, are support services.

Question 2 to Councillor John Thomson

Could you please give reasons for the inordinately long delays in finalising the tender documents for the Help at Home contract?

Response

The tendering process for these services commenced on September 23rd when expressions of interest were invited. Pre-qualification questionnaires were returned and evaluated by January 15th. Bidders days were held in February, March, and two in April with the Invitation to Tender being issued on April 21st.

This is an extremely complex procurement that has necessitated a completely new approach to the commissioning of care and support services. We are not aware of any similar procurement having been undertaken either regionally or nationally. Throughout the tender process which has been lengthy, regular meetings have taken place with prospective providers to ensure they are able to inform and influence the final documents. This has resulted in a suite of Invitation to Tender documents which are detailed, informed by providers, customers and commissioners, and which reflect an approach to their development that is consultative. Throughout the process prospective providers have been fully informed of the tender timetable.

The net result of this work will be a new integrated care and support service that will be focused on meeting the needs of customers and which will be available to the whole population of Wiltshire. Alongside this care and support service the Council will be commissioning an out of hours response service and a new equipment and practical help in the home service. As a result of these services it is expected that more people will be able to remain in their home of choice because they will be able to access a range of services that will assist them to do this.

Question 3 to Councillor John Noeken

Are you entirely certain that your IT department has now stabilised and is operating at an acceptable level given the missed target deadlines and the increased costs particularly in respect of the Disaster Recovery program that is still under performing some 4 years after its commencement?

Response

As the Cabinet member with responsibility I spend a fair amount of time with staff from all levels of the ICT Team. Over the past six months I have witnessed at first hand the significant improvement in delivery achieved by the staff within ICT. As members may be aware, we have recently been featured as a case study by Microsoft and across the board feedback on the improvements to the service in recent months have been consistently positive. At the time of the in source from Steria, we briefed members of scrutiny that performance was likely to dip before recovering, to the great credit of the team involved performance has actually improved. As with all services, some target deadlines have occasionally been missed but I am proud of the significant overall improvement made and the ability of the ICT team to do this within ever tightening budgets. We regularly update our Disaster Recovery plans and I understand that ICT Managers have already agreed to update scrutiny on our business continuity and disaster recovery plans and approach.

Question 4 to Councillor John Noeken

Do you believe that morale in your IT department is high and are you aware of accusations of “bullying” from middle management towards subordinates?

Response

I am most certainly aware of an accusation of “Bullying” that was raised by an anonymous person on the 15th March 2011. This claim was unsubstantiated, and no further claims have been received since then. This council does not tolerate any such alleged behaviour. Like all good organisations, we have confidential systems and procedures with a robust whistle blowing procedure in place designed to protect people who wish to raise concerns. You also specifically mention morale in the IT Department. I know from my own personal involvement in that area that morale is good; an area which has achieved so much, particularly in the last twelve months with colleagues who are passionate about their progress and their vital contribution to the council and its systems.

Question 5 to Leader

Are you still of the opinion that a zero percentage rise in Council Tax can be achieved for financial year 2012 – 2013?

Response

At this stage we have recently set out a four year Financial Plan to deliver our Business Plan. That sets out the aspiration for a no rise in Council Tax in 2012-13. We have made no departures from that. We will continue to review our funding and cost base throughout 2011-12 and identify and review all options to continually improve services and make efficiencies to deliver a balanced budget.

Question 6 to Councillor Toby Sturgis

If you really want to achieve harmonisation across the Council, when are you going to open the Refuse Collection contract for tender across the whole County and not just in West Wiltshire?

Response

The waste collection contract for west Wiltshire ends in 2014. During 2011-12 we will carry out a fundamental review of our waste management services. This will result in the production of a specification for future service delivery and will inform whether collection services will be provided directly by the council, by a single private sector company or a combination of service providers.

Question 7 to Councillor John Brady

If you really want to achieve harmonisation across the Council, when are you going to ballot the tenants in the former Salisbury District Council Area to ascertain their view as to moving to Housing Association control of the housing stock?

Response

Wiltshire council has a strong commitment to ensuring that our tenants receive a very good quality landlord service and that we work to deliver the aspirations of our tenants.

There have been two previous ballots of all council housing tenants on the question of transferring the stock to a housing association. These were both conducted by Salisbury District Council and on each occasion the proposal was firmly rejected by tenants. The most recent ballot was conducted in 2006 following an option appraisal that led the council and tenant representatives to believe that there were considerable benefits to be delivered through stock transfer. After a thorough consultation all tenants were able to vote in a ballot and over 70% of those voting registered their opposition to stock transfer.

Since the stock has been the responsibility of Wiltshire Council it has been very evident that there has been no desire on the part of our tenants to transfer to a housing association and the council has been keen to reassure tenants that we have no desire to go through a very costly consultation and ballot that would very likely produce the same result. Furthermore the change in the financing of council housing as provided for in the Localism Bill effectively removes the financial advantages of transferring to a housing association and indeed appears to offer a much improved opportunity for investment in our stock.

We know that the tenants have expressed their clear preference to stay as council tenants and so we are now committed to an ambitious programme of improvement to provide a landlord service that is amongst the top performing local authority landlords.

Question 8 to Councillor Dick Tonge

Are you entirely happy that your review of car parking charges last winter was entirely unequivocal?

Response

I am happy that the review was conducted in a professional, open and transparent manner and was subject to a high degree of public and councillor scrutiny.

In summary;

An initial report on the proposed approach to reviewing the Local Transport Plan (LTP) parking plan was presented to the Environment Select Committee on 12 January 2010; the resolution of this committee was taken on board in the subsequent review undertaken by the Council's term consultant, Mouchel.

Public consultation on Mouchel's reports was carried out from 12 July to 3 September 2010. In total, 570 people and organisations responded through the consultation web portal or by completing questionnaires and submitting letters, making 4,582 comments. A number of letters were also received from Parish and Town Councils, and Chambers of Commerce. In addition, a petition and survey were organised by Amesbury Community Partnership and Mere and District Chamber of Trade respectively.

While a number of respondents did comment on the nature and length of the consultation document, the subject matter and the breadth of the intended audience necessitated that the document covered the full gamut of parking matters in adequate detail. Overall, the consultation was undertaken in conformity with the Council's consultation strategy and was based on the principles set out in the Wiltshire Local Development Framework (LDF) Statement of Community Involvement. As required by government guidance and internal procedures, the review was also subject to an equality impact assessment.

Feedback on the consultation findings was presented to the Area Boards between 22 September and 23 November.

The Environment Select Committee considered the review at its meeting on 2 November and then again on 21 December. The LTP3 Car Parking Strategy was considered and approved by the Council's Cabinet on 14 December - the officer's report shows how respondents' comments were considered in producing the final strategy document. Full Council then debated and approved the strategy at its meeting on 22 February 2011.

In terms of the review itself, this sought, amongst other things, to deal with a general lack of consistency in parking charges, standards and management in Wiltshire as a result of having four former district councils. An important part in achieving a more consistent approach was the introduction of the concept of four spatial bands which was based on the hierarchy in the emerging Local Development Framework (which considers the role and function of towns, and their level of facilities and services), population levels, the availability of sustainable transport alternatives and operational parking issues. The majority of respondents to the consultation supported the concept of spatial bands.

The process outlined above clearly demonstrates that the review of the LTP parking plan was open, transparent and subject to a high degree of public and councillor scrutiny. And, by adopting the four spatial bands, the management of parking in Wiltshire's towns is now more consistent and fairer.

Question 9 to Councillor Fleur de Rhe Philipe

How are you getting on with reclaiming the lost money from Icelandic Banks? How much is still outstanding? How would you use the money if it were to come back tomorrow?

Response

The Council has outstanding deposits with two Icelandic banks (Heritable and Landsbanki) and (since July 2009) has received a number of repayments from the administrators of Heritable, amounting to over £5 million, which equates to about 56% of the original investment (£9 million).

Due to ongoing litigation proceedings, no repayments have been received from the administrators of Landsbanki (original investment of £3 million). Repayments should commence later in the year, but will depend on the outcome of an appeal lodged with the Icelandic Supreme Court relating to the decision of the Reykjavik District Court that local authorities do have priority status. The Council is liaising with the Local Government Association and legal representatives who are confident that the decision will be upheld on appeal.

Of the £12 million invested, this leaves just under £7 million outstanding. It is unlikely that the Council will recover the whole amount, however, based on the latest

information, indications are that we should recover at least 80% of the original investment.

Placing investments (and, depending on the cash position, taking out short term loans) forms part of the day to day treasury (cash) management process. Cash received (recovered) from the repayment of outstanding investments is returned to this process to fund immediate cash requirements or re-invested pending future cash requirements.

Questions From Councillor Ernie Clark
Hilperton Division

Question 1 to Leader

What progress is being made to recover the 'non-pensionable honoraria' awarded either for doing additional work or 'acting up' at Kennet District Council? Has any money actually been recovered yet?

Response

We are pursuing recovery however recovery is being contested. It would be inappropriate to comment further.

Question 2 to Leader (amended since original submission)

The pay-bands of the Chief Executive and Chief Officers (2nd tier and above) are now available on the WC website. Will the Leader advise how many officers in tier 2 or above received a pay rise in the last twelve months?

Response

The pay scales of all employees of Wiltshire Council are increased annually in line with the nationally agreed pay award. **However there has been no nationally agreed pay award for 1st and 2nd tier officers (including the Chief Executive) and all other HAY graded senior managers since April 2008, and for other employees there has been no pay award since April 2009.** In addition to the nationally agreed pay award all employees subject to the terms and conditions negotiated by the national joint council or the joint negotiating committee for Chief Officers or Chief Executives are subject to incremental progression within the salary range for their post up to a maximum. For most employees there are four incremental salary points, and this is the case for all 1st and 2nd tier officers. Incremental progression takes place in April each year, and is a contractual entitlement. For 1st and 2nd tier officers progression is subject to performance. In April this year 11 1st and 2nd tier officers received an increment out of a possible 25, as a majority are already at the top of their salary band and therefore have had no incremental pay increase this year or pay award since 2008. There have been no other pay rises, other than for promotion, in the last 12 months.

Question 3 to Leader

Publically available information shows that the Chief Executive of this authority claimed £1,292.80 expenses for February this year. Can a breakdown of this figure please be given.

Response

The following provides a breakdown of the Chief Executive's expenses claimed in respect of February 2011:

£1,200	-	Accommodation costs of £600 per month (as per agreed relocation package – figure relates to costs for February and March)
£ 92.80	-	Travel and subsistence

Question 4 to Leader

The Local Government Group states, for officers in tier 2 or above, that

'Data on individuals.

10. Data to be published for each individual includes Organisation Name, Body (organisational identifier), Individual's Name (subject to consent), Job title, Service Area, Full-Time Equivalent, FTE Pay band for disclosure – this will be shown in £5,000 bands...'

However, this authority has chosen to ignore the £5k banding and, instead, publishes the whole salary band for each officer. Why is WC choosing to do this? Who made the decision to do so?

The whole idea was that the public had an approximate idea of what senior officers earn. Showing the whole spread of the pay scale seems to be an obvious attempt to thwart the wishes of Parliament. However, I am pleased to see that our senior officers have consented to their name being shown together with their job title and commend them for their openness.'

Response

The government has pledged greater transparency across the public sector through publishing data to strengthen accountability to citizens. The government has committed to publishing certain information on salaries, spending and contracts by January 2011. Guidance on this is available on the LGA website, and was revised in November 2010. This guidance outlines definitions of senior managers, i.e. those at first and second tier, and the requirement for us to publish senior salary information. The guidance provides a frame of reference for the main areas to consider and includes the provision of individual data on all senior employees earning more than

£150,000 by job title and name and individual data on all senior employees' earnings between £50,000 and £150,000 by job title only.

The Information Commissioners Office (ICO) has provided further guidance on how to disclose this information. This guidance emphasises the importance of looking at each individual case, but advocates routine disclosure of salary scales. It recommends disclosure only 'to the extent necessary to fulfil a legitimate public interest'. One way of doing this would be to disclose salary scales to the nearest £5,000, and this is the approach taken by the council initially. However when the salaries of the Chief Executive, Corporate and Service Directors were first published a number of queries were raised. The information was causing some confusion as it did not disclose actual salaries. In some cases the salary bands were exaggerating the actual salary for that employee. To provide clearer information about the salaries of senior managers, which goes beyond the guidance provided, the decision was taken by the Service Director HR & OD, in conjunction with the Governance team, to publish the actual salary range for each post. Permission to do this was sought from each senior manager, in line with the ICO guidance.

Question From Councillor Mark Packard
Chippenham Pewsham Division

Question 1 to Leader

- a. What was the structure and number of staff in Internal Audit in January 2011? Which posts have now been declared redundant?
- b. What was the cost of the internal audit team as of January 2011?
- c. Who took the decision that the head of Internal Audit should be declared redundant?
- d. What alternative arrangements were in place when the decision was taken to make the Head of internal Audit redundant?
- e. What are the implications of this redundancy decision for the Council's options for providing and managing Internal Audit?
- f. What are the implications for public and staff confidence in the internal audit process of selecting the post of team leader for redundancy?

Response

- a. The structure has been revised with the removal of 2 of the original 5 FTE Principal Auditor posts, and therefore the team reduced from 18 – 16. Note that these are not all FTE posts and that 1.4 posts are occupied by part time staff i.e. FTE equivalent was 16.6 posts and is now 14.6.
- b. £720k to be £680k.

- c. S.151 Officer in consultation with HR and Corporate Director of Resources.
- d. This is explained in the report to Audit Committee 13.5.11 in background.
- e. This is explained in the report to Audit Committee 13.5.11 in background.
- f. No different from other parts of the organisation. The Council remains committed to an excellent IA function and is exploring all options to ensure that not for just now but coming years.

Question From Councillor Chris Caswill
Chippenham Monkton Division

Question 1 to Councillor Fleur de Rhe-Philippe

- a. Please list the Council activities audited by the Internal Audit team since the Council was established
- b. On what percentage of these audits were High Risks identified, and what was the total number of identified High Risks in the completed audits?
- c. On what percentage of the identified High and Medium risks was management action declined?
- d. Which of these audits have been considered in retrospect to have been unnecessary?

Response

- a. The Council's audit plans, IA Progress Reports and IA Annual Report set out the detailed coverage of IA in the last few years. These are available to all members and have been through Audit Committee. It is not proposed to list all completed audits here as there are so many, but the Section 151 Officer and I would be happy to discuss this with Councillor Caswill.
- b. In 2009-10 Internal Audit reported on the outcomes of 25 individual audits. 20 of these audits (80%) identified high risks, a total of 58 high risks in all. In 2010-11, up to and including the Progress Report to the Audit Committee on 23rd March, we reported on 29 individual audits, of which 16 (55%) identified high risks, a total of 43 high risks in all.
- c. Before audit reports are finalised, Internal Audit agrees with management the actions to be taken to address all high and medium risks identified by the audit, therefore in none of these cases do we have management actions declined.
- d. No audits have been deemed unnecessary.

Question 2 to Councillor Fleur de Rhe-Philippe

Does this Administration accept and work within the guidance on internal audit provided by the Chartered Institute of Public Finance and Accountancy (CIPFA)?

Which of the nine “Core HIA responsibilities” identified by CIPFA does the Council leadership now consider to be redundant?

Response

The Cabinet have asked Officers to look at alternative options to deliver an excellent Internal Audit function that includes delivering the CIPFA Code in all aspects. We feel the report considered by the Audit Committee addresses that.

None of the Core HIA Responsibilities identified by CIPFA are therefore considered redundant.

Question From Councillor Russell Hawker Westbury West Division

Question 1 to Leader

I refer to my questions to full council on 22nd February this year, which were all entirely dodged by the brief answer given that “*the chief executive has instigated a review of the process followed*” in this matter and that “*the outcome of the review will be reported to Cabinet at the earliest opportunity.*”

My questions did not just relate to “the process followed”, but also related to many other issues, such as the correct or legally-required process and the steps taken by individuals, including John Thomson and other cabinet members.

Can you please confirm that all my questions will be properly answered either in the report from the chief executive (which I understand is now expected to go to the cabinet meeting in June) or, if there needs to be separate answers for my questions not dealt with in the chief executive’s report, that they will be properly and promptly answered by you or one of your colleagues or - for the purely technical legal issues perhaps - by a well-suited, impartial and properly qualified officer like Ian Gibbons?

I remind you of the full extent of my previous questions on 22nd February 2011, as follows:

I refer to the Confidential "Complaint Investigation Report" dated 31st August 2010 which was circulated to members by email on 11 February this year and which purports to exercise power to judge whether an alleged racist comment is actually racist.

Exactly what Law (specifying, please, the precise legislation and/or regulations and/or statutory guidance, including clause numbers and quoting the parts that apply

in this matter, or common law, including citation and basic decision summaries and principles that apply) applied or applies to the council in relation to racial equality in public meetings of the council and / or partners?

Where exactly in any of the Law does it say that a comment is racist just because someone asserts that it is - or any basis looking anything like this? What does it say?

Where exactly in any of the Law does it say that the usual common law test of "reasonableness" cannot be used at the discretion of any tribunal or judge in assessing the meaning of words in Law and whether a comment reasonably means what the complainant thinks and alleges?

What powers and authority did the "Investigator" have to carry out an investigation and also judge what is relevant and choose what is fact or not and then also decide and state a determination of the allegations in the report (ie. one person acting as in-house investigator, jury and judge), stating exactly who gave the investigator these powers and why?

What tribunal or judicial decisions exist that show that the phrase "jungle drums" is racist?

Why does the Investigation report not bother to explain any relevant law (ie. no reference to legislation or caselaw)?

Why does the report not bother to explain how the comment is believed to breach the law?

Why does the report not bother to explain the powers of the investigator or where any powers come from?

Why would anyone receiving such a report be expected to think it actually has any status in law or be legitimate or be part of any competent activity of the council or deserves to be treated with anything but concern for its obvious and astonishing shortcomings?

Which members of the cabinet were involved in this matter? At what stage did they know the contents of the report and were they required by the constitution of the council or Law to decide on how to proceed with the matter (please specify who, dates and what was decided)? Did any cabinet member approve the report (who and when)? Which staff were involved in approving the report and actions that followed?

What legal advice was given by any properly qualified legal staff in this matter at any stage (why and to who and when, by whom, stating the qualifications of the staff)?

Do you accept that there should be a better way of handling trivial complaints and have you identified what legal possibilities exist? When will a lawful but common sense approach to trivial complaints be implemented, and how?

Response

The report has not yet been finalised, and it would be inappropriate to pre-empt it by responding to these questions at this stage. However, the report should address most of the issues that have been raised by these questions.

Question From Councillor David Jenkins Westbury North Division

Question 1 to Councillor Toby Sturgis

- a. What are the chances that Wiltshire Council will start to charge residents for disposal of household rubbish at Household Recycling Centres?
- b. Will the fact that Westbury has a number of existing waste sites (at least two) have any influence on the selection of additional waste sites as detailed in the "Proposed Draft Waste Site Allocations Development Plan Document dated June 2011" in the Westbury area?
- c. I would also like to know when the work on the MBT (Mechanical Biological Treatment Plant) will start and be ready for use?

Response

- a. At present, we have no plans to charge residents for disposal of household rubbish at Household Recycling Centres.
- b. The fact that Westbury is currently home existing waste facilities does not, and arguably should not, have a bearing on the decision to allocate additional sites for potential waste uses around the town. The adopted Waste Core Strategy identifies existing industrial estates and existing / former waste sites as being **potentially suitable in principle** for the allocation of new facilities. Westbury offers a range of opportunities to explore the development of new waste facilities, but an allocation in a draft plan does not necessarily equate to a particular site being developed for waste uses. That will be a factor for the market to consider, but it should be borne in mind that the council is obliged by national / European policy and legislation to ensure that it has identified and allocated a flexible range of sites to address current and longer-term waste arisings.
- c. Work is scheduled to commence in August 2011. The facility is expected to be operational by late Summer 2013.

Question 2 to Leader

How many cases of fraud and theft have been identified by internal Audit activities since the formation of Wiltshire Council?

Response

Internal Audit has carried out six investigations into cases where offences have been confirmed, the total value of these cases amounting to some £33,000. In addition we have also investigated one case where police enquiries are still in progress, and which is thought to be worth around £20,000. All of these cases were referred to us from other sources, and so were not identified in the first instance by our own activities.

Question From Councillor Helen Osborn Trowbridge Lambrok Division

Question 1 to Leader

There is much talk in Trowbridge that the Chief Executive of this Council has, or is about to, increase his salary to over £200,000. Could the Administration please publicly state that this is not true?

Furthermore, could the Administration also consider following Eric Pickles' advice and reduce the Chief Executive's salary to the level of the Prime Minister's?

Response

No, the current salary range for the chief executive is £171,000 to £189,000. This salary range is based on market information about the median pay rates for the same or similar jobs in other councils and public sector organisations.

In terms of the comments by Eric Pickles about reducing the chief executive's salary to the level of the Prime Minister's, this is not an action being considered.

Question 2 to Councillor Toby Sturgis

Over a year ago I tabled a question to this Council on the delegation of services and assets from Wiltshire Council to Trowbridge Town Council. At that meeting I received what might at best be termed a holding response.

Last week I spoke with the Trowbridge Town Clerk and was informed that there has been no real progress - just fine words, but no action or meaningful proposals.

Please can I today have more than a holding response?
When will this Council transfer services and assets to Trowbridge Town Council?

A definite time line for negotiations would be a start.

Response

I spoke to the Trowbridge Town Clerk on Thursday 12th May to establish the status of delegation in Trowbridge.

Two possibilities have been discussed in detail;

Trowbridge Park – there is a complication with an existing contractor for grounds maintenance, the contract covers other parts of the Town and elsewhere. Novation of a contract partially and part way through its term is hazardous for all parties. It is unclear whether the best route is to go ahead with the transfer or wait until the grounds maintenance contract comes up for renewal. It is most likely that the lower risk route will be preferred and that the delegation will be delayed.

Allotments – the principle has been agreed and is with property to finalise the legal arrangements.

I am always available to address such issues should Councillor Osborn choose to contact me.

Question From Councillor Jon Hubbard Melksham South Division

Question 1 to Councillor Fleur de Rhe-Philippe

- a. Given that the Audit Committee's terms of reference include approval for the strategy for internal audit, will s/he explain to Council why the Audit Committee was not in any way involved in the decision to make the post of Head of Internal Audit redundant?
- b. Why was it decided not to even provide a paper on this to the Audit Committee but rather to allow the information to come out casually in remarks by officers? Who took the decision not to provide the Committee with a paper on this?
- c. Why is the matter of the provision of Internal Audit now scheduled to be addressed by the Audit Committee in secret? What is the Council trying to hide from the public?

Response

- a. The Audit Committee has approved the Strategy. Matters of personnel are reserved to the Head of Paid Service.
- b. A paper has been provided to Audit Committee and always was to be as agreed at the behest of the Chair of the Committee, Portfolio Holder and Leader.

- c. As the report sets out details of posts and costs that could be subject to a tender process or partnership. It is considered that this matter should be taken under Part II and be dealt with in closed session for commercial sensitivity – no other reason.

Question 2 to Councillor Lionel Grundy

- a. There have been repeated delays in issuing the consultation document for the future provision of Youth Services in the county and the possibility of transferring the delivery of these services to a new Mutual. Could the cabinet member reassure me that once the consultation documents are finally released and the three month consultation period has taken place that there will be adequate time to properly provision any new service before it goes live.
- b. What role will young people play in the consultation process?

Response

- a. The draft 13 to 19 Commissioning Strategy is being issued for consultation on the 13th May. The strategy includes suggestions for the future of youth work services in Wiltshire. The Youth Strategy Group is leading on the development of the strategy and has been attempting to build consensus on the way forward. Young people and representatives from key agencies who work with young people have been involved in developing the draft. This has taken time but is good practice.

A decision was taken to delay issuing the draft to ensure that the document reflects the work which has taken place. It also allowed time to ensure the draft reflected latest Government policy. This is not a problem as allowance for slippage was built into the timetable.

The final 13 to 19 strategy along with a report detailing future plans for youth work services will be presented to Cabinet on 16th September. This allows sufficient time to implement any changes to take effect from 1st April 2012.

- b. Young people have been involved in developing the 13 to 19 Commissioning Strategy right from the start. A representative from Wiltshire Assembly of Youth is a member of the Youth Strategy Group. On 24th February 38 young people attended a consultation event. The draft strategy includes a section on young people's views. Further events will take place during the 3 month consultation period including focus groups of young people in each community area.

Question 3 to Leader

Conservative run Southampton Council have introduced a scheme almost identical to the one proposed by the Liberal Democrat group in February for providing council tax relief for Police Specials

(<http://news.bbc.co.uk/1/hi/england/hampshire/7898651.stm>). Does the leader still believe the scheme proposed by the Liberal Democrats in Wiltshire to be unimplementable and unfair, and if so does she think that her Conservative colleagues in Southampton have got it wrong?

Response

The scheme is an unusual one but any additional relief means a reduction in the council's tax base and its ability to raise the same level of income. For example around 60,000 residents in Wiltshire currently claim a 25% reduction in council tax which equates to a £22 million reduction in collectable income. Everyone has to pay more as a result of the award of any discount, relief or exemption.

Wiltshire is unlike Southampton in the way that it calculates the council tax due. Southampton, being a city council does not have to collect a precept in respect of the 256 parish and town councils we have in Wiltshire. The impact of offering additional relief, discount or exemption impacts not just Wiltshire Council's ability to raise the funds it needs but every parish where an additional exemption is awarded. The calculation of council tax including parish precepts is so sensitive that any new or additional relief granted would mean an increase in the council tax that the rest of the community has to pay, and specifically in towns or parishes where 'specials' would claim their relief.

Southampton do not have parishes or town councils to consider and so the cost of the relief would be borne fairly and equally amongst all its residents.

Wiltshire Council is committed to keeping council tax levels at their current levels offering stability for all its residents, many of whom already carry out a variety of voluntary and community work, particularly at parish level. Wiltshire has many different public services within the County and therefore to identify one specific service over another without justification for such a scheme could lead to arguments of favouritism. To fund them all would be considerable and add to the pressure of funding without increasing Council Tax. In this instance Wiltshire will not be following Southampton's approach.

Question From Councillor Peter Colmer Cricklade, Latton And Marston Meysey Division

Question 1 to Councillor Dick Tonge

- a. How many claims (number & value) have Wiltshire Council received in the financial year ending 31st March 2011 for pothole related damage, and how many of those claims have been paid?

- b. What are the comparative figures for the financial year ending 31st March 2010?

Response

- a. For incidents between 01/04/10-31/03/11 we have so far received claims that relate to highway pothole damage:

Total claims – 360 of which settled are 87; settled – no cost are 123 and compensation paid £26456.00

- b. For incidents between 01/04/09 – 31/03/10 we have so far received claims that relate to highway pothole damage:

Total claims – 698 of which settled are 245; settled – no cost are 413 and compensation paid £108214.80.

Question 2 to Councillor John Brady

- a. How many empty properties are there in Wiltshire as at 31st March 2011 as compared to 31st March 2010?
- b. Can you quantify the success of the empty housing team in resolving properties that have been empty in the past year?
- c. What are the comparative figures on the 'Homes for Wiltshire' register by band as at 31st March 2011 as compared to 31st March 2010 and compared to 31st March 2009?

Response

- a. In March 2010 we had a total of 5,525 vacant properties across Wiltshire compared to 5,446 in March 2011.
- b. One of the responsibilities of the strategic housing team is to try and bring back to use empty properties within Wiltshire. As at 31st March 2011 we had a total of 5,446 empty homes in Wiltshire which is a reduction from last year and equates to around 2.7% of our total stock. This is significantly better than the national average which is 4.1%. We mainly focus our attention on long term empty homes, which are those properties that are empty for a period of 6 months or more. In March 2010 we had a total of 2,026 long term empty homes, which has reduced to 1,754 being vacant in March 2011.

As part of our responsibilities in trying to bring back to use empty homes we have made contact with all empty home owners to try and encourage them to bring them back into use and we are also actively working with housing options to make best use of the private sector to maximise the opportunities for households who are threatened with homelessness through the Wilts Let

scheme. This year through our actions we have brought back to use a total of 342 properties.

This year we completed an empty homes survey which was sent to all Parish and Town Councils in September 2010. The main purpose of the survey was to identify any issues related to empty homes that are affecting local communities. We only received 28 responses and very few had highlighted any major issues associated with empty homes, but we would encourage any parish or town council to make contact with us if they have any issues associated with empty homes.

- c. Homes4Wiltshire was launched in April 2009 with a total of 6953 on the housing register. This was a significant reduction from the 14,784 households registered between the four previous district council's in March 2009. Since April 2009 we have noticed a steady increase in the amount of households that have registered with Homes4Wiltshire.

Below shows a breakdown of the register between the current five bands in both April 2010 and our most recent breakdown in April 2011.

April 2010 Band	April 2010 Households
Platinum	227
Gold plus	203
Gold	2,209
Silver	3,048
Bronze	4,987
Total	10,654

April 2011 Band	April 2011 Households
Platinum	187
Gold plus	435
Gold	2,864
Silver	4,105
Bronze	6,209
Total	13,800

EASTERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING
HELD ON 21 APRIL 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES,
BROWFORT, DEVIZES.**

Present:

Cllr Peter Colmer (Substitute), Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman),
Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Laura Mayes, Cllr Jemima Milton,
Cllr Jeffrey Ody (Substitute) and Cllr Christopher Williams

Also Present:

Cllr Brigadier Robert Hall

129. Apologies for Absence

Apologies were received from Cllr Jane Burton, substituted by Cllr Jeff Ody, and
Cllr Peggy Dow, substituted by Cllr Peter Colmer.

130. Minutes of the Previous Meeting

The minutes of the meeting held 31 March 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

131. Declarations of Interest

Councillor Laura Mayes declared a personal interest in application refs.
E/10/1562/FUL and E/10/1563/LBC, Yew Tree Cottage, Huish, Marlborough,
owing to her knowing the architect to the applicant, Mr Alex Oliver.

132. Chairman's Announcements

The Chairman announced that the next meeting of the Eastern Area Planning Committee, scheduled to be held on 12 May 2011, had been cancelled due to lack of business.

133. Public Participation

The Committee noted the rules on public participation and the manner in which the meeting would proceed.

134. Planning Applications

135. E/10/1632/FUL

This item was withdrawn, due to outstanding issues in respect of the Economic Impact Assessment of loss of Ivy House Hotel in Marlborough, found at Appendix 1 to the officer report in the agenda pack. Date of consideration of this item to be confirmed.

136. E/11/0174/FUL

Fairview, Uphill, Urchfont, Devizes, Wilts SN10 4SB – Proposed double garage with garden and log store and PV panels on roof.

The following people spoke against the proposal:

Mr David Stirling, agent for the immediate neighbour to the site.

Mr Adrian Flook, immediate neighbour to the site.

Mr Simon Holt, of Urchfont Parish Council.

The following people spoke in favour of the proposal:

Mr Benjamin Richards, agent.

Mr Keith Ewart, applicant.

The Committee receive a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval, and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

In the discussion that followed, Members noted that the proposal was little different from that included in the previous application for a house extension and new detached garage, in respect of which they had asked that the garage be removed from that proposal before permission was granted for the house extension. It was suggested that the garage was large, un-neighbourly, intrusive and would have an unreasonable adverse impact on the neighbouring property at Gaddon House, which is at a lower level and has windows facing towards the proposed garage. It was suggested that there was room on the site for it to be sited further away from the neighbouring property where the impact would be

reduced, and that moving it 0.5 metre from its previous proposed position whilst keeping the design the same was insufficient to alleviate the adverse impact. The question was raised as to why the store attached to the garage could not be sited at the other end of the structure.

Following this discussion it was,

Resolved

To refuse planning permission for the following reason:

The proposed building would have an adverse impact on the amenity of the adjacent dwelling at Gaddon House due to its size, design and un-neighbourly proximity to the windows at the rear of Gaddon House. The proposal is therefore contrary to policy PD1 of the Kennet Local Plan 2011.

137. E/10/1562/FUL

Yew Tree Cottage, Huish, Marlborough, Wilts SN8 4JN – Demolish the existing lean-to extensions to the rear of nos. 1 and 2 and replace with new symmetrical brick extensions (resubmission of E/10/0342/FUL).

The following people spoke in favour of the proposal:

Mr Jack Torrens, of Huish Parish Council.

Mr Alex Oliver, architect.

Mr James Roberts, the property owner.

The Committee received a presentation from the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended refusal, and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

After discussion regarding:

- The impact of the proposed structure on the character and appearance of the listed building,

And upon hearing the views of the divisional Member, Cllr Brig. Robert Hall, it was,

Resolved:

To grant planning permission for the following reason:

The proposed extension will not have an adverse impact on the character and appearance of the listed building, due to its sympathetic design, location at the rear of the building, leaving the front unaffected and the benefit of removing the poor quality existing rear extension. The proposal therefore accords with policy PD1 of the Kennet Local Plan and to central government planning policy set out in PPS5.

And subject to the following conditions:

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plans ref. PL04A, PL05B and PL010, all received 18/11/10.

138. E/10/1563/LBC

Yew Tree Cottage, Huish, Marlborough, Wilts SN8 4JN – Demolish the existing lean-to extensions to the rear of no's 1 and 2 and replace with new symmetrical brick extensions. Minor alterations to the cottage interiors (resubmission of E/10/0343/LBC).

The Committee received an introduction to the application from the Area Development Manager, noting that the Committee had approved the application for planning permission for the proposed alterations on the grounds that they would not have an unacceptable impact on the listed building.

After a short discussion regarding this information and the impact of the proposal upon the character and appearance of the listed building, it was,

Resolved:

To grant listed building consent for the following reason:

The proposed extension will not have an adverse impact on the character and appearance of the listed building, due to its sympathetic design, location at the rear of the building, leaving the front unaffected and the benefit of removing the poor quality existing rear extension.

And subject to the following conditions:

- 1. The works for which listed building consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

REASON:

To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2. Before the development hereby approved is commenced, samples of the bricks and natural slate to be used for the external walls and roofs shall 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:

In the interests of the character and appearance of the building.

- 3. Before the development hereby approved is commenced, large scale joinery details for all new windows and external doors shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

REASON:

In the interests of the character and appearance of the building.

- 4. Before the development hereby approved is commenced, details of any new flues and vents shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

REASON:

In the interests of the character and appearance of the building.

- 5. Before the development hereby approved is commenced, structural details of the works to the roof and the cutting in and support of the existing and new roof structures shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include how the thatch will be made good. Development shall be carried out in accordance with the approved details.**

REASON:

In the interests of the character and appearance of the building.

6. The rooflights to be inserted in the development hereby permitted shall be of the "conservation" type, fitted flush to the roof.

REASON:

In the interests of the character and appearance of the building.

7. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plans ref. PL04A, PL05B and PL010, all received 18/11/10.

139. **Urgent items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.15 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services, direct line (01225) 713058, e-mail chris.marsh@wiltshire.gov.uk

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 MAY 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne, Cllr Stephen Petty, Cllr Pip Ridout (Substitute) and Cllr Jonathon Seed

Also Present:

Cllr Trevor Carbin, Cllr Linda Conley, Cllr David Jenkins, Cllr Francis Morland, Cllr Helen Osborn and Cllr Jeff Osborn

40 Apologies for Absence

Apologies for absence were received from Councillor Roy While (substituted by Councillor Pip Ridout).

Councillor Julie Swabey, although not a member of the Committee, asked for her apologies to be recorded as she had called in an application on the agenda for this meeting but was unable to attend the meeting, due to circumstances outside her control.

41 Minutes of the Previous Meeting

The minutes of the meeting held on 13 April 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 13 April 2011.

42 Declarations of Interest

W/11/00286/FUL - Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces - Land Adjoining 43 Crawley Crescent Trowbridge Wiltshire.

Councillors Peter Fuller and John Knight declared a personal interest as members of Trowbridge Town Council Development Committee. Councillors Peter Fuller and John Knight gave their assurance that they would consider the application with an open mind.

Councillor Graham Payne had been unable to attend the site visit for this application and therefore declared that he would neither speak nor vote on this item.

W/11/00590/FUL - Erection of single storey extension to south east elevation and two storey extension to east elevation - 18B Horse Road Hilperton Wiltshire BA14 7PE

Councillor Ernie Clark declared a personal interest as he had chaired the meeting of Hilperton Parish Council where this application had been discussed. Councillor Clark gave his assurance that he would consider the application with an open mind.

43 Chairman's Announcements

There were no Chairman's Announcements.

44 Public Participation

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

45 Planning Applications

The Committee considered the following applications:

45.a W/11/00286/FUL - Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces - Land Adjoining 43 Crawley Crescent Trowbridge Wiltshire

Public Participation:

- Mr Matthew Whiting spoke in objection to the application
- Mr Stuart Young spoke in objection to the application
- Mr Chris Sumner spoke in objection to the application
- Mr Richard Cosker, agent, spoke in support of the application

Councillor Helen Osborn, Unitary Member for Trowbridge Lambrok, spoke in objection to the application and urged the committee to take into account the impact on the character and appearance of the area, the loss of amenity to

residents at 22 and 24 Bridge Avenue and the negative impact on the adjoining alleyway from the tall blank wall.

Councillor Jeff Osborn, Unitary Member for Trowbridge Grove, spoke in objection to the application reinforcing the objections from Councillor Helen Osborn and asking the committee to consider issues including the changes in PPS3, density, local concern over the development and the changes to the local environment.

Officers introduced the report which sought approval and in doing so drew the committee's attention to the late list. Members of the committee commented on the usefulness of the site visit with regards to this application.

During the ensuing debate members of the committee could not be satisfied that the application would not constitute over development and have a detrimental effect on the character or the area and the street scene.

It was therefore

Resolved:

That planning permission be REFUSED

For the following reasons:

The proposal, by reason of its length, size, mass, form, siting and orientation would be an overdevelopment of the site that would be detrimental to the character of the area and the street scene contrary to policy C31a of the West Wiltshire District Plan. It would also have an adverse impact on the amenity, of neighbouring properties, contrary to policy C38 of the West Wiltshire District Plan.

PPS3 as revised in June 2010 removes these types of development from the classification as brown-field and therefore this is a material change since the original and now lapsed planning permission was approved.

45.b W/10/03406/FUL - Proposed erection of 117 dwelling houses, public open space and associated landscaping, highways and drainable infrastructure - Land At Hawkeridge Road And Slag Lane Westbury Wiltshire

Public Participation:

- Mr Bruce Evans spoke in objection to the application
- Mr Glenn Godwin, agent, spoke in support of the application

Councillor David Jenkins, Unitary Member for Warminster North, expressed his concerns over the application.

Councillor Francis Morland, Unitary Member for Southwick, also expressed his concerns.

Officers introduced the report which sought approval and in doing so drew the committee's attention to the late list.

During the ensuing debate members of the committee could not be satisfied that sufficient material considerations had been provided in order to depart from the Development Plan.

Resolved:

That planning permission be REFUSED

For the following reasons:

1. The site is not allocated for residential development in the Western Wiltshire District Plan and lies outside of the town policy limits defined for Westbury in the Plan. As such, residential development on this site would conflict with policy H1 of the Western Wiltshire District Plan that states that further housing development outside of the urban area, as defined by town policy limits, will not be permitted.
2. The residential development proposed on sites A & B as defined in the application would conflict with policy C41 of the Western Wiltshire District Plan that specifies that these sites should be redeveloped for light industrial and community facilities.
3. No material considerations of sufficient weight have been advanced to justify approving this application that conflicts with the adopted policies of the Development plan cited in reasons 1 and 2 above.

45.c W/11/00490/FUL - Construction of earth shelter dwelling - Land At Turleigh Farm Green Lane Turleigh Wiltshire

Public Participation:

- Dr Richard Hoffman spoke in objection to the application
- Mr Roger Berthoud spoke in objection to the application
- Mr Alvin Howard, architect, spoke in support of the application
- Mr Graham Jenkins, applicant, spoke in support of the application
- Mr Vincent Guowell spoke in support of the application

Councillor Linda Conley, Unitary Member for Winsley and Westwood, welcomed the opportunity for this unusual application to be considered at a public meeting.

Officers introduced the report which sought refusal and in doing so drew the committee's attention to the late list. During the ensuing debate members of the

committee generally expressed support for the project and its sustainable aims but felt that this was outweighed by the adversarial impact on the open country side as the site was located in the Green Belt, in an Area of Outstanding Natural Beauty and in a Conservation Area

Resolved:

That planning permission be REFUSED

For the following reasons:

1. The proposal by reason of its location in the green belt would be harmful by reason of inappropriateness and its intrusion into the openness of the green belt, contrary to Planning Policy Guidance 2: Green Belts.
2. The proposal by reason of its location in open countryside and without adequate justification is fundamentally unsustainable, contrary to Policy H19 of the West Wiltshire District Plan 1st Alteration (2004).
3. The proposal by reason of the change of use of a substantial area of land and the establishment of a dwelling in a visually prominent site with associated access and domestic paraphernalia would have an adverse impact on the appearance of the landscape of this part of the Area of Outstanding Natural Beauty and would conflict with policies C1 and C2 of the West Wiltshire District Plan 1st Alteration (2004).
4. The proposal by reason of its visual intrusion into the open and spacious rural character of the conservation area, and the change of use of a substantial area of land for the establishment of a dwelling with associated access, landscaping and domestic paraphernalia in a prominent position, would fail to preserve or enhance the open and spacious character and appearance of the conservation area contrary to policies C17 and C18 of the West Wiltshire District Plan 1st Alteration (2004).
5. The proposal by reason of the lack of evident investigation into the use of non-mains drainage and the inadequate information to ensure that groundwater sources are protected from the proposed means of foul water disposal, would be contrary to DETR Circular 03/99: Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development, Annex A, paragraphs 3, 4 and 6, and Policy U4 of the West Wiltshire District Plan 1st Alteration (2004).
6. The proposal by reason of the inadequate information submitted in order to assess the potential impact on protected species is contrary to Planning Policy Statement 9: Biodiversity and Geological Conservation and its accompanying ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system, paragraph 99.

45.d W/11/00167/FUL - Change of use to equestrian with agricultural / equestrian barn/stables - Land Adjacent East Side Of Hawkeridge Road Heywood Wiltshire

Public Participation:

- Mr Murray Jack spoke in objection to the application
- Mr Alan Watts expressed his objection to the application
- Mr Guy Dobbins, applicant, spoke in support of the application
- Mr Frank Brine spoke in support of the application

Officers introduced the report which sought approval. During the ensuing debate members of the committee, taking into consideration suggestions made by objectors, asked if different siting had been considered; it was explained that different options had been looked at but flooding issues and the fact that there were no objections from Environmental Health had led to the current siting being proposed.

Resolved:

That planning permission be GRANTED.

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be utilised within this development shall accord with the schedule of the materials as described within the submitted plan, number 10112-1 received by the Council on 21 January 2011.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C31A.

3. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no

time be used for any commercial purposes, including the keeping of horses at livery or as a riding school.

REASON: In the interests of amenity and road safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C38 and E10.

4. No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from the site (including frequency) have been submitted to and approved in writing by the local planning authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition and there shall be no burning of manure or stable waste on the site.

REASON: In order to safeguard the amenities of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policy C38.

5. Contaminated water shall not be discharged into any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: In order to minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policy U4.

6. The development hereby permitted shall not be commenced until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with these details.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

7. Before development commences, the field gate serving the access directly off the B3097 shall be set back by a distance of 10 metres and the surface of the access between the gate and the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) and shall incorporate surface water drainage works, details of which shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works.

REASON: In the interests of highway safety.

8. The development hereby permitted shall not be brought into use until visibility splays have been provided on both sides of the access off the B3097, sight lines of 2.4 metres by 160 metres shall be provided. The splays shall be kept free of obstruction above a height of 0.6 metres at all times.

REASON: In the interests of highway safety.

9. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- a full detailed planting schedule that includes all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed building, roads, and other works and details of ground preparation within all planting areas;
- means of enclosure;
- proposed and existing functional services above and below ground (eg. drainage, power, communications, cables, pipelines, etc indicating lines lines, manholes, supports etc;
- hard surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

10. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

11. The development hereby permitted shall be strictly carried out in accordance with the approved Flood Risk Assessment received by the Council on the 21 January 2011.

REASON: To reduce the risk of flooding.

12. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C35 and C38

Informative(s):

1. The Public Rights of Way Officer was consulted, who raised the following points:

The northern end of the path currently comes out on the B3907 next to a field gate, the access provision is currently a stile which the officer would like to see upgraded to a pedestrian gate or kissing gate. This route should be kept free of new structures, with no new fences being built across the line of the path, this could be achieved by having the right of way permanently fenced off. The officer further commented that the southern end of the site has a stile where the footpath splits in two, at which point a pedestrian gate or kissing gate would be ideally located, as there was clear evidence that this path is used daily.

It is suggested that the applicant contacts the rights of way officer Paul Millard on 07788445292 to discuss these requirements.

**45.e W/11/00590/FUL - Erection of single storey extension to south east elevation and two storey extension to east elevation - 18B Horse Road
Hilperton Wiltshire BA14 7PE**

Public Participation:

- Miss Lisa Hayward, applicant, spoke in support of the application.

Officers introduced the report which sought approval. Members of the committee were satisfied that the issues which had led to the application being called in had been subsequently addressed.

Resolved:

That planning permission be GRANTED.

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

3. This permission relates to the following plans and documents:

Site location and Block Plan – Received – 17.02.2011

Existing Plan and elevation – Received – 17.02.2011

Proposed floor plan – Received – 17.02.2011

Proposed front elevation – Received 01.04.2011

Proposed rear elevation – Received 01.04.2011

Proposed side elevation - Received 01.04.2011

Proposed side elevation - Received 01.04.2011

REASON: In order to define the terms of this permission.

46 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.50 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 5 MAY 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Richard Britton, Cllr Christopher Devine, Cllr Mary Douglas, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Ian West and Cllr Fred Westmoreland (Chairman)

Also Present:

Cllr Richard Clewer

54. Apologies for Absence

Apologies for absence were received from Cllr Brian Dalton.

55. Minutes

The minutes of the meeting held 14 April 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes subject to the addition of Cllr Mary Douglas under minute no.45, Apologies for Absence.

56. Declarations of Interest

Cllr Mary Douglas declared a personal interest in planning application S/2011/0046 – 151 – 161 and 169 Fisherton Street, Salisbury. She explained that her interest was a result of her active role in the local Christian community, but clarified she was not a member of the St.Paul's Parochial Church Council nor did she have any sort of role on any steering committee.

57. Chairman's Announcements

The Chairman explained the meeting procedure to the members of the public.

The Chairman added that further to the Councillors' request at the previous meeting a meeting for the committee members with the new Area Head of Planning Andrew Guest was in the process of being arranged. It would take place in advance of the next committee meeting.

58. **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

59. **Planning Appeals**

The committee received details of one forthcoming appeal as follows:

S/2010/1699 - Land Opposite Southview Cottage, Brook Hill, Donhead St. Andrew, Shaftesbury, SP7 9LG.

60. **Planning Applications**

60a **S/2011/0046 - 151-161 and 169 Fisherton Street, Salisbury SP2 7RP**

Public Participation:

Mr Andrew Robertson, spoke in support of the application.

Cllr Richard Clewer, the local member spoke to convey local residents' concerns regarding parking and some elements of the design (at least partially addressed), and expressed support of the plan as a whole.

The Planning Officer introduced the application and drew members' attention in particular to the conditions listed under point 11 of her report regarding glazing and the opening of windows on the proposed community centre.

A debate ensued wherein members of the committee discussed the potential community benefits of the scheme and regenerating effect it could have on the St. Paul's roundabout area, and also the situation regarding parking provision for this and other such inner-city developments.

It was

Resolved:

That the application be GRANTED, subject to the completion and agreement of a s106 legal agreement / a unilateral undertaking which provides contributions towards off site open space and educational facilities, for the following reasons:

The proposed development would not cause any significant demonstrable

harm to interests of acknowledged importance, in this case, the impact on the character of the area, amenities, highway safety/parking, contamination, protected species and open space/education requirements. The proposal is considered to be in accordance with the aims and objectives of the following saved policies in the Salisbury Local Plan namely:

G1 - Sustainable development
G2 – General
G9 – Planning obligations
C12 – Protected species
H8 - Housing Policy Boundary
D1 - Design
D2 – Design
CN5 – Development affecting the setting of a listed building
TR11 - Off street car parking
TR14 -Provision of cycle parking
R2 - Recreational open space
E16 –Employment

And subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) No development shall commence until details of the entry gate and traffic light signal system, including the locations of the installations, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the gates and traffic light signal system has been installed in accordance with the approved details and shall be serviced and maintained at all times thereafter.

Reason: To ensure that vehicles do not meet on the access ramp and prevent the need for vehicles to reverse onto the highway.

Policy: G2 (General)

(3) No development shall commence until details of the reinstatement of the footway to remove existing vehicle crossings, in accordance with Wiltshire Council footway specification, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the footway has been reinstated in accordance with the approved details.

Reason: In the interests of amenity and public safety.

Policy: G2 (general)

(4) No development shall commence until full large scale drawings and details (1:10 scale) of all architectural features including door and window surrounds, window heads/sills, windows, doors and rainwater goods have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: G2 (General), D2 (Design)

(5) No development shall commence until a schedule of external facing materials of the roof and walls (including, bricks and mortar colour) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: G2 (General), D2 (Design)

(6) No development shall commence on site until a sample wall panel for the side extension to the former school building, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

Reason: In the interests of visual amenity and the character and appearance of the area.

Policy: G2 (General), D2 (Design)

(7) No development shall commence until a noise pollution attenuation scheme for flats 6, 9, 10, 13 and 14 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the glazing specification to the flats, full details of the acoustic insulation and air ventilation systems. The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed flats facing onto St Pauls roundabout.

Policy: G2 (General)

(8) No development shall commence until full details of the acoustic insulation between flats 8, 9, 12 and 13 have been submitted to and approved in writing by the local planning authority. The flats shall not be occupied until the development has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed flats due to the arrangement of living accommodation within flats 8, 9, 12 and 13 where there is a conflict in adjacent room uses on the first and second floors.

Policy: G2 (General)

(9) No development shall commence until full details of the acoustic insulation between the community centre and adjoining Nos 157 and 163 Fisherton Street have been submitted to and approved in writing by the local planning authority. The community centre shall not be used until the development has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of adjacent residential units.

Policy: G2 (General)

(10) No development shall commence until a scheme for protecting the proposed residential units against noise from the underground car park and any associated extraction or ventilation equipment has been submitted to and approved by the Local Planning Authority.

The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed flats.

Policy: G2 (General)

(11) No development shall be commenced until details of the obscure glazing and means of restrictive opening/non-opening windows to the 2nd floor meeting room, stairwell and first floor kitchen in the community centre building have been submitted to and approved in writing by the local planning authority. The community centre shall not be used until the development has been completed in accordance with the approved details and shall be maintained as such for perpetuity.

Reason: In the interest of neighbouring amenity.

Policy: G2 (General)

(12) No construction work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. This condition shall not apply to the internal fitting out of the development.

Reason: In the interests of the amenities of the occupiers of adjacent residential units.

Policy: G2 (General)

(13) The use of the commercial premises on the ground floor of the development shall be solely limited to uses within Classes B1a) Offices or A2 of the (Town and Country Planning) Use Classes Order 1995 as amended in 2005 (or any Order revoking or altering that Order).

Reason: In the interests of the amenity of the area and highway safety, to allow the Local Planning Authority to consider any future proposals for a change of use having regard to the circumstances of the case.

Policy: G2 (General)

(14) The community centre hereby permitted shall only be in use between the hours of 08:00am and 00:00 midnight.

Reason: In the interests of the amenities of the occupants of the nearby residential properties.

Policy: G1 & G2 (General Development Criteria)

(15) This development shall be in accordance with the following drawings:

733-20-11A Location Plan

733-20-14 Section F-F & Bin Store Elevations

733-20-01A Ground floor and basement plans

733-20-02A First Floor Plan

733-20-03A Second Floor Plan and Third Floor Plan

733-20-04A Roof Plans

733-20-05A North East and South West Street Elevation

733-20-06A West, East & South Elevations of flats

733-20-08A Sections B-B, C-C, D-D and E-E flats

733-20-10A Site plan

733-20-12A Block plan

733-20-17 Section G-G

733-20-07A North West, South East, south West elevations, & Section A-A Youth and Community Centre

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE:- Traffic Regulation Order

A traffic regulation order will be required prior to the construction of the new vehicular access and existing road markings and repositioned to ensure that the on-street parking spaces are correctly indicated. It will be necessary for the applicant to request that the necessary changes to the traffic regulations order are undertaken by Wiltshire Council, including the necessary changes to road markings. The total cost of the order and works will be in the order of £4,000 and the applicant shall deposit the sum with the Council at the appropriate time in order to ensure the order and works are implemented to meet the programme of works. It will not be permitted that the new access is constructed until the order is made and the full cost of the order and works have been paid in advance.

INFORMATIVE: Wiltshire Fire & Rescue

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed on the council's website against the relevant application record.

INFORMATIVE: Condition 7

In order to comply with condition 7, the ventilation system should be sufficient to allow a proper degree of ventilation, including during the warmer months of the year, and should allow the occupants to control the degree of ventilation to their needs and comfort. The applicant should also demonstrate that the equipment itself will not generate an excessive level of internal noise.

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.

INFORMATIVE:- Wildlife and Countryside Act

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

Immediately prior to construction checks should be made for the presence of nesting birds and roosting bats.

Construction should proceed with care and removal of roof tiles should be by hand.

Bats are a Wiltshire BAP priority and consideration should be given to incorporating the provision of roosting opportunities in the form of bat boxes or bat bricks into the development scheme.

INFORMATIVE: Environmental Health

The site is inappropriate for the use of brick crushers and/or screeners on site which can have a very large impact in terms of noise and dust on people living and working nearby. Any significant processing of demolition materials should take place in a more appropriate location.

INFORMATIVE:- Residents Parking Zones and Permits

The applicant/owner is advised that the occupants of the new properties hereby granted planning permission may not be entitled to parking permits under the residents parking scheme operating in this area, including

additional units resulting from the conversion of properties to flats. You are advised to contact Parking Services 01722 434326 should you require any further information regarding the issuing of residents parking permits by the City Council.

60b **S/2011/0329 - Landford Manor, Stock Lane, Landford, Salisbury SP5 2EW**

Public Participation:

Mrs Carol Hewson spoke in objection to the application

Mr Richard Hewson spoke in support of the application
Mr Ray Avery spoke in support of the application

Cllr John Martin, Landford Parish Council, spoke in objection to the proposal.

The Chairman informed the committee that a number of letters had been received as submissions for inclusion under the late list, however the content of these was contested and offered no new and relevant information in planning terms.

The planning officer introduced the retrospective application and answered technical questions on the case officer's report.

A motion for permission was proposed and seconded and then debated. Contributions focused on the following factors:

- The intent behind the original permission for the renovation of Landford Manor
- The sustainability of the business as operated out of these premises
- The need to encourage the development of the rural economy
- Fire safety and fire mitigation measures
- The amenity of the other occupants of Landford Manor
- Traffic levels in the proximity of the Manor and the levels of parking available on the site

On being put to the vote the motion for approval was lost.

A new motion for refusal was proposed and seconded on the grounds that the application was an inappropriate change of use of part of a listed building in a conservation area, was contrary to the rules governing development within listed buildings and objecting in principle to the assertion that the unit was suitable for use as offices, noting further that such use would be detrimental to the amenity of local residents.

Following discussion it was

Resolved:

To REFUSE planning permission for the proposed continued use of the upper floor of Unit 1 of Landford Manor by Innovative Consultancy UK Ltd, for the following reasons:

- 1) the scale of the use having resulted in a significantly large number of cars being parked in front of the Manor, which is considered to be visually detrimental to the setting of the listed building;
 - 2) the changes that would be required in order to facilitate the provision of adequate fire precautions for such a large office employing up to 12 persons; are likely to be unsympathetic to the historic interest of the building,
 - 3) the changes would have unacceptable long term implications for the historical integrity of the building being incompatible in terms of its scale and impact upon the listed grade II* Landford Manor, and would adversely affect the amenities of neighbours. As such the proposal is considered to be contrary to the provisions of the Development Plan, and in particular Policies G1 and G2 (General Criteria for Development), CN4 and CN5 (Listed buildings) and E17 (Employment) of the saved policies of the adopted local plan, and PPS4.
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Cllr Mike Hewitt requested his vote against the refusal of planning permission be recorded.

61. **Urgent Items**

None.

(Duration of meeting: 6.00 - 7.20 pm)

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