



To be submitted to the Council at its meeting on 17th December, 2020

PLANNING COMMITTEE

**9th September 2020
9.30 a.m.**

Present:

Councillor Harness (in the Chair)
Councillors Beasant, Goodwin, Hasthorpe, Hudson, James, Nichols, Parkinson, Pettigrew and Silvester.

Officers in attendance:

- Matthew Chaplin (Public Rights of Way Mapping Officer (P.26))
- Rob Close (Scrutiny and Committee Support Officer)
- Martin Dixon (Planning Manager)
- Emily Davidson (Trainee Town Planner)
- Lara Hattle (Highway and Transport Planner)
- Cheryl Jarvis (Principal Town Planner)
- Jack Thompson (Highway and Transport Engineer)
- Keith Thompson (Specialist Lawyer Property)

P24 APOLOGIES FOR ABSENCE

There were apologies for absence received from Councillor Mickleburgh.

P.25 DECLARATIONS OF INTEREST

Councillor Hasthorpe declared a personal interest in P.28 - item three as he knew the applicant.

P.26 FOOTPATH 72

The committee received a verbal update on Public Footpath 72.

Mr Chaplin explained that since the last meeting of Planning Committee, he had met with the Leader of North East Lincolnshire Council and representatives from Northern Power Grid's design team. Northern

Power Grid were hoping to commence work on 10th November 2020 on the existing substation. There would be three-way lights during this period. The works were likely to take until 24th November 2020. Stagecoach had been informed about the works as the area was a turning circle for their vehicles. On 30th November, the Highways Team would begin to complete the footpath. Any power outages for residents during these works were expected to be restricted to no more than one hour.

RESOLVED – That an update on Footpath 72 be given at the next scheduled meeting of the Planning Committee.

P.27 LOCAL VALIDATION LISTS FOR PLANNING

The committee considered the Local Validation lists as set out in the National Planning Policy Framework.

Ms Davidson explained that the lists had to be renewed every two years and officers' aim in this renewal, was to make the lists more user friendly as well as being up to date with any changes. This would hopefully result in better submissions and a smoother planning process for residents. The current checklists had been updated with additional checklists for applications such as variations and non-material amendment applications. In addition, other applications had been separated out such as Outline, Reserved Matters and Certificate of Lawfulness applications. Consultees such as the Highways Team, Trees and Woodlands Officers and the Environmental Health Team had been involved in their preparation. A six-week consultation period has recently concluded on the website and with agents who regularly submit applications. A comment back was received from a planning agent, suggesting the inclusion of a link on for the form. This wasn't possible, but an information sheet was compiled which would be included with the check lists.

RESOLVED – That the local validation lists be adopted.

P.28 DEPOSITED PLANS AND APPLICATIONS

The committee considered a report from the Director of Economy and Growth regarding deposited plans and applications.

RESOLVED – That the deposited plans and applications submitted under the Town and Country Planning Act (Serial No's 1 – 3) be dealt with as set out below and detailed in the attached appendix.

ITEM ONE – DM/0251/20/FUL - GRIMSBY LAWN TENNIS CLUB, COLLEGE STREET

Mr Dixon introduced the application and explained that it sought permission to erect 14 dwellings with associated infrastructure including

an access road, parking and garages, landscaping and communal space. The dwellings were a mixture of two and two and a half storeys. All 14 properties were designed as detached dwellings but some had linking garages. The proposal also included a community garden and allotment. He showed the committee plans and pictures of the site and explained that it came before them due to the number of objections received by neighbouring residents.

The site was allocated for residential development under HOU144 in the North East Lincolnshire Local Plan 2018 (NELLP 2018) with an indicative capacity of 13. The site had a previous planning permission for 13 dwellings which expired in February 2019. The location of the site was within the main urban area of Grimsby which made it very sustainable. The principle of development was considered to be acceptable. The scale of the properties had been reduced down from its original proposal to make them more akin to what was in the area, and to mitigate any overlooking onto neighbours. The impact this scheme would have on neighbours was therefore considered acceptable. The site sat within the Wellow Conservation Area. A heritage assessment had resulted in the removal of the render and timber cladding elements. Landscaping elements would be retained. It was considered that the application would fit in well with the character of the area. Although the NELLP 2018 specified a capacity for 13 dwellings, this did not necessarily limit the site's capacity. The density proposed was appropriate for the area and the scheme had shown that it was viable in terms of character and impact to neighbours. There would be a visibility splay that would come across the boundary onto College Street. Assessments had been undertaken by highways officers in terms of impact to the street and speed measures down College Street. A concern of neighbours was that College Street was a narrow parked street. The scheme had since been amended to include longer driveways so homes could benefit from substantial off-street parking. In addition, there was only one direct driveway onto College Street. Highways officers were satisfied with the current scheme. The site was allocated under the NELLP 2018 so was fine in terms of the sequential test. It fell within Flood Zone 2 and 3a in the Environment Agency Flood Maps but was considered to have negligible flood risk on the Council's Strategic Flood Risk Assessment. The Environment Agency acknowledged the site was beyond the modelled flood extents for a breach in the sea defences. The site was effectively outside of flood risk and the Environment Agency had no issue with the proposal. Drainage Officers had been consulted which resulted in the applicant amending the scheme to restrict the discharge flow to two litres per second before a positive connection was made into the existing drainage network. A number of trees on the site were covered by Tree Preservation Orders (TPOs). The scheme had been amended to retain an element of landscaping along the frontage and to protect the trees that border the site. The impact to trees was therefore considered acceptable. The site was in a low value market zone so didn't require any affordable homes through a Section 106 Agreement and an Educational Practitioner had confirmed that there was no requirement for an education contribution in terms of primary and secondary places. He

suggested the inclusion of an additional condition to address the issue of breeding birds and bats in any of the site's trees. Mr Dixon confirmed that the application was recommended for approval.

Mr Dean was invited to address the committee in objection to this proposal. He explained that he had been a resident of College Street for 14 years. He stressed that the opposition from the residents that he represented wasn't to the principle of this site being developed for housing, rather, specific aspects of the plans which were felt to have a significant impact on safety and amenities, if given the go ahead without further revision. Under the current plans, drivers of vehicles exiting the development would be given limited visibility from Bargate due to a blind corner on College Street. Sight lines were affected by this corner. Significantly, vehicles that moved along College Street often exceeded the speed limit during quieter periods. This was not considered by the traffic survey submitted. Residents felt that some road users effectively used the road as a racetrack during quieter times. He suggested that the access road be repositioned to a point where there was a deviation in College Street, this would improve safety and ensure traffic exiting the development would have clear views of oncoming traffic in both directions; something that would not be possible under the current scheme which only offered partial visibility and put drivers at risk. He felt that this was a reasonable request and furthermore asked for careful reconsideration. Not only would a repositioning of the access road improve safety, it would save street parking. This was a necessity for those who live along College Street due to properties built in the 1930s not having garages or sufficient driveway space for more than one vehicle. Residents closest to the proposed entrance road for the development all owned more than one car, this meant that the roads were heavily populated with cars during evening and weekends in particular. He didn't feel peak times had been considered. The removal of any on-street parking would have a serious impact on any residents with cars being displaced. By approving these plans in their current form, it stood to create a very real problem for residents in the future. Under these proposed plans a bin store area would be to the frontage of the development with refuse vehicles collecting bins while on College Street. This was a matter of concern, as Mr Dean didn't feel College Street was wide enough to allow traffic to continue to flow while a refuse vehicle was present with, or, without parked cars. A recent increase in recycling bins would only exacerbate the time it took to empty these bins. He worried what would happen if an emergency vehicle tried to reach a property in College Street while a refuse vehicle was blocking the way. He stressed residents understood the need for more housing in the borough but hoped the committee would take into account the points he had raised while considering this application.

Councillor Barfield was invited to address the committee in his capacity as a Park Ward Councillor. He urged the members of the committee to listen closely to what Mr Dean stated and to note that local residents were not opposed to the scheme but had very real concerns about the access road onto the site. He explained there was a very large

residential parking permitted area in close proximity to this scheme. He felt that this was likely to push parking into College Street. In addition, there was an ongoing issue of parking on Augusta Street that was causing problems for residents. He felt that if this application were to go ahead, parking issues would only be exacerbated. The scheme had already been amended so the driveways onto the road had been reduced as it was accepted this would cause a problem. He felt that if the applicant understood drives onto College Street was an issue, they should have removed them entirely as opposed to just leaving one. If the access road would have been repositioned to the bend in the College Street road, then visibility from both directions would be clear. He noted that a refuse vehicle would have to stop completely when collecting refuse and added that the access road was too narrow for large delivery vehicles.

The Chair noted that he had actually visited the site and shared Councillor Barfield's concern about refuse storage.

Ms Hattle explained the placing of the visibility from the access road in this scheme was an improvement on the previous scheme. Whilst she appreciated what residents and Councillor Barfield suggested about repositioning the access road to the bend in the road, the visibility wouldn't be suitable because of the tree which would block visibility. The applicant had undertaken a speed survey which revealed that the majority of cars were traveling less than the speed limit of 30 miles per hour. The three properties to the frontage of the development would bring their bins to College Street for collection. Refuse Teams would walk within the development to collect the remaining bins from the properties and bin storage area. The vehicle would always be staffed with a driver ready to move it at short notice, should an emergency vehicle try to pass through College Street while a refuse vehicle was present. The new site benefitted from sufficient off-street parking, so the impact to on-street parking on College Street was considered acceptable.

Mr Dixon noted that the matter of fitting developments into established infrastructure would always need to be considered when developing on urban sites. He added that the site was allocated within the NELLP 2018 and a significant amount of work had taken place with regard to the access road and bend.

Councillor Hasthorpe appreciated that a lot of work had gone into making this application viable but didn't feel that the objections from residents had been sufficiently addressed. He believed the previous planning permission was limited to eight properties, but this application had increased to 14. He agreed with the speakers on the issue of refuse vehicles and sought further clarity as to the location of the bin storage area. He asked who would maintain the trees and hedges after the development was complete, and whether the road could be made a 20 miles per hour zone.

Mr Dixon clarified that the previous application was for 13 dwellings. The owners of the respective properties would be responsible for the maintenance of the trees and hedges; this was commonplace in such schemes. He stated the bin storage area would sit next to Plot Two of the development.

Ms Hattle explained that although the introduction of a 20 mile per hour zone was possible, it couldn't just be conditioned. Proper consultation with the traffic team would be required. She stated that if this was the desire of the committee, the application would have to be deferred.

Councillor Hasthorpe moved that the application be deferred until consultation for a 20 miles per hour zone could be carried out.

Councillor Hudson was disappointed that the scheme was amended from something that neighbouring residents were satisfied with, to something that caused concern and worry. He felt that the only improvement was that the access road sat further away from the bend. Although, he noted that there were already three-storey properties on College Street and he wasn't entirely convinced that the parking capacity in College Street was at capacity as suggested.

Councillor Parkinson felt that the access road was a reasonable distance from the bend in College Street. He stated that parking would always be an issue in any urban development. He worried that residents wouldn't always take bins to the designated bin storage area. He was opposed to the suggestion of a 20 mile per hour zone. He sought further clarification on condition seven of the recommendation.

Mr Dixon explained that the NELLP 2018 restricted water flow in properties to 110 litres of water per person per day.

Councillor Beasant felt uncomfortable in approving this scheme as laid out. He noted that if a cyclist were to try egress right from the access road of the site, they may be in danger if cars were driving at 30 miles per hour, particularly because of the blind corner. He seconded Councillor Hasthorpe's motion of deferral.

The committee took a vote to defer this application to reconsider the access position, the introduction of a 20 mile per hour zone and drives onto College Street. The motion was lost on a vote of four to six.

Councillor Hudson proposed that the application be approved. Councillor Parkinson seconded this proposal.

The Chair felt that many of the points raised by the committee were valid and he would be supportive of a speed reduction.

RESOLVED – That this application be approved with the attached conditions.

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

ITEM TWO – DM/0267/20/FUL - 44 BARGATE, GRIMSBY

Ms Jarvis introduced the application and explained that it sought retrospective permission to retain a boundary wall to include screening panels and gates to the front boundary. Historically there was a 0.9metre high wall, the proposal that had been installed was a 1.8 metre high block wall with pillars and gates. She showed the committee plans and pictures of the site and explained that it came before them at the request of a ward councillor.

There had been no objections from neighbours to this proposal, but objections were received from the Heritage Officer. The typical character of Bargate was low brick boundary walls or brick walls with railings. That was a common feature of the Wellow Conservation area of which this property sat. Officers felt that the finish, height, design, and overall length of the boundary represented a harmful feature in the street scene. The Heritage Officer was concerned that the form and materials used did not accord with the typical image of Bargate. Officers were comfortable that the wall didn't have an undue impact to neighbouring amenity. Because of the impact to the character and heritage of the area, Ms Jarvis confirmed that it was recommended for refusal.

Mr Close read out a statement submitted by the agent for the proposal, Mr Gibson. He explained that in 1999, the owner at the time, obtained planning permission for a new wall and gates which permitted an access and egress driveway to be constructed which was duly carried out. In 2017, the current owner strengthened this wall and pillars and this work was effectively carried out on exactly the same positions as the original walls and gates. This was what the applicant now sought permission for. The main difference was that the original wall was constructed only 100 millimetres thick and became unstable with the distinct possibility of collapsing onto the public footpath thereby causing possible danger to users of the footpath. Consequently, the owner decided to thicken the wall 200 millimetres to make it safe, but he also rendered the wall in an 'off white' colouring to match the finish on the main dwelling house. The dwelling house itself had been subject to two recent extensions by the current owner. All of which had been granted planning permission and had an 'off white' rendered finish. The house was known locally as 'The White Lodge' and the owner wanted to keep a uniform appearance to all elevations. No adverse comments were made about the render of the house by officers, so why now as both the house and the wall were visible to Bargate. The boundary wall in question had a main height of 1.05 metres. He had been advised by officers that if it were to be reduced to one metre then planning permission would not be required as it would be a permitted development. The present boundary wall had been in its current location now for three years. During that time, and during the planning stages, no objections were received. This suggested that the development did not intrude on the street scene in any manner

or cause any adverse feelings to members of the public. He noted that there were other rendered walls within the limits of the Wellow Conservation area. He didn't feel that the scale of this development would unduly impact the Wellow Conservation area.

Councillor Woodward was invited to address the committee in her capacity as a Park Ward Councillor. She explained that she was asking the committee to consider approval for this application. She felt that this was purely an issue of adhering to Conservation Area restrictions. She suggested a pragmatic approach considering the quality of the work completed being rendered and painted which entirely matched the house of 44 Bargate, which didn't require planning permission. Although the wall was one metre, consideration should be given to the fact that the brick wall of the premises opposite was higher than this wall. A considerable number of the walls in the conservation area were poorly maintained. While the property may not be to everyone's taste, it was in good repair and would be well maintained. She noted that the nearby Cartergate House sat in close proximity and was a contrast to the Grimsby Minster.

Councillor Hasthorpe echoed Councillor Woodward's comments adding that if there were no restrictions on the house being rendered in such a way, then the wall should naturally be finished the same. He moved that this application be approved. Councillor Hudson seconded Councillor Hasthorpe's motion.

Councillor Parkinson noted that the applicant had broken the rules of the conservation area, although, he agreed that the wall wasn't noticeable. He worried that this could set a precedent for other works that would contravene the Conservation area.

Councillor Hasthorpe stated that even though the applicant had breached the Conservation Area, it could be argued that he had improved the street scene.

Councillor Goodwin felt that the wall blended into the street scene and didn't consider it obtrusive.

RESOLVED – That the application be approved with the following condition.

1. The development is approved in accordance with the following plans:

- Site Location and Block Plan - 12th May 2020
- Proposed Plans and Elevations - 1st April 2020

(Note - the committee voted nine to one in favour of this application being approved.)

ITEM THREE – DM/0541/20/FULA - 19 GRIMSBY ROAD, LACEBY

Ms Jarvis introduced the application and explained that it sought approval for a new vehicular access to the front of the property from Grimsby Road. The installation of a dropped kerb, a gravel drive, and alterations to the existing metal railings were proposed to facilitate the access arrangement. She showed the committee plans and pictures of the site and explained that it came before them at the request of a ward councillor. Letters of support were received from neighbours, as they felt the works would provide off street parking for the site.

She explained the main impact of the proposal would be that of highways safety. Grimsby Road was a busy classified road. Where a new access was proposed onto a classified road, vehicles would have to be able to access and egress from the property in a forward-facing gear under local authority guidance. The plot size wasn't sufficient to facilitate this. This would result in vehicles reversing out onto a busy classified road. In addition, the property sat close to a junction which often became busy with parked cars. This only exacerbated the danger of reversing onto a classified road. Highways officers had objected to this proposal on these grounds.

Mr Jack Thompson explained that the application had been recommended for refusal by highways officers because North East Lincolnshire Council Vehicle Crossing Guidance from Domestic Properties restricted any new vehicle access onto a classified road if it was not able to access and egress in a forward-facing gear. Grimsby Road, Laceby formed part of the C150 classified road networks, which included A, B and C roads which were main routes with the highest traffic flows. Although it was acknowledged that there were historic accesses within the vicinity of the property where access and egress in a forward facing gear was not possible, these unfortunately, did not set a precedent. The issue would be aggravated by parking naturally occurring on the northern curb line. If this application were to be approved, a vehicle would be reversing out onto a classified road between parked vehicles. Provision of one off-street parking space would not increase the capacity for parking in the area, as one on-street parking space would be lost as a result of this.

Ms Jarvis added that accesses in association with domestic properties were common along Grimsby Road. Therefore, the impact on character was considered to be acceptable. The provision of a gravel surface and the changes to boundaries were not expected to have an unacceptable impact to neighbouring properties. However, planning policy was clear on the grounds of highways safety. She confirmed that this application was recommended for refusal.

Mr Deakins was invited to address the committee in his capacity as the agent for the proposal. He explained that the applicant struggled to accept the comments officers made about the precedent for off-street

parking in the area. He asked the committee to consider a section of road between George Butler Close and the main square, 34 of the 42 premises served off there had off-street parking space of the type that was proposed. He appreciated why the guidance was written for Highways but he felt this guidance was general. He noted there was no data which would suggest the area was a hotspot for car accidents. He added no objections were received on the grounds of visibility.

Councillor Hasthorpe disagreed with Mr Deakins' comments, noting that if someone were to reverse out of the site onto Grimsby Road, he felt that they would be within a dangerous position close to the Field Close junction. In addition, he noted that by having vehicles parked outside of the property, this would impact on visibility. The speed of traffic down Grimsby Road was a key concern of Laceby Parish Council. He moved that this application be refused.

Councillor Hudson understood that highways officers were considering the application from the viewpoint of the relevant guidance. However, he reminded the committee that this was merely guidance and they could choose to overrule it. Had this drive been proposed a number of years ago, it wouldn't have necessarily been such a contentious issue. He referred to the number of neighbouring properties that had similar off-street parking arrangements. He added that most residents actually reversed into their drives and egressed in a forward gear.

Ms Hattle explained that over a number of years, guidance had been introduced that these drives had to be able to be egressed in a forward-facing gear. This was a safety consideration. To overturn that now could set a precedent for other developments on classified roads.

Councillor Parkinson understood that it was not uncommon for vehicles to back out onto busy roads. He noted that there was no benefit in terms of parking for residents. He added that neighbours on the opposite side of the road benefited from larger driveways. He seconded Councillor Hasthorpe's motion of refusal.

The committee took a vote to refuse this application on the grounds of detrimental impact to highways safety. The motion was lost on a vote of three to seven.

Councillor Hudson moved that this application be approved. Councillor Silvester seconded his motion of approval.

RESOLVED – That the application be approved with the following conditions:

1. The development hereby permitted shall begin within three years of the date of this permission.
2. The development shall be carried out in accordance with the following plans:

- RD4656-01-REV-B - Site Location plan, Block Plan and Existing and Proposed Details
- RD:4656 - Vehicle Construction Crossover Details

3. The access shall be constructed in strict accordance with the Vehicle Construction Crossover Details (RD:4656).

(Note - the committee voted six to four in favour of this application being approved)

P.29 PLANS AND APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The committee received plans and applications determined by the Director of Economy and Growth under delegated powers during the period 30th July 2020 to 27th August 2020.

The Chair sought further clarification on application reference DM/0279/20/FUL. Mr Dixon explained that there were no serious objections to the application with some positive representations received.

RESOLVED – That the report be noted.

P.30 PLANNING APPEALS

The committee received a report from the Director of Economy and Growth regarding outstanding planning appeals.

Mr Dixon explained appeal decisions had been received for application reference DM/1019/19/FUL which was refused by committee and subsequently dismissed at appeal. In addition, application reference EN/0936/17 was equally refused by committee and subsequently dismissed at appeal.

RESOLVED – That the report be noted.

P.31 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.32 ENFORCEMENT ISSUES

The committee discussed issues relating to enforcement and raised a number of matters for further investigation.

There being no further business, the Chair closed the meeting at 11.28 a.m.