



To be submitted to the Council at its meeting on 17th March 2022

PLANNING COMMITTEE

1st December 2021 at 9.30 a.m.

Present:

Councillor Harness (in the Chair)

Councillors Batson, Beasant, Croft, Hasthorpe, Hudson, Mickleburgh, Parkinson, Pettigrew and Silvester.

Officers in attendance:

- Jonathan Cadd (Senior Town Planner)
- Keith Thompson (Specialist Property Lawyer)
- Richard Limmer (Major Projects Planner)
- Bev O'Brien (Scrutiny and Committee Advisor)
- Matthew Chaplin (Public Rights of Way Mapping Officer)
- Sophie Pickerden (Committee Support Officer)

Others in attendance:

There were 11 members of the public present at the meeting.

P.47 APOLOGIES FOR ABSENCE

Apologies for absence from this meeting were received from Councillor Goodwin.

P.48 DECLARATIONS OF INTEREST

Councillor Hudson declared a personal interest in P.50 – Item 2 as the applicant was previously a neighbour of his.

Councillor Hasthorpe declared a personal interest in P.50 – Item 1 as he was a Laceby Parish Councillor.

Councillor Pettigrew declared a disclosable pecuniary interest in P.50 – Item 2 and 3 as he had business dealings with both the applicant and agents.

P.49 APPLICATION FOR THE EXTINGUISHMENT OF PUBLIC FOOTPATH 19 AND A CREATION OF A PUBLIC BRIDLEWAY, IMMINGHAM.

The committee considered a report from the Executive Director of Environment, Economy and Resources making an Order to extinguish Public Footpath 19 in Immingham and to create a Public Bridleway to the western boundary of the development.

Councillor Hasthorpe recommended the application be moved for approval. Councillor Mickleburgh seconded this motion.

Councillor Hudson stated that he was pleased to see this application as he could recall previously there being a reluctance to move footpaths. He stated that he was delighted that a common sense approach was being used in regards to these types of applications.

RESOLVED –

1. That an Order be made for the extinguishment of Public Footpath 19 and to create a Public Bridleway, in accordance with the Town and Country Planning Act 1990 section 257.
2. That, subject to there being no objections, the Order be confirmed or, in the event of objections which cannot be resolved and withdrawn, for the Order to be referred to the Planning Inspectorate for determination.

P.50 DEPOSITED PLANS AND APPLICATIONS

The committee considered a report from the for Executive Director of Environment, Economy and Resources regarding deposited plans and applications.

RESOLVED – That the deposited plans and applications submitted under the Town and Country Planning Act (Serial No's 1 – 7) be dealt with as set out below and detailed in the attached appendix.

Item One - DM/0522/21/REM – Land, Field Head Road, Laceby

Mr Limmer introduced the application and explained it sought consent for reserved matters application for access, appearance, landscaping and layout to include details of drainage, air quality, highway construction, construction management plan and open space/landscape management plan pursuant for the erection of 152 dwellings together with a sales suite, construction of garages, driveways and estate roads, including an emergency vehicular access onto Charles Avenue and associated works. It was considered that the proposed development would not cause

any undue harm to the neighbouring properties residential amenities, the wider character and appearance of the area, the adjacent farm or flood risk. The proposal therefore accorded with policies and the North East Lincolnshire Local Plan (NELLP) 2018 and the core principles of the National Planning Policy Framework (NPPF). The application was therefore recommended for approval, subject to a number of safeguarding conditions and an amended section 106 legal agreement. It should also be noted that this application had been submitted by two local developers with a proven track record of housing delivery. The approval of this reserved matters application would allow the site to be built out in a timely manner and aid the delivery of housing. Conditions 4 and 6 remained in place from the outline permission and would be implemented as such.

It was also noted that the developer had been in negotiations with Laceby Parish Council regarding the maintenance of the Public Open Space and the children's play equipment. It was understood that these discussions had been positive but a final agreement was yet to be reached and therefore condition 9 would remain to be discharged.

Mr Snowden spoke on behalf of the applicant. He explained that the principle of the development had been confirmed. The developers had several sites in the area where they used local tradesman. It was to be a good mix of different style houses. Members would have seen some changes, but their main focus was on the open space and public footpath. There was to be buffer planting and housing to look out onto the open space. They had worked well with neighbours and felt that their designs responded well to existing dwellings. Mr Snowden explained that the drainage was free flowing and would connect to Anglian Water drainage system. He said that they had been in discussion with Laceby Parish Council and they had come to an agreement that the open space be maintained by the parish using the finance contribution made by the developers. He hoped that members approved the application in line with the officers' recommendations.

Councillor Hasthorpe stated that there had been no further objections from Laceby Parish Council since discussions with the developer who had been very forthcoming with the parish council. He moved for the application to be approved.

Councillor Mickleburgh thought that there was nothing unacceptable in the application and seconded that the application be approved.

Councillor Hudson stated that he was happy that any drainage issues had been addressed and that the applicant had kept the buffer zone.

Councillor Pettigrew asked about the maintenance of the open space. He stated that it was mentioned that discussion had taken place that the parish council would maintain this. He wondered what would have if this agreement was to fall. Mr Limmer stated that if discussions with the parish council were to fall through then condition 9 of the outline permission would still stand and would need to be suitably discharged

and it would likely fall to the developer to set up a management company for the site.

Councillor Parkinson stated that he believed the housing designs were very ordinary. He wished there would be more of a variation in the designs.

The Chair stated how he thought the application was excellent and recommended that attendees read the biodiversity report for this application.

RESOLVED – That the application and the attached conditions within the report, be approved.

(Note - the committee voted unanimously for the application to be approved.)

Councillor Pettigrew left the meeting at this point.

Item Two - DM/0553/21/REM - Land At Grimsby Road, Waltham

Mr Limmer introduced the application and explained that it sought consent for a variation of condition 1 pursuant to retain fencing to the side of plot 1 and rear of plots 3, 4 and 5. In conclusion, it was considered that the proposed fencing would not unduly harm the general amenities of the area, residential amenity or the visual amenity of the area in accordance with the NELLP. The proposal was therefore recommended for approval.

Mr Blades spoke in objection to the application. He argued that the original plans made available to prospective buyers through the developer's agent clearly showed the boundaries where brick walls would be built. He stated that these plans clearly showed that such walls had been designed to cover all the shared boundaries within the public areas of the development. He believed that this tied in with "Condition 3" requirement on the "Notice of Decision" He argued that in most of the prospective buyers' cases this was noted, and did in certain cases influence the decision to be able to apply to purchase these specific plots. Mr Blades stated that the major benefit to having brick walls in the areas and which again also influenced his and his neighbour's decision to purchase, was to enhance security for the properties, safety and noise reduction in particular with regard to vehicle access, and to provide cost effective maintenance on the site going forward, which would become the responsibility of the management company, of which the owners of the properties would become shareholders. He also noted that brick wall construction in accordance with the original plans on other parts of the site had already been carried out, therefore consistency and the same standard of construction should be applied throughout the site. Mr Blades also stated that he had personal experience from a previously owned property where vehicles had caused damage to his front wall

from a public road. He argued that this did cause concern, as well as the possibility of young children being in back gardens backing onto a public road, protected only by a wooden fence. He requested the committee to keep to the original plans that were presented to him and other neighbours as this had influenced their decision to purchase and not allow this to be altered one year later to the detriment of the owners. He thanked members for their time.

Mr Strawson spoke as the applicant to the application. He explained that the request to fence some rear gardens was only for part of the developments and not all of them. He stated that as individuals had now moved into the properties it had become harder to change the fences. Housing with fences had been done for other dwellings on other estates so he hoped members could understand their request.

Councillor Mickleburgh stated that while he understood the concern regarding the brick and fencing, this was not grounds for the application to be refused. He moved for the application to be approved.

Councillor Hudson agreed with Councillor Mickleburgh about the concern regarding the brick and the fencing, however, he visited the area recently and found it to be acceptable. He seconded the motion for the application to be approved.

Councillor Parkinson stated that while it was an awkward decision, the issue raised by the objector was not a planning issue, he therefore agreed with the recommendation.

Councillor Hasthorpe stated that the committee was there to solely discuss planning issues and that there was no justification to refuse this application based on planning principles.

RESOLVED – That the application and the attached conditions within the report, be approved.

(Note - the committee voted unanimously for the application to be approved.)

Item Three - DM/0385/21/FUL The Linden Club, Clee Road, Grimsby

Mr Limmer introduced the application and explained that it sought consent for removal of existing temporary changing rooms, toilets and ancillary structures and erect a new changing room building, including toilets, kitchen and training room. In conclusion, it was considered that the proposed development would not cause any significant harm to the character of the conservation area, listed buildings or neighbouring land uses, neighbouring properties residential amenities in accordance with the NELLP 2018 and the NPPF. The application was therefore recommended for approval.

The applicant, Mr Leddon, addressed the committee and explained that the application was the next step in improving the facilities at the club. He outlined the positive impacts the changes would make to the community and residents, but also to the sport such as helping to grow the diversity of the game as the women's team in particular would benefit from the proposed changes. He added that they had also received financial help to make sure this application was implemented.

Councillor Hasthorpe stated that initially when reading the plans, it appeared as though these changes would cause major inconveniences to neighbours, however, he believed that these would in fact be minor. He moved for the application to be approved.

Councillor Mickleburgh praised the applicants for their initiative in securing their own funding. He stated that the changes proposed would be an improvement to the current portacabins and would be better for the area overall. He seconded the proposal for the application to be approved.

Councillor Hudson stated that the applicants should be applauded for bringing this investment to the area and stated that he was happy to support the application.

RESOLVED – That the application and the attached conditions within the report, be approved.

(Note - the committee voted unanimously in favour of the application being approved.)

Councillor Pettigrew returned to the meeting at this point.

Item Four - DM/0512/21/FUL – Wayside, Brigsley Road, Waltham

Mr Limmer introduced the application and explained that it sought the erection of one detached dwelling and associated works. In conclusion, it was considered that the proposed development would not cause any additional harm to the character of the area or neighbouring land uses in accordance with the NELLP 2018 and the NPPF 2019. The application was therefore recommended for approval. As this permission was in essence a variation of the previous approval, subject to approval, the date for the implementation for the permission should remain as this approval.

Councillor Hudson thought it was a minor adjustment and if anything it was to go smaller. His only concern was opening up the access to maintain the paddock. He moved for the application to be approved.

Councillor Mickleburgh seconded the proposal for the application to be approved.

RESOLVED – That the application and the attached conditions within the report, be approved.

(Note - the committee voted unanimously in favour of the application being approved.)

Item Five - DM/0539/21/FUL - Humberston Academy, Humberston Avenue

Mr Cadd introduced the application and explained that it sought to extend the existing car park to create additional 64 spaces with associated works. Mr Cadd explained that these spaces were required due to an increase in staff and the Academy's leasing some of their facilities for community use, which it also sought to expand. Mr Cadd stated that there had been an objection from Humberston Village Council who had concerns over a current issue of children from Humberston Park School accessing that school via St Thomas Close, and the missed opportunity for the submitted scheme (which adjoined Humberston Park School) to provide a bus parking area and footpath link to that school to assist to mitigate such issues. Mr Cadd said that the application had to be determined on its merits and would not worsen the situation at Humberston Park School/ St Thomas Close and this objection should not carry great weight in determining a decision on this application. That stated, the Academy had considered such a possibility but for reasons of security/ safety of their pupils and management of this site, did not consider they could accommodate the request. The proposed car park extension would provide an additional facility required by the Academy to meet the needs of the school but also its community use aspirations. Whilst the development would impinge on an area of previously used playing field, it had not been recently used as such, and the Academy already had sufficient facilities on the wider school site to meet its needs. A community use agreement was also in place to secure access to their sporting facilities. This would provide certainty that these facilities could be used by the community going forward. It had also been shown that the wider school site could accommodate the level of playing pitch provision anticipated by the North East Lincolnshire Council Playing Pitch Strategy 2020. The car parking proposed would also meet a specified shortfall in offer identified, within that document, for community use at Humberston Academy.

Given the centralised location of the car park within the designated education area the impact on residential neighbours, subject to conditions relating to lighting and hours of use, would be limited. Similarly, neither of the schools either side had objected to the scheme. A landscaping scheme would assist to screen the site, including the retention of boundary hedges and new trees. Drainage details had been agreed in principle but a condition was required. Subject to conditions requiring a construction traffic method statement, the impact on the highway network was not deemed unreasonable. The concerns of Humberston Village Council were noted but it was not possible to require the applicant to resolve another school's highway issues.

The Chair explained how this application was in his ward and he was in support of the application, but he believed that Humberston Village Council had not done themselves justice in their objection. There had always been a campaign to try and get more parking facilities with the school.

Councillor Mickleburgh believed that we should be doing our bit for sustainable travel and not supporting applications like this. He questioned the need for more car parking in the local area. He argued that we were supposed to be moving to a situation where more people use communal transport. He did accept there was a problem in this specific area and it was a pity that Humberston Village Council couldn't have worked with the Academy to solve their issues and help the community out as a whole.

The Chair stated that he could see the need for more car parking as more homes were planned to be built close by, which consequently would mean more children attending this school.

Councillor Hasthorpe agreed with parts of the objection made by Humberston Village Council regarding electric charging points. He asked that weight be given to the need to implement electric charging points. He moved for the application to be approved.

Mr Cadd stated that in terms of sustainability, the school did have facilities for bikes and the applicants were willing to look at having electric charger points for cars in the future. However, he explained that at this present stage none of the staff required this facility. Mr Cadd reiterated to the Committee that policies relating to electric charging points for a scheme of this size were not a requirement for this planning application.

Councillor Hudson said that nearly all schools had issues with parking. He also said that he couldn't see everyone giving up cars any time soon. He seconded the proposal for the application to be approved.

Councillor Parkinson stated that while he sympathised with what Councillor Mickleburgh was saying, he believed the application to be worthwhile, particularly due to the safety concerns identified. Councillor Parkinson complimented the design and queried which percentage of the proposed car parking spaces would be for the disabled.

Mr Cadd confirmed that 5% of the spaces would be disabled car parking spaces.

RESOLVED – That the application and the attached conditions within the report, be approved.

(Note - the committee voted seven to three in favour of the application being approved.)

Item Six - DN/0893/21/ADV - Land at Hewitt's Avenue, New Waltham

Mr Cadd introduced the application and explained that it sought to erect 143m length non illuminated hoarding to the Hewitt's Avenue frontage of the approved housing development site opposite Tesco and close to Hewitt's Circus. The hoardings would be 2.4m in height and be connected in 4.5m wide sheets across the frontage parallel to the road behind the current hedge. The hoardings would also follow the approved access route into the site. This application sought consent for advertising hoardings to a recently approved housing site which would shortly commence construction and become a building site.

The advert proposed would, therefore, not just advertise the development but also screen part of the building site from passing traffic. The non-illuminated nature of the adverts and their proposed scale and position were such that the hoarding adverts were not deemed to be contrary to the character of the area, subject to only temporary consent being granted to cover construction at the wider site. Similarly, the position and nature of the scheme was such that despite safety concerns raised by Humberston Village Council, the scheme would not distract drivers at this busy junction, were not proposed to the Hewitt's Circus roundabout and would also be positioned so not obstruct or harm the safety of pedestrians. It was considered therefore that, subject to temporary approval condition, the application be approved.

Councillor Hasthorpe stated that he was pleased that a time limit had been included as a condition within the application, but he expressed concern that the hoarding be well maintained.

Councillor Pettigrew agreed with Councillor Hasthorpe, he believed that if approved the hoarding could get very dilapidated.

Councillor Hudson questioned what the hoarding would look like in four years time. He stated that he thought it was far too big and that he would rather see the building works.

Councillor Mickleburgh thought it was a very long advertising board. He argued other ones get shabby in a matter of months and was unsure of what this one will look like in years' to come

Councillor Parkinson stated that this was something he did not want to see. He moved for the application to be refused on visual amenity.

Councillor Mickleburgh seconded the proposal to refuse the application, he believed that it would cause visual amenity problems.

Councillor Beasant stated that he saw a site that had hoarding like this on a daily basis and believed this would be the same developer. He did not think it was a good idea to have.

The Chair stated that he didn't see the need for this amount of advertising. Councillor Hasthorpe stated that the issue he had with this application was how the site would look in the future.

Councillor Pettigrew said that Ladysmith Road development was a good example of how hoarding can get into disrepair. If this was the same developer then this could happen again.

RESOLVED – That the application be refused as the proposed advertising hoards by reason of their size and extent (143m in length) would have a detrimental impact on the visual appearance and character of the area and highway safety, causing a distraction to drivers at this busy location contrary to policies: 5, 22 and 36 of the North East Lincolnshire Local Plan 2013 - 2036 (adopted 2018) and the provisions of the National Planning Policy Framework 2021.

(Note - the committee voted nine for and one against in favour of the application being refused.)

Item Seven - DM/0653/21/FUL - Plot 2, Kings Chase, Barnoldby Le Beck

Mr Limmer introduced the application and explained that it sought a variation of Conditions 2 and 3 as granted previously for revised plans to include balcony, revised siting, drive, turning and access, landscaping and external materials for the walls, roof windows and doors. This application sought to modify an earlier approval, which sought to erect three detached dwellings with garages to include new access, parking and landscaping. The modifications proposed in this application were considered to be of an acceptable scale and nature and did not fundamentally alter the original design concept or create any significant additional impacts to the character of the area or to neighbours. It was therefore recommended that planning permission be approved.

Councillor Hudson said his instinct was to say it looked better but queried whether it was too much of a change. He stated that he would listen to the other members of the committee before making his decision.

Councillor Pettigrew stated that the new one was laid out differently, but when you look at it in detail it wasn't that much of a change.

Councillor Mickleburgh expressed how he normally took the advice of the parish council when it was an area he didn't know well. Therefore, he felt it was right to move for the application to be refused. He moved for refusal of the application.

Councillor Parkinson questioned the width of the properties in the image but stated that he agreed with the officer's recommendations made.

Councillor Hasthorpe stated that he did not like the new proposed dwelling, but queried whether there was any planning grounds to refuse this application.

Mr Limmer understood the frustration expressed by committee members but clarified that it was perfectly within the rights of the applicant to propose changes like this one.

Mr Thompson explained that there was already a proposal put forward for the application to be refused. However, he asked whether there was a seconder for the proposal to be refused. As the motion to refuse was not seconded, the proposal fell.

Councillor Hasthorpe argued that with that in mind, although he didn't like the application, he saw no planning grounds to refuse it. He moved for the application to be approved.

Councillor Parkinson seconded the motion for the application to be approved.

RESOLVED – That the application and the attached conditions within the report, be approved.

(Note - the committee voted nine for and one against in favour of the application being approved.)

P.51 PLANS AND APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The committee received plans and applications determined by the Executive Director of Environment, Economy and Resources under delegated powers during the period 22nd October 2021 to 17th November 2021

RESOLVED – That the report be noted.

P.52 PLANNING APPEALS

The committee received a report from the Executive Director of Environment, Economy and Resources regarding outstanding planning appeals.

RESOLVED – That the report be noted.

P.53 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be excluded for the following business on the grounds that its discussion was likely to disclose exempt information within paragraph 6 of Schedule 12A of the Local Government Act 1972 (as amended).

P.54 ENFORCEMENT ISSUES

The committee discussed issues relating to enforcement and raised several matters for further investigation.

RESOLVED – That the information be noted, and further investigations be carried out as requested.

There being no further business, the Chair closed the meeting at 11.32 a.m.