

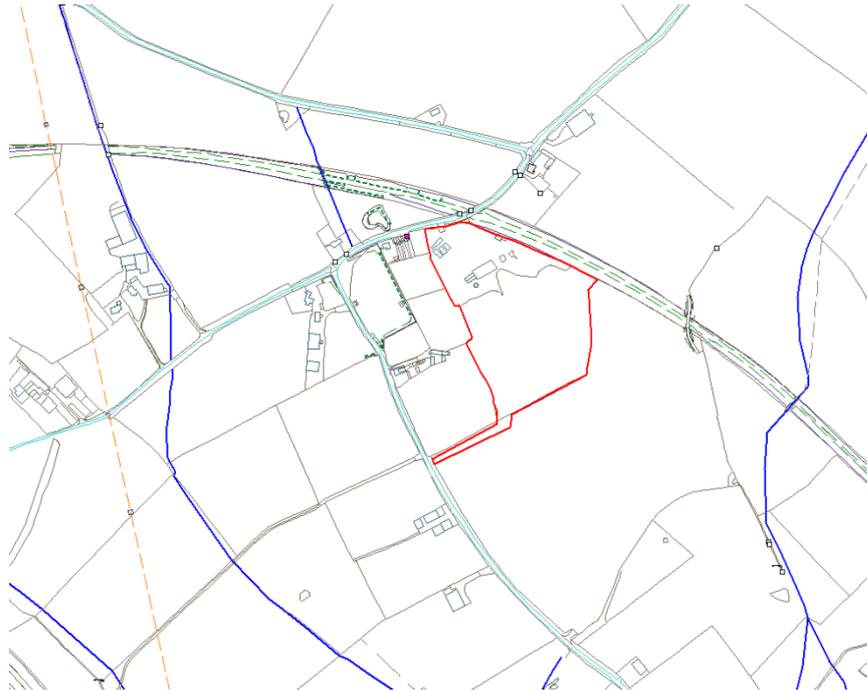
Reference: 13/00276/FUL

Date Submitted: 26.06.2013

Applicant: Mr S Mair - Agent

Location: Lionville Brickworks – Field No’s 6475 and 7262 Eastwell Road, Scalford

Proposal: Redevelopment of the former Lionville Brickworks and construction of a fishing lake plus 10 luxury log cabins cafe/clubhouse.



Introduction:-

The application seeks full planning permission for the redevelopment of the former Lionville Brickworks site along Eastwell Road, near Scalford, to create a tourist facility. It is proposed to construct a fishing lake, 10 luxury log cabins and associated clubhouse to assist with the day to day running of the site and cafe facility for use of guests. The site lies wholly within the open countryside to the north west of Scalford and was a former quarry and brick work ‘Scalford Bricks’.

There are a number of derelict buildings on the site, originally used in connection with the operation of the brickworks. The site has remained unused for a substantial period of time, allowing the growth of many self-set trees forming a substantial woodland. The site is accessed directly off Eastwell Road via a gateway which formed part of a previous planning approval for use as a touring caravan site.

The application has been supported with a number of reports to address Flood Risk, Ecology and Biodiversity, Woodland Management and Transport Assessment.

It is considered that the main issue relating to the application is:

- Compliance with the planning policies and promoting rural economic growth.
- Impact upon the character of the area.
- Impact upon Ecology and the Natural Environment.
- Impact upon Highway Safety.

The application is required to be considered by the Committee due to the level of representations received and the due to the complex planning policy issues.

The application was deferred by the Committee to allow for a site visit to be conducted within the site itself.

Relevant History:-

2061/61 - Use of disused brickyard as a poultry farm. Permitted 30.05.1961

1050/63 - Use of land as a recreational caravan site. Permitted on the 01.10.1963

6155/64 - Use of land as recreational caravan site and the improvement of a vehicular access. Permitted on the 29.12.1964.

1994/65 - use of land for a caravan site. Permitted on the 30.06.1965

832/66(5616) - Erection of a shop, garage, house, toilet block and showers. Permitted on the 31.05.1966.

446/67 - The standing of 116 caravans and recreational purposes. Permitted on the 21.03.1967

72/2149 - Conversion of existing sheds into toilets, recreational centre and laundry. Permitted on the 19.12.1972.

06/00911/FUL - Provision of site for recreational caravans and ancillary shop/office with toilet and shower facilities, land at disused brick works – Application withdrawn on the 27.02.2007.

07/01354/CL - Certificate of Lawfulness for residential caravan park permitted on the 20.02.2010

11/00329/VAC - Variation of Conditions 6 (site layout) and 7 (facilities block) relating to extant planning approval 72/01880/19. Withdrawn on the 13.09.2011

20.12.2011 – Resolution that the Committee is minded to revoke the 2010 Certificate of Lawfulness (07/01354/CL) and to proceed to subsequent stages of the revocation process.

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

Policy OS2 does not allow for development outside the town and village envelopes shown on the proposals maps except for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

Policy BE1 Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; **or**
 - specific policies in this Framework indicate development should be restricted

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Support sustainable economic development.
- Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- Promote mixed use development, encouraging multiple benefits from the use of land in urban and rural areas.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

On Specific issues relevant to this application it advises:

Building a Strong Competitive Economy

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- Significant weight should be given to the need to support economic growth

Supporting a Prosperous Rural Economy

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through new buildings and conversions.
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Promoting Sustainable Transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Promoting Healthy Communities:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

Good Practice Guide on Planning for Tourism 2006

Provides guidance on the role of planning in tourism development. It also underlines the importance of protecting and enhancing the visual quality of sites to ensure the development fits in well with its environs. Annex 1 addresses accommodation and advising:

- Planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites.
- New sites that are close to existing settlements and other services will generally be more sustainable as some local services may be accessed by means other than by car.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Environment Agency: no objections, subject to conditions</p> <ul style="list-style-type: none"> • Limiting surface water run off • Implementation of a SUDs • Remediation of possible contaminants if found on site 	<p>The application was supported with a Flood Risk Assessment, not because the site is in a known flood risk area, but because the site area is over 1 hectare where it is necessary under the NPPF Technical Guidance to require one.</p> <p>The Environment Agency are satisfied that the proposal would not pose a flood risk elsewhere and any possible contamination found on site can be successfully controlled through the use of conditions.</p> <p>It is proposed to install a sewage treatment plant on the site to deal with foul waste prior to discharge in to the lake and this will require an Environment Permit.</p>
<p>Highway Authority: No objections</p> <p>These revised highway observations are made following receipt of the amended plans that show an access with visibility splays provided in accordance with Highways Authority standards that are contained within the limits of the highway and within the land under the applicant's control.</p> <p>The site is in an unsustainable location being about a mile from the nearest village (Scalford), and as such occupants and visitors will be heavily reliant on the use of the motorcar for the majority of their journeys which is undesirable. The location of the site access on to an unrestricted section of rural road with no separate footway facilities is contrary to Policy IN4 of the 6 C's design guide. Nevertheless there is broad support for tourism and businesses that help the rural economy and this proposal would also include the permanent closure of an existing substandard access, which could be viewed as a highway gain.</p> <p>There have been no recorded personal injury road traffic accidents within the immediate vicinity of the proposed vehicular access, nor along the road running from the site through Scalford village, and as such it would be very hard to demonstrate that in highway safety terms the proposal would lead to severe harm.</p> <p>As such and on balance, the Highway Authority are prepared to look favourably upon the proposal.</p> <p>Access and Rights of Way: The site is well served by public footpaths and</p>	<p>There is an existing access to the north of the site which the Highways Authority consider to be substandard and to not comply with current highway standards due to restricted visibility splays and being close to the bend along Eastwell Road (close to Landyke Lane junction). The Highways Authority has responded positively to the new access proposed, in favour of the existing access being closed. This is seen as a highway gain.</p> <p>The new access is proposed along a stretch of road which is unlit being sited wholly within the open countryside. This is not untypical of tourist facilities sited in countryside locations, such as Lake View Fishing along Landyke Lane, (west of site) and the tea rooms based at C & C Nursery further to the south of the site along Eastwell Road. The site lies approximately 1.4 miles outside of the village of Scalford which is considered to be a sustainable village as it benefits from having a public house and access to a regular bus service, which passes the application site.</p> <p>The travel patterns associated with visitors and tourists will differ from residential uses as they are more likely to use the car to visit other attractions within the Borough and neighbouring towns whilst visiting. It is considered this is likely regardless of location and the normal 'settlement hierarchy' approach to assessing sustainability should not be directly applied. Rather, it is necessary to consider the sustainability of the site in terms of on site facilities, proximity to other attractions and the proximity of local facilities that visitors may use. It is considered that because the site will contain a</p>

<p>bridle network. In order to encourage walking and cycling it would be desirable to provide a permissive footpath along the disused rail embankment which would provide direct linkage with bridleway F25 and footpath F17 and would provide a short pleasant walk to the village of Scalford with access to the facilities on offer there. A direct link into the local rights of way network from the site would also be an invaluable recreational resource to tourists planning their local walks/rides.</p>	<p>range of facilities, it is in close proximity to a number of attractions (for example Twin Lakes and fisheries on Landyke Lane) and the general proximity to Scalford and Melton beyond, the site is sustainable within the context of tourist accommodation.</p> <p>As there is an established network of public footpaths and bridleways close to the proposed site it would be of benefit to the guests/visitors, whilst promoting other modes of transport, in providing a permissive footpath linking to the bridle way and footpath along the disused railway as suggested by the Access Officer. The applicant has been advised and whilst the site lies outside of the applicants control they are interested in working with the Access Officer outside of the planning application.</p> <p>The proposal would be self contained providing accommodation and leisure activities such as fishing, cycling and walking having access to the many public footpaths and bridleways in the locality, and is in close proximity to a wider range of attractions and more general facilities. Accordingly it is considered to be a sustainable tourist proposal. .</p>
<p>Scalford Parish Council: Objects</p> <p>Due to the nature of this application, the site involved and the impact on the local area, it is felt that this application needs very careful consideration, with this in mind Scalford Parish Council object to this application on the following grounds:-</p> <p>Lack of consideration for neighbouring households:</p> <ul style="list-style-type: none"> • Sewage works, children’s playground, refuse area and car parks are immediately adjacent to neighbouring homes and gardens. • Is it advisable to have an adventure play area next to a lake that is to be used for fishing, safety issues and fact that noise and fishing do not go together. • What measures are in place to protect the immediate area/properties should the sewage works fail. <p>Inconsistency between the proposals on the application and the site:</p>	<p>The application proposes to utilise the 13 acres former disused brick yard and quarry for a tourist development comprising of fishing lake, 10 log cabins, clubhouse/cafe, children’s play facilities with added biodiversity management of the site. Despite having had approval for a number of touring proposals in the past nothing has materialised.</p> <p>The nearest residential properties are located at Red House Farm which is approximately 35 metres from the boundary of the site which is heavily screened by mature trees along the boundary. The buildings, car parking and play areas are to be sited further into the site which will increase the separation distance to beyond 65 metres. It is not considered that the proposal would have an adverse impact upon the residential properties given the separation distance and screening.</p> <p>Noted. Whilst the master plan shows that there is an intention to provide an adventure play area no details have been provided and a condition can be imposed to request further details such as equipment and fencing to be proposed.</p> <p>A treatment sewage plant is proposed on the site and no objection has been received from Severn Trent Water Authority or the Environment Agency. A permit from the Environment Agency may be required.</p>

<ul style="list-style-type: none"> • The proposal for the entrance road and tree screening to the west of the site is inconsistent as the drop into the quarry is immediately on the boundary with the neighbouring property. • The MOD (Army) occupied the site for approximately 15 years from 1940 until purchase by the present owner, the site was used to store ammunition and as yet the MOD has not confirmed the site uncontaminated. <p>Lack of details and Justification:</p> <ul style="list-style-type: none"> • Water – how is the fishing lake to be filled and maintained, in addition how are 10 log cabins + offices/clubhouse/cafe to be incorporated within Severn Trent’s infrastructure considering the local area already suffers from low water pressure, has the water company been consulted? • What is the justification/explanation for a cafe and large reception area for 10 log cabins as per the application accommodating approximately 40 residents? This proposal would be larger than a village hall for a village of 400+ residents. • The application stated that the cafe/clubhouse will only be open to residents, thus not encouraging residents of the site, to utilise the existing fishing lakes, 3 cafe and public house all within 2 miles of the site, this is in conflict with the council’s own policy on sustaining rural businesses by tourism. • The use of the building as a cafe requires a separate application • The plans give no details of exterior lighting to be installed on the site. • The application gives no indication as to hours of opening of the clubhouse/cafe, no indication as to when the site will be 	<p>Engineering works will be undertaken on the site for the installation of the access road and modelling of the fishing lake from the disused quarry. A condition can be imposed to provide details of any importing of materials.</p> <p>Noted. This has also been raised by members of public but there appears to be no confirmed dates. It has been suggested that it was during 1939-1945 and ammunition was kept on site however the issues in relation to possible contamination has not been raised through various planning proposals submitted on this site and the MOD vacated the site some 70 years ago. The site is not recorded on the Contamination register nor is it a hazardous site.</p> <p>Water will be required to be piped in to fill the lake. The Water Resources Act 1991 states that any use of water greater than 20 cubic metres per day (20m³/d) requires an abstraction licence. There has been no objection from either Severn Trent Water Authority or the Environment Agency. This matter is governed but alternative legislation which planning powers should not seek to duplicate.</p> <p>The clubhouse will consist of a central foyer area with an east and a west wing. The west wing will provide office space along with male and female toilets whilst the east wing will house the café area. The café will provide a social space for those staying in the log cabins and the office space will be necessary for the day to day running and management/maintenance/security of the site.</p> <p>The Council seeks to support all economic development providing planning policies allow it. Planning policies do not favour one business over another in the interest of aiding competition and choice to residents and visitors of the borough.</p> <p>The cafe facility forms part of this current proposal and there is no requirement for it to be separate.</p> <p>The accompanying Design and Access Statement advises that low level bollard lighting is to be used around the pedestrian footpaths and around the cafe/clubhouse to delineate change in levels and walkways. A condition can be imposed requesting a lighting plan.</p> <p>It is not known what the intended hours will be at this point in time but given the separation distances from residential dwellings it is not</p>
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<p>open throughout the year and what restrictions there will be on residence in the log cabins.</p> <ul style="list-style-type: none"> • If the new entrance is not to be used for log cabins that it should be closed up. • A better use of this site may be commercial woodland; The Woodland Trust might be interested in this site. • Despite the Council's democratic decision to rescinding the certificate of lawfulness (CLU), at a public hearing in December 2011, we as a Parish Council are deeply concerned that this has not yet occurred. 	<p>envisaged that the use of the clubhouse/cafe would unduly impact upon residential amenity through noise disturbance. However should the building be used for anything other than specified within the application it may be necessary to apply for an entertainment license which could be restrictive on hours of use. The occupation of the log cabins can be controlled by condition preventing longer term residential living occurring.</p> <p>The application proposes the closing of the existing access should approval be granted and can be imposed by condition.</p> <p>Noted. However the application proposes long term woodland/wetland management of the site with enhancements to biodiversity in the form of further tree planting to supplement existing planting and replacement where thinning is required.</p> <p>The process of revocation of the CLU was held in abeyance pending submission and consideration of the current application and will be resumed following determination. The agents have offered to voluntarily rescind the CLU should approval be granted for the proposal.</p>
<p>Ecology: No objections subject to conditions</p> <p>It is recommend that the following points are incorporated into condition(s) of the development:</p> <ul style="list-style-type: none"> • Works must proceed only in accordance with the mitigation detailed in section 5 of the Badger Survey Report (FPCR, August 2013). – To ensure the protection of badgers throughout the development. • The badger survey must be repeated every 2 years, and a survey completed immediately prior to the start of the works. – To establish the exact location and extent of the badger survey, to allow updated mitigation to be submitted and approved if appropriate. • All planting must be in accordance with the detail provided in the Habitat Management Statement (Lockhart Garratt, August 2013), including the drawing contained in appendix 1. • All habitat creation must be in accordance with the Habitat Management Statement (Lockhart Garratt, August 2013). • The Habitat Management Statement (Lockhart Garratt, August 2013) must be implemented in the first year of 	<p>The application site is dominated by semi-natural broad-leaved woodland with areas of tall ruderal and heavily-shaded ponds. Twelve derelict buildings including four prefabricated structures are also identified. The site lies adjacent a wooded disused railway line, which is of potential value to commuting and foraging bats and is set within mixed farmland. The site has over time evolved into a nature site with self set trees adding to the woodland feel with known wildlife habitats having become established.</p> <p>The application has been supported by comprehensive Ecology surveys which have identified the presence of bats and badgers which are protected species. Updated reports to take into account the presence of Bats and Badges have been submitted that were undertaken during August of this year. The County Ecologist has no objection to the proposal subject to mitigation as proposed within the reports and the compensation proposed for the loss of the naturally regenerating woodland in favour of the onsite biodiversity enhancements proposed.</p> <p>The development proposal has taken into account the presence of protected species and other wildlife and proposes further biodiversity and ecological enhancements such as habitat creation and maintenance, planting of trees and creation of wetland habitat. It is proposed to create buffer</p>

<p>development and should be continued for the life of the management plan.</p> <ul style="list-style-type: none"> • Prior to the commencement of works to, or in the immediate vicinity of, buildings B1a, B1b, B2, B4, B6, B7, B8, B9 and B10 further bat activity and hibernation surveys must be completed in accordance with the recommendations in the Bat Survey (FPCR, September 2013). These results must be used to inform a detailed bat mitigation strategy, which must be submitted to and approved by the Local Planning Authority. Thereafter, works must only proceed in accordance with the approved mitigation plan. <p>Additionally, it is recommend that the following points are considered:</p> <ul style="list-style-type: none"> • The area of lake within and immediately adjacent to the reedbed and badger sett should be designated as an area of ‘No Fishing’, to increase the biodiversity value of the area. • Lighting schemes should be designed to minimise the light spill onto the areas of natural habitat. The lighting plan should take this into consideration and we would recommend the use of low level lighting and, where floodlighting is required, baffles are used to minimise light spill. Some bats are considered to be sensitive to any light greater in intensity than 1 lux and we would therefore recommend that this figure is aimed for. This is in accordance with paragraph 125 of the NPPF. 	<p>zones around the known badger sets and plant the area with berry producing native shrubs such as hawthorn and blackthorn to create dense cover and a foraging resource. The badger corridors will remain free from development to encourage foraging and movement between the site and the dismantled railway.</p> <p>The existing derelict buildings on the site have been surveyed and some have potential to support Bat’s roosting and further survey work has been recommended prior to commencement of any works which may affect the identified buildings. Compensation for the loss of feeding roosts is to be provided by Bat boxes in accordance with the ‘Bat Mitigation Guidelines’ and should be sited in retained tree stands with good flight lines and connectivity to off-site foraging and away from artificial lighting. Two of the buildings (B8 and B10) have tunnels which have potential to be used as hibernation roosts. It is therefore recommended that subject to confirmation that bats are using the tunnels that prior to demolition of the structures that like-for-like replacement involving the creation of underground chambers with an above ground ante-chamber be constructed. It has been recommended that should this be required that the replacement hibernation roost would need to be in place and ideally being used by bats before B8 and B10 could be removed.</p> <p>The County Ecologist has recommended that monitoring of the replacement hibernation roost (should it be deemed necessary following further surveys) may be necessary for up to 2 years or possibly longer depending on the species of bat found using the B8 or B10. This can be secured through conditions as requested by LCC Ecologist.</p> <p>It is considered that whilst the site has ‘naturally’ evolved over time that on site mitigation can successfully be achieved to minimise potential harm on ecology. This approach is in line with NPPF (para. 109). The biodiversity enhancements will result in net biodiversity gains on site and can be successfully controlled by conditions as advised by LCC Ecology Officer who has no objection to the proposed redevelopment of the site.</p>
<p>Natural England:</p>	<p>Comments awaited.</p>
<p>Waste and Minerals: No comments to make</p>	<p>The application proposes to utilise the existing quarry for the use as the lake and no major earthworks are envisaged.</p> <p>The Environment Agency has advised that should excavation be required, depending on the nature of the material and the possibility for its reuse</p>

	<p>either on site or off site the applicant should have regards to The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2). It provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.</p> <p>Any importing or exporting of waste will require consent from the Waste and Minerals authority.</p>
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Representations:

A site notice has been posted and neighbouring properties notified. As a result **16 objections** from 16 separate households have been received to date. Following amended plan consultations 3 further comments were received from interested parties stating that the amendments did not address their previous objection. The objections are summarised below.

Representation Objection/Concerns	Assessment of Head of Regulatory Services
<p>Impacts upon Highways:</p> <p>The traffic survey was done at the busiest time of day and does not give a true representation of how quiet the road is. This development will significantly add traffic to the area on a daily basis.</p> <p>The surveys were only taken from south bound traffic, coming out of the 40MPH restriction. At that time of day most traffic would be going northwards towards Eastwell.</p> <p>The traffic survey is not representative of a typical day and is outside of the 40MPH area and traffic speeds along this stretch of road. The access will create a hazard.</p> <p>Further expansion will add to traffic on the quiet road.</p> <p>The road network is already heavily used by tourists visiting Twin Lakes, using Scalford as a cut through to avoid Melton. Twin Lakes Traffic should be redirected to avoid Scalford.</p> <p>The access visibility is not adequate.</p> <p>The plans do not take into account the land differences at the access which will make visibility difficult.</p> <p>The access is in close proximity to existing accesses and this will cause hazards on the highway.</p>	<p>It is acknowledged by the Highways Authority that the speed survey carried out, only includes a very low volume of traffic and therefore may not be a good representation of the actual flows of traffic however they have not objected to the proposal. This is because amendments to the access have shown that the required visibility splay for an unrestricted road can be achieved and maintained.</p> <p>It is not considered that the proposal would have a material increase in traffic movements to warrant a refusal on highway grounds.</p> <p>Should expansion be required in the future a further application will be required and impacts upon the highways will require to be assessed at that time.</p> <p>Noted.</p> <p>The amended proposal has addressed the inadequacies of the visibility splay.</p> <p>The access is required to be constructed to current Highway Standards to ensure that the required visibility and gradient is achieved.</p> <p>Noted. The Highways Authority have not objected to the proposal subject to conditions requiring visibility splays to be maintained, parking within the site, surfacing and closing of</p>

	access to the Northwest.
<p>Impact upon Residential Amenity:</p> <p>No consideration has been given to the 14 properties within a 70 metres – 250 metres radius of the proposed club house in respect of noise and lighting.</p> <p>Noise from the site will impact upon the occupiers of the Red House who are the closest residents and will cause noise disturbance.</p> <p>The large clubhouse if used for entertainment has potential to create loud noise which would have a detrimental impact upon existing residents.</p> <p>The siting of the waste and sewage treatment plant is much too close to residents.</p> <p>Concerned that due to difference in land levels that the overspill from the lake and sewage treatment plan may result in effluent collecting on neighbouring land.</p> <p>There is no water supply for the lake. The</p>	<p>No details have been provided for lighting and a condition can be imposed to request a lighting assessment plan to be approved. It has been suggested that low level lighting will be used to light up the path ways and building entrances and that no floodlighting will be required.</p> <p>The site is to be contained within the perimeters of the former brickyard and quarry which is well screened by mature planting. Ten meters of existing woodland will be retained around the site boundary which will provide a natural screen, and act as a noise buffer. The nearest residential property is the converted barns to the Red House known as Red House Forge, which is separated from the boundary to the site by approximately 35 metres. The clubhouse will be the nearest building at a distance of approximately 70 metres with the lodges being positioned further to the east, at 135 metres. It is not envisaged that the use would amount to a statutory noise nuisance (under Environmental Protection legislation) given the low level of use involved and adequate separation from residents.</p> <p>The use of the clubhouse can be restricted by conditions and an entertainment license may be required should loud music and alcohol be supplied.</p> <p>The waste areas designated for refuse bins and the sewage treatment plant has been sited along the west boundary accessed by a service road to the north of the clubhouse. The west boundary will have a ten metre treed buffer, aiding to screening of the site, whilst to the north of the proposed development the area is to remain free from development and also has a well treed boundary obscuring views into the site from Eastwell Road. There are residents to the west, Red House and Red House Forge and to the north is Lyon house and Lyon Cottages fronting Eastwell Road. These properties are all considered to be at an appropriate separation distance so that noise associated with the treatment plant and refuse area would not have an unduly detrimental impact upon the residential amenities of the occupiers.</p> <p>The lake sits to the south of the site where there are no residential properties. The application was supported with a Flood Risk Assessment and the Environment Agency has not raised any concern or objection to the proposal. Matters relating to the treatment plant and discharge will be considered under an Environment Permit issued by the EA.</p> <p>No objection has been raised by Severn Trent</p>

<p>continuous supply of water to the site may affect water pressure to existing properties.</p> <p>Cutting down of mature trees on the western boundary will reduce privacy to the residents of the Red House</p> <p>Whilst a 10 metre tree buffer is proposed there is no mention of boundary treatment for security and to stop visitors wandering on to private land.</p>	<p>Water Authority. A separate permit from the Environment Agency will be required for any water extraction.</p> <p>It is proposed to have a ten metre tree buffer to the site around the boundaries.</p> <p>A condition can be imposed to require details of proposed boundary treatment.</p> <p>It is not considered that the proposal would introduce an un-neighbourly use to the area. Due to the adequate separation distances and natural buffers around the site it is considered that the residential amenities of the neighbouring properties would not be reduced to an unacceptable level. A satisfactory access and parking arrangements can be accommodated and conditions can be imposed to control the use of the site.</p>
<p>Impact upon Character of the Area:</p> <p>Potential light pollution from lit buildings.</p> <p>Construction traffic will lead to unwanted noise in this quite environment.</p> <p>This is an area of natural beauty with historic buildings and abundance of wildlife and social history - this will be ruined by this proposal.</p>	<p>A condition can be imposed to secure a lighting assessment for the site to minimise impact upon the area.</p> <p>This is recognised as a short term impact that will cease once construction has been completed.</p> <p>The site has no national or local designation. The nearest historic building is located within the village of Scalford and it is not considered that redevelopment of the site would have a detrimental impact upon heritage assets due to location and screening of the site. Whilst there will be some loss of woodlands and wildlife habitats the proposal has provided compensation and mitigation to minimise harm and offers net biodiversity gains for the area.</p>
<p>Economics and Viability:</p> <p>Although planning policies should support economic growth and rural tourism the plan as it is presented does not seem to be economically sustainable.</p> <p>The amount of investment needed is disproportionate with the maintenance of a lake and 10 cabins.</p> <p>10 cabins will not make the café a viable concern, ultimately how many cabins are proposed for the site, why not ask the applicants to be open and up front as to future development of the site & maybe the planning department need to also take in to consideration the future development of the site</p> <p>Approval will lead to expansion of the site in the future.</p> <p>Why is there a need for such a large club house and cafe for just 10 log cabins?</p>	<p>The viability of a proposal is not a planning consideration, it is the developer's choice to invest. The proposal seeks to utilise an underused site for creation of a tourist facility and seeks to provide facilities to enhance the visitor's experience.</p> <p>Each application is to be considered on its own merits should expansion be required in the future a separate planning consent would be required and an assessment made at that time to the acceptability of an expansion.</p> <p>The club house has been design as a focal point on the site and will provide the office space</p>

<p>Object to the cafe/clubhouse on the site as 10 cabins will not make a cafe viable without it seeking custom for other sources e.g. existing cafe at garden centre & Scalford's last remaining public house. Will this cafe be licensed now or an application submitted at a later date, will we end up with another "Eye Kettleby Lakes" which the local roads will not support.</p> <p>It is unlikely that a cafe can be sustained by the 10 log cabins which will have kitchen facilities and it is likely that the facility will expand in the future and use the Certificate of Lawfulness for the caravan site.</p> <p>The proposal will impact upon the existing rural businesses in the area – namely Lake View Fishery which has a cafe, bait bar and has planning permission for lodges and the cafe at C&C Plants and at Cross Roads Farm.</p> <p>Village businesses are struggling without new businesses arriving.</p> <p>Local businesses are against the proposal.</p> <p>Cannot see how this proposal will have any economic gain to Scalford/Eastwell and surrounding areas.</p> <p>The proposal appears to be self contained having a clubhouse and cafe for visitors use so how can it be considered to enhance local businesses?</p>	<p>required for the running of the facility, including toilet provisions. The cafe facility is proposed to serve the guests and act as a social space. A license would be required should they wish to use the facility for entertainment which involved the selling of alcohol and playing of loud music. If this was the case restrictions on the times could be imposed if it was considered necessary in the interest of persevering residential amenity of the neighbouring properties.</p> <p>Should approval be granted and implemented it would replace all previous permissions and they could not be carried out.</p> <p>Planning policies encourage and support all economic sustainable growth. Planning decisions cannot interfere with the markets nor to regulate competition and should aim to encourage consumer choice.</p> <p>Noted. immediate businesses in the area as visitors will have a choice to visit attractions in the area and spend money at local shops for supplies of their own choosing, and visit restaurants and pubs etc.. However there will be employment opportunities through job creation along with manufacturing of materials and food production to serve the cafe business which will have a more widespread benefit on the economy.</p>
<p>Ecology:</p> <p>Whilst the surveys are comprehensive they were only conducted on one day of the year....living next door we have witness the presence of many wildlife species.</p> <p>Whilst the site is not ancient woodland it does contain mature wood land that has been left untouched since 1952.</p> <p>There has been no survey of nesting birds on the site. Disturbing their habitat may result in them going away.</p> <p>Bats are protected by law yet they want to flatten the buildings.</p>	<p>Please see commentary above – Ecology.</p> <p>No objections have been received by the County Ecologist. The mitigation and compensation is considered to be satisfactory and a long term biodiversity management plan can be secured by condition.</p>
<p>Contamination:</p> <p>It is wrong to assume that there is no contamination on site. It is well known locally that the site was used by the MOD for storage of</p>	<p>The site is not one listed on the Contamination database and no survey was triggered for the proposal. However the Environment Agency has</p>

<p>ammunitions and some could still be buried there.</p> <p>No surveys have been carried out so how can it be assumed that no contamination exists?</p>	<p>requested a ‘safeguarding’ condition which allows appropriate mitigation to be carried in the event of contaminants being found on site.</p>
<p>Planning Policy:</p> <p>The NPPF states that planning law requires that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. In the absence of a Local Development Plan the Authority must turn to the policies and the 12 principles in the NPPF. This proposal fails :-</p> <ul style="list-style-type: none"> • To support economic growth and is not needed. • Does not respect the character of the area • It will not work towards promoting Healthy Communities. • No safe pedestrian access route leading to it. • <p>Should approval be granted the Council must be able to</p> <ul style="list-style-type: none"> • Evidence of an identified need for such a provision • Evidence that existing facilities do not meet the identified need; and • Evidence the proposed location is appropriate. <p>No such evidence is available in the Local Authority’s published documents available on its website.</p> <p>The brickyard is the only significant woodland in the area. Destruction of this woodland would destroy wildlife habitat. It should be considered for designation as a Local Green Space.</p>	<p>Whilst the adopted Local Plan is out of date many of the policies have been saved by the Secretary of State and still apply to this proposal. Where the Local Plan is absent, silent or local policies are out of date then the NPPF must prevail (NPPF para. 215)</p> <p>The objections make reference to a number of policies and principles contained within the NPPF which relate to policy making as well as decision taking. Whilst the two should not be read in isolation, matters relating to designation of green spaces and provisions of recreational and leisure facilities specifically relate to policy making and there would be a requirement to have full and proper assessment of need for facilities which can then inform any local policy. Land designation for specific purposes must be done through the Local Plan and Neighbourhood Plans process and not through planning applications. The New Local Plan is currently being prepared and public consultation is underway. The appropriate Authority representing the community have not expressed an interest in preparing a Neighbourhood Plan for the area.</p> <p>There is no requirement for a developer to evidence the need for development.</p> <p>Please refer to commentary below – Application of the Development Plan Policies for full explanation on compliance or otherwise with planning policy.</p>
<p>Other Considerations:</p> <p>If the Certificate of Lawfulness remains in force then it is required to be a material consideration. Failure to consider the permitted use would amount to a failure to take into account a material consideration amounting to grounds for a Judicial Review of a decision to grant planning permission.</p> <p>The application should not be considered in light of the CLU requiring to be rescinded. Whilst the resolution passed by the Planning Committee stated that the Committee was minded to revoke the certificate of lawful use, since the Committee has not had the opportunity to do so. The landowner failed to respond within the time period set and they did not request an extension of time.</p> <p>The CLU should not have any bearing on this proposal which should fail or succeed in its own</p>	<p>In December 2011 the Committee resolved to proceed with the revocation process for the CLU for the development of 50 caravans. This process was subsequently held in abeyance pending the determination of the current application, and will be returned to following its determination. Accordingly, it is clear that there is doubt about the standing of the Certificate and whilst it is a material consideration, in view of this background it is considered it should be afforded less weight than would be the case if it was not in dispute.</p> <p>As objections point out, this application differs in many respects and should be considered based on</p>

<p>features such as the access arrangements.</p> <p>If approved what would stop them implementing the CLU for 50 caravans? If permitted, the development would increase the dwellings in the local community by 100% (permanent and temporary). Until the Committee is able to further consider this matter, the certificate of lawful use remains in existence. Therefore the current lawful use of the site is for 59 caravans. This is a material consideration in the current planning application which, if granted would extend the lawful use of the site to 59 caravans, 10 cabins and a club house large enough to accommodate all residents on the site.</p> <p>Whilst not a travellers site it is important to highlight the Governments planning policy for Traveller sites which states that when assessing the suitability of the sites in rural or semi-rural settings, LPA's should ensure that the scale of such sites does not dominate the nearest settled community.</p> <p>The proposed development together with use as a caravan park as previously allowed would indeed completely dominate the nearest settled community.</p> <p>Lake View Fishery's have not been consulted and were not invited to the public meeting held at Scaford.</p> <p>The whole thing seems to be underhand and going to final stages despite vociferous local protest. Is there nothing that the ordinary citizen can do to stop the force of so called progress which is of detriment to an already ravaged countryside?</p>	<p>its own content, such as the access arrangements.</p> <p>Should permission be granted and implementation follow, the permission would replace those previously granted on this site and cannot be implemented in conjunction with them</p> <p>The site is not for a travellers site, which is a different use to that proposed. If approved the lodges would only be permitted to use by visitors for no longer than a 28 day period as tourist accommodation. There is no intention to create permanent dwellings which would require a different assessment and application of policy. The application is for tourist accommodation and is therefore required to be assessed on that basis.</p> <p>Impact upon the countryside location, highway, residents and biodiversity are all planning matters which have been assessed and considered against local and national policy and their physical impact.</p> <p>The proposal does not propose any caravans on the site.</p> <p>The consultation carried out for the proposal has been undertaken within the prescribed requirements and in accordance with the law. The Council was not responsible for any public meeting and cannot therefore comment on the attendance list.</p> <p>The planning proposal was submitted on the 26th June 2013 and was required to be determined within an eight week timeframe in accordance with the requirements set down in the Town and Country Planning Act. However due to ongoing consultations with statutory consultees and members of the public this time scale has been extended to allow issues to be addressed. Planning applications, despite local opposition, must be considered against the Development Plan and will either succeed or fail on matters of policy and other material considerations, not on the number of objections received.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p data-bbox="236 255 786 288">Application of the Development Plan Policies</p> <p data-bbox="236 315 786 501">Policy OS2 provides a general presumption against development in the open countryside except for limited small scale development for recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.</p> <p data-bbox="236 528 786 714">The site is located in the open countryside being outside of any settlement and in terms of the principle and policy in question it is considered that the proposal must be considered against the policies contained within policy OS2 and BE1 of the Melton Local Plan</p> <p data-bbox="236 741 786 864">Policies OS2 and BE1 of the Local Plan are applicable but under paragraph 215 of the NPPF it is necessary to consider if they should carry weight.</p> <p data-bbox="236 1447 786 1570">National Planning Policy Framework establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:</p> <ul data-bbox="268 1597 786 2018" style="list-style-type: none"> <li data-bbox="268 1597 786 1664">• Support sustainable economic development. <li data-bbox="268 1666 786 1789">• Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. <li data-bbox="268 1792 786 1881">• Promote mixed use development, encouraging multiple benefits from the use of land in urban and rural areas. <li data-bbox="268 1883 786 2018">• Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made 	<p data-bbox="810 255 1361 468">Policy BE1 has been found to comply with the NPPF in recent appeal decisions by Planning Inspectors, and as such continue to carry significant weight when determining planning applications. The design requirements within the policies reflect closely part 7 of the NPPF and similarly retain weight.</p> <p data-bbox="810 495 1361 831">Policy OS2 allows for limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside, and as such gives some support to the proposal. However, it does not address sustainable tourism and as such is in conflict with the NPPF when applied to this proposal. Following the requirements of para. 215 of the NPPF, the latter should prevail in these circumstances.</p> <p data-bbox="810 857 1361 1417">The site lies to the northwest of the village of Scalford on a 13 acre site of a former disused brickyard and quarry. The proposal would introduce a new tourist facility to the borough bringing visitors into the town. Whilst it is not considered that the proposal fully complies with policy OS2 because it cannot be conceived as small scale, it does bring benefits to the area and is capable of preserving and enhancing the countryside location. The buildings have been designed to complement the surrounds and the use of the site as a leisure facility. The proposed landscaping enhancements and lake creation will greatly assist in allowing the facility to settle in to the landscape. The wooded area will also assist in screening the development and provide a buffer from neighbouring properties to ensure that the use remains compatible with the location.</p> <p data-bbox="810 1444 1361 1691">The NPPF introduces a ‘presumption in favour of sustainable development’ and supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations.</p> <p data-bbox="810 1718 1361 2018">As set out above, the nature and location of the scheme is considered to be a sustainable tourism proposal (see narrative on pages 4 and 5 above). There are considered to be economic benefits to be derived from the proposal; the development is likely to generate economic benefits to the Borough as visitors will spend more in the locality, visiting the Borough’s attractions. The NPPF seeks to promote and support rural economic development providing it can be considered as</p>

<p>sustainable</p> <p><u>Supporting a Prosperous Rural Economy</u></p> <ul style="list-style-type: none"> • Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through new buildings and conversions. • Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. 	<p>sustainable.</p> <p>It is considered that the appropriate policy context for the proposal is the NPPF (because the previously applicable content of the Local plan is now outdated). The benefits to be derived from the development will outweigh any potential harm to the countryside location. The site is in close proximity of Scalford which is considered as a sustainable location and will assist with providing tourist accommodation to encourage visitors to the Borough, in turn supporting economic growth through more expenditure in the area and job creation (manufacturing, construction and onsite management/servicing).</p> <p>The proposal is considered to comply with the principles and objectives of the NPPF and will support rural economic growth and sustainable development objectives, whilst preserving and enhancing biodiversity to the area.</p>
<p>Design</p>	<p>The site is a derelict waste ground which over time has been reclaimed by nature. It is proposed to redevelop the south of the site as tourist facility with fishing lake and leave the north of the site undeveloped but with a woodland management plan to enhance the ecological value. The lodges have been positioned to the west of the site around the fishing lake which is to utilise the former quarry. Landscaping and further tree planting is proposed between the lodges which are to be randomly sited.</p> <p>There will be two types of lodges which will appear similar in style and construction but of different sizes to suit individual needs. The larger of the two would contain three bedrooms having dimensions of 16m x 7.6m x 2.6m, whilst the two bedroom lodge would be 12.5m x 6.8m x 2.6m. The lodges will sit fairly low in the landscape screened from the east by the dismantled railway which provides the back drop to the site.</p> <p>The club house has been designed to be a focal building and has a circular glazed two store height entrance/lobby area as strong feature of the design with two single storey wings leading off. One wing will contain the offices, toilets and the other the cafe area. The large open central space will be the meet and greet area for arriving visitors and will provide a social meeting area. The central lobby area will have a solar panel roof whilst the wings will have living grass roof coverage to minimise the buildings impact upon the environment, employing sustainable development principles.</p>

	<p>It is considered that the design principles for the scheme allow for a development that is sensitive to the area and is capable of being absorbed in to the environment. The site will offer a spacious recreation area and will be an attractive place for guests. The proposal is considered to comply with the NPPF chapter 7 in providing an attractive high quality development and Local Plan policy BE1 ensuring that the buildings respect their surroundings, including residential amenity with adequate space between buildings and adequate access and parking requirements.</p>
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Conclusion

The proposal for a holiday lodges and fishery is considered to comply with the objectives of the local and national planning policies in terms of generating tourist accommodation and supporting the NPPF objectives, of contributing to the rural economy and facilitating access to the countryside without damage to sensitive landscape or environmental quality. There are many rural tourist attractions within the Vale of Belvoir and the wider Borough that would also be supported by this proposal and employment opportunities will arise. It is considered that the impact on travel patterns and other sustainability considerations would be very limited by its scale and location, such that no significantly harmful effects could be demonstrated. It is therefore recommended for approval subject to conditions.

RECOMMENDATION: Approve, Subject to:

- (i) **the completion of the Undertaking offered by the applicant to rescind any rights arising from the 2010 Certificate of Lawfulness on the site and;**
- (ii) **the following conditions:**
 1. The development shall be begun before the expiration of three years from the date of this permission.
 2. The proposed development shall be carried out strictly in accordance with plan drawing numbers 2565/3 rev A and 2565/5 received by the Authority on 18th June 2013 and access arrangement plan CIV 14613CSA03_001 submitted on the 31st July 2013.
 3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 4. Prior commencement of the development details of the boundary treatment to secure the site shall be submitted and approved by the Local Planning Authority. The approved details shall be implemented before first use of the development and remain in perpetuity.
 5. Prior to first use of the site a detailed lighting schemes shall be submitted and approved in writing by the Local Planning Authority. The lighting plan shall include location, design and heights of any proposed lighting to be used including details of the luminance. The lighting shall be implemented in accordance with the approved details and maintained in perpetuity.
 6. Before first use of the development hereby permitted, the proposed vehicular access shown on the revised highway access design drawing no. CIV14613CSA_001, received by the local Planning Authority on 31st July 2013, shall have been provided, hard surfaced and made available for use. Once provided the access shall thereafter permanently remain available for use.

7. Before first use of the development hereby permitted the proposed access road shall have been surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.
8. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected across the proposed vehicular access, they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as to open inwards only.
9. The gradient of the access road shall not exceed 1:12 for the first 10 metres behind the highway boundary.
10. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
11. Before first use of the development hereby permitted, the proposed visibility splays shown on the revised highway access design plan no. CIV14613CSA03_001, received by the Local Planning Authority on 31st July 2013, shall have been provided and cleared of any obstruction that exceeds a height of 600mm above the level of the adjacent carriageway. Once provided these visibility splays shall thereafter be permanently so maintained.
12. The existing vehicular access serving the site from Eastwell Road that is to be closed as a result of this proposal shall be closed permanently and the existing vehicular crossing reinstated as highway verge in accordance with Highway Authority standards before the proposed development is first brought into use.
13. The car parking facilities shown within the curtilage of the site, shall be provided, hard surfaced and made available for use before the development is first brought into use and shall thereafter be permanently so maintained.
14. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, limiting surface water to existing run-off rates, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
16. Prior to the commencement of works to, or in the immediate vicinity of, buildings B1a, B1b, B2, B4, B6, B7, B8, B9 and B10 further bat activity and hibernation surveys must be completed in accordance with the recommendations in the Bat Survey (FPCR, September 2013). These results must be used to inform a detailed bat mitigation strategy, which must be submitted to and approved by the LPA. Thereafter, works must only proceed in accordance with the approved mitigation plan.
17. A range of bird boxes are required to be installed throughout the site to replace loss of habitats and shall remain in place in perpetuity.
18. Works must proceed only in accordance with the mitigation detailed in section 5 of the Badger Survey Report (FPCR, August 2013). The badger survey must be repeated every 2 years, and a survey completed immediately prior to the start of the works to establish the exact location and extent of the badger survey and to allow updated mitigation to be submitted and approved by the Local Planning Authority if appropriate.
19. All planting and habitat creation must be in accordance with the details provided in the

Habitat Management Statement (Lockhart Garratt, August 2013), including the drawing contained in appendix 1.

20. The accommodation hereby permitted shall be used only as a holiday letting and not as the principal accommodation of any person. For the purpose of this condition 'holiday let' means letting to the same person, group of persons or family for a period not exceeding 28 days in any one calendar year and the accommodation shall not be used as the main residence of any occupant.
21. The use of the clubhouse/cafe shall be strictly ancillary to the main use of the site for staying guests and visitors and shall not be used for purposes not connected with the activity on the site nor occupied independently.
22. Details of the play equipment any proposed fencing to be used for the construction of the adventure play ground shall be submitted and approved in writing by the Local Planning Authority prior to first use of the site. The play equipment and fencing shall be carried out in accordance with those details as approved.
23. **Prior to construction of the access into the site, details showing the extent of re profiling work to the west boundary shall be provided and approved. The details shall include cross section and site levels. Once approved the works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.**
24. **The consent does not authorise any importing or exporting of waste material which will be subject to separate approval from the appropriate authority.**

Officer to contact:

Mrs Denise Knipe

25th October 2013