

North Yorkshire Council

Scarborough and Whitby Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 11th April, 2024 commencing at 2.00 pm.

Councillor Phil Trumper in the Chair plus Councillors Eric Broadbent, Rich Maw, Clive Pearson, Heather Phillips and Subash Sharma.

In attendance: Councillor Tony Randerson

Officers present: Fiona Casson (Legal Services Manager), Daniel Child (Principal Planning Officer), Nathan Denman (Senior Planning Officer), Katja Harper (Planning Officer), St John Harris (Principal Democratic Services Officer) and David Walker (Head of Planning)

Apologies: Councillor Janet Jefferson.

Copies of all documents considered are in the Minute Book

68 Apologies for Absence

Apologies noted (see above)

69 Minutes for the Meeting held on 14 March 2024

The minutes of the meeting held on 14 March 2024 were confirmed and signed as an accurate record.

70 Declarations of Interests

Councillor Maw declared a personal interest in Agenda Item 4, (ZF23/00866/RG4) - Full Application for the Erection of zip lines between 2 no. tower structures including reception and landing areas with associated groundworks and access road at former Marvels Leisure Park to land south of Scalby Mills Miniature Railway Station, Scarborough since he had been the member of a Scarborough Borough Council working group which considered the introduction of adrenaline sports on the North Bay.

Councillor Phillips declared a personal interest in Agenda Item 5, (ZF23/01943/FL) - Conversion of 3 no. Retail Units to 3 no. Flats at Jazz Court, Ashmead Square, Eastfield since she had attended a recent meeting of Eastfield Town Council at which this application had been considered although she had taken no part in the discussion.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report(s) of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

71 (ZF23/00866/RG4) - Full Application for the Erection of zip lines between 2 no. tower structures including reception and landing areas with associated groundworks and access road, at former Marvels Leisure Park to land south of Scalby Mills Miniature Railway Station, Scarborough

Considered :-

The Assistant Director Planning - Community Development Services sought determination of a planning application for the erection of zip lines between two tower structures including reception and landing areas with associated groundworks and access road, at former Marvels Leisure Park to land south of Scalby Mills Miniature Railway Station, Scarborough on behalf of UKBC Ltd.

The application had been revised following deferral by the Committee at its meeting on 8 February 2024.

Rita Holmes spoke objecting to the application.

The applicant's agent, James Field, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The development's contribution to the town's tourism offer, its location within Local Plan Economic Growth allocation TOU2, and its alignment with the Adventure Sports Strategy and North Bay Masterplan
- That the determination of this application rested on weighing up the public benefits of the revised scheme against the supposed harm and policy conflicts
- The applicant's efforts to reduce the impact of the development on the setting of surrounding heritage assets and the character and appearance of the area
- Whether any restrictive covenant had any bearing on the planning decision (which it did not)
- The large space occupied by the development and its negative impact on the natural beauty of the area and its appeal to young families
- That approval of the zip lines may hinder other development in TOU2
- The important opportunity to review the success and impact of the scheme after five years which came with the proposed temporary permission

The decision:-

Having given great weight to the conservation of the Scarborough Conservation Area in accordance with officer advice, in the heritage and planning balance the public benefits of the scheme outweigh the less than substantial harm to the setting and the visual impact of the proposal. Therefore, notwithstanding the recommendation in the officer report, temporary planning permission be GRANTED, subject to delegation to officers to impose conditions to include those based on the following:

1. Time limit for commencement (3 years).
2. Permission to be for a temporary 5-year period, with a requirement for removal of the development and reinstatement of the land in accordance with a scheme to be agreed.
3. Adherence to a list of approved plans.
4. Cladding and security hoarding of the landing tower zone to be green.
5. Restriction on operating hours to those applied for and on deliveries and toilet servicing to between 07:00 and 22:00.
6. Restriction on use during events at the Open-Air Theatre.
7. Artificial lighting on the tower structures and launch and landing zones to be designed to be wild-life sensitive and minimise light pollution, in accordance with a scheme which shall be submitted and agreed. Thereafter, the approved lighting scheme not to be used outside of agreed operating hours, except in case of emergency.
8. Restriction on construction hours.

Voting Record

A vote was taken and the motion was declared carried with 4 for and 2 against.

Reason:-

The public benefits of the revised scheme would outweigh any identified harm to the setting of surrounding heritage assets and the character and appearance of the area.

72 (ZF23/01943/FL) - Conversion of 3 no. Retail Units to 3 no. Flats at Jazz Court, Ashmead Square, Eastfield

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for conversion of three retail units to three flats at Jazz Court, Ashmead Square, Eastfield on behalf of Sanctuary Group Ltd.

Updating the report, the planning officer advised that Strategic Housing had indicated their broad support for the scheme although recognising other policy considerations.

Local Division Member Councillor Tony Randerson spoke objecting to the application.

During consideration of the above application, the Committee discussed the following

issues:-

- the importance of local facilities to support active travel and sustainable and integrated communities
- that the applicant could do more to market the retail units

The Decision :-

That planning permission be REFUSED.

Voting Record

A vote was taken and the motion was declared carried unanimously.

Reason :-

The Committee agreed with the reasons for refusal put forward by the Senior Planning Officer as set out below:-

The Local Planning Authority considers that the proposed development does not seek to contribute to the social objective of sustainable development, as it would result in community facilities being converted (local retail/commercial units) to residential use without sufficient evidence to demonstrate that the units have been appropriately marketed, are no longer required or will be replaced by another facility in an equally or more accessible location This is contrary to Local Plan Policies SD1 and HC8, alongside paragraphs 8, 96 and 97 of the NPPF which outlines that planning decisions should plan positively for community facilities. Such community facilities play an important role in facilitating social interaction and creating inclusive, sustainable communities that cater for local needs within a hierarchy of centres, and as outlined in the relevant local and national planning policies, should be protected.

73 (ZF23/01919/FL) - Widening and Resurfacing of parts of the Cinder Track at Cinder Track, between Burniston and Cloughton

Considered:-

The Assistant Director Planning - Community Development Services sought determination of a planning application for full planning permission for the widening and resurfacing of the Cinder Track between Burniston and Cloughton on behalf of North Yorkshire Council.

Updating the report, the planning officer advised that neither the Council's Ecologist nor Arboriculturalist had raised any objections to the application subject to appropriate conditions already detailed in the report.

During consideration of the above application, the Committee discussed the following issues:-

- Whether a part of the route could remain narrower than the rest to preserve some trees (despite the submission of a landscaping scheme to mitigate and compensate for losses of vegetation whilst seeking opportunities to enhance biodiversity)
- Whether the route to be upgraded was easily accessible to wheelchair users and horseriders

The decision:-

That consideration of the application be DEFERRED pending receipt of further information about wheelchair and equestrian accessibility to the length of the Cinder Track undergoing improvement.

Voting Record

A vote was taken and the motion was declared carried unanimously.

74 Any other items

There were no urgent items of business.

75 Date of Next Meeting

Thursday, 9 May 2024 – Town Hall, Scarborough

The meeting concluded at 3.32 pm.