



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

9 January 2014

PRESENT:

PM Chandler (Chair), P Baguley,
G Botterill, G Bush, P Cumbers, A Freer-Jones, E Holmes
T Moncrieff, J Illingworth, J Simpson, J Wyatt

Solicitor to the Council (VW), The Head of Regulatory Services
Regulatory Services Manager, Planning Officer (DK)
Administrative Assistant (JB)

D57. APOLOGIES FOR ABSENCE

None

D58. DECLARATIONS OF INTEREST

None

The Chair invited Pat Reid to introduce himself to Members.

The Regulatory Services Manager introduced himself and outlined his role in Regulatory Services.

D59. SCHEDULE OF APPLICATIONS

- (1) **Reference: 13/00276/FUL**
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.

- (a) The Planning Officer stated that:

Since publication of the report comments had been received from Scalford Parish Council (PC) querying the need for a club house and requesting that it be restricted to use of the residents on site; this is detailed on page 6 of the report. Also they noted the absence of a plan showing land outside of the application site in the applicant’s ownership – one has been received (displayed). The PC enquired why has the site access been moved to the original position; a position the Highways Authority did not previously agree with – this has been addressed within the report on page 4.

1 Late representation to report:

- insistence that the development could co-exist with previous permissions, this could result in a site containing 10 cabins, 59 caravans and a clubhouse.

Response

We do not agree this scenario is possible because:

- a) the applicants have voluntarily agreed to rescind their rights under earlier permissions, so the entire concept of multiple permissions is negated
- b) the two permissions could not co-exist as the buildings are in the same places on the site and would literally need to be on top of one another.

The application seeks planning permission for the redevelopment of a brownfield site outside of the village settlement of Scalford to provide a tourist facility comprising of 10 log cabins, club house and treatment plant.

The former quarry will be filled in to create a fishing lake and it is proposed to modify the existing access to achieve the required visibility splays as adopted by the Highways Authority.

It is considered that the main issues that relate to this proposal is compliance with the development plan policy OS2 (for tourist development), BE1 (adequate access and parking and no adverse impact upon neighbouring properties) and the objectives of the NPPF which seeks to support sustainable rural tourism.

In regards to Sustainability the Local Plan offers no guidance and therefore the NPPF is the prevailing policy for development of this type. The NPPF advises that support should be given to sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Sustainability cannot therefore be assessed on location alone unlike housing development where occupiers need a good level of access to everyday services.

The pattern of tourists is in itself unsustainable due to them wanting to travel to visit other tourist attractions. Considerations are therefore required to assess what benefits a tourist development would bring to the area to support sustainable rural tourism.

The proposal offers a fishing activity which in itself provides an attraction for visitors. The added benefit of accommodation allows visitors to stay longer in the area which will allow combined visits to support other tourist attractions in the area. Jobs will be created in maintaining and running of the facility and benefits will therefore be gained by the community. This is discussed on pages 12, 13 and 17 of the report.

As reported on page 4 of the report, the Highways Authority are satisfied that the proposed access will not create a danger to highway users and they have no objection to the proposal subject to the satisfying conditions 6-11 as outlined on page 19.

The amended scheme has attempted to address the concerns of nearby residents through relocating the club house and treatment plant to the eastern boundary to maximise the separation distance in the interest of preserving the residential amenity. Details are reported on page 10 and 11.

It is proposed to supplement the boundary with a ten metre buffer which can be secured by means of condition to further assist with screening of the site in the interest of preserving residential amenity.

Matters relating to contamination have been addressed by condition 13 and all

other matters relating to ecology and flood risk are satisfied.

Accordingly the application is recommended for approval as outline within the report.

(b) Mrs Bryan, on behalf of the Parish Council (PC), was invited to speak and stated that:

- The PC recognise that amended plans have made considerable changes but concerns still remain
- The northern access to the site is from a fast and hazardous road
- There is no justification for a clubhouse and even with conditions restricting its use concerns remain regarding noise and light pollution
- Access to the clubhouse, if approved, should only be for residents and not extended to their guests
- The application would result in the removal of a lot of woodland and shrubs which would be unfortunate for everyone
- There are still concerns about the boundary around the quarry and its proximity to dwellings.

(c) Andrew Robinson, an objector, was invited to speak and stated that:

- The amendments proposed to place facilities nearer to his residence
- Concerns about how the application relates to the Certificate of Lawfulness outstanding on the site
- As no topological survey prepared there is insufficient consideration from the applicants to the site
- Building 10 cabins will double the number of people living in the area and we do not know the results from the light and noise pollution from this development
- The roads near the site are dangerous, there was an accident in the area recently and we believe that this proposal will make the roads more hazardous
- The quarry has lain dormant for 30 years, question what will happen if it is filled with water and if it will percolate out and cause flooding to our land
- A business plan has not been submitted, would have thought this was necessary for this type of application.

Cllr Moncrieff asked for more information about the railway cutting.

Mr Robinson replied that it is left as a natural habitat. He walks his dogs on it. It is very wet under foot and is concerned about the drainage from the proposed lake.

The Planning Officer replied to Mrs Bryan that the proposed 10m buffer is achievable, can be imposed by a landscaping condition and should mitigate some boundary concerns. She went on to reply to Mr Robinson that the viability of the venture was not a planning consideration for this type of application.

The Head of Regulatory Services stated that concerns regarding the Certificate of Lawfulness was held in abeyance and that a special meeting would be convened to determine it as soon as the application was determined.

Members debated the numbers expected to the site, both as residents and residents' guests, the advantages and the possible impacts on the area. They noted that condition 12 and 19 could be altered to limit numbers but questioned if this could be monitored and enforced. Members discussed the use of the site discussing the quiet nature of fishing and the possibility of residents' guests visiting such a venue.

Members disagreed on the sustainability of the proposal. A Member stated that she believed that this type of development in this area was not sustainable and that other fishing lakes in the area are not financially sustainable either. A Member noted that sustainability issues were approached differently when considering tourism based applications as visitors to the area moved around and sought different amenities.

The Planning Officer stated that she could not comment on the viability of other fishing lake businesses and that Members were considering the application before them, not other sites.

The Head of Regulatory Services stated that sustainability was a core principle of the NPPF that guided Members determination of applications and that sustainability should not be confused with financial viability. He went on to state that sustainability for this type of application cannot be approached as if it were for residential purposes. He added that Members had to consider if the site gave reasonable access to facilities and attractions in the area to deem it as 'sustainable tourism'.

The Chair noted that an application for holiday lets in Kirby Bellars was refused on grounds of sustainability and asked if this site could be considered in a similar way. A Member agreed and stated that an application for 'cabins' on Landyke Lane had also been refused. Members agreed that consistency was important but planning balance had to be considered on a case by case basis.

The Head of Regulatory Services confirmed that the holiday lets had been refused in

Kirby Bellars partly due to their unsustainable location but that the application for 6 cabins on Landyke Lane had been approved in 2006. He went on to say that further reasons for refusal had been made in the Kirby Bellars application (13/00563/FUL) including its impact on the character of the village and the protected open area the site was within.

Members discussed the clubhouse: its size, use and if it would detract or enhance other local amenities.

Members debated issues regarding highways, expressing concerns about the accident on the 19.09.13 in the area and if the development would increase safety risks on the road. A Member asked for confirmation regarding the access to the site.

The Planning Officer noted that these issues were addressed in the report and discussed the road layout referring to the location plan (displayed).

The Head of Regulatory Services noted that the access is approximately 150m from the nearest road junction.

A Member asked why no business case had been required.

The Head of Regulatory Services reiterated that viability is not a material consideration and Members should not confuse the terms 'viability' and 'sustainability'.

Members disagreed on issues regarding wildlife on the site and the impact of the application.

Cllr Simpson **proposed approval of the application**, agreeing that placing restrictive conditions on the numbers of residents' visitors may be unenforceable but stating that consistency between conditions 12 and 19 needed to be found. She went on to say that the application accorded with the NPPF and voiced concerns that the application may be won on appeal if refused at Committee. She also added that tourism should be encouraged in the area. She agreed with the Officer's recommendation regarding the 10m buffer and landscaping conditions.

The Head of Regulatory Services noted the wishes regarding conditions and confirmed the content with Cllr Simpson.

Cllr Cumbers **seconded the proposal to approve the application** stating that she was sorry to hear such negativity. She went on to say that she believed the development could be an asset to the Borough; she added that it was a pity the local

residents could not have been more involved initially with the application design and also allowed onto the site to enjoy it.

A vote was taken: 4 in favour of approval, 6 against and 1 abstention.
Cllrs Cumbers, Simpson, Bush and Wyatt wished for their votes in favour of the application be recorded.

Cllr Holmes **proposed refusal of the application** because the proposal was not sustainable tourism and issues regarding highways and traffic safety.

The Head of Regulatory Services confirmed the reasons for refusal.

Cllr Botterill **seconded the proposal to refuse the application.**

A vote was taken: 6 in favour of refusal and 5 against refusal.

DETERMINATION: REFUSE, for the following reasons:

- 1. The development is considered to represent unsustainable tourism in the open countryside contrary to paragraph 28 of the NPPF by virtue of its proposed location and limited access to facilities.**
- 2. The proposed development would result in an adverse impact on road safety as it would lead to the intensification of use of an access which is in close proximity to other junctions, where traffic is fast moving and where sightlines are likely to be obstructed.**

The Head of Regulatory Services confirmed the issues surrounding the Certificate of Lawfulness concerning Lionville Brickworks – Field No's 6475 and 7262 Eastwell Road, Scalford. He noted that a special meeting would be set for the 13th February to debate the Certificate of Lawfulness.

D60. URGENT BUSINESS

None.

The meeting commenced at 6.03 p.m. and closed at 7.08pm.