

**PLANNING AND REGULATION COMMITTEE
8 JANUARY 2024**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors Mrs C L E Vernon (Vice-Chairman), P Ashleigh-Morris, T R Ashton, A M Hall, Mrs S A J Nutman, Mrs M J Overton MBE, N H Pepper, N Sear, P A Skinner and T J N Smith

Councillors: attended the meeting as observers

Officers in attendance:-

Jeanne Gibson (Programme Leader: Minor Works and Traffic), Neil McBride (Head of Planning), Martha Rees (Solicitor), Mandi Robinson (Team Leader) and Rachel Wilson (Democratic Services Officer)

66 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor I D Carrington, M Hasan and R P H Reid.

67 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest at this point in the meeting.

68 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 4 DECEMBER 2023

RESOLVED

That the minutes of the meeting held on 4 December 2023 be signed by the Chairman as a correct record.

69 TRAFFIC ITEMS

70 SCRUB HILL, C613 (CONINGSBY AND WILDMORE) - PROPOSED 40MPH SPEED LIMIT

A report was received which invited the Committee to consider the outcome of an assessment of the existing 50mph speed limit through Scrub Hill. Investigations had indicated that this site may be considered as 'Borderline Case', as defined within the Council's Speed Limit Policy.

The Programme Leader – Traffic introduced the report and shared a presentation which detailed the area under consideration.

The Committee discussed the recommendation and whilst there was gratitude for the work which had been done on this, some members queried the need for this speed reduction and queried whether there had been accidents on this stretch of road and noted the small amount of housing on the road. Officers advised that they were not aware of any accidents, however as this was a borderline case it was within the Committee's discretion whether to support the reduction in speed limit.

Committee members who were local to the area highlighted that this speed reduction would be welcomed by the residents and felt it would make a positive difference to the area.

On a motion by Councillor T R Ashton, and seconded by Councillor I G Fleetwood, it was

RESOLVED (10 in favour, 1 against)

That the Committee supported the reduction of the 50mph speed limit to 40mph at Scrub Hill, so that the necessary consultation process to bring it into effect may begin.

71 WESTON HILLS, BROADGATE JUNCTIONS WITH ST JOHN'S ROAD AND CARISBROOKE WAY - PROPOSED WAITING RESTRICTIONS

A report was received which invited the Committee to consider objections to waiting restrictions at Weston Hills, Broad Gate junctions with St John's Road and Carisbrooke Way.

The Programme Manager – Traffic introduced the report and shared a presentation which detailed the areas under consideration. Two objections had been received which cited concerns relating to the displacement of parking into the side streets, and also a request that the restrictions were extended further to cover the access of one of the objectors. It was the officers view that the small amount of restriction proposed would not result in significant displacement, and the request for a further extension would result in the loss of two parking spaces and would not be necessary in terms of maintaining visibility at the nearby junction.

On a motion by Councillor N H Pepper, seconded by Councillor T J N Smith, it was:

RESOLVED (unanimous)

That the objections be overruled so that Order, as advertised, may be introduced.

72 SLEAFORD, EAST GATE AND ASHFIELD ROAD - PROPOSED AMENDMENTS TO WAITING RESTRICTIONS

A report was received which invited the Committee to consider objections to proposed amendments to permit only parking bays and waiting restrictions in the vicinity of the William Alvey C of E School.

The Programme Manager – Traffic introduced the report and shared a presentation which detailed the areas under consideration. It was noted that six objections had been received and the majority of these were from permit holders and were detailed in the report. Concerns raised by objectors included that the scheme would reduce the availability for residents' visitors who could access these bays, that the loss of car parks in the town would increase use of the bays.

The proposed amendments were discussed by the Committee and it was commented that officers had assessed the situation extremely well. However, some members commented that whilst they understood the pressures and recognised the problem there were concerns about whether sufficient alternative parking was available, as there were concerns that if there was not then people would park illegally. There were also concerns that there could be a pinch point at around 8am for those residents with permits.

On motion proposed by Councillor I G Fleetwood and seconded by Councillor P A Skinner, it was:

RESOLVED (8 in favour, 3 against 0 abstentions)

That the objections be overruled so that the Order, as advertised, may be introduced.

73 OTHER ITEMS

74 COMMONS ACT 2006 - APPLICATION TO REGISTER LAND AS A TOWN OR VILLAGE GREEN

A report was received which invited the Committee to consider and make a decision on an application to register land to the rear of Cherryholt Road, Stamford, usually known as "Cherryholt Meadows, also known as Gypsy Meadows and Priory Meadows", as a town or village green. This was advertised and an objection was received from Womble Bond Dickinson, the solicitor acting for the Objector (the freehold owner of the land). A non-statutory local inquiry was held by an independent inspector on 6, 7, 8 and 9 March 2023.

It was noted that land could only be registered as a town or village green if the applicant could prove that the land had been used as a town or village green (in accordance with the legislation) for at least 20 years.

The inspectors report had been received and in it, he recommended, in paragraph 92 that the Council refuse the application under Section 15(2) of the Commons Act 2006. A copy of the Inspector's findings and recommendations was attached at Appendix A to the report. The Inspector could only make recommendations, and it was for the County Council, as Commons registration Authority, to make the decision to accept or reject the applications taking into account the expert advice provided by the Inspector.

PLANNING AND REGULATION COMMITTEE
8 JANUARY 2024

In order for land to be registered as a town or village green the applicant needed to demonstrate, on the balance of probabilities, that the following criteria had all been met:

- That the use was by “a significant number of the inhabitants” of a locality, or of a neighbourhood within the locality;
- That the inhabitants must have used the land for “lawful sports and Pastimes”;
- That the land had been used “as of right”
- That the land must’ve been used in this way for a period of at least 20 years.
- That the land continued to be used at the time of the application.

It was noted that the burden was on the Applicant to demonstrate that each element had been satisfied, and if one element was not satisfied, the application must be rejected as a matter of law.

During discussion of the application the following was noted:

- There was a need for all elements of the criteria to be satisfied and the view of the inspector was that they had not all be satisfied.
- Members commented it may have been useful to see the maps setting out the boundaries of the land. Officers advised that these were available, however they were extremely large documents and had been available at the public inquiry.
- Members commented that they were satisfied with the report and were grateful for the expert advice of the Inspector. It was very clear that the case had not been in this instance to grant the application.

On a motion by Councillor I G Fleetwood, and seconded by Councillor T J N Smith, it was:

RESOLVED (9 in favour, 0 against, 2 abstentions)

That the application to register the land to the rear of Cherryholt, Stamford, known as Cherryholt Meadows, as a town or village green be rejected on the grounds that the statutory criteria for registration under section 15 of the Commons Act 2006 have not been satisfied.

The meeting closed at 11.12 am