



To be submitted to the Council at its meeting on 29th July 2021

PLANNING COMMITTEE

28th April 2021 at 9.30 a.m.

Present:

Councillor Harness (in the Chair)

Councillors Beasant, Hasthorpe, Hudson, Goodwin, Mickleburgh, Parkinson, Pettigrew and Shreeve (substitute for Silvester).

Officers in attendance:

- Rob Close (Scrutiny and Committee Support Officer)
- Martin Dixon (Planning Manager)
- Lara Hattle (Highway and Transport Planner)
- Richard Limmer (Major Projects Planner)
- Keith Thompson (Specialist Lawyer Property)

P.87 APOLOGIES FOR ABSENCE

Apologies for absence were received for this meeting from Councillors James, Nichols and Silvester.

P.88 DECLARATIONS OF INTEREST

Councillor Harness declared a personal and prejudicial interest in P.89 - item one as he was a relative of the applicant.

Councillor Pettigrew declared a personal interest in P.89 - items four and five as he was an Ashby Cum Fenby Parish Councillor.

Councillor Parkinson declared a disclosable pecuniary interest in P.89 - item two as he had business interests in the hospitality trade.

P.89 DEPOSITED PLANS AND APPLICATIONS

The committee considered a report from the Executive Director 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.

Councillor Harness left the meeting at this point and Councillor Pettigrew assumed the role of Chair.

COUNCILLOR PETTIGREW IN THE CHAIR

Item One - DM/1084/20/REM - Land At Bradley Road Barnoldby Le Beck

Mr Limmer introduced the application and explained it sought consent of reserved matters to erect 66 dwellings following the grant of outline planning permission DM/0997/16/OUT on 14th September 2018. He showed plans and pictures of the site and explained that it came before the committee following objections from Waltham, Bradley, and Barnoldby Le-Beck Parish Councils and the number of objections received from local residents. A full application was refused by committee in November 2020 for 82 dwellings due to over intensification of the site.

The principle of development on this site had been established during the outline application and was therefore considered acceptable. The development followed on from the theme that was set out during the outline application. The western edge of the site benefitted from a strategic buffer of landscaping. The properties to the northern section of the site fronted onto the landscaping and faced outwards, while the southern section contained gaps in the landscaping, allowing views through into the open space. The impact to the character of the area was therefore considered acceptable. The design of the properties were deemed to be of good design and a mix of properties of detached, semi-detached and bungalows. The access into the site had been considered during the outline application. However, requirements were made as part of the Section 106 agreement that the 40 mile per hour zone be extended. The applicant was required to pay a fee of £2,500 for the Traffic Regulation Order. In addition, there was a requirement for a crossing on Bradley Road and a £36,000 contribution for the upgrade of the footway on Barnoldby Road. The impact to highways safety and amenity was considered to be acceptable. Neighbours at the same side as the site on Bradley Road benefitted from green space, orientation and smaller proposed properties from this application, neighbours to the opposite side of the site on Bradley Road benefited from the roadway and good separation distances. Therefore, the impact to overlooking wasn't considered undue. The affordable housing offered on the site sat towards the southern area and were a mixture of tenure, those positions were therefore considered acceptable. Ecology officers had considered the application and agreed that it didn't represent any considerable ecological constraints, although ecology conditions were proposed. The application had been submitted with a detailed surface water drainage

scheme, the sustainability and flood risk of the site was therefore considered to be acceptable. The educational contribution to primary education would sit at roughly £146,000 and towards secondary education would sit at roughly £170,000. Mr Limmer confirmed this application was recommended for approval, subject to the signing of a Section 106 agreement.

Mr Playle was invited to address the committee in objection to this proposal. He noted that the outline planning permission and the original application listed the land as adjacent to Bradley Road, Waltham, whilst the current application was for Land at Bradley Road, Barnoldby Le Beck. The ordnance survey grid reference was also different. After taking legal advice, Mr Playle understood the land on Bradley Road did not actually have outline planning permission. Although the number of houses had been reduced, the semi-detached properties had been turned into detached properties. There was the possible option to amend those houses back to the original figure if this application was to be approved. Despite the reduction, the original reasoning for refusal still stood. According to the travel plan submitted with this application, for which the audit took place during full COVID-19 lockdown, an anticipated 862 movements were expected across Bradley Road. The same report also stated that there were schools and medical facilities within the Government recommended distance, however those facilities were full to capacity. It was also shown that 700 vehicles a day exceeded the speed limit on Bradley Road, many in excess of 65 miles per hour. He noted that a major collision happened on Bradley Road recently. The road safety audit suggested that a junction capacity audit should be undertaken to confirm that the junction would have sufficient capacity, he suggested this be made available before the decision was made. He felt the four-year-old flood risk assessment was now out of date when considering weather trends. The drainage plan in that flood risk assessment was also for the system proposed in a previous application which used a different water management strategy to this application. A recent application for three houses was refused because of flood risk concerns and its impact to Buck Beck, the same drainage network that this application wanted to discharge water into. The litres per second discharged from this application was significantly higher than that of the outline application. The protected species survey was carried out on 10th December 2020, a time when most species were hibernating. The stretch of road was currently occupied by 13 per cent houses, the rest being made up by bungalows. The proposed frontage was 91 per cent houses, the rest bungalows. This was the total opposite of the existing landscape. He felt that this application failed at least five of the criteria used by North East Lincolnshire Council to determine planning applications. The local countryside and rural environments provided health and tourism benefits in today's stressful lifestyle, land such as this should be preserved for future generations. Any land included in a Strategic Housing Land Availability Assessment (SHLAA) was purely there for consideration and suitability, if these criteria were not met, development of that land was not a certainty.

Mr Snape was invited to address the committee in his capacity as a representative of the applicant for this proposal. He explained that the applicant was a local building company who supporting local employment and suppliers. In the last eight years, the applicant had delivered four local sites, totalling 320 homes to private buyers and 60 homes to an affordable housing provider. The applicant's delivery of homes was consistent with the Government's plan of delivering sufficient and affordable homes in this country. The application in question would be another exciting addition to the applicant's developments and, subject to approval, they aimed to commence construction immediately. They estimated that they could deliver the housing within two years to their keenly awaited purchasers. He stressed that they currently had interest from young couples and families desperate to get onto the housing ladder. The site followed the applicant's design ethos as did all previous sites to create a layout with an open field, an emphasis on landscaping, woodland areas, and green open spaces. Most of the properties had drives and garages. All these elements worked together to create an open feel that was important in these post COVID-19 times. Throughout the consultation period, the applicant had tried to engage as much as possible with the immediate neighbours to the site, with lengthy discussions and attempts to accommodate their concerns. Link houses had been removed and replaced with bungalows. From the start of the design process, highways and drainage concerns were dealt with immediately with the relevant authorities. He was very confident that this site, when completed, would be an asset to the village.

Councillor Jackson was invited to address the committee in his capacity as a Waltham Ward Councillor. He noted the site was on green field and wasn't supported by local residents or by the parish councils. Opposition to this site hadn't reduced throughout the process. He supported Mr Playle's comments; an additional concern of Councillor Jackson was that this would represent significant additional housing within the village area of Waltham. Other significant sites also sat within Waltham waiting for development, Councillor Jackson had concerns that village services weren't going to be sufficient. He didn't feel flood risk issues had been properly addressed, especially when considering the high rainfall in Waltham in recent years. He noted Bradley Road was already very busy and the impact of more cars would be significant. He suggested the road layout to this scheme would benefit if the access to the site was changed to being immediately opposite the access onto Marian Way, this would enable a mini roundabout being introduced to control the access onto Bradley Road. If this application were to go ahead, he feared a proliferation of right turns would be created leading to highways issues.

Councillor Mickleburgh was minded to support the position of the parish councils. He asked if another flood risk assessment and traffic survey could be carried out.

Mr Dixon explained that the site did benefit from outline planning permission already, the flood risk assessment had already been approved as part of that application. The drainage scheme submitted

was detailed and was considered to be acceptable by drainage officers, as was the impact to the highways by highways officers.

Councillor Hasthorpe agreed with Councillor Jackson's suggestion of a mini roundabout. He was minded to support local residents and parish councils. He feared the vast increase in houses would have a significantly negative impact to the street scene. He felt the appearance of the properties was unimaginative.

Councillor Goodwin asked if it could be conditioned that detached houses couldn't be changed into semi-detached houses later on. Mr Limmer noted that, if the applicant wished to increase the number of properties, then it would be subject to a whole new planning process.

Councillor Hasthorpe sought clarification whether the previously applied for 82 properties was subject to an appeal. Mr Limmer confirmed that there was indeed an outstanding appeal for that application.

Councillor Hudson felt that, because of the outline planning permission, an appeal against refusal of this application would likely be upheld. He worried that Mr Playle's suggestion that the outline planning permission didn't support this location for development. Mr Limmer confirmed that officers' view was that the outline planning permission was lawful and they hadn't seen that supporting legal advice.

Councillor Beasant wasn't generally in favour of building on green field land, but he considered the applicant's efforts to improve the environment of the site to be positive. He moved that this application be approved as per officers' report. Councillor Goodwin seconded his motion of approval.

Councillor Parkinson sympathised with the objections to this application and didn't feel a lot of effort had been taken with the design of the application. However, he felt the environmental impacts were given good consideration. He sought clarity on the drainage run off rates.

Ms Hattle explained that the access was approved during the outline process and the highways authority wouldn't approve a mini roundabout for the new access at the location suggested. Councillor Shreeve noted that these objections were based on the current scheme, he asked if the entrance and exit were moved would highways officers reconsider a mini roundabout. Ms Hattle stressed that this would need to be looked at as a new application, the outline application for this proposal had already been agreed.

Mr Dixon added that the scheme was well set back from the frontage and other similar developments had been implemented successfully. He worried the committee were giving too much consideration to points that had already been considered.

The committee voted on Councillor Beasant's motion of approval, however the motion was lost on a vote by two to six.

Councillor Hasthorpe moved that the proposal be deferred for a review of the property types. Councillor Mickleburgh seconded Councillor Hasthorpe's motion of deferral.

RESOLVED – That this application be deferred for further negotiations.

(Note - the committee voted six to two for the application to be deferred.)

Councillor Harness returned to the meeting, while Councillor Parkinson left the meeting at this point.

COUNCILLOR HARNESS IN THE CHAIR

Item Two - DM/0416/20/FUL - 33 Sea View Street Cleethorpes

Mr Dixon introduced the application and explained it sought the change of use of a vacant retail unit into a wine bar and school at 33 Sea View Street at the ground and first floor. The proposal included external alterations in the form of fire escape steps and the retention of a shutter. He showed plans and pictures of the site and explained that it came before the committee following the number of objections received from local residents.

He explained that a number of representations had been made, including both objections and support. The site sat within the town centre as designated in the North East Lincolnshire Local Plan (NELLP) 2018 and wasn't a protective shopping frontage. A similar application in 2015 was rejected, however, that refusal was based on the previous version of the Local Plan. The principle of the application was considered acceptable. The changes to the building were considered to be minimal. The shutter to the front of the building was inherited from the previous site's use. The opportunity to bring the host property back into use was considered a reasonable exchange for the retention of the shutter. Objections received cited noise and disturbance, and anti-social behaviour (ASB) as a concern. The wider area was considered to be of mixed use and already included licensed premises. Environmental health officers and Humberside Police had both given consideration to these impacts and they didn't feel that, at that size, the property would lead to any undue impacts. The site also benefitted from a premises licence. In addition, the impact of smoking outdoors was another ASB and nuisance concern, however, this was considered to be an associated activity of the premises and would be regulated through licensing. He confirmed that this application was recommended for approval subject to an additional condition relating to the rear fire door.

Mr Hussain was invited to address the committee in his capacity as the applicant for this proposal. He explained that he already managed a

successful establishment on Sea View Street without any issues. This application was marketed towards more of a specialised clientele than the general public house patronage. In addition, seated service would be encouraged. Smokers outside the front of the property would be limited to four customers at a time. He confirmed he would accept the fire door condition being added.

Councillor Mickleburgh acknowledged the decline in high street retail demand following the COVID-19 pandemic, however, he felt that Sea View Street's character would be diminished with the addition of another drinking establishment. He moved that this application be refused due to the adverse impact to the local area by reason of noise, disturbance and ASB. Councillor Hasthorpe seconded his motion of refusal.

Councillor Hasthorpe asked if it could be conditioned to limit the number of customers able to enter the premises at any one time. He worried that these premises could eventually turn into a more general drinking establishment despite current intentions. Mr Dixon explained building regulations and fire safety dictated the limits of occupancy based on safety. It would be outside the remit of the Planning Committee to include this sort of condition. Officers' view was that the size of the building wasn't likely to result in an excessive number of patrons.

Councillor Shreeve noted that the existing retailers were opposed to this application due to the impact to the character of the wider area and the shutters during the day giving the appearance of a neglected area. He was aware that property owners in the area struggled to find retail applicants to take over their sites. He didn't feel that this one application would have a significant impact on ASB in the area.

Councillor Goodwin worried that this application would detract from the existing established retailers on Sea View Street.

Councillor Hasthorpe noted that objectors already complained about the impact of ASB from the current drinking establishments. While this application may only negligibly increase that ASB, it certainly would still have an impact to those objectors.

Councillor Beasant was surprised this application was approved through the licensing process. He wouldn't be supportive of this application.

The Chair invited Mr Hussain to respond to comments made by the committee. Mr Hussain stressed the benefits of bringing an unused building back into use and the investment made by the applicant. The premises would open from midday, so he felt the impact of shutters would be negligible.

RESOLVED – That the application be refused as the proposed development would result in an unacceptable loss in the amenity that nearby residential and business property should reasonably be expected to enjoy by virtue of noise, disturbance, and anti-social behaviour

contrary to Policy 5 and 23 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework.

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

Councillor Parkinson returned to the meeting at this point.

Item Three - DM/0416/20/FUL - Rear Of 132 Campden Crescent, Cleethorpes

Mr Dixon introduced the application and explained it sought the erection of five dwellings with associated works to the rear of Campden Crescent, Cleethorpes. The proposal accommodated for people with disabilities. The housing included accommodation for a site warden. He showed plans and pictures of the site and explained that it came before the committee because of North East Lincolnshire Council Members having significant roles with the applicant and associated company.

He explained that the site location was considered sustainable, with good access to services and transport. However, the site did sit within a flood risk area. This application wasn't considered to meet the sequential test to justify development in a flood risk area. The properties were considered to be of reasonable design, but were also considered to be intensive to the site. Whilst the applicant had made concessions to avoid overlooking windows, the relationship between these properties and those at Reynolds Street and Campden Crescent was considered to be of overly close proximity. Further detail would be required regarding drainage. The narrow access to the site was of concern to drainage officers, who raised a formal objection. He confirmed this application was recommended for refusal.

Ms Carlton was invited to address the committee in objection to this proposal. She noted that the sequential test indeed had not been passed as the land wasn't required for regeneration and alternative sites may have better suited the applicant's intentions. The site was too small for five dwellings and would not be in keeping with other properties in this area, all of which benefitted from front and back gardens. These applications had no outside space which would make them cramped and not of a good design. Changing what was currently a locked driveway with limited access, to a 24-hour access service road would have a detrimental impact to the peace and privacy of adjacent residents. Although in recent years residents had noticed an increase in traffic on the proposed access road, this was limited to peak times. Visitors to these five new homes caused a significant disturbance to current residents. She had concerns about the introduction of outdoor lighting to the site. The current site was on higher ground than current properties in the surrounding area, causing current properties to become waterlogged. The current access was no longer fit for purpose having been designed some 60 years ago; to now expect this narrow drive to service five properties was ill-judged. She worried that the proposed community hub

would add a significant number of patrons to the site, resulting in parking issues. She was disappointed that the applicant hadn't consulted with residents.

Mr Nelson was invited to address the committee in his capacity as the agent for this application. He explained that the properties were designed for disabled and vulnerable members of the community, who wished to access affordable housing to live independently. The applicants were happy to enter into a Section 106 legal agreement to ensure the properties weren't sold off into speculative housing. The applicant owned the site and community centre, and envisaged the future owners of the site would be able to use the community centre to participate in activities on site. A site-specific flood risk assessment with appropriate mitigation had been prepared for the site which the Environment Agency had raised no objections to. This included raising the properties by one metre and not providing sleeping accommodation for a first-floor level. The applicants did not own any site locally. The proposal constituted the development of a brown field site and was located in a sustainable location with good access to services and amenities by car. Significant material weight should be given to the need for sheltered accommodation. The simple dormer styles were considered acceptable. As the proposal was for sheltered housing, it was not uncommon for higher density developments with minimal outside shared courtyard amenity space. The proposed dormer windows would either, be overlooking the allotments, or inward facing into the site to ensure no overlooking occurred. Given the depth of the neighbouring gardens and the orientations, the potential massing impact and loss of light would not be detrimental to neighbouring properties. The site had historical vehicular access from the community centre. The current proposal was unlikely to attract occupiers who would own cars; however, parking spaces could be marked out for visitors within the existing area. Fire sprinkling systems would be installed within properties and was common practice for developments of private drives. The temporary access was proposed during the construction phase to avoid any potential conflict with existing residents and due to the width of the access roadway. A large section of hedging and fencing would be removed to facilitate access to the site.

Councillor Green was invited to address the committee in her capacity as a Sidney Sussex Ward Councillor. After contacting the Patients Advice Liaison Service, she was advised that there was currently sufficient supply of supported living. This development was unsuitable for anyone with mobility problems or older people due to the steps needed to access and egress. The Ecology Officer highlighted that the removal of the grassed area would have a negative effect on the environment. Being in such close proximity to other properties would have a negative effect on the mental health of the residents. She was surprised that these plans could be considered of good design when they discriminated against so many people with a disability. It was identified that no buildings should be built above ground level, yet the plans included building above the floor. The proposed fence would impact the amount of light and privacy that

current residents enjoyed. Emergency vehicles wouldn't be able to access the site and would block Campden Crescent, thus restricting the time that help could reach disabled residents. There was already a community centre in this area. If this were in use during an emergency, the amount of people trying to leave the area at one time would be concerning.

Councillor Mickleburgh was concerned that this application failed the sequential test and moved that it be refused as per officers' recommendations.

Councillor Goodwin agreed with the comments of officers and felt that another site would be more appropriate. She seconded Councillor Mickleburgh's motion of refusal.

Councillor Hudson felt that the scheme was motivated by the best intentions, however, the execution was poor and unsuitable. He saw no benefit to supporting this application.

Councillor Parkinson agreed with previous members but stressed that the applicants provided good work for residents of the borough. If the scheme were to come back to committee, the impact to drainage would have to be revisited.

RESOLVED – That the application be refused as the proposal would be an inappropriate and unjustified development within an area at risk of flooding and would fail the sequential test which required development to be located in areas at the lowest risk of flooding. As such, it was contrary to Policies 5 and 33 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework.

(Note - the committee voted eight in favour of this application being refused with one abstention.)

Item Four - DM/0008/21/REM - Land Adj. Field Gates Post Office Lane, Ashby Cum Fenby

Mr Dixon introduced the application and explained it sought reserved matters approval for the erection of a dwelling which was granted outline planning permission under application DM/0957/18/OUT. The house would be constructed with a slate roof, white rendered walls with black wood cladding and black windows. He showed plans and pictures of the site and explained that it came before the committee because of an objection made by Ashby Cum Fenby Parish Council and by residents.

He explained that the site was within the development boundary of Ashby Cum Fenby and benefitted from outline planning permission. Therefore, the principle of this application was considered acceptable. Officers had worked closely with the applicant to compromise on a design in keeping with the local area, as a result the design was considered to be acceptable. A public footpath, which previously ran

through the site, would be diverted adjacent to the plot as a result of this application. No concerns were raised regarding landscaping and trees, however, a condition was suggested that final detail of landscaping be submitted to planning officers for consideration. Archeology issues were identified during the outline application, these concerns would be addressed via conditions. The impact to great crested newts was considered by the Ecology Officer, resulting in a great crested newt mitigation licence being requested. Drainage issues were covered during the outline planning application. The amendment to the scheme was considered to address a lot of the issues raised during the representations, such as the removal of balconies. Due to the centralisation of the property on the plot, officers considered the layout and separation to be reasonable and therefore acceptable. He confirmed this application was recommended for approval.

Mr Nelson was invited to address the committee in his capacity as the agent for this application. He explained that the design had been amended after consulting with officers. The property types in Ashby Cum Fenby were diverse. This design followed a traditional gable form and would uplift the other properties in the area. Green technology would be used to run and heat the property. Given the substantial scale of the plot, the property was designed and orientated to limit any overlooking, protecting neighbouring amenity. The existing trees on the boundary would be retained to mitigate any overlooking, additional soft landscaping was proposed. No technical planning objections were received. Issues raised as part of the representations had been considered. The immediate neighbour to the east was not in objection to the proposal. On site attenuation and overflow into soakaway was proposed to address surface water drainage. The driveway would be of permeable construction to assist with drainage. A two-storey dwelling such as this would not affect the view of the night sky as Ashby Cum Fenby Parish Council suggested. A detailed ecology report and mitigation plan had been prepared for the site and would be fully adhered to as part of the construction phase. At the applicant's expense, a turning area would be provided for highways users of Post Office Lane, representing a betterment from a highways perspective.

Councillor Jackson was invited to address the committee in his capacity as Waltham Ward Councillor. He shared the concerns raised by local residents and Ashby Cum Fenby Parish Council, adding that this application had created major controversy in the area. He hoped that residents' concerns would be taken into account by the committee. In addition, residents were worried that flood risk hadn't been adequately addressed. Councillor Jackson felt the applicant had shown scant regard for the impact this development would have to the protected species on the site.

Councillor Purchon was invited to address the committee in his capacity as an Ashby Cum Fenby Parish Councillor. Whilst Ashby Cum Fenby Parish Council was not opposed to the development of this site in principle, they took issue with the current design. Acknowledging the

application benefited from outline permission, they felt the vertical faces of the proposed development were unacceptable. Although the scheme had been amended, this application still didn't satisfy neighbour's concerns, with the remaining balcony being in the most contentious position for neighbours. Overall, the changes made were minimal. The supposedly more contemporary original design contained less glass materials than the current scheme. The applicant's design and access statement suggested that the large glass areas were required for solar gain. If solar gain were the real intention, sky lights in the roof would be more effective. The north face supposedly had small windows to protect the owner's privacy from passing pedestrians on the footpath, the applicant didn't choose to offer his neighbours similar privileges. The height of the roof apex on the scheme was 9.3 metres compared to a maximum 6.6 metres on neighbouring properties. Surface water drainage in Ashby Cum Fenby had proved inadequate in handling large amounts of drainage from winter and spring storms in recent years. The applicant had posted three different surface water drainage schemes on the planning portal recently. The current scheme proposed discharging surface water from the new house into a soakaway close to the property boundary. Soakaways had not proved effective in the village because during high rainfall, the ground became soaked filling the soakaway and bringing surface water in the property. He didn't think it was unreasonable to suggest that all surface water from the site was handled within the site in line with other village developments. The scheme did not appear to comply with Northern Power Grid requirements, the fence and hedging along the northern garden perimeter would need to be positioned differently to comply with Northern Power Grid requirements.

Mr Dixon explained that vehicular movements had taken place on the site and it needed to be considered by the committee what mitigation would be put in place to address the great crested newts.

Councillor Hasthorpe sought further information on the impact to the drainage system. Mr Dixon explained that a condition was included to address the cleaning out of the drainage ditch. Drainage officers were satisfied that the conditions proposed would appropriately dispose of surface water.

Councillor Pettigrew felt that the applicant had worked closely with officers to create a design in keeping with others in the village. He was satisfied that drainage would be sufficiently dealt with by conditions. The applicant appeared to be fully aware of the requirements to mitigate the impact to the great crested newts on the site.

Councillor Hudson considered the issues raised at the start of the process to have been addressed.

Councillor Parkinson felt that the objections from a ward and parish councillor should be offered great weight. However, he expected people would get used to this property fairly quickly.

Councillor Mickleburgh moved that this application be approved as per the officers' report. Councillor Hudson seconded his motion of approval.

Councillor Hasthorpe sought confirmation that the soakaways wouldn't cause problems for the neighbouring properties. Mr Dixon explained that the drainage officers would look at this, if approved, as part of the final drainage scheme.

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

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

Councillor Mickleburgh left the meeting at this point.

Item Five - DM/0907/20/FUL - Land Adj. Field Gates Post Office Lane, Ashby Cum Fenby

Mr Dixon introduced the application and explained it sought permission to temporarily site a static caravan for a period of 18 months during the building phase for the proposed new dwelling on the site. The caravan was already in position. He showed plans and pictures of the site and explained that it came before the committee because of an objection made by Ashby Cum Fenby Parish Council.

He explained that, given the previously approved application, the principle of this application was considered relevant and acceptable. The impact of design wasn't considered to be an issue. The same ecological mitigation was shared with the previous application. The impacts to the public footpath were also shared with the previous application. No objections were made by Northern Power Grid. He confirmed this application was recommended for temporary approval of 18 months.

Councillor Jackson was invited to address the committee in his capacity as a Waltham Ward Councillor. He explained that the caravans were already in place at the site without a supporting planning consent or necessary licence from Natural England. He was very concerned about the impact to the great crested newts at the site. He didn't feel that the siting of a caravan on the site was necessary.

Councillor Purchon was invited to address the committee in his capacity as an Ashby Cum Fenby Parish Councillor. He noted that the applicant's own ecology report strongly recommended removal of the caravans from the site. The concerns for the impact to the great crested newt was of grave concern. He noted that the static caravan would be directly below high voltage powerlines. He referred to the correspondence between North East Lincolnshire Council and Northern Power Grid, expounding that insufficient consideration had been given to the impacts of the caravan's siting. He worried that approving this application would set a

precedent for other applications. If approved, he felt it important that appropriate drainage measures were taken.

Councillor Hasthorpe worried about the impact of drainage to the site. He didn't think that this application was necessary and moved that it be refused because of a detrimental impact on the amenity of the area.

Councillor Pettigrew noted that neighbours to the site had been subjected to this caravan for a while now. He felt that it should be removed in accordance with ecological concerns. Councillor Pettigrew seconded the proposal to refuse the application.

Councillor Hudson didn't think it was unreasonable for residents to live on site as their property was being constructed, but was sympathetic to residents' concerns.

Councillor Parkinson felt that, if there weren't appropriate drainage measures, this application wouldn't be acceptable.

RESOLVED – That the application be refused as the use of the site for a residential caravan had a detrimental impact on the amenity of the area due to a lack of proper consideration of infrastructure connections and potential adverse impact on protected species contrary to Policy 5 and 41 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework.

(Note - the committee voted five to three in favour of this application being refused)

Item Six - DM/0212/21/FUL - 59 Cheapside Waltham Grimsby

Mr Limmer introduced the application and explained it sought full planning permission to erect three detached dwellings with dormer windows, roof lights and decking, alterations to existing access, boundary treatments and associated works. The proposed dwellings were designed around a central courtyard area and provided two parking spaces per property. As part of the proposed development, erosion control measures to the bank of Buck Beck were proposed. He showed plans and pictures of the site and explained that it came before the committee following a request by Councillor Pettigrew.

He explained that the site had extensive planning history and the principle had been established by previous outline planning applications. A window on plot one had been addressed since the previously refused application, including the amendment to obscure glazing to mitigate overlooking. Dormer windows on plots two and three were focused in a way to avoid overlooking. Officers considered the impact to neighbours to have been addressed. Limited views from Cheapside were offered, therefore the impact to the character of the area was considered to be acceptable. 59 and 59a currently didn't benefit from any off-street

parking, this scheme offered those properties two parking spaces. Each proposed property would also benefit from two off street parking spaces. The site also offered sufficient turning space. The impact to highways was therefore considered acceptable. A detailed drainage plan was submitted, which had surface water drainage discharging from the site at a reduced run off of 1.3 litres per second. The erosion control measures were also considered acceptable. Drainage officers were satisfied with this scheme. Environmental health officers had worked closely to ensure the site was safe from contamination. He confirmed that this application was recommended for approval.

Mr Boyd was invited to address the committee in objection to this proposal. He explained that the design and access statement claimed that all reasonable steps had been taken to ensure water levels in the beck wouldn't be made any higher than existing circumstances and any wider issues with the beck fell outside of the scope of this application. It was worth remembering that the existing circumstances was the increasing frequency Buck Beck now filled along this stretch and the speed in which it raised. Before 2007, this barely happened and was never enough to cause concern. It seemed only residents were aware of the increase. When building next to Buck Beck, the existing circumstances, and the wider problems creating those circumstances, must be considered. It was the high flows that affected the banks. This site came with problems that needed to be anticipated and mitigated against. Mr Boyd didn't believe that all of them had been properly addressed. Residents had repeatedly highlighted three areas of the bank that could be seriously disrupted by future high-water flows if ignored. He stated that, although the reinforcement stood firm, each end was affected by instability in the existing circumstances of increasing water flows. He asked where was the detail of work needed to align the rest of the bank top to make it contiguous with the top of the reinforcement. Trees that bind the bank here would be removed. He asked where the detail was that explained the construction of the joint between the completed reinforcement and remaining tyres. The remaining tyres needed to be less stable. The rest of the fragile bank was affected by the increasing flows in the beck. It was reasonable to assume that future owners of the homes may wish to remove the unsightly hedge, yet no checks or balances were in place to prevent future removal. It would be prudent, given the conditions existing in Buck Beck and regardless of surface water flow rate, not to allow discharge into it since the cause and effect of those conditions was not understood. One of the wider issues effecting Buck Beck may be increasing number of homes built around Waltham. The Drainage Officer was considering the use of dam boards, was the inference then that in times of high rainfall that this development may need more than the inadequate measures proposed. The design and density of homes in this application did not mitigate the quantity of surface water enough to avoid discharge. It was one aspect why the three homes were an over intensification of this site. The justification for submitting the proposed site layout, rather than the proposal under the approved outline application, was that a detailed survey found it to be of different size and shape than the outline application suggested. Yet there

was evident confusion over the north west boundary between plot one and the adjacent property, which meant the site appeared to have gained land. There also seemed to be confusion over the exact point the reinforcement would begin. These plans allowed the future possibility of first floor windows overlooking the garden of Cheeseman's Close, residents see that as a reasonable assumption to make and wished planning conditions imposed to prevent them. Residents wished to see, bungalows, as accepted in the original plans, or if minded to approve this application, conditions imposed to prevent north facing windows from being added in the long term. In addition, planning conditions should be imposed to prevent all trees before building began with suitable work and planting, or, to put in place planning conditions to prevent, or control, the removal of the hedge in the long term. Thirdly, a planning condition relating specifically to the banks at each end of the reinforcement, with the details of what exactly would be done to each to leave the banks on either side of the reinforcement in a sustainable safe condition.

Mr Deakins was invited to address the committee in his capacity as the agent for this application. He explained that the most recent appeal decision stated the development was acceptable in all respects apart from an issue with a window, which Mr Deakins felt had been addressed as part of this amended application. The Planning Inspectorate was otherwise satisfied with all aspects of the proposal, including the impact to drainage proposals and the impact to Buck Beck. He added that drainage officers were also satisfied with the proposal.

Councillor Jackson was invited to address the committee in his capacity as a Waltham Ward Councillor. He acknowledged the extensive planning history relating to this site, and appreciated issues of overlooking had been addressed. However, he commented that removal of permitted development rights hadn't been imposed, so a future resident could amend the windows if they wished. He hoped, if minded to approve, the committee would address this through conditions. He wasn't satisfied that flood risk had been addressed by the applicant, although acknowledged that issues raised extended to the wider issues of Buck Beck.

Mr Limmer explained that all consultees were satisfied that this proposal wouldn't have an undue effect to the wider area of Cheapside. He suggested the committee may be minded to include an extra condition requesting that the local planning authority be given the detail of the erosion control solution. He added that, if agreed, the condition relating to the treatment for Buck Beck would be implemented as a pre-commencement condition. Condition seven of the recommendations sought to remove permitted development for the properties.

Councillor Hasthorpe felt that the three conditions outlined by Mr Boyd were reasonable. He acknowledged that an increase in properties being built in Waltham generally could have a detrimental effect on the integrity of Buck Beck. With the inclusion of the additional conditions laid out by Mr Boyd and Mr Limmer, Councillor Hasthorpe moved that this

application be approved as per officers' recommendations. Councillor Shreeve seconded his motion of approval.

Councillor Parkinson echoed Councillor Hasthorpe's comments. He feared that the removal of trees would compromise the integrity of the bank. He felt that, if refused, the applicant was limited to what further compromises they could make. Mr Limmer clarified that the suggestion of Mr Boyd was that the trees were retained. Although if removed, then appropriate mitigation arrangements were made through replacement. He suggested this could be written into the condition if the committee wished.

Councillor Pettigrew felt that so far, the committee had been making the correct judgments on the applications relating to this site. The additional conditions suggested, he thought would be beneficial if the application were to be approved. He suggested that the access track to the beck needed to remain useable for officers to undertake maintenance.

RESOLVED – That the application be approved with the amended and additional conditions:

6. Prior to development commencing, full details of how the erosion control measures, as required through condition 5 of this permission, tie into the adjoining bank shall be submitted to and approved in writing by the Local Planning Authority. The erosion control measures shall then be carried out in accordance with these approved details prior to any construction or ground works for the construction of the hereby approved dwellings commencing.

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Class A, B, C, E shall be permitted within the curtilage of any dwelling.

13. The scheme of landscaping and tree planting shown on plan RD3962-02 REV R shall be completed within a period of 12 months of commencement of development and shall be adequately maintained for 10 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season. Neither a planted tree nor the existing trees shown to be retained on plan RD3962-02 REV R shall be removed unless agreed in writing by the Local Planning Authority. Any scheme for tree removal shall include a consideration as to the stabilisation of the bank to Buck Beck and the submission of a mitigation strategy. All tree removal works and required bank stabilisation shall be undertaken in accordance with the details approved.

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

Item Seven - DM/0088/21/FUL - 40 Humberston Avenue Humberston, Grimsby

Mr Dixon introduced the application and explained it sought to erect a detached 1.5 storey high dwelling in the rear garden of 40 Humberston Avenue. Access would be formed to the side of the existing host property. He showed plans and pictures of the site and explained that it came before the committee following an objection by Humberston Parish Council.

He explained that the site sat well within a built-up area, therefore the application was considered acceptable in principle. As development had taken place down the new Parklands Avenue, this site would likely appear as a frontage there, rather than a typical back land development on Humberston Avenue. Following consultation, the overlooking windows to the rear of the property had been removed. The impact to neighbours was therefore considered acceptable. No highways or drainage issues were raised. He confirmed the application was recommended for approval.

Mr Baker was invited to address the committee in his capacity as the applicant for this proposal. He explained that he'd lived in Humberston for 25 years and seen it's progressive yet extensive development. Whilst he understood the views of Humberston Parish Council, he felt they were out of date and didn't consider how typical this sort of development was in Humberston. Humberston Avenue had changed significantly in recent years, this application would remain consistent with that. The application before the committee today met all highways and drainage requirements. It was environmentally friendly and didn't affect the planting. This application did not represent a departure from typical development in the area.

Councillor Shreeve explained he was present at the Humberston Parish Council meeting where this decision was taken, generally, the parish council were supportive, however they opposed back land developments as a matter of principle.

Councillor Hasthorpe acknowledged Humberston Parish Council's concerns, however, personally saw no issues, and moved that this application be approved as per officers' recommendations.

Councillor Parkinson felt the application had been sensitively designed and that back land developments had become common place. He seconded Councillor Hasthorpe's motion of approval.

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

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

P.90 PLANS AND APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The committee received plans and applications determined by the Executive Director Environment, Economy and Resources under delegated powers during the period 18th March 2021 to 15th April 2021.

The Chair noted his interest in applications reference DM/0501/20/LBC, DM/0507/20/FUL, DM/0913/20/FUL and DM/0975/20/FUL. Mr Dixon explained that applications reference DM/0501/20/LBC and DM/0507/20/FUL were for the OnSide Youth Zones and could act as a catalyst for the town centre.

Application reference DM/0913/20/FUL represented a new Accident and Emergency for Diana Princess of Wales Hospital. Finally, he added application reference DM/0975/20/FUL would retain the drainage attenuation ponds.

RESOLVED – That the report be noted.

P.91 PLANNING APPEALS

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

RESOLVED – That the report be noted.

P.92 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.93 ENFORCEMENT ISSUES

The committee discussed issues relating to enforcement and raised a number of 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 2.17 p.m.