



To be submitted to the Council at its meeting in July 2022

PLANNING COMMITTEE

6th 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 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 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The Chair informed Committee members that Item 3 DM/0090/22/FUL had been withdrawn.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

Mr Limmer introduced the application and explained it sought consent to erect a further 20 dwellings in the area where 205 dwellings have already been given approval to be built. The site covers phases 2C1 and 2D of the wider Scartho Top Phasing Plan and benefits 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 does 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 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 supports 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 wants to assure committee members that these matters are to be resolved. He stated that Brocklesby Estate is committed to the long standing Scartho Top masterplan vision and that the planning objectives be achieved to the Council's satisfaction. Mr Webster informed members that much of the Estate's focus has been

on the delivery of the local centre. He informed members that the Aldi store is due to open this summer. He also stated that adjacent to the Aldi store is a proposed parade of four small retail shops or similar service leisure uses and that a planning application is expected to be submitted for planning officers' consideration later on in the year. Mr Webster stated that the final area of the local centre is a new primary school, where in the coming months nearly four acres of land will be transferred to the Council for the development of a new 210 pupil primary school. Mr Webster stated that Brocklesby Estate are working collaboratively with Council officers to achieve the earliest possible delivery of this new school and have 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 will loop from Scartho Road to Springfield Road and that during the past three years Brocklesby Estate have constructed, or are currently constructing, two thirds of the length of spine road. Mr Webster stated that the final length will be completed by Cyden Homes, alongside development of the Phase 5 area, in parallel to their housing development. Mr Webster stated that there will be also be separate to the spine road, a minor road link called 'the village road' constructed which will provide vehicular access between the northern and southern area of Scartho Top. Mr Webster informed committee members that while there has been media speculation about Scartho Top linking with Bradley Road, Brocklesby Estate can confirm the Bradley link road proposal has never been a planning requirement or condition of Scartho Top, nor has 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 scheme of soft landscaping is due to be completed by Linden Homes this summer. He stated that this new amenity area will 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 are to deliver a further 1.6 acres of public open space alongside their proposed development, which will provide further linkage with the Scartho Top development. Mr Webster stated that Brocklesby Estate believe that this clearly demonstrates there is 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 has 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 can 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 have resulted in an

increase in the number of dwellings on the site from 205 to 225. Mr Webster informed the committee that there are 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 are based on the principal of development on the site but argued that this has already been established by the previous permissions given. Mr Webster stated that it is Persimmon Homes belief that the additional effects of the extra 20 dwellings are marginal in traffic and environmental terms and that this is evident as the statutory consultees are content that they are not significant. Mr Webster stated that both Persimmon Homes and Brocklesby Estate confirm that the Village Centre facilities and the open space to serve this phase of development are being provided. Mr Webster stated that the site drainage principles have previously been agreed through the outline and reserved matters permissions and only the detailed design of surface water drainage needs to be agreed. Mr Webster stated that the affordable housing and education contributions have been increased for the additional 20 dwellings so that it is consistent with Council policy and are the subject of an agreed Section 106 Agreement.

Councillor Mickleburgh stated that it was good to that some facilities are 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, he stated he was also pleased to hear that some of the properties would be a more affordable price. Councillor Mickleburgh stated that he hopes that Stagecoach will look at introducing a bus service to Scartho Top as while some residents have cars, this is not the case for everyone, and this should be looked at particularly if a care home is 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 has 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 understands there is a road being built, she does not think that will alleviate the problem.

The Chair stated that Councillor Croft had raised a good point, but that, 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 is 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 has 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. Mr Limmer stated 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 stated 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 are to approve the application, that the decision be delegated back to planning officers so this issue can 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 is 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 contradicts 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 are 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 stated that following this Waltham Parish Council had no objections. Mr Scoffin stated that the application is supported by Highways team, Drainage and Heritage officers. He stated 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 are 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's important to look at each application on its own merit. Councillor Pettigrew stated that he 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 stated that he agrees with the previous appeal decision that the dwelling would sit uncomfortably on the road, and it will 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, he said that 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 will affect the neighbours. Councillor Hudson queried whether it is acceptable to consider the site a building plot and whether there is a need for the proposed dwelling. Councillor Hudson stated that he also had concerns about the damage to ecology.

Councillor Hasthorpe stated that he agrees 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 queried whether there is a need for the dwelling. He stated 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 stated that he thought this was tricky application to consider. He stated that 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 is 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 application being refused.)

**Item Three - DM/0090/22/FUL - ANNE ASKEW HOUSE
SOUTH MARSH ROAD STALLINGBOROUGH –
APPLICATION 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 metal flue for 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 will be a one bedroom unit and is unlikely to attract families or party groups therefore it should not create a noise nuisance for neighbours. Mr Dixon also stated that there is a hedge separating the proposed development from one of the neighbouring properties which protects the privacy of the neighbours. Mr Dixon stated that there is a condition which limits 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 will 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 limits the amount of time, a person can rent the holiday home for.

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

Councillor Hasthorpe stated that he is 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 for 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 17th February to 23rd 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.