



A SPECIAL MEETING OF THE
DEVELOPMENT COMMITTEE

Civic suite, Parkside

20 December 2011

PRESENT:

P.M. Chandler (Chair)
P. Baguley, G.E. Botterill, P. Cumbers, J. Douglas
M. Gordon, J Illingworth,
J. Moulding, J. Simpson and J. Wyatt

Head of Regulatory Services
Lead Enforcement Officer (AD), Planning Officer (DK)
Solicitor to the Council (VW), Administrative Assistant (JB)

D55. APOLOGIES FOR ABSENCE

Cllr T. Moncrieff

D56. DECLARATIONS OF INTEREST

None

D57. SCHEDULE OF APPLICATIONS

THE OLD BRICKYARD, SCALFORD: information received in respect of 'The Old Brickyard', Scalford and to invite consideration of action to be taken.

The Chair stated that there was a request to extend the number of public speakers.

Cllr Wyatt proposed approval of the extension. Cllr Botterill seconded the proposal.

On being put to the vote the proposal was approved unanimously, accordingly standing orders were suspended.

The Head of Regulatory Services introduced the report circulated prior to the meeting, drawing attention to the supporting material, options and recommendations.

The Chair invited Mr Goodson to speak and he stated that:

- He lived in Eastwell near Scalford Road all his life
- He passes the site on a weekly basis and saw no changes on the site till the 1990s, and then only of a minor nature
- The gates were put up in the 2000s, no work has been undertaken within the site

The Chair invited Mrs Pedlar to speak and she stated that:

- She was a former Parish Councillor and previously a member of the Development Agency
- She had submitted a letter previously outlining her points, including: she had lived in the area for a number of years with personal experience of accessing and observing the site over several years up to 1980 and had seen no signs of development. It is clear that no access was provided to the site at that time.
- The Committee should consider very carefully what should happen to the site.

The Chair invited Mr Brewin to speak and he stated that:

- He has lived locally most of his life and in Lion House for 37 years, owning the paddock adjoining the site also.
- He can confirm that no work was carried out till 1992-93
- He noted the timeline of events and the ownership of other adjoining land referring to his previous correspondence to the Council
- No building has been constructed within the brickworks for the last 37 years.

The Chair invited Mr Fairhurst to speak and he stated that:

- He represented local people who were not able to attend the meeting themselves
- He noted the timeline of events and the ownership of other adjoining land referring to his previous correspondence to the Council
- There is no evidence of a caravan site but lots of evidence that there has been no development on the site and therefore the planning permission has expired.
- A site visit would be valuable to Members
- He would urge the Member to revoke the Certificate of Lawfulness.

The Chair invited Mr A Wade to speak and he stated that:

- Many of his points had already been raised by other speakers
- The local people were sincere regarding the lack of development on site
- The residents were frustrated at being excluded from one of the original meetings
- Would like to confirm that there is enough evidence to revoke the Certificate of Lawfulness

Cllr Holmes, Ward Councillor, was invited to speak and stated that:

- Many of his points had already been raised by other speakers
- She questions the timeline of development validating the original permission and hence the Certificate of Lawfulness
- The access is dangerous and this should have been a factor when the Certificate of Lawfulness was considered
- The Members should take notice of the sworn statements made by local residents and note that over 100 people attended the last meeting in Scalford to discuss the site
- The toilet blocks on the site have existed since the Army controlled it many years ago
- Concerned that the Members had not visited the site.

The Head of Regulatory Services replied that the Certificate of Lawfulness was given due to evidence received at the time of its consideration, site visits had not been necessary as it is the evidence provided that is under scrutiny not the physical condition of the site and replying to Cllr Holmes, the Certificate of Lawfulness was issued considering only whether the original planning permission had commenced, not current planning issues and that what was being discussed now is new evidence that allows Members to reconsider the Certificate.

Cllr Baguley asked if the owners are the same since the original application of 1972

The Head of Regulatory Services replied that they may be the same people but known under a different name. Andrew Dudley confirmed that the applicant was Mr Hill.

Cllr Baguley noted that the applicant has not submitted further information since the application for the Certificate of Lawfulness 18 months ago.

The Head of Regulatory Services confirmed this.

Cllr Cumbers noted that there is much evidence in place from local residents that there were no kerbs in place before 1977. She further stated that there is no dispute that some development has taken place but the point of consideration is the timing of this development. Cllr Cumbers proposed Option 3 as set out in the report.

Cllr Baguley seconded this proposal.

Cllr Botterill stated that he has been aware of this site for some time due to his association with the area and that he believed there has been nothing to suggest the original permission had been carried out.

Cllr Illingworth stated that he had seen the site and believes that on the balance of evidence, that development took place after 1977.

The Solicitor to the Council pointed out that the option (iii) in the report is a proposal, the applicant must be given an opportunity to reply to these proposals and reminded Members that they must specify what evidence is regarded as false.

The Head of Regulatory Services confirmed that in the event of option (iii) being resolved, that the applicant would have a minimum of 14 days to respond.

Members agreed that the evidence available from the sworn statements regarding the timing of the development is sufficient to indicate that the statement in the Application (for the Certificate of Lawfulness) that the 1972 permission had been lawfully commenced within the 5 year period the permission allowed was false.

The Solicitor to the Council referred Members to the report and reiterated the need for clarity of proposals.

The Head of Regulatory Services drew attention to the report asking Members to consider the options within it.

The Chair proposed a vote to be taken, according to Cllr Cumbers proposal to accept the option outlined in 2.1 (iii).

On being put to the vote the application was agreed unanimously.

The Chair spoke to the public stating that they would be invited back to subsequent meetings on the matter.

RESOLVED: the Committee is minded to revoke the Certificate of Lawfulness, in view of the additional information received and instructs the Head of Regulatory Services to undertake the measures required under General (Development Management) Order 2010 (as detailed in paragraph 7.2 of the report) as the next stage of this process.

The meeting which commenced at 6.30 p.m. closed at 7.15 p.m.

Chairman