



To be submitted to the Council at its meeting on 28<sup>th</sup> July 2022

## **PLANNING COMMITTEE**

**6<sup>th</sup> April 2022 at 9.30 a.m.**

### **Present:**

Councillor Harness (in the Chair)

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

### **Officers in attendance:**

- Lara Hattle (Senior Highway Development Control Officer)
- Martin Dixon (Planning Manager)
- Keith Thompson (Specialist Property Lawyer)
- Richard Limmer (Major Projects Planner)
- Sophie Pickerden (Committee Support Officer)

### **Others in attendance:**

There were 7 members of the public present and 1 member of the press.

## **P.76 APOLOGIES FOR ABSENCE**

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

## **P.77 DECLARATIONS OF INTEREST**

No declarations of interest were received in respect of any item on the agenda for this meeting.

## **P.78 DEPOSITED PLANS AND APPLICATIONS**

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

RESOLVED – That the deposited plans and applications submitted under the Town and Country Planning Act (Serial No's 1 – 4) be dealt with as set out below and detailed in the attached appendix.

The Chair informed Committee members that Item 3 DM/0090/22/FUL had been withdrawn.

### **Item One - DM/1149/21/FUL - Land off Matthew Telford Way (Phase 2c1 and 2d), Scartho Top, Grimsby**

Mr Limmer introduced the application and explained it sought consent to erect a further 20 dwellings in the area where 205 dwellings had already been given approval to be built. The site covered phases 2C1 and 2D of the wider Scartho Top Phasing Plan and benefitted from an extant planning permission under DM/1049/16/REM. Mr Limmer explained that the site was part of the wider Scartho Top development site and that an Aldi store had recently been built close by and that there were further plans for a care home to be built and a school. Mr Limmer stated that the proposed development would not unduly harm the neighbours' amenities or the character of the area. Mr Limmer stated that lots of work had taken place regarding drainage on the site and that the conditions proposed with the application would ensure the development did not increase the risk of flooding. Mr Limmer informed committee members that the Highways Officers had concluded that an increase of 20 dwellings on the site would not cause a severe impact on the highway network. Mr Limmer explained to the committee that this application was subject to a section 106 legal requirement being agreed. Mr Limmer stated that the proposed development would result in the provision of housing on an established and allocated housing site aiding housing delivery in North East Lincolnshire. Mr Limmer stated that the proposal was in accordance with Policies 5, 6, 14, 15, 17, 18, 22, 33, 34, 41 and 43 of the North East Lincolnshire Local Plan (NELLP) and was therefore recommended for approval with conditions.

Mr Webster spoke on behalf of the applicant Persimmon Homes and the landowner Brocklesby Estate. The first statement was on behalf of Brocklesby Estate.

Mr Webster stated that Brocklesby Estate supported the planning application and that the development on Scartho Top had been ongoing for over twenty years. Mr Webster stated that there had been recent media coverage expressing concern about certain aspects of the Scartho Top development, he stated that Brocklesby Estate wanted to assure committee members that these matters were to be resolved. He stated that Brocklesby Estate was committed to the long standing Scartho Top masterplan vision and for the planning objectives to be achieved to the Council's satisfaction. Mr Webster informed members that much of the estate's focus had been on the delivery of the local centre. He informed members that the Aldi store was due to open this summer. He also stated that adjacent to the Aldi store was a proposed parade of four small retail shops or similar service leisure uses and that a planning application was

expected to be submitted for planning officers' consideration later on in the year. Mr Webster stated that the final area of the local centre was a new primary school, where in the coming months nearly four acres of land would be transferred to the Council for the development of this new 210 pupil primary school. Mr Webster stated that Brocklesby Estate were working collaboratively with Council officers to achieve the earliest possible delivery of this new school and had extended the village centre road and utilities services to assist with delivery of the proposed school. Mr Webster informed committee members that Scartho Top's spine road once completed would loop from Scartho Road to Springfield Road and that during the past three years Brocklesby Estate had constructed, or were currently constructing, two thirds of the length of spine road. Mr Webster stated that the final length would be completed by Cyden Homes, alongside development of the Phase 5 area, in parallel to their housing development. Mr Webster stated that there would also be, separate to the spine road, a minor road link called 'the village road' constructed which would provide vehicular access between the northern and southern area of Scartho Top. Mr Webster informed committee members that while there had been media speculation about Scartho Top linking with Bradley Road, Brocklesby Estate could confirm the Bradley link road proposal had never been a planning requirement or condition of Scartho Top, nor had there been any discussion with Council officers or councillors about this proposal. Mr Webster informed committee members that the main area of public open space at Scartho Top, an area of around six acres, including two children's play areas, a network of footpaths and a scheme of soft landscaping was due to be completed by Linden Homes this summer. He stated that this new amenity area would be open to all the Scartho Top residents and create safe, off-road pedestrian linkages with the wider area. Mr Webster stated that Persimmon Homes were to deliver a further 1.6 acres of public open space alongside their proposed development, which would provide further linkage with the Scartho Top development. Mr Webster stated that Brocklesby Estate believe that this clearly demonstrated there was much positive progress being made at the Scartho Top development.

Mr Webster read out a second statement from Persimmon Homes.

He stated that Scartho Top already had outline planning permission for residential development and, in September 2018, reserved matters approval for 845 dwellings on phases 2, 4 and 5 was issued. That approval included 205 dwellings on the application site 2C1/2D. He stated that as a result of market interest and the good progress being made at Scartho Top, the Brocklesby Estate had decided to release the application site and dispose of it to Persimmon Homes. Mr Webster stated that Persimmon Homes had reviewed the previously approved scheme for the site and decided that it could be improved upon by amending the housing mix to provide a better choice of units and some minor alterations to the site layout. Mr Webster stated that these amendments had resulted in an increase in the number of dwellings on the site from 205 to 225. Mr Webster informed the committee that there were some changes to the house styles in order to accord with Persimmon's latest designs.

Mr Webster stated that many of the objections from residents were based on the principle of development on the site but argued that this had already been established by the previous permissions given. Mr Webster stated that it was Persimmon Homes belief that the additional effects of the extra 20 dwellings were marginal in traffic and environmental terms and that this was evident as the statutory consultees were content that they were not significant. Mr Webster stated that both Persimmon Homes and Brocklesby Estate confirmed that the Village Centre facilities and the open space to serve this phase of development were being provided. Mr Webster stated that the site drainage principles had previously been agreed through the outline and reserved matters permissions and only the detailed design of surface water drainage needed to be agreed. Mr Webster stated that the affordable housing and education contributions had been increased for the additional 20 dwellings so that it was consistent with Council policy and were the subject of an agreed Section 106 Agreement.

Councillor Mickleburgh stated that it was good to that some facilities were being built in Scartho Top and not just houses. He stated that he was pleased to hear about the plans for a school and an Aldi opening in the Summer. Councillor Mickleburgh stated that the application was for an increase of 20 properties and would only mean minor changes, and he was also pleased to hear that some of the properties would be a more affordable price. Councillor Mickleburgh stated that he hoped that Stagecoach would look at introducing a bus service to Scartho Top as, while some residents had cars this was not the case for everyone, and this should be looked at, particularly if a care home was to be built in the area. Councillor Mickleburgh moved for the application to be approved.

Councillor Hudson stated that he agreed with Councillor Mickleburgh but added that houses must be built to encourage businesses to the area. Councillor Hudson seconded the application for approval.

Councillor Hasthorpe queried the likelihood of Scartho Top linking with Bradley Road. He asked planning officers if this was being ruled out completely.

Mr Limmer reiterated that a link to Bradley Road was not part of the Scartho Top Plan and stated that it never had been.

Councillor Hasthorpe stated that he took the words from Mr Limmer on board.

Councillor Croft stated that she was concerned about the amount of traffic on Scartho Road going on to Scartho Top and while she understood there was a road being built, she did not think that would alleviate the problem.

The Chair stated that Councillor Croft had raised a good point, but that was not a part of the specific planning application.

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

(Note - the committee voted 10 to 1 in favour of the application being approved.)

## **Item TWO - DM/0536/20/FUL - Land Adjacent to 83 Brigsley Road, Waltham**

Mr Limmer introduced the application and explained that it sought to erect a detached two storey dwelling in what was part of the garden of 83 Brigsley Road, Waltham. It was now a separate piece of land. The dwelling would take access off Brigsley Road. Mr Limmer informed committee members that planning permission for this site had previously been refused back in 2008 and the subsequent appeal was also dismissed. Mr Limmer stated that since then the overall character of the area had changed, and he stated to committee members that previous decisions were made years before the adoption of the current North East Lincolnshire Local Plan and the National Planning Policy Framework. Following concerns raised by neighbours, the proposed dwelling would be reduced in overall scale and mass and while it would be visible from neighbouring properties and there would be some degree of overlooking, it would not cause an undue impact on the residential amenities of the neighbours. Mr Limmer stated that the highways team had reviewed the application and had not raised any objections. Mr Limmer added that the tree officer had not raised any objections to the application. Mr Limmer stated that an ecology survey had been conducted and no objections had been raised. Mr Limmer informed committee members however that since the survey had been conducted, Great Crested Newts had been spotted close to the site. He asked that if committee members were to approve the application, that the decision be delegated back to planning officers so this issue could be looked at further. Mr Limmer stated that the proposal was in accordance with Policies 5, 22, 33, 34, 41 and 42 of the NELLP and was recommended for approval with conditions.

Mr Carlton spoke in objection to the application. He stated that Mr Limmer had represented the planning history of the site incorrectly and that the site had been refused planning permission seven times and had been dismissed on appeal three times. Mr Carlton referred to the 2008 appeal decision which stated that living conditions of those at number 83 and 85 would be affected if the application went ahead, Mr Carlton argued that this contradicted the statements Mr Limmer had made on the effect the proposed dwelling would have on neighbours. Mr Carlton stated that there would be a considerable detriment to trees in the area and the character of the area would also be affected. Mr Carlton stated that Mr Limmer was choosing to ignore the Council's own biodiversity scheme and that, if the application was to go ahead, trees that were 92 years old would be damaged in the process. Mr Carlton stated in conclusion that if committee members were to grant planning permission for the proposed dwelling, they would be going against seven previous decisions made by the authority and three decisions made by appeal

officers. He stated that there would be a severe loss of privacy and substantial damage to the area of Brigsley Road.

Mr Scoffin spoke on behalf of the applicant for the application. He stated that previous decisions should not be considered, and that this application should be judged on current planning objectives. Mr Scoffin said that the applicant had worked collaboratively with planning officers and had agreed to reduce scale and mass when concerns were raised. Mr Scoffin informed committee members that objections had been raised by Waltham Parish Council about ecology on the site and an assessment was subsequently undertaken with a report being made. Mr Scoffin noted that following this Waltham Parish Council had no objections. Mr Scoffin stated that the application was supported by the Highways team, Drainage and Heritage officers. He commented that in his view, all concerns raised had been dealt with. Mr Scoffin asked committee members to support the application.

Mr Limmer stated that there was only one category B tree on the site and that the rest of the trees were of low quality. Mr Limmer reiterated that the tree officer had raised no objections to the application.

Councillor Pettigrew stated that this application was a difficult one. He said that it was important to look at each application on its own merit. Councillor Pettigrew thought that the proposed dwelling would have a big impact on the character of the area and a big impact on the neighbours. He stated that essentially it would be built in the neighbours back garden and the whole look of the road would be affected. Councillor Pettigrew agreed with the previous appeal decision that the dwelling would sit uncomfortably on the road, and it would not suit the area. Councillor Pettigrew also queried the need for this dwelling. He stated he would listen to other members.

Councillor Hudson stated that he was unsure, but he thought that the development looked reasonable and that the issue of overlooking had been mitigated. He stated that this would be the only type of building he would support going onto the site, but said that it would affect the neighbours. Councillor Hudson queried whether it was acceptable to consider the site a building plot and whether there was a need for the proposed dwelling. Councillor Hudson commented that he also had concerns about the damage to ecology.

Councillor Hasthorpe stated that he agreed with both Councillor Pettigrew and Councillor Hudson and moved for refusal of the application.

Councillor Mickleburgh stated that if the plans were to go ahead, then this was probably the best application for the site but he queried whether there was a need for the dwelling. He felt that the proposed dwelling would have a negative impact on the environment and the neighbours. Councillor Mickleburgh seconded the motion of refusal of the application.

Councillor Parkinson thought this was tricky application to consider but he agreed with the rest of the committee. Councillor Parkinson stated that in his opinion, it felt like it was being squeezed in.

RESOLVED – That the application be refused as the proposal by virtue of the limited size of the site and position of the dwelling would represent an over development which would be detrimental to the character of the area and to the residential amenities of both existing neighbours contrary to policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

That the application be refused due to insufficient evidence to allow for a full consideration of the potential impacts on ecology, in relation to Great Crested Newts, the proposal was contrary to Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(Note - the committee voted 10 to 1 in favour of the application being refused.)

### **Item Three - DM/0090/22/FUL - Anne Askew House South Marsh Road Stallingborough**

It was confirmed that this application had been withdrawn.

### **Item Four - DM/0028/22/FUL - Land Adjacent to the Barns, Walk Lane, Irby Upon Humber**

Mr Dixon introduced the application and explained that it sought change of use and conversion of old apple and potato store to short term holiday let to include various internal and external alterations and installation of a metal flue for a wood burning stove. Mr Dixon stated that it was a modest development but that the site had extensive planning history. Mr Dixon stated that it was not a residential development and would instead serve as a holiday home adding to the tourism economy in the area. Mr Dixon stated that the proposed development would have a contemporary look but due to the small scale and the screened location, it would not distract from the wider character of the area. Mr Dixon stated that the development would not harm neighbours' amenities as it would be a one bedroom unit and was unlikely to attract families or party groups, therefore, it should not create a noise nuisance for neighbours. Mr Dixon also stated that there was a hedge separating the proposed development from one of the neighbouring properties which protected the privacy of the neighbours. Mr Dixon stated that there was a condition which limited the use of the development to solely holiday accommodation. Mr Dixon stated that the proposal was therefore in accordance with Policies 5, 22, 36, 38, 39 and 42 of the North East Lincolnshire Local Plan 2013-2032 and was recommended for approval with conditions.

Councillor Mickleburgh stated that he was pleased to see the development would bring in some tourism income. Councillor Mickleburgh moved for the application to be approved.

Councillor Hasthorpe stated that he would like a condition attached which limited the amount of time a person can rent the holiday home for.

Mr Dixon confirmed that a condition outlining this was already attached with the application (Condition 5) and would be enforced should members approve the application.

Councillor Hasthorpe stated that he was happy with that condition.

Councillor Hudson seconded the application for approval.

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

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

Councillor Beasant left the meeting at this point.

## **P.79 PLANS AND APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

The committee received plans and applications determined by the Executive Director of Environment, Economy and Resources under delegated powers during the period 17<sup>th</sup> February to 23<sup>rd</sup> March 2022.

RESOLVED – That the report be noted.

## **P.80 PLANNING APPEALS**

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

RESOLVED – That the report be noted.

## **P.81 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.82 ENFORCEMENT ISSUES**

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

RESOLVED – That the information be noted.

There being no further business, the Chair closed the meeting at 10.42 a.m.