



To be submitted to the Council at its meeting on 29<sup>th</sup> July 2021

## **PLANNING COMMITTEE**

**31st March 2021 at 9.30 a.m.**

### **Present:**

Councillor Harness (in the Chair)

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

### **Officers in attendance:**

- Jonathan Cadd (Senior Town Planner)
- Rob Close (Scrutiny and Committee Support Officer)
- Matthew Chaplin (Public Rights of Way Officer)
- Hannah Dixon (Solicitor)
- Martin Dixon (Planning Manager)
- Lara Hattle (Highway and Transport Planner)
- Richard Limmer (Major Projects Planner)

### **P.78 APOLOGIES FOR ABSENCE**

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

### **P.79 DECLARATIONS OF INTEREST**

All members of the committee acknowledged their personal interest in knowing the applicant of P.82 - item two.

Councillor Pettigrew declared a disclosable pecuniary interest in P.82 - item two as he was seeking a contract with an organisation for which the applicant is a trustee.

Councillor Hasthorpe declared a personal interest in P.82 – item three as the applicant was known to him.

**P.80 APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH 89, ASHBY CUM FENBY**

The committee considered a report recommending the making of an order to divert part of Public Footpath 89 from the middle of a plot of land in Ashby cum Fenby to the south western boundary of the plot.

Mr Chaplin showed the committee plans and pictures of the application and explained that an application was submitted by the landowner as a result of a planning application for a residential property which was currently occupied by Public Footpath 89. Under the Town and Country Planning Act 1990, diversions should only be made if it was considered necessary to do so for development. In this instance, Mr Chaplin confirmed a diversion was indeed necessary. The new footpath was proposed to follow the western boundary line. A 28-day pre-order consultation had been carried out with no objections arising.

RESOLVED – That the recommendations be approved as laid out within the report now submitted.

**P.81 APPLICATION FOR PART OF PUBLIC FOOTPATH 11, GRIMSBY DIVERSION**

The committee considered a report recommending the making of an order to divert Public Footpath 11 that runs alongside Alexandra Dock in Grimsby.

Mr Chaplin explained that because of the installation of a new footbridge, Public Footpath 11 needed amending. Although the Highways Act 1980 allowed local authorities to move a bridge 200 yards to join the most convenient spot of the previous footpath, the Garth Lane development placed seating along the area occupied by the current footpath. A 28-day pre-order consultation had been carried out with no objections arising.

RESOLVED – That the recommendations be approved as laid out within the report now submitted.

**P.82 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 – 3) be dealt with as set out below and detailed in the attached appendix.

## **Item One - DM/0174/21/PAT - Highway Verge Adj. John Whitgift Academy Playing Field, Great Coates Road, Grimsby**

Mr Cadd introduced the application and explained it sought to consent for a monopole mast with wrap around cabinet and 5G antennas, 15 metre in height, with three associated cabinets. He showed the committee plans and pictures of the site and explained it came before them due to the number of objections received.

The site would be screened by some trees to the left of the junction, although the effectiveness of the trees would, of course, diminish in the winter. There were a number of properties in objection to the application beyond the landscaped area to the left of the site. In addition, Waby Close was host to a number of objectors. The mast and wrap around cabinet were to be painted green. Mr Cadd confirmed that this application was recommended for prior approval before being delegated to the Assistant Director of Housing, Highways and Planning.

The Chair referred to the number of objections, noting a common theme was the speculation over better locations. Mr Cadd explained that central government policy process for prior approvals required local authorities to assess telephone masts on a limited number of issues. Two of those issues being appearance and citing. There was a distinct limitation in the area of coverage offered by 5G masts compared to previous iterations. In addition, the applicant had indicated they had a 50 to 80 metre tolerance as to where these masts could be located to retain their coverage area. So, to relocate the mast would only create the same impact in a different location. The area also benefitted from a number of landscaped areas which would limit the impact.

Councillor Hasthorpe felt that although residents may want the technological benefits that this application would offer, they didn't appreciate the impact of it. He worried of the impact of the cabinet wraparound of the mast, suggesting it be relocated behind the adjacent hedge. Mr Cadd explained that masts were typically located in the public highway. He appreciated that the cabinets were undesired by residents but offered assurances that the hedging and green paint would go some way to mitigate this.

Councillor Mickleburgh noted that residents of an urban area should expect necessary infrastructure developments. In addition, he felt that this application would support public access to the internet in an increasingly digital age. He moved that this application be approved.

Councillor Hudson felt that the site was in fact very suitable for the development and seconded Councillor Mickleburgh's motion of approval.

Councillor Hasthorpe moved that this application be deferred so further consideration could be given to the location of the wrap around cabinet.

Councillor Goodwin agreed, seconding Councillor Hasthorpe's motion of deferral, adding that residents' concerns needed to be taken into account. Mr Dixon reminded the committee that this wasn't a typical planning application. Before the committee was a permitted development which was subject to the prior approval process and strict 56-day time scales. Therefore, a deferral would have an impact on that process.

Councillor Pettigrew ultimately considered that cabinets would blend in well with the surroundings.

RESOLVED – That, subject to no new issues being raised after 3rd April 2021, the determination that prior approval be granted be delegated to the Assistant Director Assistant Director of Housing, Highways and Planning.

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

Councillor Pettigrew left the meeting at this point.

## **Item Two - DM/0085/21/FUL - The Shepherds Purse Bradley Road Bradley**

Mr Limmer introduced the application and explained it sought to form a new pitched roof on existing shop and store building, and a new storage building. He showed the committee plans and pictures of the site and explained it came before them as the applicant was a North East Lincolnshire Ward Councillor. In addition, an objection was received from Bradley Parish Council, however, it primarily related to non-material planning considerations.

He explained that the site was an established small holding. At a previous Planning Committee, members registered their interest in seeing the site being put to its intended use. The applicant hoped this application would keep machinery secure on the site and maintain the current building. The principle of this application was considered acceptable. The impact to the neighbouring property to the south wasn't considered to be undue. The pitched roof would only increase the height by 0.5 metres and the scale of the proposed store building was also considered to be reasonable. The views surrounding the site were limited with good boundary treatments and the view from the access would either be improved by the proposed works or wouldn't be visible. Mr Limmer confirmed this application was recommended for approval.

Councillor Hasthorpe moved that this application be approved.

Councillor Callison sought clarification of the roof materials. Mr Limmer explained that the roof would be constructed from corrugated tin. Councillor Callison seconded Councillor Hasthorpe's motion of approval.

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

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

Councillor Pettigrew re-joined the meeting at this point.

### **Item Three - DM/0777/20/FUL - 18 The Avenue Healing Grimsby**

Mr Cadd introduced the application and explained it sought to erect a dwelling within the rear garden of 18 The Avenue, Healing. In addition, the application also proposed a new attached garage for the host property and a new access drive. He showed the committee plans and pictures of the site and explained it came before them due a request by a North East Lincolnshire Ward Councillor.

He explained that the houses in the area were made up of large, detached properties with large gardens. Although smaller dwellings were represented in the area of the site. Windows at ground level, intermediate, and first floor to the side were proposed, but were intended to be obscurely glazed to maintain privacy. He noted the character of the area was generally spacious. Originally, the applicant sought to replace the existing detached garage with a dwelling. Officers felt that proposal to be an overdevelopment, thus a small, modest dwelling to the rear was requested by the applicant instead. However, officers ultimately considered that such a development would detract from the verdant low-density character of the area. Other issues were noted such as the impact to privacy to the adjoining properties. The application was considered acceptable in terms of highways safety and parking. Mr Cadd confirmed this application was recommended for refusal.

Mr Close read out a statement submitted in objection to the application by Mr Baker, a neighbour of the site. He explained the proposal was for a substantial house of approximately 2,000 square feet of floor area, which he felt sat on a relatively small plot, at a density of more than three times that of neighbouring properties on the Avenue, and approximately twice that of the newer houses in McVeigh Court to the rear. He felt it would appear obtrusive and out of place in the neighbourhood. He feared that the upper storey windows in the rear bedrooms would directly overlook his private rear garden, which was otherwise protected by hedges at least two metres high. This could be seriously intrusive. The proposal to plant large trees as screening was most unwelcome, it would shade the majority of his garden in the afternoons as the boundary was the South East side of his property. It would also take a considerable time for any such planting to grow to be effective. The property at 5 McVeigh Court, to the rear, was built without any windows facing 18 and 20 The Avenue, showing a blank wall at the upper level to maintain the privacy of those adjacent properties. Mr Baker had discussed this application briefly with his neighbours at the rear from 5 McVeigh Court and they too were

concerned about the overlooking. The bedroom on the easterly corner of the proposed house would give a view directly into their private rear garden, conservatory, and bedrooms on the rear of the property at a distance of only a few metres. Unfortunately, that neighbour was currently abroad, so unable to comment himself. The property was described in the Design and Access Statement as a "Single Dormer Bungalow". This, he felt, was misleading. Although it had a dropped roofline, he considered it actually to be a two-storey house. There were no bedrooms on the ground floor, so it was in no sense a bungalow. He also felt that the photographs attached to the application were misleading. The driveway would be an extension of the existing drive and there was now no proposal for this to be on the other side of the existing house. The final photograph on the application showed an aerial view of the plot. The red line in the bottom right-hand corner was misplaced and should be down the midline of the hedge. This red outline related to an earlier application, but would be the same if it represented the current proposal. Correct positioning of that line would show the plot boundary much closer to the existing house in McVeigh Court.

Mr Scoffin was invited to address the committee in his capacity as the agent for this application. He explained that a pre-application was submitted in 2019 and received positive feedback and highlighted few issues. The application before committee today represented a reduction from the previously submitted application following feedback from officers. In addition, the design and layout had also been amended, particularly the first floor. The existing garage block was to be replicated closer to the host dwelling to allow a driveway to pass. The original access would serve both the host property and new property. He felt the feedback from the previous application had been successfully addressed in this application. The landscaping also provided a good level of private amenity. No objections were received from 16 The Avenue, who previously objected to the original application, or Healing Parish Council. The proposed dwelling would sit behind the host dwelling thus shielding the view from the avenue. He felt the proposed dwelling was more akin to those of McVeigh Court. Some consideration was given to a bungalow for the plot, however the necessary footprint would be too large.

Councillor Hudson was surprised the applicant claimed to have worked closely with officers, but still received a recommendation for refusal. He speculated that the ultimate size of the dwelling caused officers' concern. He suggested a bungalow didn't necessarily need to have a large footprint.

Councillor Pettigrew felt that this application did indeed represent an overdevelopment of the site and the neighbouring amenity would have an undue impact.

Councillor Mickleburgh echoed his fellow councillors' comments and moved that this application be refused as per officer recommendations. Councillor Goodwin seconded his motion for refusal.

RESOLVED – That the application be refused as the erection of an additional dwelling to the rear of 18 The Avenue, due to its size, scale and a position and the additional detached garage block proposed for the host property, would represent an over development of the site detracting from the spacious, landscaped character of The Avenue. The proposal would therefore be contrary to policies 5, 17 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

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

### **P.83 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 18<sup>th</sup> February 2021 to 17<sup>th</sup> March 2021.

The Chair sought further clarification on application reference DM/1041/20/FUL. Mr Dixon explained that the applicant approached officers some two years ago, seeking to extend delivery hours to 24 hours. This proposal was supported by a noise report and acoustic fence. A temporary assessment period was granted and shown to be successful, the applicants then applied for, and were granted, permission to remove the restrictions permanently.

RESOLVED – That the report be noted.

### **P.84 PLANNING APPEALS**

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

Mr Dixon explained no appeal decisions had been received since the last meeting of Planning Committee, however, applications reference DM/0516/20/TPO, DM/0265/20/REM, DM/0120/20/TPO and DM/1069/20/ADV had submitted appeals.

RESOLVED – That the report be noted.

### **P.85 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.86**

**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 10.42 a.m.