

## FILEY TOWN COUNCIL

### SPECIAL COUNCIL MEETING HELD 8 AUGUST 2016

AT 7.00pm

Present : Councillor Susan Bosomworth (Chairman) and Councillors John Casey, Diane Glanvill, John Haxby, Robert Horley, Jeff Meek, John Shackleton, Anna Shaw, Richard Walker and Marion Wright.

Also present : Boro Cllrs Mike Cockerill and Michelle Donohue-Moncrieff, Gina Robinson Town Clerk, Mrs Maureen Prentice Deputy Town Clerk and 20 members of the public.

Cllr Bosomworth reminded everyone present of the emergency evacuation procedure in the event of an emergency taking place. She went on to state that the filming and recording of the meeting was taking place and enquired whether anyone did not wish to be filmed, she went on to enquire whether anyone else wished to record or film the meeting and no response was made.

#### NOTICE OF MEETING

**RESOLVED : That Public Notice of the meeting had been given in accordance with Schedule 12, para 10(2) of the Local Government Act 1972. 628/016**

#### APOLOGIES

Apologies had been received from Cllrs Jacqui Houlden-Banks (personal) and Kevin Wilkie (personal) and it was :

**RESOLVED : That the above apologies be duly noted. 629/016**

**RESOLVED : That the reasons for absence be accepted. 630/016**

#### DECLARATIONS OF INTEREST

The Chairman reminded members of the need to consider whether they needed to declare a disclosable pecuniary interest (DPI) or personal interest, as detailed in Appendix A and Appendix B of the Town Council's Code of Conduct.

*Cllr Marion Wright declared a personal interest on agenda item 6a being a planning application in respect of The Bay as she was a personal friend of one of the applicants.*

**RESOLVED : That the above personal declaration of interest be duly noted. 631/016**

#### PUBLIC QUESTION TIME

A member of the public enquired as to whether members of the public could put forward ideas with regard to the Coastal Communities Fund and was informed that these were welcomed, she went on to suggest the following : a bid to purchase Ackworth House or some other property in order to provide indoor entertainment for children especially during inclement weather and as elderly people found access to the beach difficult, the provision of a land train or similar for transportation etc.

A further member of the public enquired whether the public would be permitted to speak on Agenda item 6a – Planning Application in respect of The Bay and was informed that they would be allowed to speak when invited by the Chairman.

**RESOLVED : That the above suggestions in respect of the Coastal Communities Fund be duly noted. 632/016**

#### SCARBOROUGH BOROUGH LOCAL PLAN EXAMINATION

Members were requested to consider whether any representative would be attending the session dealing with the Filey Housing Allocations which at the present time was taking place on 8 September 2016 in the Council Chamber at Scarborough Town Hall when the proposed Local Plan was examined by the Planning Inspector. Members had been circulated with a copy of the Town Council's submission which stands and cannot be amended, any representative who did attend could only re-iterate the Town Council's submission. Cllr Walker volunteered to attend this session and would await confirmation of the date and time when it was available.

**RESOLVED : That Cllr Walker be appointed as the representative of the Town Council at the above Local Plan Examination. 633/016**

*continued overleaf*

**PLANNING APPLICATIONS**

Consideration was given to the following planning applications which had been received from the Scarborough Borough Council :

*Cllr Wright declared a personal interest in the following application and took no part in the discussion or voting thereon*

**Applicant, Development & Location**

***Outline application for up to 124 holiday lodges with full details for development of a Function Room (D2) and the vehicular access from the A165 at The Parade, Moor Road, Filey for Essential Vivendi Ltd.***

Members had previously been circulated with a report for consideration which drew their attention to the applications various contraventions of The Borough Local Plan Policies. Cllr Glanvill expressed her desire for a site visit to see for herself the development which had already taken place as well as the proposed site of this application, she went on to comment that there was already great difficulty in Filey to get a doctors' appointment. Cllr Shackleton stated that there were many objections to this application on the Borough Council's web site and queried how many more holiday lets the area needed. He went on to state that existing owners of properties on The Bay development had been informed that there would be no development on this proposed site and it would remain as open space and wildlife meadow and was concerned as to how many more areas of open space were to be lost.

Cllr Haxby commented that in the original planning application for the whole site there was to have been a greenhouse system on this site but considered that the proposal was a gross overdevelopment of the land and should remain as part of the coastal infrastructure. He went on to comment on the narrow Sands Road leading to Hunmanby Gap as this was totally unsuitable for a high amount of traffic and would not wish to see any future development creating a permanent access/egress onto this road. He was also concerned regarding access to the Filey doctors. Cllr Walker stated that he and Cllr Meek had been on a site visit and had noted that it would be necessary to remove a large amount of soil and wondered where this would be placed and queried whether one of the existing ponds would be filled in and this would cause much disturbance to any wildlife and habitat. As this application was only an Outline, any future development may be completely different to what is envisaged at the present time.

Cllr Haxby queried what the rules of occupancy would be, would it be holiday use only or would it become permanent. He went on to state that he was concerned about the sewage system and whether the Filey combined system would be able to cope with these additional properties especially as the system overflows onto the beach during times of heavy rainfall at the present time.

*Standing Orders were suspended at this point to permit the members of the public to speak*

Members of the public stated their concern regarding the waste management as some of the asbestos roofs from the old Butlins chalets were buried on the proposed site. Others stated that the applicants had been prosecuted on a number of occasions regarding the Greater Crested Newts and also by the Scarborough Borough Council for creating a footpath to the beach from the existing site and there were also queries regarding the access from Sands Road which had appeared with no permission. The member of the public went on to state that the Traffic Report submitted with this application had been undertaken using the 2005 figures however traffic on the A165 had increased greatly since then. He considered that the proposed Function Room was being provided as there was a lack of facilities on the existing site for the holiday-makers and was of the opinion that the Company totally disregarded the general public and did what it wanted. He also commented that the applicants were trying to understate the number of properties on the site to factor in the proposed holiday lodges.

A further member of the public commented that it was a pity the Town Council had not objected to HA23 as they were doing on this application.

*Continued overleaf*

## Special Council Meeting held 8 August 2016

Boro Cllr Donohue-Moncrieff stated that Essential Vivendi Ltd did originally have other development land for expansion but had sold it to Bourne Leisure however they had since had ample opportunity to put forward this area of land into the new Borough Local Plan but had not done so. She commented that the Borough Local Plan was in the final stages of its review and to permit this application outside of the Permitted Development Limits would be in breach of the spirit of the Borough's Local Plan. Boro Cllr Donohue-Moncrieff stated that there was a point of principle and the land was maintained for those reasons as green space would not be green space in ten years time if it was allowed to be developed.

She went on to state that this was an important issue and had recently walked round the site and considered that this land had been set aside for nature and wildlife and should remain so. It was outside the Development Limits and as the Function Room was for D2 use it could be used for various things and queried how the amenity of existing residents would be protected.

A member of the public stated that there was no mention of the badgers on the site, and the site was also on the flight path of barn owls and bats. She went on to state that the whole site was up for sale with this proposed area to be sold separately therefore anything could happen to it in the future.

Boro Cllr Cockerill stated that although this area did not come within the Filey Town Ward he was concerned that there had been no comments from County Highways or Yorkshire Water and queried the reliability of the rising main although this was his theoretical view and not from personal experience.

A member of the public enquired what would happen regarding this planning application, could the Town Council refuse this but was informed that the Town Council could only pass comment as the final decision would be taken by the Scarborough Borough Council Planning Committee members. Cllr Bosomworth stated that all comments from this meeting would be submitted to the Borough Council.

Cllr Haxby voiced his concern regarding the possible presence of asbestos and considered that questions should be asked of the Environment Agency regarding how much asbestos there was originally on the site and how much was taken off site which would then determine how much must be buried on the site. Boro Cllr Cockerill stated that the Borough Council's website shows the area where asbestos may be buried.

Boro Cllr Donohue-Moncrieff congratulated the members of the public for their good work in preparing their case for protecting this area of land against the outline application submitted as they had done a good job, this sentiment was re-iterated by Cllr Bosomworth.

Boro Cllr Donohue-Moncrieff stated that she was concerned regarding issues around infrastructure and services and would be having discussions with the local MP for additional funds for areas which double their capacity in summer.

*Standing Orders were re-instated at this point*

**RESOLVED : That the contents of the report which had been supplied to members together with a summary of all the above comments, a copy of which is attached hereto (Appendix 1), be forwarded to the Scarborough Borough Council as the Town Council's objection to this Outline Application.** **634/016**

*All except one member of the public left the meeting at this point 7.55pm*

### **Applicant, Development & Location**

Installation of pitched roof at The Brig Shopping Centre, Station Avenue, Filey for Mr Corrigan.

### **Observation**

**No objections**

Erection of rear extension and conservatory at 21 Welford Road, Filey for Mr Malcolm Hicken.

**No objections**

Replacement windows at 5 Melville Court, Filey for Mrs P Suddards.

**No objections**

Disabled W/C to rear at 89 Scarborough Road, Filey for Mr/Mrs Flowers.

**No objections**

*Continued overleaf*

Special Council Meeting held 8 August 2016

**RESOLVED : That the above observations in respect of the additional applications be submitted to the Scarborough Borough Council. 635/016**

**ELECTION OF MEMBERS TO COMMITTEES**

Planning Committee

Additional members were required to serve on this Committee and Cllr Walker volunteered, it was also suggested that when the new Councillor is elected later in the year they could also serve on this Committee which would increase the membership to seven.

**RESOLVED : That Cllr Walker be appointed to serve on the Planning Committee 636/016**

Property Committee

One additional member was required to fill the vacancy on the above Committee following the resignation of Mike Cockerill and Cllr Glanvill volunteered.

**RESOLVED : That Cllr Glanvill be appointed to serve on the Property Committee. 637/016**

**MINUTES**

Strategic Planning Committee meeting held 21 July 2016

**RESOLVED : That the Minutes of the above meeting, as circulated and taken as read, be and are hereby approved as a true and correct record of the proceedings thereat.**

**After due consideration of the recommendations made in respect of Minute Nos. 593/016, 594/016, 595/016 and 597/016 that Minutes 583/016 to 597/016 inclusive be accepted by the full Council and action be taken thereon as necessary. 638/016**

**COASTAL COMMUNITIES FUND**

Members were requested to come forward with any ideas or visions for projects for the Coastal Communities Funding, the main emphasis was on creating employment, apprenticeships, increase in visitor numbers, new tourism facilities created, new marine berths created, new tourism events supported, new or upgraded floor-space e.g. craft workshops, renewable energy projects or flood/coastal defence projects. Cllr Wright considered that a new Working Party be set up to include outside organisations and the Borough Council and was informed that the new Town Centre Working Party would have their first meeting arranged for September and this topic would be included on their agenda.

*Standing Orders were suspended at this point to permit Boro Cllr Donohue-Moncrieff to speak*

Boro Cllr Donohue-Moncrieff suggested that in order to be successful in a funding bid something symbolic was suggested and she gave an example such as the Whitby Lighthouse and the Cinder Path in Scarborough which had received funding.

*Standing Orders were re-instated at this point*

Cllr Shaw enquired as to whether public toilets would be a suitable project.

**RESOLVED : That members submit their suggestions to the office. 639/016**

**REQUESTS TO OBTAIN OR PRESENT INFORMATION**

**RESOLVED : That it be noted no requests had been made. 640/016**

*Under Section 17 of the Crime & Disorder Act 1998 members considered that none of the above decisions would impact on crime and disorder*

*The meeting closed at 8.30pm*

Councillor Susan Bosomworth  
Chairman & Town Mayor



# Filey Town Council

Deputy Town Clerk ~ Mrs Maureen Prentice

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17 August 2016

Dear Mr Read

## PLANNING APPLICATION 16/01097/OL

Outline application for up to 24 holidays lodges with full details for development of a Function Room (D2) and the vehicular access from the A165 at The Parade, Moor Road, Filey for Essential Vivendi Ltd.

The members of Filey Town Council wish to strongly object to this outline application as follows :

- The proposed development is outside the defined Permitted Development Limits of the Amtree Park site (now known as The Bay), should this application be granted this would allow for further developments to be submitted in the future.
- The application contravenes The Borough's existing Local Plan Tourism Policy L.13 Amtree Park, Filey which states that 'Proposals for the redevelopment of Amtree Park will be approved provided that they:

*Copy extract from the Borough Local Plan (Tourism Section)1999*

- (A) **Do not extend beyond the boundaries marked on the proposals map;**
- (B) Provide for and enhance the area as a destination for tourists or make provision that meets the requirements of rural economic development and employment;
- (C) **By their nature, scale and operational characteristics do not attract significant numbers of unnecessary journeys by private car;**
- (D) Improve the appearance of the site and provide for substantial and sympathetic landscaping treatment;
- (E) **Do not detract from the rural character and appearance of the landscape and**
- (F) **Do not involve permanent unrestricted residential use.**

### *Justification*

*3. The site may also provide opportunities to secure the development of the rural economy. Any development necessary to sustain the economy should pay close regard to the protection of the landscape and the ecological, agricultural and recreational value of the countryside.*

*5. Development at Amtree Park should recognise that the open cliff top area is of a completely different character to the derelict parts of the site, which are appropriate for development. The cliff top area was regarded as Butlins, the former occupants of the site, as an asset, which was why it was never covered by chalet or other buildings. Bearing this in mind, any proposals should ensure that the easternmost edge of this site, within site boundaries identified on the Proposals Map, accommodates a landscaped or other buffer adjacent to the cliff top area and does not accommodate any hard development.*

*6. Any proposal for the site should provide an independent TIA, confirming the level of traffic movements proposed do not require amendments to highway network and addressing the creation of a safe and satisfactory access'.*

- The application contravenes the following Borough Local Plan Policies 1999 :  
No E.1 Protection of open countryside  
No E.2 The Coastal Zone – the site would be highly visible from the Heritage Coast  
No E.6 The protection of Open Space
- The developer has had ample opportunity to put forward this area of land into the new Borough Local Plan but has not chosen to do so. To permit this application outside the Permitted Development Limits would be in breach of the spirit of the Borough's Local Plan.
- Should this application be given outline planning permission the stated 124 travel lodges could result in permanent holiday homes when a full planning application is received.
- On the outline planning application plan there is shown an entrance/exit onto Sands Lane which would result in increased traffic on this quiet access road to Hunmanby Gap.
- The Transport Impact Assessment (TIA) submitted is based on figures undertaken in 2005 and therefore is out of date due to the A165 being significantly busier now due to the new A165 Reighton by-pass.
- The site holds flood water and may increase flooding should it be built upon.
- The increased number of properties may increase the burden on the Filey combined sewage system which travels back through Filey to the Yorkshire Water Muston Treatment Centre and may cause the system to overflow onto the beach during times of heavy rainfall, as it already does at the present time.
- Is there a need for a large function room on this site as its exact purpose is unknown? This may pose a risk to increased anti-social behaviour and vandalism on the site and will also increase numbers of car journeys on the already busy A165 road.
- There is already a problem with local residents being unable to make a doctors' appointment with normally a 2 to 3 week waiting time before being seen therefore an increase in visitors would only exacerbate this problem.
- It is considered that there is asbestos buried on this site which would cause problems if disturbed.
- This area of open space is at the present time a haven for wildlife and nature and therefore should remain un-disturbed. It is believed that the proposed site is a habitat for greater crested newts and badgers and is on the flight path of barn owls and bats.
- The rules of occupancy of the proposed holiday lodges is undefined as to whether they are holiday homes or permanent dwellings.

The members of Filey Town Council would be grateful if the above comments could be taken into consideration when any decisions on the above application are made.

Yours sincerely

Maureen Prentice (Mrs)  
Deputy Town Clerk/Planning Clerk

Mr N Read  
Planning Services  
Scarborough Borough Council  
St Nicholas Street  
SCARBOROUGH