

REGULATORY COMMITTEE

MINUTES of a MEETING of the REGULATORY COMMITTEE held at COUNTY HALL, TROWBRIDGE on WEDNESDAY 8 FEBRUARY 2006.

PRESENT:

Mr M Connolly (Chairman), Mr A Davis, Mr PR Davis, Mrs HM Dixon, Mrs SK Doubell, Mrs MEM Groom, Mr JB Osborn, Mrs P Rugg, Mrs MSN Taylor, Mr JE Syme and Mr RS While.

Miss MF de Rhé-Philippe, Mrs JA Scott, Mr TR Sturgis and Mrs B Wayman also attended the meeting.

76. **Apologies** An apology for absence was received from Mr AN Deane.

77. **Minutes of Previous Meeting**

Resolved: To confirm and sign the minutes of the Committee meeting held on 7 December 2005.

78. **Members' Interests** Mr M Connolly declared a personal interest in agenda item no. 12 - Commons Registration Act 1965 (As Amended) - Application For The Registration of a Town Or Village Green: Land Known as The Green, Tidworth (see Minute No. 83 below). Mr Connolly remained in the Chamber and took part in the discussion relating to the report.

79. **Christian Malford: Change of use From Scrap Yard to Waste Transfer Station; Construction of Waste Sorting Bay; New Vehicular Access; Skip Storage Area and Landscaping (Retrospective) - Land at 28 Main Road, Christian Malford, for Mr J.D. Porter (Application No. N.05.07003)** At the beginning of the item the Committee received a question and two statements from the following residents of Christian Malford expressing concern in relation to the planning application:

- Mr PA Stevenson, Resident of Christian Malford – Question
- Mr GJ Harley, Resident of Christian Malford – Statement
- Ms N Thurston-Smith, Resident of Christian Malford – Statement

Mr M Willis, as an agent representing the applicant then made a statement in answer to several of the points made by the objectors.

The Chairman thanked all speakers for their statements which would be taken into account during the course of the debate.

The Committee then considered the detail of a report by the Director of Environmental Services. Members of the Committee also received comments from Mrs Jane Scott as the local County Councillor and Mr Toby Sturgis, as the Cabinet Member for Planning and Waste. The following issues were raised during the discussion:

- Concern was raised that consultation on the planning application was not adequate as the report referred to dated comments, and that it would have been useful to have recent information on views of local people and the Parish Council. Officers assured the Committee that consultation requirements were met as part of the planning permission application process.
- It was felt the expansion of the site, and change of use to a Waste Transfer Station would not be in the interest of the rural area, to which officers replied by indicating that the Council was satisfied that the use would meet the local need only.
- Comments relating to the use of the footpath across the land in the application were made, and members asked that further information be provided on the use and condition of the footpath.
- Members suggested that the height of the proposed soil bund be reconsidered to judge if this would be the best way to reduce the visual impact of the site for local members of the public and residents. It was suggested that lighting for the area also be considered further.
- Enforcement of planning permission conditions on the site was raised by the Committee, to which officers replied by indicating that the County Council now had a full time enforcement officer who would be responsible for this function.

Further to considering points raised by members of the public, local Councillors and members of the Committee it was suggested that work be undertaken to address the discussion before consideration of the planning application.

Resolved: *To defer consideration of the planning application until the next meeting of the Regulatory Committee, further to additional information being provided relating to the points raised within the discussion.*

80. **Landford Section 73 Application: Application to Deposit Waste in a Former Sandpit Without Compliance with Condition 2 of Planning Permission S.00.2283 - The Sandpit, Giles Lane, Landford (Application No. S.03.2469)** At the beginning of the item the Committee received two statements from the following members of the public objecting to the planning application:

- Mr L Randall, Salisbury District Councillor
- Mr A Wright, Resident of Romsey, Hampshire

Consideration was then given to a report by the Director of Environmental Services.

Resolved: To grant Planning Permission, following revision of the Section 278 Agreement, subject to the conditions set out in paragraph 51 of the Director's report.

81. **Laverstock and Ford: Siting of Three Single Mobile Classrooms and One Double Mobile Unit Plus Demolition of Three Existing Single Mobile Classrooms and One Double Mobile Classroom At St Edmund's Church Of England Girls' School, Church Road, Laverstock (Application No. S.05.8015)** The Committee considered a report by the Director of Environmental Services and noted that the County Council planned for the school to be rebuilt when funding was available, but that introducing new mobile classrooms would provide improved accommodation until this was possible.

Resolved: To grant planning permission, subject to the conditions detailed within paragraph 29 of the Director's report.

82. **Westbury: Relocation of a Double Mobile Classroom with Associated Service Connections From Pembroke Park School, Salisbury, to Matravers School, Springfield Road, Westbury (Application No. W.05.09019)** The Committee considered a report by the Director of Environmental Services. Members noted an objection received from West Wiltshire District Council regarding the loss of playing fields, which would be contrary to the West Wiltshire District Local Plan, to which officers indicated that the location of the mobile classroom would not disturb the current play areas at the school.

Resolved: To refer the application to the First Secretary of State, and inform him that the Committee would be minded to grant planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992, and that if the First Secretary of State directs that he would not wish to call-in the planning application for his own determination, then permission be granted subject to the conditions detailed within the Director's report.

83. **Commons Registration Act 1965 (As Amended) - Application For The Registration of a Town Or Village Green: Land Known as The Green, Tidworth** At the beginning of the item the Committee received a statement from Mrs A Thornton, in support of her application to register The Green, Tidworth as a Town or Village Green.

On considering a report by the Head of Legal & Democratic Services the Committee discussed points relating to the usage of the land and whether the bylaws which covered it were grounds to reject the application.

Resolved: To reject the application to register land known as The Green Tidworth, shown hatched and coloured green on the plan attached to the application of Anne Elizabeth Thornton, dated 29th July 2005 on the following grounds:

- (1) That the user evidence did not satisfy the requirements of Section 22(1A) Commons Registration Act 1965, in that the qualifying use was brought to an end in April 1982 when the Salisbury Plain Military Lands Byelaws 1981 came into effect and remained so until March 2005.*
- (2) The witness statements were from those who live in the vicinity of the land in question but were not inhabitants of a defined locality or neighbourhood within a locality (in this case the residents of what was South Tidworth).*

84. **Highways Act 1980 - Section 119 Public Path Diversion Order - Footpath 53 Mere (Part) (Sheet No. ST 83 SW)** At the beginning of the item the Committee received a statement from Mrs JM McCallum, as the applicant of the public path diversion order, in support of the order, and statements from Mr Stanton and Ms Stevens, as members of the public objecting to the order.

On considering a report by the Director of Environmental Services, and on hearing from Mrs Bridget Wayman as local member against the diversion order,

Resolved: To forward the public path diversion order, made under Section 119 of the Highways Act 1980, to the Secretary of State with the recommendation from the County Council that the order be confirmed.

85. **Exclusion of the Public**

Resolved: To agree, that in accordance with Section 100A(4) of the Local Government Act 1972, to exclude the public from the meeting for the business specified in Minute Nos. 86 to 87 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act.

86. **Appeal for Post-16 Transport Assistance from Devizes to Bishop Wordsworth's Sixth Form, Salisbury** On considering a confidential report by the Director of Environmental Services,

Resolved: To refuse the appeal for transport assistance from Devizes to Bishop Wordsworth's Sixth Form, Salisbury on the grounds detailed within the Director's report.

87. **Request For Free Transport From Oare to St John's Community College, Marlborough** On considering a confidential report by the Director of Environmental Services,

Resolved: To agree the request for free transport from Oare to St John's Community College, Marlborough on the grounds detailed within the Director's report.

(Duration of meeting: 10.30am – 12.40pm)

The Officer who has produced these minutes is Lee Gallagher, Democratic & Members' Services, direct line (01225) 713058 or e-mail

leegallagher@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115.