

REGULATORY COMMITTEE
15th OCTOBER 2008

**DEVIZES: AGRICULTURAL RECLAMATION AND IMPROVEMENT WORKS
INCLUDING IMPORTATION OF INERT WASTES AS AN EXTENSION TO AN EXISTING
PERMITTED SITE, BROADWAY FARM, NURSTEED FOR A.G. EDWARDS AND SON
(Application No. K/58622)**

Purpose of the Report

1. To provide additional information in respect of the concerns raised by the Committee at its previous meeting and to recommend that planning permission be granted subject to conditions set out in paragraph 50 of the original report attached at **Appendix A**.

Background

2. At its meeting on 17th September, 2008 the Committee resolved to defer consideration of the above application pending a site visit. Members also raised concerns regarding the following:
 - (i) Potential for conflict between children walking to school (either accompanied or on their own) and heavy goods vehicles accessing and exiting the site.
 - (ii) The need to ensure that any conditions imposed are strictly enforced particularly regarding dust and mud on the road.
 - (iii) To consider a possible alternative access from the south of the site which avoided the need to use the access adjacent to the school.
3. The site visit is programmed to take place on Monday 13th October, 2008 at 10.30 a.m. A summary of the visit will be given by the Chairman prior to consideration of the item at Regulatory Committee on 15th October, 2008.
 - (i) Pedestrian/vehicle conflict
4. With regard to the concerns raised over pedestrian/vehicle conflict, Members will note that there is a pedestrian underpass which runs from the western side of Windsor Drive north eastwards directly into the school site. Children are able to use this underpass to gain a safe access to the school from the new housing to the west of Windsor Drive without the need to travel along the proposed access road.
5. The access road to the application site is also used by teaching staff using the car park at the school and by parents dropping off their children. Proposed Condition 13 would control the hours of operation for the tipping operation and require that no vehicles entered or exited the site between the hours of 08.15 – 09.00 a.m. and 15.00 – 15.45 p.m. (i.e. the peak school times) when children are coming to or leaving the school. These restrictions would ensure that there is no conflict between school users and lorries visiting the operational site.

(ii) Enforcing Conditions

6. With regard to dust and mud on the road, proposed Conditions 12 and 15 would address these concerns. Regular inspections would be made of the site and any breaches of condition reported to the Waste Planning Authority would be investigated and appropriate action taken.

(iii) Alternative access

7. The possibility of the applicant using an alternative access from the south of the site was raised during the debate at the previous meeting. However, the Committee must consider the application that is before it, which is to use the access track from Windsor Drive past the school. This is the route that the two previous developments have used and, in determining the application, Members should consider whether the proposed access is still acceptable in light of past experience. The availability of an alternative access would itself not be a valid reason for refusing the application. Nevertheless, Members should be aware that the applicant does not have ownership or access rights over the track/roadway to the south and there has been no objection from the Local Highway Authority to using the access as proposed.

Recommendation

8. That Members now determine the application in accordance with the recommendation set out in paragraph 50 of the original report to this Committee dated 17th September, 2008 and attached at **Appendix A**.

GEORGE BATTEN

Director of Environmental Services

Report Author

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Principal Planning Officer

The following unpublished documents have been relied on in the preparation of this Report:

None