



To be submitted to the Council at its meeting on 16<sup>th</sup> December 2021

## **PLANNING COMMITTEE**

**8<sup>th</sup> September 2021 at 9.30 a.m.**

### **Present:**

Councillor Harness (in the Chair)

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

### **Officers in attendance:**

- Lauren Birkwood (Senior Town Planner)
- Matthew Chaplin (Public Rights of Way Mapping Officer)
- Martin Dixon (Planning Manager)
- Lara Hattle (Highway and Transport Planner)
- Bev O'Brien (Scrutiny and Committee Advisor)
- Keith Thompson (Specialist Property Lawyer)

### **Also in attendance:**

- Councillor Shepherd – Scartho Ward Councillor

There were 13 members of the public present at the meeting.

## **P.24 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillors Batson, Croft and Hudson for this meeting.

## **P.25 DECLARATIONS OF INTEREST**

Councillor Mickleburgh declared a prejudicial interest in P.27 – Item 2 as he had publicly made his views known on this application.

Councillor Parkinson declared a pecuniary interest in P.27 - Item 3 as he owned a similar business close to the one in discussion.

Councillor Beasant declared a personal and prejudicial interest in P.27 – Item 3 as he was a treasurer of the Liberal Democrat Group.

## **P.26 APPLICATION FOR PART OF PUBLIC FOOTPATH 11, GRIMSBY DIVERSION**

The committee received a report from the Executive Director for Environment, Economy and Resources to divert Public Footpath 11, which runs alongside Alexandra Dock in Grimsby.

RESOLVED –

1. That an Order be made for the diversion of part of Public Footpath 11, in accordance with Highways Act 1980.
2. That, subject to there being no objections, the Order be confirmed or, in the event of objections which cannot be resolved and withdrawn, for the Order to be referred to the Planning Inspectorate for determination.

## **P.27 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 – 5) be dealt with as set out below and detailed in the attached appendix.

### **Item One - DM/0650/21/FUL - 184 Waltham Road, Grimsby**

Mr Dixon introduced the application and explained it sought consent for change of use of a dwelling to a residential care home for up to 5 young people. No external works were proposed but minor internal room changes were identified. Mr Dixon explained that the proposed development sought to provide accommodation in the form of a small children's home which was to be delivered by Keys Group Limited. The proposal would maintain a residential use in a residential area albeit of a different use class. The overall intensity of the use of the site would not significantly change to what may reasonably be expected at a dwelling house. It was not considered that there would be any significant impacts on the neighbouring properties residential amenities or additional harm to highway safety, amenity or crime. The general appearance of the property would not be altered and so the visual character of the area would not be harmed. It was therefore considered that the proposed development would comply with Policy 5 of the North East Lincolnshire Local Plan (NELLP) and was recommended for approval.

Mr. Dick Appleton spoke in objection to the application. As a self-proclaimed 'listening council', he asked that the committee listen to the voice of the people in the immediate vicinity of 184 Waltham Road. 85 close-by residents had been canvassed and not one person was of the opinion that it would be good for the neighbourhood. While agreeing with

the need for such accommodation, residents maintained He noted that the Local Plan stated that the Council would support the provision of housing that maximised independence and choice for older people with specific needs when assessing the suitability of sites and/or proposals for the development of residential care homes. This was already in place and needs were being well supported by this Council. However, he felt that dropping this bombshell in the middle of the community would mentally, and probably physically in time, devastate those in the immediate area. Many had already said that they would sell up and leave should this application be accepted. He enquired how highways had reached its conclusion to support approval as the pictures he had provided showed, at a non-peak time of day, five dangerous near-misses with only one car parked outside. The applicant had stated that there would be no problems with up to six cars parking on site and being able to turn in their own circle within those confines. He felt that this was nonsense and as many as 10 or more carers/staff/ancillaries and relative's vehicles could be parked along the highway at any one time, which could be very dangerous as well as being a prime target for the house's residents or any associates who might be lurking outside day or night.

In terms of noise and privacy, he was concerned that the property could house five very socially challenged 18 year old's with a huge garden in which to amuse themselves. There were no youthful amenities for them and he felt that there would be noise, which would disturb the privacy of all neighbouring residents. He referred to issues that had arisen at a similar establishment in North Lincolnshire. He noted that Humberside Police would monitor the situation very closely but that would take up valuable resources of an already overstretched local police force.

He referred the committee to the council's own safeguarding policy statements for vulnerable adults and vulnerable young children. He felt that to even consider placing people, who had behavioural problems and had suffered all sorts of abuses, next door to four homes containing vulnerable people was nothing short of madness. Then there was also the mental health of all the elderly residents around the area to consider. He felt that the applicant was only concerned with money and, if committee Members accepted this proposal, it would cost everyone much more than that. He asked that the Committee refused this application.

Ms Jo Carter, Regional Manager for the Keys Group, spoke on behalf of the applicant. Keys Group were a well-respected provider and had worked successfully in North East Lincolnshire for several years. They currently had eight homes in Lincolnshire. Ofsted had rated seven out of eight Lincolnshire homes as good and the remaining one as outstanding. Keys Group sought to develop homes to help ongoing need for placements in the area. Children's Services had confirmed support for this proposal, which would help ensure young people had the wrap around support they needed. Staff would provide 24 hour care supervision and would try to make every day extraordinary for the young people. Children

and young people in care had missed out on several areas of development and they needed to be supported and nurtured in the community. Five young people for this size of dwelling was appropriate and it was important that they felt part of the community. They would seek to promote positive relationships to give positive experiences and it was something these young people would not have had the opportunity to have or gain. A location risk assessment had taken place and there had been extensive consultation with the police, with no objection having been raised. Discussions had already been done with the proposed manager and local facilities could be accessed by walking, cycling and other local transport. There was a bus stop close by to the site and no objections had been received from highways. The principle of use had been accepted and there were to be no adverse changes or impact to the area. It would comply with local policies and needs of the young people would be met by this provision. She asked that Members respectively accept officer recommendations and approve this application.

The Chair asked Ms Carter whether the children and young people that would be staying at the home would be from the local area. Ms Carter stated that Waltham Road would look at supporting children and young people specifically from the North East Lincolnshire area, but there may be times when there would be children from out of area. The Children's Commissioner felt that there was a need for that support to be provided within this area.

Councillor Shepherd spoke as Ward Councillor for this application. He explained that in terms of highways there had been several close misses. It was on a busy road. There was a proposal to put a bus stop on the main road, which would further restrict driver's views. Nearby residents were concerned about change over times and noise this would produce. Adjacent to the proposed venue there were families with children that had special needs themselves. They were worried about the noise that would be created at change over times specifically with visitors and users. It was a quiet area, and this proposal would create noise and disturb residents. Three individuals agreed to this application, but they all lived away. The proposal had no support in the local community. It was on a dangerous bend and dangerous road. There would be insufficient parking and Councillor Shepherd believed this application should be refused.

Ms Hattle spoke on a few highway points raised. She confirmed that highways were happy with the amount of parking to be provided and confirmed that the bus stop mentioned was already in situ. It was only being considered for an upgrade and to implement raised curbs. There would be six parking spaces available for staff and residents which was adequate for this nature of the dwelling. The applicant could look to remove the hedge on the site to make an in and out entrance and exit but this would reduce the amount of parking available. Therefore, highways had no objections and no reason to recommend refusal.

The Chair stated that there could be potential traffic issues at staff change over times, particularly conflict with cars already parked there.

Councillor Mickleburgh stated that he was lucky to be brought up by a loving family, but he appreciated that some children were denied that. Children deserved to have that somewhere. He did not want to go back to having children in care living in big institutions. He wanted children to have a loving care facility. They normally go in out of borough homes, but it was no good and this would be a more nurturing setting. However, he was concerned about the Keys organisation. There was a conflict on how well it was run, seven out of 8 had received a good Ofsted report, but that meant there was still over 10% that was not good. He also had concerns for the residents. He didn't live in that part of the borough, but if people were prepared to raise objections, the committee could not ignore them, He mentioned whether it may be good to have a site visit to help understand the area better and understand the bend and potential difficulties.

Councillor Silvester stated that he had been and visited the site. He concurred with everything Councillor Shepherd had said in his speech. He was only there for 10 minutes, and he witnessed two near misses. He also had sympathy for the residents. He moved for the proposal to be refused.

Councillor Hasthorpe thought this was a complex issue. The policy of the council was to bring back children currently living in out of area homes. He questioned why we would want to import others into our area. He was not willing to guarantee that they were not from this area and as there were major concerns from residents, he was happy to second the proposal.

Councillor Goodwin stated that she sat on the Children and Lifelong Learning Scrutiny Panel and more children's homes were needed to take children from our area as it was costing too much to send them out of area. There were currently two children's homes in the area that worked well. She wondered why this one couldn't. She stated that it was best to have it out of the town centre and away from temptation. Councillor Goodwin stated that she spoke to a friend about this proposal and asked whether she objected to it. She lived not far away from proposal, and they were happy for it to go ahead. The maximum number of children or young people would be five and if it went ahead she believed that they would be from North East Lincolnshire.

Councillor Callison had concerns when he heard about the application. He had seen first-hand what these homes could be like as he lived close to one. There had been damage to the Cleethorpes area and the police had to be called to private properties. If accepted, it would set a precedent and maybe other organisations may want to move more children into the area.

Councillor Beasant stated that he was proud to be a Corporate Parent. He stated that a few weeks ago he spent the afternoon with young children in care and they were all stars. They were well behaved and well looked after. His only concern was the fact that it was a private organisation. He would have much rather it had been the local authority looking after as it would be our own children. Education and care systems was now part of

the marketplace. He had read Ofsted reports about Keys. A lot of homes were very good, some in particular were outstanding. However, there were some that were not as good and needed some improvement. He was passionate about young children. Some may play loud music and there may be some noise issues, but that didn't worry him. The council was the lead authority for anti-social behaviour, rather than the police, so we should be dealing with it. However, he did not think it would occur. With regard to potential near misses, he wondered how many other roads had potential near misses in the Borough. He stated that they always approve applications when there were potential near misses. Councillor Beasant stated that he would be disappointed if this was refused without a site visit first.

Councillor Goodwin asked whether Councillor Callison was referring to the children's home that was at the roundabout on Isaacs Hill. She stated that if so, it had shut down now and was currently working well in Waltham.

Councillor Parkinson thought this was a complex issue. There was a mixture of planning issues and other issues. He stated that there was always a perception of fear around anti-social behaviour. The policy was to open the council's own home and bring people back to the area as the cost was too expensive. He currently remained on fence, in terms of his decision.

The Chair stated that children in care was a well-established principle. He explained that he had care facilities in his ward, and one had previously come to Planning Committee before and that received a lot of objections. He stated that since it had been approved, they had not received one complaint. He said that it was exceptionally difficult when residents had the fear of the unknown. Councillor Harness explained that organisations want children's homes to be unestablished so that children blend in with the community.

Mr Dixon stated that it was a complex issue. However, he pointed out that they had to look at it from a planning perspective and they were here to determine the use of this dwelling. He asked what the grounds were for refusal of the application.

Councillor Silvester stated that he was refusing the application because of the impact on highway safety and impact on residential amenity, particularly in terms of noise and antisocial behaviour.

**RESOLVED** – That the application be refused as the proposed development would constitute an unacceptable use of the site due to a detrimental impact on the amenity of neighbouring residents by reason of the potential for noise, disturbance, and anti-social behaviour and due to highway safety concerns as a result of an increase in use of the accesses on a main and busy road. The development was therefore contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(Note - the committee voted five for and four against, with one abstention for the application to be refused.)

Councillor Mickleburgh left the meeting at this point.

## **Item Two - DM/0433/21/FUL- Land Off Blackthorne Avenue, Humberston**

Mr Dixon introduced the application and explained that it was for the erection of a residential care home for the elderly and associated external works. The proposal was for a care home and it would add to the mix of accommodation types on this residential development. The proposal was of a good design and responded to local context and constraints. It was not considered that it would harm the wider character of the area, or neighbouring amenity. There were no negative impacts on the highway network and consideration had been given to landscaping and ecology. The application was considered in accordance with Policies 5, 16, 22, 36, 38, 41 and 42 and was recommended for approval, subject to the signing of an amended Section 106 Legal Agreement.

Mr Woollard spoke on behalf of applicant. He explained that Tanglewood was an experienced care operator. They took pride in offering higher standards of care, specifically elderly dementia care. That had worked collaboratively with officers and were fully committed to delivering all of the proposals in front of members today. Residents of Tanglewood would be local people. Staff would be in familiar surroundings; there would be 31 retirement bungalows and it would promote mixed and balanced communities. They were confident it would be an excellent facility. Significant care had been given to ensure welfare while also considering future residents. The nearest dwelling would be 42 metres away. The build form was broken up and encompassed by space. They would make excellent neighbours and there would be 24/7 on-site management, dedicated maintenance and well-trained staff around on site. Their design had been created from existing built forms and designed to meet the needs of vulnerable residents. They hope to provide homes with care and help people live with dignity and security. It would be the best and safest most efficient care possible. Two storey buildings were common for care homes. There would be two lifts and staircases in the building. Caring for individuals and their families was their main aim. They believe they had found a good planning solution on unused land. Mr Woollard hoped the committee would go along with the recommendations given.

The Chair stated that it was his ward, and he knew the site well. He also said that he had attended the site with officers. He explained that he had reflected on objections, but he believed that the application sounded more obtrusive than it looked on the application.

Councillor Hasthorpe stated that the parish council represented the community, and he usually agreed with them if objections had been received. However, he considered the application to be well thought out

and he did not think there would be many issues. He moved for the application to be approved.

Councillor Silvester seconded the motion to approve.

Councillor Goodwin thought that it was well planned out and included everything the elderly would need.

Councillor Parkinson commented on how there was an oversupply, and he was not in favour of new ones being built but understood that was not grounds for refusal. He preferred it to be single storey as it would help with people moving around. However, it did look like a good building.

RESOLVED –

1. That the conditions within the attached report and the signing of the Section 106 legal agreement be approved.
2. That the final decision be delegated to the Executive Director Environment, Economy and Resources.

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

Councillor Parkinson and Beasant left the meeting and Councillor Mickleburgh returned to the meeting at this point.

### **Item Three - DM/0554/21/FUL - Kingsway Club 3 Kingsway Cleethorpes**

Ms Birkwood introduced the application and explained that it was partial change to the use at ground floor from office to bar, alterations to doors and windows and creation of outdoor seating area to front with associated works. She stated that the proposal would be in-keeping with the existing property, wider area and adjacent Conservation Area. The proposal would also not give rise to significant impacts in terms of residential and business amenity. The application can therefore be approved in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and sections 12 and 16 of the NPPF 2021, subject to a number of safeguarding conditions.

Mr Oglesby spoke as the applicant, he explained how he took over this business in 2019, when it was in a very poor state. It has taken them over two and a half years to turn it around. It was a member only club and members also sign up to a strict code of conduct. The majority of people who join were elderly people so when the ground floor offer came in it made sense. It would enable the elderly to not have to climb stairs. They would be able to enter the building and enjoy a more sociable day. He stated that chairs outside wouldn't be for twelve months of the year, and they would be brought inside well before 8.00pm. There would be no outside entertainment and it would not be on the ground floor. It currently took place once a month on Friday teatime and it tended to finish by 9pm.

Mr Oglesby explained that for the last two and a half years there had been no complaints from residents, and he hoped that this would carry on for future years.

The Chair wondered whether they would turn away trade if non-members were to sit at the outside seating area. Mr Oglesby stated that their intention was to get passing trade in the summer months.

Councillor Hasthorpe wondered whether it would be conditioned that chairs and tables could go no further than the footpath as he believed it to be a busy area. Ms Birkwood confirmed that it wouldn't extend that far.

Councillor Mickleburgh explained how we had seen how bars and restaurants had struggled over the past several months. He wanted to see businesses like this thrive and believed Members should be encouraging applications like this. He moved for the application to be approved.

Councillor Goodwin seconded the application to be approved. She stated that as it was just being approved for 12 months, if anything were to go wrong it would be policed. It would be great for the seaside and seeing chairs outside it would get more people in.

Councillor Westcott vouched for the Kingsway Club. It was not really a venue everyone knew about, but it had been there a long time. He didn't think it would impact on the pavement and stated that Members needed to support establishments like this.

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

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

Councillor Parkinson and Beasant returned to the meeting at this point.

#### **Item Four - DM/0578/21/FUL - 279 Willingham Street, Grimsby**

Ms Birkwood introduced the application and explained that it was to erect a garage block with apartments above. She stated that the development was unacceptable on flood risk, residential amenity (existing and future) and character grounds and was therefore recommended for refusal.

Councillor Pettigrew stated that even if they were to put flood issues aside, this was a good example of a very poorly designed application. He moved for the application to be refused.

Councillor Hasthorpe seconded the proposal.

Councillor Mickleburgh did not think it was appropriate accommodation. It would be very small living spaces and he stated that they were there to enhance the area, not build slums for future generations.

RESOLVED – That the application be refused due to:

1. The proposal resulting in inappropriate and unjustified development within an area at risk of flooding and would fail the sequential test which requires a development to be located in areas at the lowest risk of flooding. As such, it be contrary to policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).
2. The proposal does not constitute good design by virtue of its layout, poorly designed roof and its elevations. This combined with its overall mass and proximity to neighbours would be detrimental to the character of the area and detrimental to amenities of existing and future residents contrary to policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(Note - the committee voted unanimously for the application to be refused.)

### **Item Five - DM/0529/21/FUL - 3 Blyth Way, Laceby**

Mr Dixon introduced the application, explaining that it was a retrospective application for the erection of a summerhouse and decking. It was considered that the development did not unduly harm the appearance of the street scene, the wider character of the area or neighbours' residential amenities and was therefore recommended for approval.

Councillor Pettigrew did not think it was uncommon for families to have garden buildings. However, he did sympathise with neighbours as it was rather large. He stated how it was in the rear garden, but it did affect the street scene as it was clearly visible.

Councillor Hasthorpe agreed that when it was complete, he did not think it would be that obvious. There were virtually no windows on the side of neighbouring property and the back garden was well out of the way. He wondered whether a condition needed to be added to make sure it was not turned into residential accommodation. Mr Dixon did not think there was a need as it would have to be granted with planning permission as a separate residential unit. Councillor Hasthorpe moved for it to be approved.

Councillor Mickleburgh seconded the proposal. As there were no objections from Laceby Parish Council, he was prepared to agree with Officers recommendations.

Councillor Callison stated that there was no mention of any electrical supply. His only objection would be if it were to be electrical as it would be timber built and may cause some problems.

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

(Note - the committee voted nine for and one against for the application to be approved.)

**P.28 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 2<sup>nd</sup> August 2021 to 25<sup>th</sup> August 2021.

RESOLVED – That the report be noted.

**P.29 PLANNING APPEALS**

At the time of the agenda being published and the meeting taking place there were no planning appeals awaiting decision nor any in progress.

**P.30 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.31 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 11.48 a.m.