

Joint Area Committee – West – 16th September 2009

### 13. Planning Applications

*Head of Service:* Simon Gale, Head of Development & Building Control  
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The schedule of applications is attached following page 22.

The inclusion of two stars (\*\*) as part of the Head of Development & Building Control's recommendation indicates that the application will need to be referred to the Regulation Committee if the Joint Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the agenda.

#### **Human Rights Act 1998 Issues**

*The determination of the applications which are the subject of reports in the schedule are considered to involve the following human rights issues:-*

*Article 8: Right to respect for private and family life*

- (i) Everyone has the right to respect for his private and family life, his/her home and his/her correspondence.*
- (ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.*

*The First Protocol*

*Article 1: Protection of Property*

*Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.*

*Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.*

**Background Papers:** *Individual planning application files.*

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**Members to Note:**

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Page	Ward	Application	Proposal	Address	Applicant
1	Neroche	08/02412/COU	The change of use from car sales to cafe/hot food takeaway (use class A5) (GR: 331233/118016)	Stewley Cross Filling Station, Ashill	Mr R Osborne
9	Windwhistle	09/02309/FUL	Change of use of premises from a general depot to a gravel/sand merchant. (Use class sui generis). (GR 333941/110309)	Chaffcombe Depot, Chaffcombe Road, Chard	Mr P Biggenden