

KENNET DISTRICT COUNCIL

REGULATORY COMMITTEE

Minutes of the meeting of the Regulatory Committee held
on Thursday 21st April 2005 in the Council Chamber, Browfort,
Devizes at 2.15pm

PRESENT: Councillor J A Booth – Chairman

Councillor K R F Beard	Councillor C P Humphries
Councillor P A Brown	Councillor J J Kunkler
Councillor W B Cavill	Councillor R T Parsons
Councillor P L Colling	Councillor Mrs N G Rawlins
Councillor Mrs R S E Cummins	Councillor A Skittrall
Councillor Mrs S M Findlay	Councillor A H Still
Councillor L H Grundy	Councillor C R W Stone

ALSO IN ATTENDANCE WITH THE CONSENT OF THE CHAIRMAN

Councillor A P J Duck for minute number 129
Councillor Mrs J K Combe for minute number 129
Councillor Mrs T M Carr for minute number 130

PART 1

Items considered whilst the public were entitled to be present

127. MINUTES

The minutes of the meeting held on 31st March 2005 were approved as a correct record and signed by the Chairman, save for the amendment of minute number 122 (11) that should refer to Marston and not Marsden.

The minutes of the site meeting held on 11th April 2005 were approved as a correct record and signed by the Chairman.

128. DISCLOSURES OF INTEREST

Councillor Humphries declared a prejudicial interest in planning application K/51693/F and left the meeting during its discussion and did not take part in the voting.

Councillors Beard, Booth, Brown, Cavill, Colling, Mrs Cummins, Mrs Findlay, Grundy, Kunkler, Parsons, Mrs Rawlins, Skittrall, Still and Stone all declared personal interests in planning application K/51693/F as they knew the applicant. They all remained in the meeting for the debate and took part in the voting.

Councillor Still declared a personal interest in planning application K/51679/F as he lived nearby to the application site. He remained in the meeting for the debate and took part in the voting.

129. APPEALS

The Committee received and noted details of one planning appeal that had been dismissed, and one planning appeal that had been allowed.

The allowed appeal was in respect of application number K/046191/O – Former Spitalcroft allotments, London Road, Devizes. The Planning Services Manager circulated a further report in respect of this appeal decision and a copy is attached to these minutes. The report referred to the appointment of a soil expert to assess whether the soil at the replacement allotment site at Windsor Drive was of a suitable standard for use as allotments and the Planning Services Manager requested that the Committee support this proposal.

A Ward Member present at the meeting with the consent of the Chairman suggested that it might be prudent if the Spitalcroft action group “Save our Spitalcroft” be involved in the selection of the soil expert and after brief discussions it was

RESOLVED

THAT the Committee support the appointment of a soil expert as proposed by the Planning Services Manager and the “Save our Spitalcroft” action group be involved with the selection.

A Member of the Committee queried if a Judicial Review of the appeal decision could be applied for. The Planning Services Manager gave details of the grounds under which a Judicial Review could be applied for and advice was given to the Committee that there were no grounds for such a challenge to be made successfully. After a lengthy debate and with advice of the legal representative present it was

RESOLVED

- THAT**
- i) the views of the Committee be reported to Kennet District Council’s Legal Department for the Solicitor to the Council to decide on any further action that could be taken, in particular if it was relevant to seek Counsel’s opinion on any case there might be for a Judicial Review of the appeal decision, and
 - ii) that the outcome of the decision be reported to the Regulatory Committee.

130. EMERGENCY PROCEDURE FOR DEALING WITH GYPSY/TRAVELLER SITES ON LAND IN THE COUNCIL'S OWNERSHIP

The Planning Services Manager referred to his report which set out a procedure for the Council to follow when responding to reports of unauthorised gypsy/traveller sites being set up in the district on land that they appear to have acquired. He was seeking approval for the procedures as detailed in the report and to change the Council's Scheme of Delegation to the Planning Services Manager as appropriate.

The Planning Services Manager responded to questions and concerns from the Committee who were not entirely happy with the procedures as set out and it was suggested that Sub Committee or Member and Officer Working Group be established as appropriate to firm up on the procedures. Following a debate it was

RESOLVED

- THAT**
- i) the procedure outlined in the report for dealing with unauthorised gypsy/traveller sites on land in the Council's ownership be approved
 - ii) the Scheme of Delegation to the Planning Services Manager be amended to include in the Scheme the powers of the Planning Services Manager (and other officers delegated by him) to serve a temporary stop notice where required to prohibit the use of land as a caravan site and other associated operational development on such a site.
 - iii) That an Officer/Member working party be set up by the Planning Services Manager to look at the matter of procedures for dealing with unauthorised gypsy/traveller sites on land in the Council's ownership in more detail and report back to a future meeting of the Regulatory Committee

131. APPEALS PROCEDURE AND REPRESENTATION

The Planning Services Manager referred to his report which reviewed the current appeals procedure and method of choosing legal representation at public inquiries. It was then

RESOLVED

- THAT**
- i) a Barrister should be instructed to represent the Council in public inquiries concerning planning and enforcement appeals in the

circumstances set out in paragraph 6.01 of the report and

- ii) that Member involvement in the preparation of the Council's case for planning and enforcement appeals concerning appeals on decisions made against officer recommendation should follow the procedure set out in Appendix 1 of the report.

132. PLANNING APPLICATIONS WITHDRAWN

It was reported that Planning Application K/51658/F – Howe Mill, Newtown, Ramsbury – Formation of small private golf course (part retrospective) was withdrawn from the Agenda.

133. PLANNING APPLICATIONS FOR DECISION

The Committee gave consideration to a schedule of applications for planning permission, copies of which had been circulated to all Members of the Council with a copy of the agenda for the meeting.

RESOLVED

THAT the applications be determined in accordance with the recommendations contained in the schedule, a copy of which is attached to the signed minutes, with the exception of the following decisions/amendments:

List No. of Schedule/Application No.
Location/Development

- (1) **K/51693/F**
ALDBOURNE – Butchers Shop, The Square, Aldbourne – Change of use from retail to hot food takeaway.

GRANTED as recommended.

Note:

1. Councillor C P Humphries declared a prejudicial interest in this application and left the meeting for the debate and did not take part in the voting.
2. Statistical data from the Applicant was reported.
3. Two letters from an Agent on behalf of a resident were reported.
4. Five further letters of representation were reported, four were against the application and one was in support of the application.
5. An email from Mr P Galpin of Wiltshire County Council commenting on highway issues raised by an objector was reported.

6. Mr S Whitfield addressed the Committee as an objector.
7. Ms S Hill addressed the Committee as an objector.
8. Mr Jarvis addressed the Committee as an objector.
9. Mr Evill (Agent) addressed the Committee as a supporter.

(3) K/51796/F

ALDBOURNE – 53 Whitley Road, Aldbourne – Conversion and extension of existing attached garage to provide additional habitable accommodation. Erection of first floor extension over garage.

GRANTED as recommended.

Note:

1. Mr G Salman (Applicant) addressed the Committee as a supporter.

(4) K/51484/F

COLLINGBOURNE DUCIS – Bourne Works, High Street, Collingbourne Ducis – Fifteen new dwellings and two B1 (office/light industrial) buildings.

DEFERRED for consideration and determination at a reconvened meeting of the Committee on site on Tuesday 3rd May 2005 at 8.30am.

Note:

1. Two letters from Mr M Wiltshire of Wiltshire County Council were reported which recommended an extra condition to the planning permission and withdrew Wiltshire County Council's objections.
2. Three further letters of representation, objecting to the application were reported.
3. Ms C Crook addressed the committee as an objector.
4. Mr M Cox (Collingbourne Ducis Parish Council) addressed the Committee as a consultee.
5. Mr Murray addressed the Committee as a supporter.
6. Mr M Fowler (Agent) addressed the Committee as a supporter.

(5) K/51679/F

COLLINGBOURNE DUCIS – Semarak, Ludgershall Road, Collingbourne Ducis – First floor extension above existing garage.

DEFERRED AND DELEGATED against recommendation to the Planning Services Manager to grant planning permission on receipt of suitably amended plans altering the design of the first floor window and subject to the following conditions.

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

REASON:

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

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

REASON:

To secure harmonious architectural treatment.

The window at first floor level shown on the approved plans on the west (front) elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Note:

1. Mr C Spencer (Agent) addressed the Committee as a supporter.

(6) K/51837/F

ROWDE – Stovey Croft, The Common, Rowde – Extension to ground floor and loft conversion.

GRANTED against recommendation subject to the following conditions:-

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

REASON:

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

2. No development shall take place until details of the materials to be used for the external walls and roofs (including samples if requested) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

3. INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Note:

1. An email from a Ward Member in support of the application was reported.
2. A letter of representation from a neighbour with no objections to the application was reported.

(9) K/51800/F

OGBOURNE ST ANDREW – The Marr, Ogbourne St Andrew – Extension and alterations to chalet bungalow to form two storey house.

GRANTED as recommended.

Note:

1. Mr N Armstrong (Agent) addressed the Committee as a supporter.
2. Ms C Fraser (Applicant) addressed the Committee as a supporter.

PART 2

Item considered whilst the meeting was closed to the public

None

LMM

Chairman
19th May 2005