

## **REQUEST FOR APPLICATIONS TO BE HEARD AT PLANNING COMMITTEE**

**Ward Member Reply Slip for Applications to be reported to the Planning Committee**

<b>Application No.</b>	<b>Reason for Referring to Planning Committee</b>
<b>DM/0237/21/FUL</b>	<p>I request that this application be referred to the committee on the basis that residents have raised concern regarding flood risk, proximity to cricket club and concerns about access points to the site. Residents are concerned about the amount of increased traffic flow to the area.</p> <p>Residents have also raised concerns about the lack of consultation that has not taken place. It has been pointed out that this was partly due to COVID 19, but surely with the better weather upon us and provided Keiger Homes find a suitable location, I see no reason why consultation could not take place in the Cricketers car park with the landlord's permission.</p> <p>Residents have been sent a letter, but as has been pointed out this is not consultation. I believe that with the appropriate consultation, most concerns could be discussed and addressed. Residents do not feel consulted and are therefore not informed.</p>

**Contact Details:** -

**Signature**                   **Date 14<sup>th</sup> July 2021.**

**Name:** Debbie Woodward

**Address:** 10, Welholme Road, Grimsby, North East Lincolnshire

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Ms Yvonne Sandford

Address: 9 Landeck Avenue Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

### Comment Reasons:

Comment:I have lived in Landeck Avenue since 1994. Before that I lived with my parents at 141 Littlefield Lane. My mum sold that property in 2019 having moved in with me in 2018. We have all been disappointed that the land on Littlefield Lane has not been developed before as it has been an eyesore for a long time. At one point there were mud hills all over the land and groups of youths threw mud at the houses on Littlefield Lane continuously for months. Gangs of youths have congregated in those areas over the years so hopefully building on the land finally will deal with all of these matters. The types of houses look very nice which will enhance the area. I would be happy for the building to go ahead.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr John Pearson

Address: 37 Landeck Avenue Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I'm very happy for new Dwellings to be built on the grounds, as at the moment it's a waist of space and the homes that are proposed look lovely homes and hopefully it will bring the area up to a higher standard.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Judy Pearson

Address: 37 Landeck aveue Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I think with these lovely upmarket homes it will be so good for our area. I'm so happy

About this

I hope it goes ahead. Sooner the better xx

## **Carol Pedersen (Engie)**

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**From:** Louise Stevens  
**Sent:** 27 February 2021 13:29  
**To:** Planning - IGE (ENGIE)  
**Subject:** \*comment for DM/0237/21/FUL - log once validated\* Littlefield Lane

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madame,

Having received proposed details of the housing development on the Littlefield land site, I am most concerned about said access to site.

If we have understood the plan, posted to residents by Keigar Homes - to whom I have also emailed, the access is right on the notorious bend, for which several speeding preventions have been out in place over the years and which have all failed.

I think the added traffic of a 78 houses which could realistically result in 150 plus cars, using the access on bend, will undoubtedly cause further problems .

This corner is dangerous enough now with cars parking on the front of properties, buses, delivery lorries etc trying to get passed safely, we have witnessed many prangs and near misses as we live right on the bend.

I don't know what the answer is but I just hope is is looked into very seriously

Thanking you

Mrs Louise Stevens

[125A Littlefield Lane](#)

[Grimsby](#)

[DB34 4PN](#) Sent from my iPhone

## **Angela Tynan (Engie)**

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**From:** Louise Stevens  
**Sent:** 24 March 2021 15:46  
**To:** Planning - IGE (ENGIE)  
**Subject:** Littlefield Lane plot

Hi , the proposed housing development on the old Littlefields site, to me would be a much better use if site than the eye-sore it has become over the years !!

My issue is the access to said site.

It seems from the plan that it would be using the original access that is in place from when it was restaurant .

This is right on notoriously dangerous bend, for which several speed deterrents have failed.

With 75 proposed new properties and the extra traffic this will obviously cause, I think it needs to be addressed , I live right on this bend and it's a nightmare to get in and out of drive now so the added traffic is a concern . A few of my neighbours have voiced the same opinion .

If this is already a - done deal - I do hope at least this will be some consideration .

Thanking you

Mrs Louise Stevens

125A Littlefield Lane

Sent from my iPhone

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr tony robinson

Address: 129 littlefield lane grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment:I would like to voice my objection to the proposed plan for the 75 dwellings in littlefield lane. Where in essence, I have no objection to utilising the land for dwellings, I do think it must be done with safety in mind. My objection is to the application using a single entrance to the proposed estate. The intended entrance/exit is on a notorious/dangerous bend( councils description over the years) and should any accident or incident occur on this bend it will block , fire, ambulance and police and emergency access should it be required, for the majority of the properties. I have lived here for over 50 yrs and can vaguely remember planning permission for dwellings being denied on this site because of the lack of a second access. So my associated question is I would like to know what has changed? Littlefield Lane is a major thoroughfare for Grimsby traffic and a major bus route and the fact that it is a 20mph zone is irrelevant as very few comply.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Steve Ives

Address: 133 Littlefield Lane Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment: 1. Access and Egress to the site has not been thought through by Kieger Homes, the proposal will increase traffic flow to the area and as the bend on Littlefield Lane had traffic calming measures introduced a couple of years ago, this should be an indication that it is a historically dangerous road. Additional access and egress to the site needs to be put in place to prevent accidents, this could be done by reducing the number of proposed dwellings and redesign of site. If only 1 access and egress route to the proposed development is in place I object to planning application.

2. I would imagine 98% of local residents do not want this application to go ahead, why has there been no consultation with local residents from Kieger Homes? If they had arranged public consultation with the people that this development would have an impact on (Covid no excuse) perhaps they could of realised there is a number of issues with current plans.

3. Wildlife, have Kieger carried out research on to what wildlife currently occupies the land, not saying there any white crested newts, but deer and bats have been spotted on the site.

4. Flooding, planting a few tree's will not have an impact on the flood risk, the proposed height (as outlined by previous objectors) is a real concern, Littlefield Lane already has drainage issues when high waterfall so this development in its current form will increase flood risk due to proposed raising of land, this needs urgent attention prior to any application being granted.

No doubt a pre agreement for this planning application has been agreed and local residents will have to like it or lump it, but the council needs to address local residents concerns prior to progression of this development.

Flooding / Access Egress / Public Consultation / Wildlife.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Jeffrey Cox

Address: 16 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment:I believe that I have been wrongly excluded from the consultation process for this proposed planning application yet I have a clear view from my rear garden into the old little fields and beyond to the cricket pavilion in the further adjoining field so it is my belief that this planning application should be immediately suspended until this has been properly investigated and rectified. I believe that any new houses that may be built will most definitely overlook my property and have a major impact on my privacy so I therefore object to this planning application

Kind regards

J cox

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Case Officer: Richard Limmer

## **Customer Details**

Name: Jordan Cook

Address: 19 Carlton road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:It seems like no consideration for any issues raised by neighbors are being listened to. Wonder how many backhanders have taken place in regards to this planning

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Jordan Cook

Address: 19 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Yet more plans from Kieger Homes but yet still nothing to ease the valid concerns that have been placed by numerous people.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Jordan Cook

Address: 19 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment: As other have stated the current proposal shows the entrance being on the bend of littlefield lane, which is a notoriously bad bend with cars parking causing traffic issues. The possibility of an extra 150 cars will more than likely result in accidents happening.

If this goes ahead I'll feel sorry for all the wildlife that has made littlefields it's home for the past 30+ years, including a family of foxes, owls and bats

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Kathleen Cook

Address: 19 carlton road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment:Would like to object to the plans to build houses on littlefield site my concerns are ,with the raising of the ground level ,my property could face flooding as we are at A very low point. My privacy will be affected given the height of the houses..and the raising of the land we have different species of wildlife which. Needs protection , finally littlefield lane the traffic is very heavy and more houses will mean more traffic to a busy road.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Liam Grant

Address: 32 carlton road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object the planning application to have more unsustainable housing built in the area let alone adjacent to our land.

There are numerous new build sites going on around the town and area that are poorly built, poorly thought about (access/egress/environment/surrounding areas) seems to have no concern when these applications get approved. The site that is in question links onto a nice green area that has been transformed by nature, with deers, many bird species enjoy it. The town seem to be loosing natural areas for unnecessary expensive poor constructed housing.

To cram 75 houses with garages etc into such a small space seems more of a political move rather than what is good for the existing area and surroundings.

There will be much excessive noise in the construction of these, congestion, disruption to our services.

The part in the revised application of "raising ground levels" seems unnecessary as it will invade privacy of existing properties and facilities, the land is also on flood land which seems strange to even be having planning considered.

So as gathered from my appeal to this you can strongly see that myself and many others will disagree with this application.

## **Carol Pedersen (Engie)**

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**From:** Brian Hewitt  
**Sent:** 05 March 2021 14:16  
**To:** Planning - IGE (ENGIE)  
**Subject:** \*comment for DM/0237/21 - log when validated\* Proposed Keigar development off Littlefield Lane, Grimsby  
**Attachments:** Objection.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam,

Please find attached my comments/objections regarding the Keigar homes planning proposal for land bordering Littlefield Lane, Grimsby. This is in response to Keigar informing nearby residents on 24th February 2021 that a planning proposal was being submitted within the next two weeks.

Yours faithfully

Brian Hewitt

34 Carlton Road,

GRIMSBY

DN34 4PP

5<sup>th</sup> March 2021

Dear Sir/Madam,

I am writing to object to the plan by Keigar Homes to develop spare land at the rear of Carlton Road Grimsby. I own 34 Carlton Road and have lived at the property for 28 years. I have to say I was totally unaware of any proposed development until 25<sup>th</sup> February 2021. Keigar Homes state in a handout that no public consultation could take place because of Covid restrictions. This is unacceptable given the size of the development.

My main objection regards the proposed access road to the development for the following reasons.

- 1) There is a major concern regarding health and safety. Traffic coming from, and going into, the access road would have to turn off/onto the main Littlefield Lane (a major bus route) just where the road bends. In effect the access road is on the corner of that bend. It did not matter when so little traffic was going to Littlefield Club alone, but the increase in traffic would be considerable- both in the construction and post construction phases. Traffic calming measures have already been placed (road bumps, wider pavements); a road in the proposed position would add considerably to it.
- 2) According to the views submitted with a covering letter from Keigar Homes, the access road would be the same as the previous access road to Littlefield Lane Club (now demolished). The access road appears to be straight and only curves away where the Club access used to be. However, the current road is NOT straight, but reduces from a dual to a single track just behind my property (my house is the second semi into Carlton Road). To be straight the pathway behind my property would have to go, meaning traffic will be passing behind my property day and night within five metres. This would be TOTALLY UNACCEPTABLE. The noise levels would be constant and the fumes from exhausts would be drifting over constantly. Although I am a pensioner, the family next door has three young children, and this CANNOT be any good at all for their health, let alone the adults. I believe the pathway is also a public right of way to Westminster Drive, and, therefore, should not be removed.
- 3) Another consideration is that there would be a road at the front of our properties (Carlton Road) AND one at the back (the proposed access road). Again, this cannot be

environmentally right and shows scant regard for the residents bordering this proposed development. Even when Littlefield Club was operating, there was only a small flow of traffic to one property, not constant traffic to more than 50 houses!

- 4) Another consideration will be the noise and pollution levels while any construction takes place, again to the detriment of all the residents bordering the proposed development. Construction is likely to take place for at least eighteen months, again with all construction traffic going in and out of the only access road bordering my and others' properties into the bend of the main road (as discussed above).

I implore you to instruct Keigar to reposition the access road entirely away from current housing and to be built on the other side of the proposed development. After all, there has to be adequate access for emergency services. (When there was a fire at Littlefield Club the fire engines had to back out of the single-track road). This would solve all the problems outlined above because

- a) It would be nowhere near current housing reducing considerably noise and pollution for those properties;
- b) There would be greatly reduced health and safety considerations being away from the road bend; and
- c) The public pathway could remain untouched.

One access road in and out as proposed is ill-thought through and appears to be a cost-cutting exercise.

Yours faithfully,

Brian Hewitt

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Brian Hewitt

Address: 34 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have read with increasing concern the notices that have recently been put onto the planning portal regarding the proposed Keigar development on a stretch of land off Littlefield Lane. In particular, there is a piece from a company calling itself Avoca which calls for the planning proposal to be granted 'straight away'. It is nearly a year since the planning application went in, and only a few local residents with properties backing onto the field were told that there had been no consultation because of covid restrictions. But there are now no Covid restrictions preventing a meeting between Keigar and local residents taking place. By mentioning a meeting a year ago, they obviously had recognized the residents' right to have one, but are now totally ignoring that right.

A meeting would be to all parties' advantage, clearing up possibly any misunderstandings and alleviating the residents' concerns regarding safety, flooding and the environmental impact. As the plan stands it remains unacceptable. Who knows what conscientious consultation may bring?

Another unacceptable statement refers to the eyesore that the site currently exhibits, stating that it cannot be used as a sports field and thus have its status changed. But the owners have been grossly negligent in maintaining the site and have allowed it to get into that state in the first place. How can anyone play sports on it in that condition? It is not the site which is not fit for purpose, but the attitude of the owners.

Finally, I must reiterate the dangerous plan to have the development road come out onto Littlefield Lane on a bend, only 10 metres away from Carlton Road (a cul-de-sac). The amount of extra traffic generated on a main road/bus route which already has safety measures (20mph speed limit, double width pavement) inevitably will lead to chaos and potential serious accidents. This has not been addressed as Keigar persevere with an almost identical plan to that which was originally

submitted in March 2021. They must not be allowed to bypass public consultation so these issues can be addressed.

To the south of the cricket club a forested area is being created to deal with flooding and to increase carbon neutrality. Why, oh why, has this not been the case to the north of the cricket ground? There is plenty of land where the old Western Secondary School used to stand (about a mile or so away) which can be used for development. There is no need for any on this plot.

LET LOCAL RESIDENTS HAVE THEIR SAY.

Yours

Brian Hewitt

**From:** Brian Hewitt >  
**Sent:** 23 May 2022 19:37  
**To:** Planning - IGE (ENGIE) <planning@nelincs.gov.uk>  
**Subject:** Littlefield Lane proposed development by Keigar Homes

Dear Mr Limmer,  
Please find attached my response to the Littlefield Lane proposed development by Keigar Homes.  
Thank you so much in advance for putting my neighbourly objections onto the planning portal.  
Yours sincerely,  
Brian Hewitt  
34 Carlton Road  
Grimsby  
DN34 4PP  
23/05/2022

Mr Richard Limmer,

Development Management Services Grimsby.

North East Lincolnshire Council DN34 4PP Municipal Offices

Town Hall Square

Grimsby DN31 1HU

23<sup>rd</sup> May 2022

**Re: Responses to comments regarding proposed development of 74 houses off Littlefield Lane by Keigar Homes.**

NB. Seeing that there had been a fresh planning application from Keigar, I was at least hopeful that there had been substantial changes to the plan, addressing the fourfold concerns that residents have been highlighting for the last year or so.

But what a complete letdown. There are **no major changes** except for placatory changes benefitting only the cricket club. How can the reduction from 75 to 74 dwellings be classed as substantial?

I therefore resubmit my original objections from March 2021. These all still fully apply.

I have to say I am utterly dumbfounded by the apparent lack of concern/compassion/interest shown by Keigar Homes to any of the serious misgivings of residents when invited to respond to the plans. In particular, issues regarding consultation, flooding, access, road safety and environmental issues made by residents have been totally ignored. I will address each one of these separately, quoting the addresses of the householders who made their original comments. Please check these out.

**No Consultation** – 62 Westminster Drive, 56 Westminster Drive, 16 Carlton Road, 35 Carlton Road, 133 Littlefield Lane. When there is a major construction project, a public meeting is held to hear the views of all parties. In this case, none has been held, with Covid restrictions quoted as the reason. All any householder has received is a 3 page letter very sparingly outlining maps of the intended development. THIS IS NOT CONSULTATION. Views were not sought at the time and the same plans have been resubmitted with very minor alterations, as though the original plans had been accepted, which they undoubtedly have not been. Indeed it appears households on one side of Carlton Road did not even know about the proposals and are extremely annoyed, since they will have to put up with traffic entering the proposed site when entering and exiting Carlton Road. With the removal of crowd restrictions such a consultation is still essential. 35 Carlton Road has just moved in January 2021 and a land search did not reveal any preliminary planning. Why was this? I have also been informed that the land could not be purchased 30 years ago as it had been given to the council by the Dixon paper mill family with the precise intention that it would be a sports field in perpetuity. Furthermore, it was pointed out that the council has a surfeit of building land in the borough – indeed, the site of the old Western School is nearby and is currently under development. So why more so near in a green belt area? Questions (amongst others) which Keigar have not answered, and, I suspect don't want to answer. Bypassing the consultation meeting has prevented questions being asked. It is not fair that Keigar can pay consultants to plead their case whilst sitting householders are not even allowed to have their say at a meeting. (contd.)

**Flooding/Site Drainage** *60 Westminster Drive, 62 Westminster Drive, 56 Westminster Drive, 19 Carlton Road, 71 Elm Avenue, 133 Littlefield Lane*

Much has been written about this issue. To mitigate flooding issues, it is proposed to raise the ground level. But, Andrew Smith, a consultee in planning with regards to drainage, categorically states, "There must be no raising of existing ground levels." This sounds rather final to me. Keigar Homes has only made a flood/site drainage assessment regarding the proposed development. Nowhere have they shown any thought for the potential flooding etc of existing homes around the site. The area would have been built upon when it was first developed, but it has not for all these years. It is not called East Marsh for nothing. The adjacent allotments, the cricket club and the waste land opposite The Academy Grimsby on Westward Ho all have not been developed, due to flooding and green site considerations. Yet Keigar want to override this ostensibly to make money.

**Access/Road Safety** *19 Carlton Road, 34 Carlton Road, 35 Carlton Road, 36 Carlton Road, 6 Heathfield Court, 125A Littlefield Lane, 129 Littlefield Lane, 133 Littlefield Lane*

There is a common consensus that the access road proposed for the site is extremely badly positioned for the amount of traffic it could carry. Lots of people beyond those who put their thoughts on the website have said that one road, in and out, at the junction of a bend on a main thoroughfare is not only not enough, but highly dangerous. Speed bumps abound and there is a 20mph speed limit on Littlefield Lane for a good reason – to slow traffic down – and traffic going in and coming out of the site will add to congestion immeasurably. Following a bad accident to a child there is a double width footpath on Littlefield Lane at the field side. Noise, pollution and a very dangerous situation at the bend are a toxic mix. Added to this are cars parked in front of properties and the buses and lorries travelling along the road. Many have expressed that any access road would be far better positioned at the other end of the site to alleviate this. What have Keigar done? Ignored all this and submitted the same road plan as previously, completely ignoring the wishes of residents. The plan is an accident waiting to happen. It is downright dangerous and must be altered.

**Environment/Wildlife** *19 Carlton Road, 36 Carlton Road, 62 Westminster Road, 133 Littlefield Lane*

The impact on the environment both during and after construction has also been raised. Long standing families of animals and birds would be displaced and this has upset many people. Cutting down/back of long-established trees has only been addressed as far as the cricket club has been concerned, and then not satisfactorily. The loss of another inner town green space could happen if not challenged, with the displaced wildlife and fauna the victims. People care about these things. By not replying to genuine concerns, Keigar appear not bothered. There does not appear to be a biodiversity net gain plan either.

**Summary**

The objections above (and there are many) of the residents have not been addressed and, in the case of site access and the environment, have been totally ignored. Flooding and site drainage has been mentioned but only pertaining to the site itself and not the immediate environs. The views of extensive allotment holders are not recognised. No consultation meeting(s) has taken place. Of 16 households responding on the NELC portal, 14 were against the proposals (ie. 87.5% against). It is clear Keigar want to ride roughshod over objections to push through their plans for profit. A lot of money can be made from the sale of 74 homes (deemed excessive by Grimsby/Cleethorpes District Civic Society). When and why was the sports field (clearly marked on a previous map) sold to developers and redesignated as building land? Keigar argue it fell out of use, but this does not alter its designation. As for being an eyesore and encouraging anti-social behavior, it is Keigar's

responsibility to maintain the site and they clearly have been derelict in that duty. The homeowner at 56 Westminster Drive sums it all up – “Keigar homes have shown no regard for the existing dwellings around the area (I would also add the owners too). All they have thought about is cramming the site.” The Environment Agency, Sports England, the Grimsby/Cleethorpes District Civic Society and the Fire Brigade have all made additional comments/objections as well as the residents. Yet Keigar Homes ploughs on as if its plans are sacrosanct without any but the most minor changes. How arrogant! I await further developments with interest.

Yours sincerely, Brian W. Hewitt

NB. I have also sent these comments to Great Grimsby MP Lia Nici at the House of Commons.

Mr Richard Limmer,  
Development Management Services  
North East Lincolnshire Council  
Municipal Offices  
Town Hall Square  
Grimsby  
DN31 1HU

34 Carlton Road,  
Grimsby.  
DN34 4PP  
26<sup>th</sup> May 2021

**Re: Responses to comments regarding proposed development of 75 houses off Littlefield Lane by Keigar Homes.**

These notes are made in response to comments regarding the above proposed development. I have to say I am utterly dumbfounded by the apparent lack of concern/compassion/interest shown by Keigar Homes to any of the serious misgivings of residents when invited to respond to the plans. In particular, issues regarding consultation, flooding, access, road safety and environmental issues made by residents have been totally ignored. I will address each one of these separately, quoting the addresses of the householders who made the comments. Please check these out.

*Consultation*

*Source – 62 Westminster Drive, 56 Westminster Drive, 16 Carlton Road, 35 Carlton Road, 133 Littlefield Lane.*

When there is a major construction project, a public meeting is held to hear the views of all parties. In this case, none was held, with Covid restrictions quoted as the reason. All any householder has got is a 3 page letter very sparingly outlining maps of the intended development. THIS IS NOT CONSULTATION. Views were not sought at the time and the same plans have been resubmitted with very minor alterations, as though the original plans had been accepted, which they undoubtedly have not been. Indeed it appears households on one side of Carlton Road did not even know about the proposals and are extremely annoyed, since they will have to put up with traffic entering the proposed site when entering and exiting Carlton Road.

With the imminent easing of crowd restrictions such a consultation is still essential. 35 Carlton Road has just moved in January 2021 and a land search did not reveal any preliminary planning. Why was this? I have also been informed that the land could not be purchased 30 years ago as it had been given to the council by the Dixon paper mill family with the precise intention that it would be a sports field in perpetuity.

Furthermore, it was pointed out that the council has a surfeit of building land in the borough – indeed, the site of the old Western School is nearby and is currently under development. So why more so near in a green belt area? Questions (amongst others) which Keigar have not answered, and, I suspect don't want to answer. Bypassing the consultation meeting has prevented questions being asked. It is not fair that Keigar can pay consultants to plead their case whilst sitting householders are not even allowed to have their say at a meeting.

(contd.)

### *Flooding/Site Drainage*

*60 Westminster Drive, 62 Westminster Drive, 56 Westminster Drive, 19 Carlton Road, 71 Elm Avenue, 133 Littlefield Lane*

Much has been written about this issue. To mitigate flooding issues, it is proposed to raise the ground level. But, Andrew Smith, a consultee in planning with regards to drainage, categorically states, "There must be no raising of existing ground levels." This sounds rather final to me. Keigar Homes has only made a flood/site drainage assessment regarding the proposed development. Nowhere, have they shown any thought for the potential flooding etc of existing homes around the site. The area would have been built upon when it was first developed, but it has not for all these years. It is not called East Marsh for nothing. The adjacent allotments, the cricket club and the waste land opposite The Academy Grimsby on Westward Ho all have not been developed, due to flooding and green site considerations. Yet Keigar want to override this ostensibly to make money.

### *Access/Road Safety*

*19 Carlton Road, 34 Carlton Road, 35 Carlton Road, 36 Carlton Road, 6 Heathfield Court, 125A Littlefield Lane, 129 Littlefield Lane, 133 Littlefield Lane*

There is a common consensus that the access road proposed for the site is extremely badly positioned for the amount of traffic it could carry. Lots of people beyond those who put their thoughts on the website have said that one road, in and out, at the juncture of a bend on a main thoroughfare is not only not enough, but highly dangerous. Speed bumps abound and there is a 20mph speed limit on Littlefield Lane for a good reason – to slow traffic down – and traffic going in and coming out of the site will add to congestion immeasurably. Noise, pollution and a dangerous situation at the bend are a toxic mix. Added to this are cars parked in front of properties and the buses and lorries travelling along the road. Many have expressed that any access road would be far better positioned at the other end of the site to alleviate this. What have Keigar done? Ignored all this and submitted the same road plan as previously, completely ignoring the wishes of residents. The plan is an accident waiting to happen. It is downright dangerous and must be altered.

### *Environment/Wildlife*

*19 Carlton Road, 36 Carlton Road, 62 Westminster Road, 133 Littlefield Lane*

The impact on the environment both during and after construction has also been raised. Long standing families of animals and birds would be displaced and this has upset some people. Cutting down/back of long established trees has only been addressed as far as the cricket club has been concerned, and then not satisfactorily. The loss of another inner town green space could happen if not challenged, with the displaced wildlife and fauna the victims. People care about these things. By not replying to genuine concerns Keigar appear not to care.

### *Summary*

The objections above (and there are many) of the residents have not been addressed and, in the case of site access and the environment, have been totally ignored. Flooding and site drainage has been tackled but only pertaining to the site itself and not the immediate environs. No consultation meeting(s) has taken place. Of 16 households responding on the NELC portal, 14 were against the proposals (ie. 87.5% against). It is clear Keigar want to ride roughshod over objections to push through their plans for profit. A lot of money can be made from the sale of 75 homes (deemed

excessive by Grimsby/Cleethorpes District Civic Society). When was the sports field (clearly marked on a previous map) redesignated as building land? Keigar argue it fell out of use, but this does not alter its designation. As for being an eyesore and encouraging anti-social behavior, it is Keigar's responsibility to maintain the site and they clearly have been derelict in that duty.

The homeowner at 56 Westminster Drive sums it all up – “Keigar homes have shown no regard for the existing dwellings around the area (I would also add the owners too). All they have thought about is cramming the site.”

The Environment Agency, Sports England, the Grimsby/Cleethorpes District Civic Society and the Fire Brigade have all made additional comments/objections as well as the residents. Yet Keigar Homes ploughs on as if its plans are sacrosanct without any but the most minor changes. How arrogant!

I await further developments with interest.

Yours sincerely,

Brian W. Hewitt

NB. I have also sent these comments to Great Grimsby MP Lia Nici at the House of Commons.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. 'additional noise assessment'

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Brian Hewitt

Address: 34 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Two documents have recently been added to the planning application by Keigar Homes to build on land off Littlefield Lane.

1) By the environment team regarding an acoustic barrier

2) By Highways regarding the impact of additional traffic on the adjoining road (Littlefield Lane).

I feel that the decisions in both these documents, particularly the second, have not taken in the objections made by residents into any type of meaningful consideration.

The acoustic barrier

Whilst understanding the need for an acoustic barrier for the site, there is no mention or regard for existing homeowners who themselves would likewise need an acoustic barrier to mitigate the noise from the site during and after any proposed construction. In other words, Keigar Homes wants to protect its development acoustically from cricket sounds but it is oblivious to the sounds it will cause existing homeowners.

The impact of additional traffic on Littlefield Lane

The document states "the current proposals will not demonstrate a severe impact on the highway network". This is ludicrous. A number of comments on the portal refer to the danger of siting the access road on a bend where sight lines of the current access road from Littlefield Lane are obscured. Additionally, the former Littlefield Club only had a car park for roughly 20 cars when there were the occasional functions. It was rarely full, many times having 3-4 cars only. How can this traffic compare to the vehicles of 75 homeowners and associated commercial traffic at any time, day or night, but particularly at peak morning and evening times?

There have been accidents in the past, necessitating a double width footpath. The whole situation is a recipe for accidents, particularly as in recent years traffic has increased dramatically. The proposal to re-site the access road to the other side of the development has been totally ignored,

both by Keigar and Highways. Why?

What is needed is consultation with the area's residents, not decisions made without them. Please can there be a consultation meeting arranged to air these views. The residents deserve that much at least.

Yours faithfully,

Brian Hewitt

34 Carlton Road, Grimsby.

**From:** Brian Hewitt  
**Sent:** 29 September 2021 16:00  
**To:** Planning - IGE (ENGIE) <planning@nelincs.gov.uk>  
**Subject:** Recent additions to the planning portal

Dear Mr Limmer,

Two documents have recently been added to the planning application by Keigar Homes to build on land off Littlefield Lane.

1. By the environment team regarding an acoustic barrier
2. By Highways regarding the impact of additional traffic on the adjoining road (Littlefield Lane).

I feel that the decisions in both these documents, particularly the second, have not taken in the objections made by residents into any type of meaningful consideration.

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Whilst understanding the need for an acoustic barrier for the site, there is no mention or regard for existing homeowners who themselves would likewise need an acoustic barrier to mitigate the noise from the site during and after any proposed construction. In other words, Keigar Homes wants to protect its development acoustically from cricket sounds but it is oblivious to the sounds it will cause existing homeowners.

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There have been accidents in the past, necessitating a double width footpath. The whole situation is a recipe for accidents, particularly as in recent years traffic has increased dramatically. The proposal to re-site the access road to the other side of the development has been totally ignored, both by Keigar and Highways. Why?

What is needed is consultation with the area's residents, not decisions made without them. Please can there be a consultation meeting arranged to air these views. The residents deserve that much at least.

Yours faithfully,

Brian Hewitt

34 Carlton Road, Grimsby.

# **Comments for Planning Application DM/0237/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Louise Crawford

Address: 34 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It's about time some common sense was applied to the application Keigar Homes has made. When is someone going to realise this is not the right place to build upon. The road that is to be used for traffic (which is right at the back fence) is not suitable. It will be extremely dangerous. This field, which is a green space, floods quite badly in inclement weather. It is however an ideal place to fill with trees, much kinder to the environment and the wildlife that live on this plot. I understand mature trees are to be cut down. How dreadful! Please stop this request from Keigar Homes and say no, permission denied.

What about the homes that back on to the plot. Does no one care about our quality of life? The building of these homes will cause residents pollution of the environment and noise. Please refuse this application.

Yours

Louise Crawford

## **Carol Pedersen (Engie)**

---

**From:** Brian Hewitt  
**Sent:** 21 March 2021 18:19  
**To:** Planning - IGE (ENGIE)  
**Subject:** Proposed development Littlefield Lane (2)

34 Carlton Road  
Grimsby

Dear Sir/Madam,

My partner earlier sent his comments to you. These are mine.

I do hope common sense will prevail. The building of houses has been mooted before and turned down. It is not a suitable or safe site.

Also why should the people in Carlton Road have their lives completely changed? During construction the noise, dirt, dust and traffic will be appalling. No more sitting in the garden or pegging out the washing. I appreciate that personal circumstances are not to be taken into consideration. However, I have bad arthritis and have limited options. My garden is the one thing I still enjoy. But the constant noise from traffic to and from these houses will stop this. Please do not let these houses be built.

I ask you this question. Would you like a building site and then have houses at the bottom of your garden and traffic going up and down the other side of your back fence? I think not. Do not let this idea progress. It is unfair to change so many lives. We have all lived through tough times with the coronavirus and then plans for the building of these houses comes along. As I have already stated, I do hope common sense will prevail. For goodness sake give us all a break and say no to these plans.

Thank you.

Louise Crawford.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 74 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. 'additional noise assessment' - Amended ball strike assessment December 21 - amended site layout and information dated 8th April 2022

Case Officer: Richard Limmer

## **Customer Details**

Name: Miss Victoria Marshall

Address: 35 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the entry/exit of this site. This is too close to Carlton Road - which is already difficult to exit due to the busyness of Littlefield Lane and being close to a bend. There is already much noise pollution (being only the second house on Carlton Road) from Littlefield Lane so to have this from behind the house too would be extremely distressing. I bought the house in January 2021 and if this had come up on the Land search I would not have purchased the property. I would appreciate a public meeting on this issue.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 74 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. 'additional noise assessment' - Amended ball strike assessment December 21 - amended site layout and information dated 8th April 2022

Case Officer: Richard Limmer

## **Customer Details**

Name: Miss Victoria Marshall

Address: 35 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the entry/exit of this site. This is too close to Carlton Road - which is already difficult to exit due to the busyness of Littlefield Lane and being close to a bend. There is already much noise pollution (being only the second house on Carlton Road) from Littlefield Lane so to have this from behind the house too would be extremely distressing. I bought the house in January and if this had come up on the Land search I would not have purchased the property. I request a public meeting to discuss the issues raised by myself and fellow neighbours on Carlton Road.

# **Comments for Planning Application DM/0237/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Miss Victoria Marshall

Address: 35 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment:I object to the entry/exit of this site. This is too close to Carlton Road - which is already difficult to exit due to the busyness of Littlefield Lane and being close to a bend. There is already much noise pollution (being only the second house on Carlton Road) from Littlefield Lane so to have this from behind the house too would be extremely distressing. I bought the house in January and if this had come up on the Land search I would not have purchased the property.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Kerri Reynolds

Address: 36 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: After looking at the 'revised plans' I cannot see what has changed with regards to the concerns raised by residents in the surrounding area.

My concerns are still the same as my previous comments made on 7th April 2021.

At the same time I also emailed Richard Limmer from the Planning Team with some photographs and the following additional comments -

I have submitted a comment on the Application today but was disappointed that I could not attach a couple of photographs showing how close my drive is to the proposed access/exit for the housing estate. On checking the proposed site again I have noticed that the property '7 Buckingham' doesn't actually have access to a drive via the front of Littlefield Lane like the rest of the houses, theirs is further down at the rear of the property on the access road. Is this because it would be in a dangerous/difficult position? My property access is right on top of the proposed access/exit to this site! The plan is not a true reflection of just how close my drive is and I would appreciate it if someone could contact me to discuss this further.

I did receive an email response from Richard Limmer at the time stating he would pass my comments to the Highways Team to review. Not sure whether the Highways Team did review this as I was never contacted again. Happy to discuss this with the Highways Team and Keigar Homes if a public meeting is ever arranged.

Kerri Reynolds.

# **Comments for Planning Application DM/0237/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Kerri Reynolds

Address: 36 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment:I object to the entry/exit of the site as this is on a dangerous bend and also unfortunately, the entry/exit of our drive is directly next to this. I did want to attach some photographs which this facility will not allow me to therefore I will send these in an email with these comments.

Our family has 3 vehicles between us which we use daily. I work Monday to Friday 8:30am start and a 4:30pm finish time means that I hit the busy traffic on Littlefield Lane and some evenings can be sat in my car for several minutes waiting for a gap in the traffic to enable me to access my drive.

As a family we often receive abuse from road users and pedestrians for parking our vehicle directly outside our drive when trying to gain access (even though we are parked legally and within our rights to park there). The length of time we will be parked will potentially be extended by the use of the access/exit road to the new dwellings. Also, our cars would cause potential issues for vehicles attempting to exit said junction causing a blind spot.

Although there are already traffic calming measures in place (speed bumps) these unfortunately do not work and vehicles do speed up in between these. Parking our vehicle outside our property in Carlton Road is not an option due to us being in the end house as this then causes issues for entry/exit to Carlton Road for other car users.

If the entry/exit to the new housing estate was moved to the other side of the land (next to the allotments) this would make more sense from a Health and Safety point of view surely as it would not be on a dangerous bend.

We are also concerned about the noise/pollution levels whilst the construction of the houses is taking place. As Key Workers we have been working throughout the pandemic and not worked from home, so when we do come home spending time in the garden is a relaxing time/space for

us. Whilst the houses are being built this will no longer be a relaxing space for us as there will be trucks/diggers etc. in and out with lots of noise and dirt generated.

My husband works shifts so when he is on nights obviously he sleeps during the day, noise generated whilst building and access to the site will have an impact on this. I understand that personal circumstances are not taken into consideration but they should be.

As we are the end property of Carlton Road we already have 2 sides of traffic (Carlton Road in the front and then Littlefield Lane to the left of our property which our rear garden runs alongside.) Having an access/exit road at the rear of our property will mean that 3 sides of our property is enclosed by roads. Environmentally surely this is not acceptable!

When we purchased the property 10 years ago we were informed that the site had been previously turned down for the building of houses as the land was unsafe and the local Authority wanted to retain the green space. Can you explain what has changed other than the need for an injection of cash? My sister recently purchased the house next door to us (January 2021) and there was no mention then of any plans for the land to be built on.

I look forward to hearing your response.

# **Comments for Planning Application DM/0237/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Kerri Marshall

Address: 36 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I wish to object to the new development planned for Littlefield Lane, Grimsby.

I recently moved into 35 Carlton Road and am disappointed to hear that a housing development is potentially being built behind my property.

We have an array of wild birds coming into the garden together with frogs and newts which will all disappear once the building works start and the houses are built.

Traffic noise is already very noisy as Littlefield Lane is a main road used for access to Grimsby Town which has a bus route running on it. My property will be surrounded by road noise from 3 sides which will ruin time spent out in my garden which is one of the reasons I moved into the property in the first place.

Do we actually need another housing development, houses have just been built on the Macaulay site and there is a big development planned for the ex Western School site!

A public meeting is desperately required before this is considered in order for people to give their views.

I look forward to your response.

Yours faithfully

Mrs Linda Marshall

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Kevin Reynolds

Address: 36 Carlton Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment:I would like to reiterate the comments my wife has submitted stating we object to the proposed building on the land off Littlefield Lane.

On a regular basis we have issues (verbal abuse) when accessing our drive from other road/pedestrian users and this will only intensify by the addition of the proposed access to this new housing estate. It will also be a dangerous position for the entrance/exit to the housing development as this is on an already dangerous bend on Littlefield Lane.

I am concerned about the impact on noise levels as we already live on a busy main road and the addition of over 70 houses (potentially another 140+ cars) will only add to this. My property will be surrounded by 3 roads so relaxing in the garden will not be a relaxing experience!

As a shift worker I work nights therefore sleep during the day. Whilst the building works take place this will generate a lot of noise and then the impact of having 70+ houses at the rear of my property will generate even more noise especially if the entrance/exit to the houses is where it is currently proposed.

There are lots of birds that come in to our garden and we have also seen deer grazing on the land over the past few years which we never thought we would see in such a built up area. It would be a shame to lose the green space.

I look forward to hearing your feedback.

Yours faithfully

Mr Kevin Reynolds

# **Comments for Planning Application DM/0237/21/FUL**

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Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Trevor Potter

Address: 56 Westminster Drive GRIMSBY

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Richard,

Why have we still not had a Public Meeting to discuss this proposed monstrosity, when over the last 6 months there has been plenty of opportunity. Is it not fair that the Owners of the surrounding houses should be able to show and air their concerns directly with the Developer. Are we to assume that both you and Kiegar homes are scared that they may have relevant points which may sway your decision. With the current rise in concerns about covid we are loosing time.

Come on get one organised now.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Trevor Potter

Address: 56 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In the light of Sport England's comments can the Council please confirm the following;

- 1) When was Change of use applied for and who applied for it.
- 2) Who looked at the application and where the residents around the area consulted.
- 3) When was this approved if it was at all.
- 4) If it was approved what future conditions were attached to the approval.
- 5) If this land is still, as indicated by Sport England classed as Sports Field, how can an application for Residential Development even be considered now or in the future.
- 6) The limited consultation has been inadequate, despite methods of engagement being available in-spite of COVID, residents' concerns remain unaddressed by the developer and essentially the question of need has not been addressed. The Council has more land that is needed to meet its housing requirements and as such this site is a choice not a necessity. The loss of open space given the climate emergency in an central urban location can only exacerbate carbon emissions. We also note that Anglian Water say that the surface water run-off is an unacceptable risk.

The proposal would result in the loss of designated open space. Which in the context of our urban setting on the periphery of the town centre is important not just for recreation and leisure, but also for biodiversity. The loss of such open space to housing when there is no need, on the basis of a

speculative windfall proposal would significant to our community. These green lungs in our urban area are important to our sense of place and well-being. COVID has taught us how crucial these areas of green are.

We object to this application most strenuously.

# **Comments for Planning Application DM/0237/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Trevor Potter

Address: 56 Westminster Drive GRIMSBY

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I read with dismay at yet another report ( Sequential Test) that has been prepared for and paid for by Keigar Homes. Of course the outcome of the Tests find in favour of the developer as one would expect. The glaring omission seems to yet again be, that after the raising of the Land no one has considered the surrounding properties that will be some 1.2 Meters lower. This report may give the site in question a green light but what about the risk to the lower lying land adjacent to it.

Can someone please explain how the developer and the Council are proposing to mitigate the risk of this land flooding.

Surly with the impending Local Elections one of the Candidates should be getting a grip of the situation and doing something.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Trevor Potter

Address: 56 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment: We note with dismay that Keigar homes have again avoided interacting with the surrounding home owners . After another home owner had, along with us noted how these proposed sky-scrappers would overshadow our properties they try to add a few further trees to mask the privacy problem. This amended planting plan is no more than a plaster over and open wound, and will not alleviate the problem let alone stop the new owners looking into our rooms. Also, let us hope Keigar Homes are prepared for a large number of Insurance claims after knowingly building these properties in such a manner as to cause flooding to the surrounding existing properties.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Trevor Potter

Address: 56 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment: We would like to oppose the above planning application on the following grounds listed;

- 1) The proposed raising of the levels around the site will impact all of the properties surrounding this site. These proposed new levels will greatly increase the risk of flooding to the properties adjacent to Westminster Drive, Augusta Street and Carlton Road. It will also increase the risk of flooding to Grimsby Cricket Club's Land and the Council Owned allotments adjacent to the site. All of which will lie considerably lower than the proposed finished site levels.
- 2) The proposed finished Ground Floor height all of the properties are shown as +4.100 according to the Layout Plans. The existing level at the end of the Passage between 56 & 58 Westminster Drive is currently shown at +2958. If my calculations are correct that means the houses will be some 1.142 metres above the now existing level in the passage alongside our property. At the other end of the Eastern Boundary adjacent to the Cricket Club it will be 1.551 metres higher. This will further add to the flooding problem due to the run off of the rear gardens towards this boundary. I appreciate there are proposed Retaining Walls along the boundary to plot no 66, and also along the middle of all the rear gardens of plots 66 to 73 backing onto Westminster Drive and Augusta Street. Also, one partly along the Northern Boundary of the Cricket Club to the side of Plot 75, they will not help as the water will find its lowest level namely the lower lying properties.
- 3) We can also see a further problem which will again cause considerable flooding to the lower lying properties around the Carlton Road & Westminster Drive/Augusta Street Boundaries. There are no provisions shown on the drainage layout for surface water drains to the walkway. As the Westminster Drive end of this walkway can only be left at its existing low level, the building up of the levels will cause further flooding. There is a natural incline of the pathway towards Westminster Drive to be taken into account as well. Currently after a long spell of rain that particular area of the walkway at its lowest level has standing water now due to no drainage

provision.

4) Further to the above problem from raising the levels, the other opposition we and all of the other houses mentioned above will have will be the loss of Privacy to us all. Given the height of the Finished Floor Levels stated above this will mean these properties will tower over all of the existing surrounding houses, including those on Littlefield Lane. Should the proposal take place it is our worry that the owners of the new properties backing on to Eastern Boundary will be able to see well into the ground floor rooms as well as the rear bedrooms of our houses from their ground floor windows. Given the added height they would be starting out from. This is not acceptable in any way.

5) Looking at the proposed new walkway from Westminster Drive towards Littlefield Lane. The proposal shown is certainly an improvement on what we have now. However, this Open space causes other problems. We currently have motorcycles running up and down the existing passage, and we are concerned that the added road access to the shorter walkway will further add to motorcycles using this as a rat run/shortcut between the two streets. We would urge the council to impose some form of calming method such as a chicane/kissing gate for pedestrian access only.

The police are currently aware of the existing problem of Motorcycles using the passage and walkway as a shortcut. The new layout will only add to the problem. We would urge the council to speak to the Police regarding this issue.

In conclusion the Planning application has been put forward with no consideration to the existing dwellings surrounding it. Keigar homes have shown no regard for the existing dwellings around the area. All they have thought about is cramming the site.

Also, what will the environmental impact be both now and into the future with the removal of such a large green space, let alone a natural flood plain. The wildlife alone will suffer an enormous loss. We do have roosting bats in the area, as already noted by another resident. Has anyone checked to see they are not using the trees and shrubs as a roost.

The limited consultation has been inadequate, despite methods of engagement being available in spite of COVID., residents' concerns remain unaddressed by the developer and essentially the question of need has not been addressed. The Council has more land than is needed to meet its housing requirements and as such this site is a choice not a necessity. The loss of the designated open space given the climate emergency in a central urban location can only exacerbate carbon emissions. We also note that Anglian Water also state that the surface water run-off is an unacceptable risk. We also note that the flood risk assessment only looks at the new dwellings.

## Planning - IGE (ENGIE)

**From:** 09 April 2021 17:27  
**Sent:** Planning - IGE (ENGIE)  
**To:** Little fields 75 dwellings  
**Subject:**

Hello Richard,I live at 58 Westminster Drive Grimsby and would like to point out my concerns about the proposed development.The affordable housing has 3 separate dwellings overlooking my rear garden.The proposed development also cuts through a small piece of rear garden which I have owned since we bought the house 22 years ago.This has been maintained and renewed twice since we bought house.The garden also had access to the rear to a walkway that Kiegea payed the Grimsby Cricket Club money to have access for? I also have concerns about the amount of footage passing house using my passage way next to my house side.I am objecting on the grounds of privacy and taking my garden that I think legally I own as being sole resident and maintaining fencing for the last 22 years.In that time nobody has ever approached or asked about me maintaining land.Very concerned home owner, and concerned about affordable housing when it could be moved to boundary near Cricket club,thanks Byron Cox

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. 'additional noise assessment' - Amended ball strike assessment December 21 - amended site layout and information dated 8th April 2022

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Byron Cox

Address: 58 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Again the plans show Keigars taken part of my land on the corner ,end of passage.I'm also very concerned on the road that is only roughly 4 metres from my garden,the noise and late night traffic will be terrible.The distance from my front of house to road is 11 metres and is still very noisy.The passageway which I own with no 56 Westminster will be abused more than ever, and the constant use of motorbikes down passage will be even more .The police are aware of this problem.The road should of been in front of the proposed houses to minimise traffic noise.Could the passage way from Westminster be closed off to stop cut through as it's a major problem now ,without all the proposed parking in Westminster in the future.Very concenered about this letter arriving today after it was posted on 3rd May and it has took 6 days to arrive?

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Michael Kirkham

Address: 60 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I note from your letter of 15th March 2021 regarding this development that there is incorporated within the plan an intention for "Raising of Ground Levels".

I would object to this proposal until being assured of the studies that have been made in relation to site drainage and the potential of flooding to surrounding areas which may be caused by the raising of the ground levels. Please provide all details of how the "Raising of Ground Levels" will be undertaken and the proposed level to be achieved in relation to my property.

Please provide details of the undertakings which will be provided by Engie to me in the event of water ingress to any part of my property given that this has not happened at any stage in the past.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Michael Kirkham

Address: 60 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Whilst I do not object in principle to the development I would like clarification relating to the planning drawings provided on the 24th February 2021.

Specifically, Plot 69 to the rear of my property (60 Westminster Drive) shows a tree to be positioned - please provide details of the species, height at maturity and placement with regards to proximity and position to my rear fence

The tree should not overhang my boundary fence in any way nor detract from my benefit of the South and West facing sunlight.

Your early and detailed reply is requested.

Regards,

M.J.Kirkham

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 74 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. 'additional noise assessment' - Amended ball strike assessment December 21 - amended site layout and information dated 8th April 2022

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr David White

Address: 62 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

### Comment Reasons:

Comment: Open Space: the arrangement for the management of the open spaces seem to have no official validity or funding to carry out the works of grass cutting and trimming. How will this work? If not maintained we will find that at the back of our properties will be prone to fly tipping and general neglect. The onward grounds maintenance seems to be a method for the developer to relinquish. Surely this should be passed over to the local authority in the normal manner.

Boundary treatment: what is the proposed boundary treatment between my existing property and the green open space.

We note that the raising of the ground levels still seems to be unresolved as commented by 34 Carlton Road, the raising of the ground levels by approx a metre to our property raises the issue of being overlooked in our back garden by plots 53, 54 and 55.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. 'additional noise assessment'

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr David White

Address: 62 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: We note the various conversations regarding this project, but are concerned that the major problem regarding the drainage does not seem to be addressed. This is a major concern and has far reaching consequences for all concerned.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr David White

Address: 62 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Raising of ground levels:

My main concern is flooding as you are raising the ground level thus exacerbating possible flooding from the natural fall of the land. I note that no provision has been made for surface water drainage along our boundary (Westminster Drive). Natural percolation will not be sufficient to disperse this water due to the underlying clay subsoil. Please provide me details of how you are going to deal with possible flooding issues.

Raised levels:

Raised levels of proposed housing to plots 70 and 71 will infringe on our privacy (62 Westminster) as we note from ground level drawings the level is approx 1.3m higher. What, if any consideration is being given to our privacy/sight lines.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr David White

Address: 62 Westminster Drive Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Boundary Fencing:

What consideration has been given to boundary fencing at the rear of my property 62 Westminster

Drive: height, material etc

## **Planning - IGE (ENGIE)**

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**From:** graham clift  
**Sent:** 27 March 2021 19:11  
**To:** Planning - IGE (ENGIE)  
**Subject:** Application for Keigar to build homes off Littlefield Lane Grimsby

Dear Sir / Madam

For years the land where the proposed homes are to be erected has subject to flooding as are many plots on the adjacent Saltings allotments which is well documented in that dept.

Nobody takes any notice of the new 20 mph speed requirements on Littlefield Lane so much thought should go into the design of any new road access. Littlefield Lane is already a rat run and there have been many near misses towards Dudley street lights. Cross Coates road is also overloaded particularly at school times or when drivers ignore yellow lines to park and get bacon buns etc for the local shops .

**THIS DEVELOPMENT WILL PROBABLY GO AHEAD SO AS A CONDITION MAY I SUGGEST THAT ALL NEW HOMES ARE BUILT WITH SOLAR PANELS FROM THE START. THIS WILL ENHANCE THE TOWNS EFFORTS TO COMBAT CLIMATE CHANGE AND ENCOURAGE A SIMILAR STANCE FOR FUTURE DEVELOPMENTS**

Regards

Graham Clift

71 Elm Avenue  
Grimsby

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr GEOFFREY MUDD

Address: 6 Heathfield Court Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment:It has already been pointed out by others that the effect on traffic entering and exiting on such a dangerous corner will greatly increase risk of accident.Parking at the present time is of concern when cars,lorries,buses try to negotiate the corner more traffic [75 dwellings app.2 vehicle per household] equals mega problems.

**From:** trevor gibson  
**Sent:** 17 June 2022 10:52

**To:** Planning - IGE (ENGIE) <[planning@nelincs.gov.uk](mailto:planning@nelincs.gov.uk)>  
**Subject:** planning application dm/0237/21

I cannot understand how to even consider approving this application when it sits outside to LOCAL PLAN and also it goes against the GREEN AREA POLICY both of which have been approved by the North East Lincs Council  
There must be some outside influence in order to recommend approval when the developers have deliberately let the site be neglected and fall into ruin  
The full details of how these decision have been arrived at need to be checked by the Planning Committee

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Roy Roberts

Address: Grimsby Town Cricket Club, Augusta Street, Grimsby, North East Lincolnshire DN34 4TX

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We wish to change our stance from neutral to object before the window to do so closes as we have as yet not resolved our concerns with the developer.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Roy Roberts

Address: Grimsby Town Cricket Club, Augusta Street, Grimsby, North East Lincolnshire DN34 4TX

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Ball Strike Risk Assessment Update submitted by the developer is inappropriate for the level of cricket played at the club. We have commissioned a report based on the appropriate standard of cricket and this has been emailed to the Planning Officer as I am unable to see how to upload it to the portal.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Roy Roberts

Address: Grimsby Town Cricket Club, Augusta Street, Grimsby, North East Lincolnshire DN34 4TX

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

### **Comment Reasons:**

Comment:I submit this on behalf of Grimsby Town Cricket Club which is adjacent to the proposed development to the south.

We have concerns regarding the drainage plan. We have had issues with flooding along our northern border with the proposed development in each of the last 3 years. Although the root cause was a recurrent leaking pipe, the ground drained very slowly (and contributed to the die back of trees along the border). There is reference to historic drainage along that border. With the risk of increased run-off from the development we would seek reassurance that the mitigation measures in place will be adequate to avoid flood risk to our property. In particular the capacity of crate attenuation envisaged.

Our other main concern at this stage is the Cricket Boundary Assessment which we note was conducted as a desktop exercise. We know from experience that in most senior games (over 60 each summer) at least one ball will clear the fence to our north, and sometimes several in one game. We note the plan to remove trees and lower the height of other foliage along the relevant border and this may exacerbate the issue. It would be less common, though not exceptional, for the ball to reach the houses planned on the southern edge of the development. The club wishes to operate in harmony with any new neighbours and therefore recommend consideration of mitigation measures. We would be happy to meet with Keigar and Labosport to review this.

# **Comments for Planning Application DM/0237/21/FUL**

## **Application Summary**

Application Number: DM/0237/21/FUL

Address: Land Off Littlefield Lane Grimsby North East Lincolnshire

Proposal: Erection of 75 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. 'additional noise assessment'

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Roy Roberts

Address: Grimsby Town Cricket Club, Augusta Street, Grimsby, North East Lincolnshire DN34 4TX

## **Comment Details**

Commenter Type: Statutory Consultee

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Updated Planning Notes from November 22nd

### **1. Noise Assessment**

We would like to see an artist's impression of the acoustic fencing and understand whether the plan is to replace the existing fence or add the acoustic fence behind the existing fence on the developer's land.

Removing the existing fencing would not be acceptable to us unless intruder deterrence were to be incorporated in the design of the acoustic fence.

And any solution needs to be aesthetically acceptable.

We cannot accept "a simple condition stating that the contents of the report are to be complied with"

### **2. Ball Strike Mitigation**

We cannot accept that "the design of the fence might be agreed by condition" The fence needs to deter intruders as the current one does.

We will take legal advice as to what the legal implications are of entering a S.106 Agreement regarding the grant of land to us and until we are clear on that this is not acceptable.

And any solution needs to be aesthetically acceptable.

In principal we view the grant of land positively. However, the ball strike risk assessment needs to be based on professional cricket. Whilst it is true that we advised Labosport that "the (current) level of play falls between recreational and professional standard" we would not wish to be restricted to not being able to host cricket at professional level of play, as we could currently.

### 3. Previous Land Use

Whilst this is a matter for Sport England to pursue, we strongly support the stance they outlined in the email from Richrd Fordham to Richard Limmer on 8th June 2021.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Dr Edward Kweka

Address: 95 Waltham Road GRIMSBY

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I have lived here for over 20 years and have driven on Waltham Road daily to and from Diana Hospital Grimsby where I have worked until retirement.

I have witnessed several serious accidents within 20 to 30 metres of the proposed site entrance and in one of these the car drove onto the front wall of the property at 102 Waltham Road.

This is an already busy road with peak hour traffic ques both ways, and the completed proposed development will definitely add to the risk of further accidents involving pedestrians, school children cycling to school, other cyclists, roadside parked cars and properties.

The two medium-sized convenience stores at the Village have served the area well over the years, even through this pandemic, and the last thing residents in this area need is yet another convenience store within 500 metres. I can foresee in time one of these stores going out of business!

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr N Tink

Address: 96 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I reside at 96 Waltham Road and was horrified to see this potential conversion of open space to a retail premises. This borders the Scartho conservation area and will have a strong environmental impact on my quality of life.

Additional traffic to the premises creating noise and environmental pollution during opening hours ... evening opening and early morning will negatively affect me as i work shifts .

Access of polluting diesel delivery vehicles will damage to the environment and cause issues with traffic flow.

The current shops in Scartho include two convenience stores , one of which operates 24hrs and are grouped close together reducing environmental impact on the conservation area i live in.

The removal of an open semi-green space to be replaced with an area of high vehicular activity surely goes against all current trends on environmental impact on residential areas.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: AMENDED DESCRIPTION - Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Nigel Tink

Address: 96 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment: The development is very close to the border of the Scartho conservation area and will impact the lives of residents negatively, in addition the area is well served with convenience stores and there is an existing CO-OP store within close walking distance already .. the store will take income from businesses struggle post pandemic .

The parking will be inadequate for patrons and cars will be parked either side of the access and potentially where residents of the Flower cottages park, this will lead to accidents as the property has poor visibility for exit onto a main road. Particularly relevant to the HGV vehicles that will deliver to the store. Local residents move to this area for its quality of life ... not to live next door to a shop open late, this does not suit the area.

In addition the construction phase will cause demonstrate the unsuitable nature of this site

The 'shop' will create noise and nuisance from 7 am to 10pm ... affecting those of us who work shifts starting at 5 am and need decent sleep.

Weekend opening from 7 am to 10 pm will also cause a noise nuisance to local residents.

In summer evenings there will no doubt be antisocial behaviour associated with convenience stores again disturbing the local residents.

The store and business are not needed here and in placing them here it will lead to a detrimental effect on the lives of those of us living close by.

The site would be better suited to a residential development or a community use project.

As we dive into a cost of living crisis we do not need more shops.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works - AMENDED PLANS RECEIVED JULY 2021

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr M J Smith

Address: 97 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir,

I wish to continue my objections to the above planning application as the amendments are purely cosmetic and do not address the problems on this unsuitable site. No one I know wants yet another convenience store as we already have two, plus two butchers and two bakeries.

I am more concerned about accidents happening and people getting hurt. Since my last objection, a car coming out of the drive at the house next to where the access to the shop would be, was hit by a car coming from Waltham. The road had to be closed for lorries to retrieve the damaged cars by hoist. I am concerned that the large food vehicles would have difficulty coming out on to the narrow road and more accidents would occur.

Please consider other uses for the site such as a cul-de-sac of houses as this is a very popular area to live.

Yours sincerely,  
M Smith.

Refno.

DM/0210/21/FUL

Mr & Mrs M. J. Smith  
97 Waltham Road.  
Grimsby

DN 33 2ND

13.5.22

Dear Sir

We wish to object to the building of a Convenience Store and a Funeral Service Building in Waltham Road.

Our main concerns are the increase in traffic since the last application was made. Now in the mornings the cars are nose to tail from the Scartho Roundabout to way past any entrance to the store. Also in the afternoon at school leaving times and in the evening with people going back into town after leaving work.

The speed of the traffic has also increased as now there are no police speed checks as there used to be, and the road near the proposed site is narrow.

Other concerns in my previous three letters still apply.



Yours Sincerely

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Michael Smith

Address: 97 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the planning application.

We bought our bungalow over twenty years ago as a retirement home and up to date it has been a quiet and peaceful residential area in Scartho Village.

We do not need another convenience store as we already have two, plus two bakeries, two butchers shops and a fresh vegetable store all within a short walk of our home.

We are mostly retired people in the area and need to use our cars frequently during the day, so we need good and safe access to the road. Parked cars and constant traffic using the store would cut down visibility and cause accidents.

The road narrows just before the entrance of the proposed store and would cause a hazard to cars coming from Waltham to the town. The road is very busy, especially in the morning and late afternoon, with cars being nose to tail from the roundabout going past where the entrance to the store would be. Cars already park outside the houses and there have been two wing mirrors smashed outside our home and a house nearby had a wall crashed into.

Because of the increase in cars and service vehicles causing noise and difficulty in using the main road, we think housing would be more appropriate on the site.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr M Smith

Address: 97 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir,

We would like to object to the building of a Co-op store & Funeral Parlour on Waltham Road. This area does not need another store as we already have two convenience stores, one with a post office, two bakeries, two butchers and one local vegetable shop. Everyone we have spoken to in the area is very happy with that.

We find much more important is the risk of serious accidents, because the road narrows just where the entrance and exits are planned to be. The large lorries carrying food to the store, would have great difficulty coming out of the store, needing both lanes to turn onto the main road.

We live directly opposite the proposed site and after the last planning meeting a car parked next to the proposed entrance of the store was hit by a car coming round the bend from Waltham. The road was closed for some time to allow recovery vehicles to take away the damaged cars, and we foresee this happening again with what could be serious consequences.

Please take this seriously when debating approval of this site.

Mr & Mrs J Smith.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Miss Phoebe Foster

Address: 99 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

The amended site plans do not alter my previous two objections to the proposed development.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Lewis Newsum

Address: 99 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir,

I am writing to object to planning application ref: DM/0210/21/FUL.

Aside from confirmation of an intense delivery schedule to the proposed store, spanning vast hours of the day, I see no change within the amended plans or noise impact assessment that addresses any of my previous concerns.

Therefore, my objection still stands to this planning proposal so please refer to my previous objection comments dated 20 Jul 2021.

Regards,

Lewis Newsum.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: AMENDED DESCRIPTION - Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Lewis Newsum

Address: 99 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir,

I am writing to object to planning application ref: DM/0210/21/FUL.

I see no change within the amended plans that addresses any of my previous concerns, again.

Therefore, my objection still stands to this planning proposal so please refer to my previous objection comments dated 20 Jul 2021.

Regards,

Lewis Newsum

## **Carol Pedersen (EQUANS)**

---

**From:** Richard Limmer (EQUANS)  
**Sent:** 23 May 2022 07:42  
**To:** Planning - IGE (ENGIE)  
**Subject:** FW: Planning Application Reference DM/0210/21/FUL  
**Attachments:** Planning Objection 2.docx

Morning

Can you pop this one the file please 😊

Thanks

Richard

**Richard Limmer MSc URP**  
Major Projects Planner  
Planning and Development Team  
Places & Communities North – NEL  
Tel. +44 (0) 147 232 4299  
Mob. +44 (0) 7766923688



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[engie.co.uk](http://engie.co.uk)

New Oxford House, George Street  
Grimsby, North East Lincolnshire, DN31 1HB

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**From:** Phoebe Foster  
**Sent:** 20 May 2022 22:08  
**To:** Richard Limmer (EQUANS) <Richard.Limmer@nelincs.gov.uk>  
**Subject:** Planning Application Reference DM/0210/21/FUL

Dear Richard,

Please find attached comments to the planning application (amended details) DM/0210/21/FUL.

These comments are objecting the proposed planning application.

Yours faithfully,

Miss Phoebe Foster

99 Waltham Road  
Grimsby  
DN33 2ND

## Introduction to the Objection

By way of introduction, this objection (the “Second Objection”) to planning application DM/0210/21/FUL (the “Application”) is drafted by the residents of 99 Waltham Road (the “Residence” and “Residents”). It is the second substantive objection to the Application by the residents following further consultation.

The Residence is directly opposite the proposed development site, with undisrupted line of sight and adopting the same main road (Waltham Road).

### A – Failure to Follow the Principles of Proper Consultation

The Objection’s primary position is that the well-established principles of proper consultation have not been followed. This, consequently, obliges the decision maker (North East Lincolnshire Council, NELC) to reject the application on the basis of administrative law, thus avoiding an irrational decision.

- (i) Lord Woolfe stated the overarching position in the landmark case of *R v N E Devon ex p Coughlan* [2001] QB 213 at paragraph 108. As is evident, the consultation process should be undertaken at a point in time when the proposals are at a ‘formative stage.’ The intention behind this is to allow for local residents to influence, engage and have meaningful impact on the proposals and to give assurance to the decision makers at NELC that this has taken place. Absent of this, the Residents argue that NELC patently can’t make a decision which is fair, rational and considers all relevant opinion.

*“It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. The proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken: R v Brent London Borough Council, Ex p Gunning (1985) 84 LGR 168.”*

- (ii) The Residents contend that the proposals were not and are not at a formative stage during consultation. This is evident as the revised plans submitted in the Application make no substantive changes to the initial plans. Thus, they do not take into account local opinion, do not follow Lord Woolfe’s guidance and prevent NELC making a rational and informed decision on the Application.
- (iii) The Residents further contend that Retail Assessment’s interpretation of *Tesco Stores v Dundee City Council* [2012] UKSC 1 is flawed. Not only does the retail assessment misinterpret the case, the letter from Marron’s Planning dated 1 July 2021 compounds the error. One cannot quote an isolated paragraph from a decision of the Supreme Court without reading in context, it leads to reckless misleading of the reader. Key to the decision in *Tesco Stores* is the qualification statement at [28], which serves to qualify the definition of suitable (for the development proposed by the applicant). The sequential approach must have realism, flexibility and have regard to the particular town centre regarding format, scale and design. Applicants must have regard to accommodating the proposed development in an alternative built form, adjusting large proposals such that they fit better with existing development in town centres. It would therefore be an oversimplification to merely state (as the Application has done) that the scale of the development can’t be accommodated elsewhere and is consequentially, definitive. The Application has not properly applied the test; by failing to have consideration for the local area at all, failing to consider if the development can be

accommodated in a different form and failing to consider if sequentially preferable locations are suitable on that footing. The Retail Assessment merely details a catchment area surrounding the site (of 600 -800 metres), stating that other sites wouldn't be suitable to serve the proposed catchment. As above, this places NELC in a position where they cannot make a proper decision on the Application in accordance with the principles of Administrative Law.

- a) Marrons state in their letter dated 1 July 2021, "...case law in Dundee [Tesco Stores v Dundee City Council [2012] UKSC] has established that suitable can only be interpreted as meaning "suitable for the development proposed by the applicant".
  - b) The quote given by Marron's may well be correct. However, out of context and used to support the argument that a site further afield would be unsuitable is patently incorrect. The definition is qualified, not absolute.
- (iv) The true catchment area of the store is not stated. The Application clearly focuses on a catchment area of 800 metres, stated to be serving a "walkable neighbourhood" within 10 minutes. JMS Planning in their letter dated 28 April 2021 highlight the flaw in this approach; this being that Scartho Local Centre and Coniston Avenue are already within 800 metres and reasonably constitute local centres. As a preliminary point on this argument, the Application ought to fail outright. However, going one step further, the amended plans indicate 22 car parking spaces. By any reasonable assessment, a volume of 22 spaces goes far beyond the scale required to accommodate the proposed walkable catchment and extends into catchments outside of 800m (already served by other Co-op stores on Coniston Avenue (0.9 miles from the site) and Station Road (2.4 miles from the site). In this regard, the Retail Impact Assessment fails to demonstrate proper consideration of local impact and can't be relied upon.
- (v) The 800 metre catchment is undermined even further when considering the Transport Statement provided as part of the application which predicts 432 inbound and outbound cars per day. This is a significant volume of traffic, over and above the stated aim of serving a walkable catchment that is purportedly not served by other centres. Over the course of one week (a reasonable assumed average for one visitor to the store), there would be 3,024 cars visiting the store. One can quickly see the actual, as opposed to stated, catchment sought by the Co-op Store.

## **B – Aboricultural Report**

The Objection's secondary position is that the Aboricultural Report dated 19 January 2022 supports NELC rejecting the Application. Trees T1-T5 are stated to be of moderate value, all in good physical and structural condition. The NPPF supports the Residents position on this point.

- (i) The NPPF provides a clear statement that trees should be retained where possible. One can assume that this statement is applicable to a greater extent where said trees are of moderate value and in good condition, as they are in this case. Moreover,

*"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined<sup>50</sup>, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should*

*work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*

“...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.”

... development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists; and...”

- (ii) Trees categorised as B1 (of which there are 4 on the proposed site) should be given the appropriate amount of weight by NELC in their considerations, particularly as they have a life expectancy of at least 20 years and are favoured by local residents. Paragraph 3.2.1 of the Aboricultural reports recognised the value of the existing trees at the frontage of the site. The Residents do not consider that new trees will adequately provide the same view. To the extent that the Aboricultural Report presumes that the trees at G1 are a “nuisance” to local residents, this falls outside of the author’s expertise and should be reasonably disregarded by NELC in order to reach a decision complying with the principles of Administrative Law.

## **C- Noise Impact Assessment**

The Noise Impact Assessment dated 13 August 2021 cannot reliably be used to inform NELC decision making for one key reason. Importantly, the measurements relied upon within the report were taken on 12 August 2021. At this point in time, in England, the Country had moved to step 4 of the “Roadmap Plan.” Away from Covid restrictions. Step 4 was initiated on 14 July 2021 and saw the removal of social restrictions. Clearly, undertaking a noise impact assessment a matter of 2 weeks after national restrictions had been lifted would lead to spurious and unreliable results. The Residents consider that the immediate lifting of restrictions promoted more travel and will have increased ambient sound, the opposite to that stated in the Assessment. In any event, unreliability means either way leads to the assumption that the report cannot be relied upon by NELC.

## **D – Previous Objections**

As the revised plan does not address any of the Resident’s objections (nor those in various other objections), they are re-stated below:

- a) The proposed development as illustrated in the front and side elevations (the “elevations”) are significantly out of character with the local area. The elevations illustrate a building design which lacks conformity with the surrounding buildings:
- The elevations illustrate a modern design, with grey metal work, dark roofing and modern brickwork, yet the buildings opposite are historic, residential and are over 100 years old. The design is ostentatious, apathetic and seeks to stand out rather than enhance the local area;
  - The elevations indicate a design which shares no commonality to the surrounding buildings. It does not share any of the same features, colouring, scale or grandeur of the surrounding buildings. Not only does it stand out in a gaudy manner, the modern aspects of the design do not enhance the local area. This opinion is one which is shared with various local residents, a significant proportion choosing Waltham Road for its historic features and ‘country village’ feel.

b) The Application seeks to highlight various factors in support, a number of which lack clarity, misunderstand the area and divert attention from important considerations, all of which are not proper to a planning application which could negatively impact a significant number of local residents. More specifically; the Application highlights three key points. Firstly, the proposed development falls outside of the Scartho Conservation boundary. Secondly, the former Church is of little historical significance resulting in a ‘negligible impact.’ Thirdly, no Heritage Assets fall within the proposed development boundary. However, these points should be read in light of the following:

- The Scartho Conservation Boundary lies a matter of metres away from the proposed development’s boundary. Relying on the scale used within the Application’s plans, it lies approximately 20 metres from the boundary. This serves to illustrate the character of the houses and local area, further demonstrating that the proposed development simply will not fit;
- The closest Heritage Asset is again a matter of metres from the proposed development. Not only this, it adjoins the site on the West of Waltham Road. Again, it’s not unreasonable to suggest the proposed development is surrounded by classic, heritage and aged housing with a quite ‘village feel.’ None of these factors present in the current design;
- The former Church may be of negligible historical significance. It is acknowledged that it hasn’t been used since the late 2017. However, this does not serve as a reason for the proposed development. It merely serves to suggest that re-development is a possibility but said re-development still needs to be in keeping with the local area, as was the former Church.

## **(ii) A Co-Op Store is Unnecessary**

The Objection’s second position is that a further convenience store is unnecessary, noting the availability of nearby shops. This is based on the following points:

- a) Within 1 kilometre of the proposed development site there exist a number of convenience stores of comparable scale and accessibility. These are all within a reasonable walking distance, serve the local community and illustrate the lack of necessity for another store. These include:
  - Spar – 33 Waltham Road;
  - Today’s Extra – 13 Waltham Road;
  - Cooplands Bakery – 4 Waltham Road;
  - Louth Road News & Convenience Store – 13 Louth Road;
  - Fresh Grimsby Fish – 19 Waltham Road;
  - Swales of Scartho – 17 Waltham Road;
  - The Vegetable Plot – 21B Waltham Road;
  - Brown’s Family Butchers – 29 Louth Road;
  - Co-op – 17 Coniston Avenue (0.9 miles from the proposed development site);
  - New Waltham Convenience Store (2.5 miles from the proposed development site);
  - Co-op - Station Road, New Waltham (2.4 miles from the proposed development).
- b) As is obvious from the above list, Waltham Road is well served by high quality, local and long standing convenience stores, butchers, bakers and green grocers, all of which are within a reasonable walking distance from the proposed development and accessible for passing trade. Not only this, further emphasising the lack of necessity; within a 2.5 mile radius, there are a further two Co-op Convenience Stores. Clearly, the area is at risk of being bombarded by the same shop, with the same products,

with the same design. The area is best served by local independent stores, with the already available larger stores for ‘weekly shops.’

- c) Not only are the local residents (within an 800 metre walking distance) well served by local independent stores, the detrimental impact on local trade would be vast. This is exacerbated by the COVID-19 pandemic, where independent traders are patently struggling financially, with reduced foot fall, regulation, closures and uncertain trading patterns. It’s not unreasonable to suggest the proposed development would result in unviable local businesses, running contrary to the following publications of NELC:
- The North East Lincolnshire Economic Recovery Plan (2021) – aims to “*support our local businesses, create employment opportunities and help to reshape our future economy.*” NELC has gone one step further, making a positive commitment to “*engage, listen and maintain the confidence and trust of the local business community with the aspiration to create jobs and prosper.*” The proposed development is the antithesis of these commitments, negatively impacting local trade, which is well established and favoured by residents;
  - NELC Local Plan 2013-2032 (adopted) – with the relevant and pertinent aim to “*protect and enhance those features of our Borough which are special.*” The proposed development falls within or just outside of the “Southern Arc.” As emphasised in the Plan, NELC aim to ensure the encompassed settlements “*have grown but their character will have been protected through good design and sensitive planning. They will have been sustained by improving local community facilities...*” The proposed development does not constitute sensitive planning, nor does it protect the area, nor does it improve local community facilities such as independent retailers. It does quite the opposite, diminishing the historic value of the area and its ‘village feel;’
  - NELC Article Entitled “Being ‘Loyal to Local’ has never been more important” (dated 16 June 2020) – the article asks residents of NELC to “*spend money with other local businesses [as it will] add so much more to the wellbeing of the Northern Lincolnshire community.*” In the wake of COVID-19, NELC runs the risk of promoting national corporations and acting contrary to its published message. It is incumbent on NELC to protect local business, following national and unprecedented support measures;
  - Building on the above article, the ‘Loyal to Local Campaign’ features extensively in the NELC website, with numerous articles and links to the third party website ([loyaltolocal.co.uk](http://loyaltolocal.co.uk)). The campaign, supported by NELC, argues that shopping local adds more to local wellbeing, reduces environmental impact and will “mean the world to someone in the local community.” NELC should be advised that the proposed development is at odds with this campaign; noting the independent grocers, fish mongers and convenience stores. Patently, the Co-op will not ‘mean the world to independent retailers.’

### **(iii) The Retail Assessment (Lincolnshire Cooperative Society) (the “Retail Assessment”)**

Notably, the Retail Assessment applies the National Policy Planning Framework (NPPF) and aforementioned Local Plan for 2013 – 2032. A number of points needs to be made as regards the retail Assessment, pertinent to the Application and as follows:

- Paragraph 1.2 – The Retail Assessment states that the proposed development will “*contribute to the requirement for greater local shopping facilities in response to the growing trend for more convenience shopping to be undertaken locally and more frequently.*” In making this claim the retail Assessment relies upon the Experian Retail Planner Briefing Note 13 by way of example. Note, firstly

that the referenced publication date of this document is incorrect. However, reliance on an outdated report is misplaced:

- Experian forecast (between 2019- 2023; in subsequent briefing notes that are not outdated and published in 2015) that there will be no growth in convenience goods expenditure per capita, with a rather modest 0.1% over the long term from 2023 onwards. The position is thus, arguably, quite stable;
- Kantar (per their article entitled “A Month of Moderation for the UK Grocery Sector” dated 4 February 2020) indicate a more realistic and up to date picture. The article indicates grocery inflation at 0.3% to the 12 weeks ending 26 January 2020, with consumers trending towards cheaper alternatives or discount stores. Similarly, Kantar (in their article entitled “Grocery Growth Slows and Habits Change as UK Adapts”) gives a more accurate position. Although year on year sales have increased and there is a highlighted tendency towards smaller convenience stores, the article also draws attention to the fact that large format supermarkets continue to supply the majority of Britain’s food and drink, with a comparable increase in shoppers moving to online retailers. As such, the Retail Assessment’s statement at paragraph 1.2 must be read in its factual and up to date context, noting the uncertain impact of COVID-19 on shopper behaviour and trend patterns;
- Paragraph 1.2, in a similar fashion, also draws attention to the fact that the proposed development will be of “limited size,” thus shifting attention and ‘playing down’ its impact on the local area. However, such a statement fails to detail the adjoining funeral services building, with separate access, six parking spaces and of comparable scale. Thus, it is unrealistic for the Retail Assessment to indicate the proposed development may constitute a “small shop” per the Government’s definition, when to the local area, it is a significant development and change of usage when considered cumulatively.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Ms Phoebe Foster

Address: 99 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This objection (the "Objection") to planning application DM/0210/21/FUL (the "Application") is drafted by the residents of 99 Waltham Road (the "Residence"). For submission purposes the objection is divided into three parts.

## **Part A**

By way of introduction, this objection (the "Objection") to planning application DM/0210/21/FUL (the "Application") is drafted by the residents of 99 Waltham Road (the "Residence"). The Residence is directly opposite the proposed development site, with undisrupted line of sight and adopting the same main road (Waltham Road). With this in mind, the Residents not only have significant and notable local knowledge, but can afford a detailed assessment of the negative impact of the proposed development on the local village. In addition and pertinent to the objection; it represents a joint objection, relying on the combined views of Waltham Road residents, collected through extensive discussion and consultation.

### **(i) - The Nature of the Surrounding Area**

The Objection's initial position is that proposed development is unsuited to the local area, out of character and will constitute a 'blot' on the surrounding landscape. This is based on the following points:

a) The proposed development is situated at the former Saint John Fisher Roman Catholic Church on Waltham Road. It stands in a prominent position, just a short drive from 'central' Scartho. The local area can fairly be described as quiet, historic and residential. A number of the buildings on Waltham Road, including 99 Waltham Road, are over 100 years old. They have historic and noteworthy features (some built in the Edwardian era) including prominent bay windows, wooden beams on front elevations, dramatic brickwork and decorative rendering. The local demographic is predominantly residents over the age of 50, a significant proportion are retired;

b) Noting the aforementioned; the proposed development as illustrated in the front and side elevations (the "elevations") are significantly out of character with the local area. The elevations illustrate a building design which lacks conformity with the surrounding buildings:

- The elevations illustrate a modern design, with grey metal work, dark roofing and modern brickwork, yet the buildings opposite are historic, residential and are over 100 years old. The design is ostentatious, apathetic and seeks to stand out rather than enhance the local area;

- The elevations indicate a design which shares no commonality to the surrounding buildings. It does not share any of the same features, colouring, scale or grandeur of the surrounding buildings. Not only does it stand out in a gaudy manner, the modern aspects of the design do not enhance the local area. This opinion is one which is shared with various local residents, a significant proportion choosing Waltham Road for its historic features and 'country village' feel.

c) The Application seeks to highlight various factors in support, a number of which lack clarity, misunderstand the area and divert attention from important considerations, all of which are not proper to a planning application which could negatively impact a significant number of local residents. More specifically; the Application highlights three key points. Firstly, the proposed development falls outside of the Scartho Conservation boundary. Secondly, the former Church is of little historical significance resulting in a 'negligible impact.' Thirdly, no Heritage Assets fall within the proposed development boundary. However, these points should be read in light of the following:

- The Scartho Conservation Boundary lies a matter of metres away from the proposed development's boundary. Relying on the scale used within the Application's plans, it lies approximately 20 metres from the boundary. This serves to illustrate the character of the houses and local area, further demonstrating that the proposed development simply will not fit;
- The closest Heritage Asset is again a matter of metres from the proposed development. Not only this, it adjoins the site on the West of Waltham Road. Again, it's not unreasonable to suggest the proposed development is surrounded by classic, heritage and aged housing with a quite 'village feel.' None of these factors present in the current design;

- The former Church may be of negligible historical significance. It is acknowledged that it hasn't been used since 2017. However, this does not serve as a reason for the proposed development. It

merely serves to suggest that re-development is a possibility but said re-development still needs to be in keeping with the local area, as was the former Church.

Please find Part B and C also submitted to support this objection.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Ms Phoebe Foster

Address: 99 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This objection (the "Objection") to planning application DM/0210/21/FUL (the "Application") is drafted by the residents of 99 Waltham Road (the "Residence"). For submission purposes the objection is divided into three parts.

### **Part B**

#### **(ii) A Co-Op Store is Unnecessary**

The Objection's second position is that a further convenience store is unnecessary, noting the availability of nearby shops. This is based on the following points:

a) Within 1 kilometre of the proposed development site there exist a number of convenience stores of comparable scale and accessibility. These are all within a reasonable walking distance, serve the local community and illustrate the lack of necessity for another store. These include:

- Spar - 33 Waltham Road;
- Today's Extra - 13 Waltham Road;
- Cooplands Bakery - 4 Waltham Road;
- Louth Road News & Convenience Store - 13 Louth Road;
- Fresh Grimsby Fish - 19 Waltham Road;
- Swales of Scartho - 17 Waltham Road;

- The Vegetable Plot - 21B Waltham Road;
- Brown's Family Butchers - 29 Louth Road;
- Thomas Greens Coffee Shop & Convenience Store - 1a Waltham Road
- Co-op - 17 Coniston Avenue (0.9 miles from the proposed development site);
- New Waltham Convenience Store (2.5 miles from the proposed development site);
- Co-op - Station Road, New Waltham (2.4 miles from the proposed development).

b) As is obvious from the above list, Waltham Road is well served by high quality, local and long standing convenience stores, butchers, bakers and green grocers, all of which are within a reasonable walking distance from the proposed development and accessible for passing trade. Not only this, further emphasising the lack of necessity; within a 2.5 mile radius, there are a further two Co-op Convenience Stores. Clearly, the area is at risk of being bombarded by the same shop, with the same products, with the same design. The area is best served by local independent stores, with the already available larger stores for 'weekly shops.'

c) Not only are the local residents (within an 800 metre walking distance) well served by local independent stores, the detrimental impact on local trade would be vast. This is exacerbated by the COVID-19 pandemic, where independent traders are patently struggling financially, with reduced foot fall, regulation, closures and uncertain trading patterns. It's not unreasonable to suggest the proposed development would result in unviable local businesses, running contrary to the following publications of NELC:

- The North East Lincolnshire Economic Recovery Plan (2021) - aims to "support our local businesses, create employment opportunities and help to reshape our future economy." NELC has gone one step further, making a positive commitment to "engage, listen and maintain the confidence and trust of the local business community with the aspiration to create jobs and prosper." The proposed development is the antithesis of these commitments, negatively impacting local trade, which is well established and favoured by residents;
- NELC Local Plan 2013-2032 (adopted) - with the relevant and pertinent aim to "protect and enhance those features of our Borough which are special." The proposed development falls within or just outside of the "Southern Arc." As emphasised in the Plan, NELC aim to ensure the encompassed settlements "have grown but their character will have been protected through good design and sensitive planning. They will have been sustained by improving local community facilities..." The proposed development does not constitute sensitive planning, nor does it protect the area, nor does it improve local community facilities such as independent retailers. It does quite the opposite, diminishing the historic value of the area and its 'village feel;'
- NELC Article Entitled "Being 'Loyal to Local' has never been more important" (dated 16 June 2020) - the article asks residents of NELC to "spend money with other local businesses [as it will] add so much more to the wellbeing of the Northern Lincolnshire community." In the wake of COVID-19, NELC runs the risk of promoting national corporations and acting contrary to its

published message. It is incumbent on NELC to protect local business, following national and unprecedented support measures;

- Building on the above article, the 'Loyal to Local Campaign' features extensively in the NELC website, with numerous articles and links to the third party website ([loyaltolocal.co.uk](http://loyaltolocal.co.uk)). The campaign, supported by NELC, argues that shopping local adds more to local wellbeing, reduces environmental impact and will "mean the world to someone in the local community." NELC should be advised that the proposed development is at odds with this campaign; noting the independent grocers, fish mongers and convenience stores. Patently, the Co-op will not 'mean the world to independent retailers.'

Please find Part A and C also submitted to support this objection.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Ms Phoebe Foster

Address: 99 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This objection (the "Objection") to planning application DM/0210/21/FUL (the "Application") is drafted by the residents of 99 Waltham Road (the "Residence"). For submission purposes the objection is divided into three parts.

## **Part C**

(iii) The Retail Assessment (Lincolnshire Cooperative Society) (the "Retail Assessment")

Notably, the Retail Assessment applies the National Policy Planning Framework (NPPF) and aforementioned Local Plan for 2013 - 2032. A number of points needs to be made as regards the retail Assessment, pertinent to the Application and as follows:

- Paragraph 1.2 - The Retail Assessment states that the proposed development will "contribute to the requirement for greater local shopping facilities in response to the growing trend for more convenience shopping to be undertaken locally and more frequently." In making this claim the retail Assessment relies upon the Experian Retail Planner Briefing Note 13 by way of example. Note, firstly that the referenced publication date of this document is incorrect. However, reliance on an outdated report is misplaced:

o Experian forecast (between 2019- 2023; in subsequent briefing notes that are not outdated and published in 2015) that there will be no growth in convenience goods expenditure per capita, with

a rather modest 0.1% over the long term from 2023 onwards. The position is thus, arguably, quite stable;

o Kantar (per their article entitled "A Month of Moderation for the UK Grocery Sector" dated 4 February 2020) indicate a more realistic and up to date picture. The article indicates grocery inflation at 0.3% to the 12 weeks ending 26 January 2020, with consumers trending towards cheaper alternatives or discount stores. As such, the Retail Assessment's statement at paragraph 1.2 must be read in its factual and up to date context, noting the uncertain impact of COVID-19 on shopper behaviour and trend patterns;

o Paragraph 1.2, in a similar fashion, also draws attention to the fact that the proposed development will be of "limited size". However, such a statement fails to detail the adjoining funeral services building of comparable scale. Thus, it is unrealistic for the Retail Assessment to indicate the proposed development may constitute a "small shop" per the Government's definition, when to the local area, it is a significant development and change of usage when considered cumulatively.

- Paragraph 4.1 Onwards - Sequential Test; Section 4 of the retail Assessment covers the requirement for the Application to demonstrate that the proposed development in an 'out of centre' location can't be better served in a more centrally located site (somewhat placing them in sequence). It is accepted that the sequential test requires proportionality and appropriateness, further that suitability requires that need or demand should be considered in the context of the proposal's intention (as outlined at paragraph 4.2). However, the Retail Assessment fails to properly apply and explain Lord Reed's Judgement in *Tesco Stores v Dundee City Council [2012] UKSC 1*, whilst also 'over simplifying' application of the Sequential Test.

o Key to the decision in *Tesco Stores* is the qualification statement at [28], which serves to qualify the definition of suitable (for the development proposed by the applicant). The sequential approach must have realism, flexibility and have regard to the particular town centre regarding format, scale and design. Applicants must have regard to accommodating the proposed development in an alternative built form, adjusting large proposals such that they fit better with existing development in town centres. It would, thus, be an oversimplification to merely state (as the Application has done) that the scale of the development can't be accommodated elsewhere and is consequentially, definitive. The Application has not properly applied the test; by failing to have consideration for the local area at all, failing to consider if the development can be accommodated in a different form and failing to consider if sequentially preferable locations are suitable on that footing.

#### (iv) impact on Local Traffic

The impact on traffic levels, associated noise, pedestrians and cyclists is considered concerning. The proposed development has two access points. Waltham Road is very busy, with peak times

largely following the usual 'rush hours' and local school closures (Fairfield). Waltham Road is adopted by cars and has cycle lanes, also regularly used for residential parking. Within a matter of metres, there is a turn onto Hawthorne Avenue, south of the proposed development.

At peak times, the north carriageway could be used by cars exiting the Co-op retail entrance, cars exiting the Co-op Funeral Entrance, pedestrians exiting the schools, cyclists, those turning right onto Hawthorne Avenue and local residents parking cars. Patently, this presents a risk, particularly on a road with has had speeding issues.

Please find Part A and B also submitted.

**From:** Phoebe Foster  
**Sent:** 31 July 2021 07:37  
**To:** Richard Limmer (Engie) <[Richard.Limmer@nelincs.gov.uk](mailto:Richard.Limmer@nelincs.gov.uk)>  
**Subject:** DM/0210/21/FUL/Demolish former St John Catholic Church Hall

Dear Richard,

Please find below Objection.

### **Introduction to the Objection**

By way of introduction, this second objection (the “Objection”) to the planning application DM/0210/21/FUL (the “Application”) is drafted by the residents of 99 Waltham Road (the “Residence”). This is the second objection, specifically in response to the Amended Plan dated 6 July 2021 (the “Amended Plan”).

It’s necessary to note at the outset that the Amended Plan fails to take into account the views of local residents. Blatant ignorance of the opinion of local residents, particularly noting the impact on local trade, traffic, employment and services, is poor. The following details why the Amended Plan is unsatisfactory.

### **Marrons Planning Letter Dated 1 July 2021 (“Marrons Letter”)**

In response to the initial planning comments from Jackson Pelling, the Marrons Letter attempts to address a number of concerns. However, the letter misinterprets the law (particularly the Supreme Court in Dundee City Council) and fails to apply the facts to the relevant standard.

- Page 1 of the Marrons Letter covers the sequential test, contending that JP’s proposal to extend the 800 metre catchment area is not well founded. This argument, as presented in the Marrons Letter, again misinterprets the law. Paragraph 28 of Lord Reed’s Judgement in *Tesco Stores v Dundee City Council* [2012] UKSC 1 emphasises the point. Key to the decision in *Tesco Stores* is the qualification statement at [28] which serves to qualify the definition of suitable (for the development proposed by the applicant). The sequential approach must have realism, flexibility and have regard to the particular town centre regarding format, scale and design. Applicants must have regard to accommodating the proposed development in an alternative built form, adjusting large proposals such that they fit better with existing development in town centres;
- Marrons apply a flawed interpretation by looking at their given proposal, then arguing that the given proposal can’t be accommodated in New Waltham, Waltham or Southern Grimsby. They should, however, have consideration to

accommodating the proposed development in an alternative built form, which applies flexibility and realism to the situation. Inflexibility, one might argue, is the opposite of the literal and purposive approach taken by the Supreme Court. The following statement is emphatic, “...*Where development proposals in out-of-centre locations fall outside the development plan framework, developers are expected to demonstrate that town centre and edge-of-centre options have been thoroughly assessed... It follows from the foregoing that it would be an over-simplification to say that the characteristics of the proposed development, such as its scale, are necessarily definitive for the purposes of the sequential test.*”

- The catchment area of 800 metres in any event, is too small and unrealistic. Per the statement of Lord Reed, realism is key to the planning process. An 800 metre catchment would only cover customers walking to the store. The vast majority of shoppers, even those looking for ‘top up’ items, drive to convenience stores
- On average and by way of estimation, it takes 10 minutes to walk 800 metres. Per a recent Savills Survey ([https://www.savills.co.uk/research\\_articles/229130/218117-0](https://www.savills.co.uk/research_articles/229130/218117-0)), 46% of shoppers travel for less than 10 minutes to local shops. This leaves a surprising 54% of shoppers outside of the proposed 800 metre catchment (unless they were to attend another local store).
- The second page of the Marrons Letter is again misleading. The letter lists other Co-op sites, using this as a means to emphasise that the proposed development catchment area could not be served by another Co-op store in another location. It states “*it is readily apparent that to locate a new store within a centre from which the Co-op already traded would serve no purpose in retailing terms: the two stores would simply share the total trade that a single store would otherwise capture, potentially rendering neither store viable, and not provide the benefits to the local community of choice and competition that would be provided by two different convenience goods retailers.*” It is, in fact, not readily apparent and the aforementioned argument is without merit, considering a Co-op store exists at Coniston Avenue, a mere 650 metres from the proposed development. It is contrary and arguably vexatious to state in one vein that two stores within a 800 metre catchment “would serve no purpose” when the proposed development is within 650 metres of another store. It is merely twisting the facts to accommodate ones goal.
- The third page of the Marrons Letter states that a vacant unit exists within the Scartho Road Centres, stating it is only 125 square metres and unsuitable for the proposed development. Again, this argument is without merit. Firstly, the Co-op store At Coniston Avenue is of a similar reduced scale, emphasising the

backward position taken in the Marrons Letter. Secondly, the sequential test requires flexibility and as emphasised by Lord Reed whilst also adopting a purposive approach, the scale of the development is not determinative for the sequential test. One must consider if the proposed development can be accommodated in an alternative built form, which includes scale and consideration of whether other local stores (including patently close stores within 650 metres) could also feed into the wider picture.

- The fourth page of the Marrons Letter, under the heading 'Trade Diversion', is similarly underpinned by poor reasoning without evidence. The conclusion reached is that Trade Diversion of a dispersed pattern will follow the proposed development. This is on the basis of an assumption that; (i) the store will principally be used for top up shopping, (ii) car borne trips will be diverted from a large number of outlets and (iii) an Experian retail planner report that suggest local shopping trends. However, all three of these statements are assumptions, without taking into account the facts and local area. It is more than reasonable, if assumptions are to be the basis of the Marrons Letter, that the principal trade draw will be encompassed by cars considering the store is located on a significant connecting road between town centres, leading to the equally assuming position that they will be driving more than 800 metres.

### **The Inadequacy of the Amended Plan**

The Amended Plan fails to take into account a number of key objections to the proposed development, as listed below and emphasised in the initial objection to the original plan. Importantly, *prima facie*, the Amended Plan only goes as far as making insignificant tweaks, rather than addressing any substantive concerns of local residents. Emphasising the point, the Amended Plan does not even go as far as keeping an existing tree, never mind addressing concerns as regards the nature of the local area, safety, effect on small independent retailers and it's unnecessary nature.

#### ***(i) - The Nature of the Surrounding Area***

The Amended Plan is unsuited to the local area, out of character and will constitute a 'blot' on the surrounding landscape. This is based on the following points:

- a) The proposed development is situated at the former Saint John Fisher Roman Catholic Church on Waltham Road. It stands in a prominent position, just a short drive from 'central' Scartho. The local area can fairly be described as quiet, historic and residential. A number of the buildings on Waltham Road, including 99 Waltham Road, are over 100 years old. They have historic and noteworthy features (some

built in the Edwardian era) including prominent bay windows, wooden beams on front elevations, dramatic brickwork and decorative rendering. The local demographic is predominantly residents over the age of 50, a significant proportion are retired;

b) Noting the aforementioned; the proposed development as illustrated in the front and side elevations (the “elevations”) are significantly out of character with the local area. The elevations illustrate a building design which lacks conformity with the surrounding buildings:

- The elevations illustrate a modern design, with grey metal work, dark roofing and modern brickwork, yet the buildings opposite are historic, residential and are over 100 years old. The design is ostentatious, apathetic and seeks to stand out rather than enhance the local area;
- The elevations indicate a design which shares no commonality to the surrounding buildings. It does not share any of the same features, colouring, scale or grandeur of the surrounding buildings. Not only does it stand out in a gaudy manner, the modern aspects of the design do not enhance the local area. This opinion is one which is shared with various local residents, a significant proportion choosing Waltham Road for its historic features and ‘country village’ feel.

c) The Application seeks to highlight various factors in support, a number of which lack clarity, misunderstand the area and divert attention from important considerations, all of which are not proper to a planning application which could negatively impact a significant number of local residents. More specifically, the Application highlights three key points. Firstly, the proposed development falls outside of the Scartho Conservation boundary. Secondly, the former Church is of little historical significance resulting in a ‘negligible impact.’ Thirdly, no Heritage Assets fall within the proposed development boundary. However, these points should be read in light of the following:

- The Scartho Conservation Boundary lies a matter of metres away from the proposed development’s boundary. Relying on the scale used within the Application’s plans, it lies approximately 20 metres from the boundary. This serves to illustrate the character of the houses and local area, further demonstrating that the proposed development simply will not fit;
- The closest Heritage Asset is again a matter of metres from the proposed development. Not only this, it adjoins the site on the West of Waltham Road. Again, it’s not unreasonable to suggest the proposed development is surrounded by

classic, heritage and aged housing with a quite ‘village feel.’ None of these factors present in the current design;

- The former Church may be of negligible historical significance. It is acknowledged that it hasn’t been used since the late 2017. However, this does not serve as a reason for the proposed development. It merely serves to suggest that re-development is a possibility but said re-development still needs to be in keeping with the local area, as was the former Church.

#### **(ii) A Co-Op Store is Unnecessary**

The Objection’s second position is that a further convenience store is unnecessary, noting the availability of nearby shops. This is based on the following points:

- a) Within 1 kilometre of the proposed development site there exist a number of convenience stores of comparable scale and accessibility. These are all within a reasonable walking distance, serve the local community and illustrate the lack of necessity for another store. These include:

- Spar – 33 Waltham Road;
- Today’s Extra – 13 Waltham Road;
- Cooplands Bakery – 4 Waltham Road;
- Louth Road News & Convenience Store – 13 Louth Road;
- Fresh Grimsby Fish – 19 Waltham Road;
- Swales of Scartho – 17 Waltham Road;
- The Vegetable Plot – 21B Waltham Road;
- Brown’s Family Butchers – 29 Louth Road;
- Co-op – 17 Coniston Avenue (0.9 miles from the proposed development site);
- New Waltham Convenience Store (2.5 miles from the proposed development site);
- Co-op - Station Road, New Waltham (2.4 miles from the proposed development).

- b) As is obvious from the above list, Waltham Road is well served by high quality, local and long standing convenience stores, butchers, bakers and green grocers, all of which are within a reasonable walking distance from the proposed development and accessible for passing trade. Not only this, further emphasising the lack of necessity; within a 2.5 mile radius, there are a further two Co-op Convenience Stores. Clearly, the area is at risk of being bombarded by the same shop, with the same products, with the same design. The area is best served by local independent stores, with the already available larger stores for ‘weekly shops.’

c) Not only are the local residents (within an 800 metre walking distance) well served by local independent stores, the detrimental impact on local trade would be vast. This is exacerbated by the COVID-19 pandemic, where independent traders are patently struggling financially, with reduced foot fall, regulation, closures and uncertain trading patterns. It's not unreasonable to suggest the proposed development would result in unviable local businesses, running contrary to the following publications of NELC:

- The North East Lincolnshire Economic Recovery Plan (2021) – aims to “*support our local businesses, create employment opportunities and help to reshape our future economy.*” NELC has gone one step further, making a positive commitment to “*engage, listen and maintain the confidence and trust of the local business community with the aspiration to create jobs and prosper.*” The proposed development is the antithesis of these commitments, negatively impacting local trade, which is well established and favoured by residents;
- NELC Local Plan 2013-2032 (adopted) – with the relevant and pertinent aim to “*protect and enhance those features of our Borough which are special.*” The proposed development falls within or just outside of the “Southern Arc.” As emphasised in the Plan, NELC aim to ensure the encompassed settlements “*have grown but their character will have been protected through good design and sensitive planning. They will have been sustained by improving local community facilities...*” The proposed development does not constitute sensitive planning, nor does it protect the area, nor does it improve local community facilities such as independent retailers. It does quite the opposite, diminishing the historic value of the area and its ‘village feel;’
- NELC Article Entitled “Being ‘Loyal to Local’ has never been more important” (dated 16 June 2020) – the article asks residents of NELC to “*spend money with other local businesses [as it will] add so much more to the wellbeing of the Northern Lincolnshire community.*” In the wake of COVID-19, NELC runs the risk of promoting national corporations and acting contrary to its published message. It is incumbent on NELC to protect local business, following national and unprecedented support measures;
- Building on the above article, the ‘Loyal to Local Campaign’ features extensively in the NELC website, with numerous articles and links to the third party website ([loyaltolocal.co.uk](http://loyaltolocal.co.uk)). The campaign, supported by NELC, argues that shopping local adds more to local wellbeing, reduces environmental impact and will “mean the world to someone in the local community.” NELC should be advised that the proposed development is at odds with this campaign; noting the independent

grocers, fish mongers and convenience stores. Patently, the Co-op will not ‘mean the world to independent retailers.’

**(iii) The Retail Assessment (Lincolnshire Cooperative Society) (the “Retail Assessment”)**

Notably, the Retail Assessment applies the National Policy Planning Framework (NPPF) and aforementioned Local Plan for 2013 – 2032. A number of points needs to be made as regards the retail Assessment, pertinent to the Application and as follows:

- Paragraph 1.2 – The Retail Assessment states that the proposed development will *“contribute to the requirement for greater local shopping facilities in response to the growing trend for more convenience shopping to be undertaken locally and more frequently.”* In making this claim the retail Assessment relies upon the Experian Retail Planner Briefing Note 13 by way of example. Note, firstly that the referenced publication date of this document is incorrect. However, reliance on an outdated report is misplaced:
  - Experian forecast (between 2019- 2023; in subsequent briefing notes that are not outdated and published in 2015) that there will be no growth in convenience goods expenditure per capita, with a rather modest 0.1% over the long term from 2023 onwards. The position is thus, arguably, quite stable;
  - Kantar (per their article entitled “A Month of Moderation for the UK Grocery Sector” dated 4 February 2020) indicate a more realistic and up to date picture. The article indicates grocery inflation at 0.3% to the 12 weeks ending 26 January 2020, with consumers trending towards cheaper alternatives or discount stores. Similarly, Kantar (in their article entitled “Grocery Growth Slows and Habits Change as UK Adapts”) gives a more accurate position. Although year on year sales have increased and there is a highlighted tendency towards smaller convenience stores, the article also draws attention to the fact that large format supermarkets continue to supply the majority of Britain’s food and drink, with a comparable increase in shoppers moving to online retailers. As such, the Retail Assessment’s statement at paragraph 1.2 must be read in its factual and up to date context, noting the uncertain impact of COVID-19 on shopper behaviour and trend patterns;
  - Paragraph 1.2, in a similar fashion, also draws attention to the fact that the proposed development will be of “limited size,” thus shifting attention and ‘playing down’ its impact on the local area. However, such a statement fails to detail the adjoining funeral services building, with separate access, six parking spaces and of comparable scale. Thus, it is unrealistic for the Retail Assessment to indicate the

proposed development may constitute a “small shop” per the Government’s definition, when to the local area, it is a significant development and change of usage when considered cumulatively.

- Paragraph 4.1 Onwards - Sequential Test; Section 4 of the retail Assessment covers the requirement for the Application to demonstrate that the proposed development in an ‘out of centre’ location can’t be better served in a more centrally located site(somewhat placing them in sequence). It is accepted that the sequential test requires proportionality and appropriateness, further that suitability requires that need or demand should be considered in the context of the proposal’s intention (as outlined at paragraph 4.2). However, the Retail Assessment fails to properly apply and explain Lord Reed’s Judgement in *Tesco Stores v Dundee City Council* [2012] UKSC 1, whilst also ‘over simplifying’ application of the Sequential Test.
  - Key to the decision in *Tesco Stores* is the qualification statement at [28], which serves to qualify the definition of suitable (for the development proposed by the applicant). The sequential approach must have realism, flexibility and have regard to the particular town centre regarding format, scale and design. Applicants must have regard to accommodating the proposed development in an alternative built form, adjusting large proposals such that they fit better with existing development in town centres. It would, thus, be an oversimplification to merely state (as the Application has done) that the scale of the development can’t be accommodated elsewhere and is consequentially, definitive. The Application has not properly applied the test; by failing to have consideration for the local area at all, failing to consider if the development can be accommodated in a different form and failing to consider if sequentially preferable locations are suitable on that footing. The retail Assessment merely details a catchment area surrounding the site (of 600 - 800 metres), stating that other sites wouldn’t be suitable to serve the proposed catchment;
  - Similarly, at paragraph 4.8, the Retail Assessment once again argues that the proposed development would constitute a “small shop” not taking into account the adjoining funeral service. In addition, it makes the absurd statement that the proposed development “cannot be considered as serving a more than local catchment area.” Yet, the proposed development is on a busy stretch of road, connecting Scartho and Waltham, representing a significant commuter route to locations outside of the catchment area. NELC is employed to apply an element of realism in assessing the Application.
- Paragraph 4.24 Onwards – Impact Test; this section of the Retail Assessment focusses on an application of the Impact Test. It states that a descriptive analysis

should be conducted under Policy 23, which is accepted as proportionate. Further, it argues that the majority of sales are likely to be drawn from larger stores in the centre of Grimsby, on the basis that recent survey findings indicate that major out of centre stores account for a significant proportion of top up shopping. However, as before, ‘one does not necessarily lead to the other.’ It fails to take account of localised trends on a smaller scale in the Waltham/ Scartho area, which tend to point in the direction of customers favouring small independent retailers. It also fails to take account of the increased impact resulting from COVID-19, where even the smallest draw in trade would result in an exacerbated impact. NELC are employed, as above, to apply realism. COVID-19 has to be taken into account in assessing the Application, as do the local trends of shoppers close to the proposed development.

#### **(iv) impact on Local Traffic**

The impact on traffic levels, associated noise, pedestrians and cyclists is considered concerning. The proposed development has two access points, one for the funeral services and the other for the retail services. Waltham Road is very busy, with peak times largely following the usual ‘rush hours’ and local school closures (Fairfield). Waltham Road is adopted by cars and has cycle lanes, also regularly used for residential parking. Within a matter of metres, there is a turn onto Hawthorne Avenue, south of the proposed development.

At peak times, the north carriageway could be used by cars exiting the Co-op retail entrance, cars exiting the Co-op Funeral Entrance, pedestrians exiting the schools, cyclists, those turning right onto Hawthorne Avenue and local residents parking cars. Patently, this presents a risk, particularly on a road which has had speeding issues. In addition, the uncontrolled pedestrian crossings are considered unsuitable for the volume of pavement users on this particular stretch of Waltham Road.

In conclusion, we feel the Amended Plan is unsatisfactory, fails to take in the views of local residents and therefore object the proposed development.

Kind regards,

Phoebe Foster  
99 Waltham Road

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works - AMENDED PLANS RECEIVED JULY 2021

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Lewis Newsum

Address: 99 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir,

I am writing to object to planning application ref: DM/0210/21/FUL.

The application comprises of the demolition of former St John Catholic Church Hall and the erection of a single storey building comprising of one convenience store and one funeral services building.

I currently live directly opposite from the proposed site and have done for the last 17 months.

I wish to object to the aforementioned application on the following grounds:

1. The proposed development will have a negative impact on the amenity of another property, through noise, loss of privacy, dust, or late night activities.

The proposed development is to be built directly across the road from our home, which will give customers, employees and other workers a direct line of sight into and through the front windows of our house, this therefore is a significant loss of privacy. Alongside this the store is to be serviced via delivery from large lorries on a regular basis, the planning shows that the indicative turning manoeuvre for the delivery vehicle is that the lorry should pull into the car park and reverse up to the service yard for delivery. Partner the noise of the lorry engine running, vehicle turning and

reversing beeper together will make for noticeable noise pollution. Also, I've not noticed any times have been stipulated for delivery to the store, so this could be happening any time of day from early in the morning to late in the evening.

2. The proposed use is not compatible with existing uses, for example a commercial use in a residential area.

Currently Waltham Road is a residential area, with aesthetically pleasing houses all designed together in keeping to create a local village feel. The St John Catholic Church blends into this environment well with its low key design, large open green areas and small footfall in comparison to the proposed development. To demolish this dwelling and replace it with a large commercial premises, which is designed for operation seven days a week and 15 hours a day does not make this application compatible with the residential area of which it would be situated in.

3. The development may cause traffic problems such as traffic generation, access or safety problems.

With the increased activity at the site for customers, employees and deliveries. The volume of traffic will increase dramatically, from small vehicles all the way up to large HGV's. With the placement of the entrance and exits to the site situated just after a large bend, the visibility for drivers entering and leaving the premises will be poor and increase the likelihood of RTC's on the road, of which already happen often. Just weeks ago a collision took place directly outside of the proposed entrance resulting in the writing off of two vehicles. Also, if anyone was waiting to turn right into the proposed development, this would create a backlog of vehicles along the already busy Waltham Road, increasing the risk of collisions and congestion.

4. There is a history of rejecting similar developments in the area. Approval would create a precedent meaning it would be difficult to object to similar proposals. The proposal will have an economic impact, such as impacting on small businesses.

There has already been two Co-operative convenience stores recently rejected in the area, all receiving noticeable objections. This shows there is no want or need from the public for yet more convenience stores being erected within residential areas. If this proposal were to be approved it would create a precedent, which would then make it easier for more convenience stores being erected in the area, decimating the existence of the small independent local shop/business. There are currently two bakeries, two butchers, four convenience stores and a number of takeaways situated a few hundred metres from the proposed development which will all lose significant business if this planning is approved.

5. Proposed advertising creates visual clutter.

Overly commercial appearance of the store.

6. The proposed development will damage the natural environment or will result in significant loss of trees.

As mentioned in numerous objections to this planning application. The proposal is to remove all of the existing, well established trees at the front of the land. I see this as unacceptable as the trees have been seen to house different types of bird and wildlife so should not be removed as this will have an adverse effect on the natural environment. There are replacements to be planted, but they will not be of the same standard of tree which currently stands and serves the local wildlife and environment. As the proposer's have previously mentioned they need to remove the trees to improve the safety of the road entrance and exits to the store. Perhaps the site and road layout should be more thought through so that trees don't need to be cut down to assist in commercial development, and yet more loss of green space in our local community.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Roger Hale

Address: 101 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a continuation of my response. Points 1-4 are in my previous response today and points 5-6 here below.

5. The serious damage to the existing commercial outlets in the area

I would like to know what the Council's independently commissioned report on the consequences of this proposed project on other local businesses would be, suggests.

It would be no surprise to me if it outlines in detail very serious adverse economic consequences for the many well established and successful local businesses in Scartho, Waltham and New Waltham. There is no need for yet another small supermarket. The Co-op itself already has two outlets in the area and the number of small supermarkets in total currently numbers six in a relatively small area. Creating a seventh is going to have significant adverse effects on those already established. But it will also adversely effect other local Shops and enterprises in our locality.

6. Conclusion

The period of consultation on this occasion has been extremely short, especially since an attempt has to be made to find differences from two previous versions. But I see nothing in these new plans to make me change my mind about this proposed scheme: I remain completely opposed to the scheme for all the reasons I have outlined above and in my two previous responses to the two previous sets of plans, which I trust will also be considered in the process of decision-making.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Hazel Hale

Address: 101 Waltham Road Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Objection 1: Serious Traffic dangers.

Firstly, this will lead to a dangerous rise in the number of vehicles.

This road has developed from a relatively quiet B road to a busy main route to Grimsby. Indeed, your report actually states that Waltham Road is now a main artery into town.

The present issues are:

a) Traffic nose to tail, and often stationary between 8-30 a.m. and 9-30 a.m. There can be similar problems in the afternoon.

b) Some cars not abiding by the 30 mph speed limit, particularly as they approach this area from Waltham. At the "blind" corner, from the south, they do not realise they are getting near to an area with many shops, amenities and road entrances and exits, and drive far too fast. There is no speed camera, just a sign.

c) Excessive car parking on the road, especially visitors to people's homes which means traffic often have to pull out dangerously. Often people park on the kerbs in order to protect their cars , and this then presents hazards for pedestrians. Some residents have to park on the road for work reasons, for instance if they have a work vehicle too large for their driveway. This will become more complicated when traffic are slowing to turn into the Co-Op. At present, a small number of vehicles parking on the road is manageable, but will be less so if the development goes ahead.

In addition, exiting Hawthorne Avenue by car is very difficult if vehicles are parked on the road near this exit, and it is often impossible to see how to exit safely without nudging out into the road. Hawthorne Avenue has nine houses whose residents enter and exit their houses via Hawthorne Avenue, which represents quite a large number of cars.

d) Increased number of car journeys particularly for short journeys, for example to the already existing shops in this area.

May I now invite you to consider the following scenarios which will take place if this plan goes ahead:

Possible future issues:

Scenario 1: Imagine exiting Hawthorne Avenue by car and wanting to turn right. At present this is often difficult: parked cars reducing visibility; children riding their bikes to school; or extreme difficulty in exiting because of a build-up of traffic, which may also be stationary. Now imagine that cars are also trying to enter and exit one or both of the proposed 2 new Co-op entrances (the shop entrance would be diagonally opposite the Hawthorne Avenue entrance). A car turning right from the Co-op exit would have right of way, but may well be perilously close to a Hawthorne Avenue resident trying to exit, and also wanting to turn right on their side. The Hawthorne Avenue resident nudging out for visibility, may well get too near the path of the person exiting the Co-op, especially if that person is not aware of the hidden dangers in the Hawthorne Avenue exit, or has not even seen Hawthorne Road properly (for example because of parked cars, or the fact that the entrance is quite small as it is a small unadopted road). Add to this someone wanting to turn left into Hawthorne Avenue, from the main road, at the same time as someone wanting to exit it, and, at the same time as someone wanting to exit the Co-op. There would be gridlock all round (as all other traffic are drawn to a standstill).

Scenario 2: people turning into the Co-Op car park in order to turn round, and exiting immediately, in order to avoid the stationary traffic in the morning. This will further stall the traffic.

Scenario 3: people want to pop into the Co-op shop, but instead of turning into the car park, they park on Waltham Road. They may be put off by the entrance, or unable to see how busy it is and whether they will get a parking place, so choose not to risk entering the car park. They may then proceed to cause problems for the rest of the traffic by increasing visibility problems, and by walking across the road to do their shopping (if they can only find a place on the other side of the road).

Scenario 4: the nature of the traffic visits to the shops will be short, involving say a 20 minute visit. Unlike a church service, or an event, when people arrive and leave at the same time, the whole day from 7 am to 10 pm will be punctuated by these short sharp visits. Shorter visits will be more disruptive to traffic flow and create more pollution.

Scenario 5: drivers do want to park in the Co-op provided car park, but at peak time there may well be no parking spaces available, and traffic builds up on the road as cars wait in a queue for a

space to be available. This slows and brings to a halt traffic on Waltham Road. Impatient drivers may well try to overtake. Cars approaching from the south will not be able to see the queue ahead of them, because they are approaching from a blind corner. Cars abiding by the speed limit will struggle to slow down in time at this unexpected traffic entering and leaving the Co-op, or at queues on the road.

Scenario 6: Frequent deliveries from large Lorries to the shop, and hearses exiting onto Waltham Road. The extra traffic will not just be the customers. Delivery Lorries will be noisy and a hazard to pedestrians and existing traffic. In addition, one of your report states that the existing pavements will not be strong enough to withstand the weight of these vehicles. Presumably plans have been made to replace the pavement at these points. In addition, there are many potholes on the road presenting further hazards to this increased traffic.

This plan seems to have been based on the assumption that shoppers will just be a small number of passers-by in their cars. One report states that most shoppers will walk to this Co-Op. There is no evidence for this. No one can predict people's future travel methods. The government wants people to walk more, but the amount of traffic on the road suggests that people are not walking more.

In conclusion to this section, this proposal is likely to considerably increase traffic problems on Waltham Road.

Hazel Hale 101 Waltham Road 03.04.2021

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## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Hazel Hale

Address: 101 Waltham Road Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objection 2: Another shop is not needed on Waltham Road:

My second objection is that there are already sufficient shops in the area and a new one would take away business from the thriving shops nearby.

There are many food shops 0.1 miles from this proposed site: 2 butchers, 2 supermarkets, 3 bakeries (one just opened), takeways and more. Today's Extra has recently been refurbished and sells an excellent array of food, much of it better than in well-known supermarkets. The Spar already sells Lincolnshire Co-Op products. Scartho residents are very fortunate to have all these existing convenience stores, and to have most of them in one place, on Waltham Road and Louth Road, just after the Scartho road fork. These shops have a free car park on Waltham Road, and the Spar supermarket has its own free car parks for shoppers, one behind the shop and one in front. The traffic builds up when there are a lot of cars stopping to shop, and considerable care is needed in driving in this area as it is so busy. Nevertheless residents are grateful to have these amenities, especially as they do not greatly intrude on the residential areas. Indeed, people are so supportive of these shops that they would not want to see their viability under threat, as a result of a new Co-Op on Waltham Road.

There will be too many shops selling the same sort of thing. It would be wrong and upsetting to see one of the existing shops close as a result of this increased competition.

There has already been one closure, a chemist, (possibly because of increased competition in the new medical centre) and this shop now stands empty and is a rather an eyesore in this shopping area. It was surprising to learn from your reports that the Co-Op owns the freehold on this property (formerly Broadburn Chemist's). It does not seem to be environmentally friendly to build another

shop when it already owns an empty one 0.1 miles away. Indeed emails showed that the Lincolnshire Co-Op owns the freehold on most of the shops in this shopping centre. I feel that before digging up a new site and developing a new shop, the Co-Op should make full use of the land it owns already. It does not fit in with its environmental aims to keep building more shops when they are not necessary.

There is also another Co-Op south of this site on Coniston Road (0.8 miles from the proposed site) and another one at Waltham (1.5 miles from the proposed site). There is also another convenience store on Fairway (Fairways News) which is 0.9 miles from the proposed site. The Spar and surrounding shops on Waltham road are 0.1 miles from the proposed development on Waltham Road. These short distances illustrate how unnecessary it is to have yet another shop in this area.

In conclusion, all the upheaval of building a new shop on this site is totally unnecessary and would lead to the Co-Op monopolising all the retail outlets in the vicinity. This is not a fair position for other retailers.

In conclusion there is no need for another shop, and building one would create an undesirable monopoly from the Co-Op and risk putting others out of business.

Hazel Hale. 101 Waltham Road. 03.04.2021

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Hazel Hale

Address: 101 Waltham Road Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Objection 3: Heritage and Environmental issues: this site is a community asset and an important green space.

Your original heritage report seemed to see little heritage value in the present building. However, a subsequent report acknowledges there is value, and has suggested an archaeological report. So often buildings are dismissed because they have been built recently. There is a tendency to undervalue architecture of the 1960's (the date for this building is 1965). This building is an interesting example of post war architecture: unobtrusive, low level, with a distinct touch of modernism. Many people will be able to think of buildings they regret losing, and which were part of their own history, as well as the town's. This building was a chapel of ease, built to be a satellite church for a larger building. It tells us a lot about the local history. Furthermore, it could still function as a useable building. It contradicts modern environmental aims to demolish a building which has evidence of recent heritage, and which could be used again as a functional hall.

Is there a group who would like to buy the building and use it as a church so it retains its original purpose?

Post pandemic, we will need spaces where people can meet safely. This large, airy hall is ideal for communal gatherings. If a group owned it, they could rent it out to activity groups. Indeed, this has been happening for years, long before the building ceased to be used. I have witnessed many successful activities here: keep fit classes, weightwatchers, cycling training for young people in the

large car park, bring and buy sales, people meeting for the start of organised walks- all of these activities benefiting people in the community. And there is so much further potential here: adult education classes, choir and music groups, dance or drama classes, gardening groups, book clubs, to name but a few of the possibilities. These sorts of activities give meaning to people's lives. Furthermore, such activities often require people to be parked for a couple of hours at least- far less damaging than the short car visit produced by a shop.

If we demolish useful communal spaces such as this, we are further reducing opportunities for people to get together. Communal activities are vital to people's wellbeing and will be a top priority for councils as we emerge into a post-pandemic world. Technology has made the lockdown more manageable, but most people have discovered that human contact is more important than any technology. In order for people to meet, they will need the space to achieve this. This hall provides a vital service in the restart of our society.

In addition to the asset of the indoor space, this site provides a valuable green area as well, and a breathing space in an otherwise densely populated residential area. Just as there is a shortage of communal halls, there is also a shortage of open green areas, providing a haven for wildlife and a pollution free zone. This site fits the description as a green space. News bulletins have conveyed the idea that such areas are to be valued.

There are five well established and striking trees along the front of the site which would be destroyed if this plan happens. Your own arboricultural report states they are "of some value". The felling of these trees would be a serious loss to the area. Waltham Road is distinctive for its trees, and these five make an enormous contribution to the attractiveness of the roadside and the entrance into Grimsby. This part of Grimsby still has echoes of its rural past, not just in its trees. Many of the houses have large original gardens, teeming with wildlife because there are so many hedges, trees and shrubs. Driving up Waltham Road towards Grimsby you can still feel the rural aspect. The developers state that these 5 trees will be replaced with "native" trees. What exactly does this mean? Often the finest trees are Native to Europe and Asia, particularly the blossom trees. As the front of the site is metres from the Scartho heritage area, it seems wrong to change this line of natural heritage. There will be birds nesting, and animals living in this area. There does not seem to have been a wildlife report submitted to analyse the impact of the new building on nature as would have been appropriate.

In addition to the trees, the site has a substantial area of grass, again providing a habitat for wildlife and a pollution free area. There may be another reason why it may be wise to leave this grassy area undisturbed: after heavy rainfall there is considerable standing water on the grass and it takes a very long time to drain away. One of your reports, York Sills acknowledges there may be a problem with this standing water. Paving over this area may create problems with a risk to local properties, and their report highlights this. This seems to be an urgent issue and I hope you will return to their report. It is well known anecdotally that the increasing paving over of natural land contributes to excessive surface water.

Finally, this is an inappropriate development in an otherwise residential area. No mention has

been made of the light pollution, which would also have a detrimental effect on wildlife, and local residents, especially as the shop will be open until 10pm every night. The public need to be informed of the developer's intentions in this regard.

In conclusion, I hope I have argued successfully that this plan should not come to fruition because of the reasons outlined: It would create dangerous traffic problems; it would introduce unfair retail competition into an area which already has enough shops; it would harm a distinctive green space which would change the character of the area; and it would needlessly destroy a perfectly usable building, which could be a life enhancing asset for all of us in a post pandemic world.

Hazel Hale 101 Waltham Road. 03.04.2021.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Hazel Hale

Address: 101 Waltham Road Scartho Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Nothing has changed in the plan to make the proposed development acceptable. It is an inappropriate and insensitive use of the space.

It is difficult to understand why anyone would want to spoil this beautiful exit and entrance to the town. This plan will make the road faceless and characterless, and considerably more "urban". I would ask anyone who has decision making responsibility to just walk or drive down this road and see the 5 trees gracing the roadway. This is not a sentimental reason to reject this proposal. Tree lined roads matter and they are the glory of many of the entrances to the town. Why reject one of the town's main assets?

I will now summarise my objections to the proposal:

1. There are already enough shops and yet another one will more than likely put others out of business. This would be an unacceptable consequence and a disaster economically.
2. This plan will seriously change the quiet residential nature of this area, including spoiling the tree lined aspect of this part of Waltham Road, and damaging wildlife living in the trees.
3. Noise and light pollution will seriously affect the lives of everyone near this proposed site. There are many elderly people in this area whose health and wellbeing will be undermined, for example, being woken early by deliveries, and by the light pollution during the night. Indeed all ages will be unduly affected.
3. Buildings which are still useable should not be demolished- this former church needs an imaginative re-invention rather than demolition. See:

RIBA Architects say building demolitions cause of carbon emissions - BBC News

4. A funeral parlour next to a shop is not a sensitive welcome for bereaved families- a funeral parlour should ideally not be linked to a supermarket.
5. This is a dangerous exit and entrance, with a blind bend in the direction towards Waltham, and there will be an increased risk of accidents.

Finally, it may be that the rush towards retail development masks some concern as to what this site may become if this proposal is not accepted. Alternatives should not be feared. This land is a valuable and exciting opportunity to create a green site or a community venue in an urban location, and may I suggest that interesting ideas from the public are invited for discussion.

Hazel Hale. 07.10.2021.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: AMENDED DESCRIPTION - Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Hazel Hale

Address: 101 Waltham Road Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This new report does not change my previous 2 comments that this proposal is unacceptable:

1. Inappropriate in a residential area
  2. Will destroy too many beautiful trees
  3. Noise pollution will be unacceptable- deliveries etc
  4. Traffic is still an issue- may be overspill parking on the road, and blind bend on Waltham Road a danger.
  5. Better ways to develop this space.
  6. Light pollution unacceptable in a residential area.
- Will open too early and close too late.

# **Comments for Planning Application DM/0210/21/FUL**

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Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Roger Hale

Address: 101 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to make points under the following headings:

1. Groundhog Day
2. The destruction of a residential area
3. The absolute viability of alternative possibilities
4. The high risk of serious accidents arising from this proposed change
5. The serious damage to the existing commercial outlets in the area
6. Conclusion

### **1. Groundhog Day**

We're now reaching the end of another consultation period (the third!) about this proposed project. Local residents have now been written to on three occasions to offer their views on the original and then twice amended plans. But crucially no explanation has been provided as to how the amended plans differ from the original ones (in the case of the second set, it appears hardly at all!). Further, respondents have received no feedback whatsoever about their responses. This is very disappointing.

I don't understand why some simple explanation of how the third plan differs from the second and how the second differs from the first could not have been provided by either those submitting the plans or by planning officers. It appears as if this third set of plans brings very few changes at all.

This on-going 'groundhog day' experience is both stressful and unnerving.

## 2. The destruction of a residential area

Most commercial centres in our town exist in clusters engineered for that purpose. As has been mentioned many times, we are not short of them in this area.

But this section of Waltham Road is not a commercial area, it is a residential one! If a supermarket is created in the middle of it, the nature of the area will be forever changed. The planners of this scheme envisage seven days a week opening with long hours of business (perhaps 15 a day) : 15/7/365 ! This will impose extra traffic, noise, light pollution, litter and potentially anti-social conduct on to a currently very pleasant residential area. This is not a small or unimportant adverse factor for those who live in this area!

## 3. The absolute viability of alternative possibilities

It is understandable that there exist concerns in some people's minds as to what will be the fate of this site if the current proposal is rejected. Some imagine worrying outcomes. But it is a strange logic which makes future uncertainty a justification for a flawed and unwanted project now.

Personally, I would like to see a future use for this site which sensitively re-develops the existing building rather than replacing it (in line with government thinking) and which retains the beautiful trees which are such an outstanding feature of Scartho.

I would have no objections to a Co-op Funeral

Home which could occupy the existing building. This could be made into a tasteful and respectful site for such a purpose. The current plans seem to think it is appropriate to show-horn this most delicate of businesses into a busy commercial complex, greedily exploiting every inch of the site.

Another appropriate use would be as a Community Centre, which is how the site has long been utilised during week days, to the benefit of many.

And of course, it seems very strange that the most obvious of uses in a residential district (housing!) cannot be contemplated because of a covenant placed upon the site by the existing owners.

Any number of viable schemes could be adopted in the future and all would be far preferable to this one.

#### 4. The high risk of serious accidents arising from this proposed change

I am amazed and disappointed that the local Highways Department has not opposed this proposal as a threat to public safety. Recent accidents, the extremely busy nature of the road at prolonged periods of the day and the dangerous bend in the road near to the proposed site make this a recipe for danger.

In addition, I recently carried out a short experiment to assess for myself what it is like to make a right turn out of the current church premises. I have done this on separate days and at different times of day to get a good impression. I can tell you that on several occasions cars sped past me as I waited to turn at considerable speeds and that I had very little warning of their arrival. The bend in the road is a hazardous one and traffic parked on the road (quite legally) only makes matters worse. It really is an accident waiting to happen! Only an accident has already occurred this summer (as reported by numerous respondents to the second consultation).

Sections 5 & 6 will appear in a second document to follow.

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Roger Hale

Address: 101 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Reasons for my opposition to the scheme:

1 The weight and force of objections to this scheme in its first version were considerable. The new second version offers no significant changes to deal with their force of argument.

I have already made my considerable objections to this scheme clear in my response to the first consultation. By the end of that process, it was clear that I wasn't alone in opposing the plans. I was impressed by the number of responses and the force of their arguments. They seem to me to make a very powerful argument against the previous scheme. I am relieved to hear that all these responses will be considered during the decision making process. I am surprised to see how little they have been taken into account in the second, amended, version of this bid. The new version still stands condemned by the weight of the arguments put forward previously.

2 There is no need for another super market in Scartho.

The town of Grimsby is facing huge problems in dealing with the near collapse of its town centre shopping area. Since I last wrote the impact of the pandemic on town centre shopping has grown much more stark. I'm not sure how this sad decline can be reversed, but I am quite certain that the solution is not to provide more supermarkets in residential areas in the town's suburbs.

I have now had the chance to peruse the powerful submission made by Spar in the first consultation. It is clear that the creation of a seventh supermarket in our immediate area (two in Scartho, two in Waltham, two in New Waltham) will have a hugely negative effect on the existing shops, particularly the two in Scartho. They both provide an excellent service for our community and it seems not only unnecessary to provide yet another shop, but hugely damaging to the existing ones, which deserve the Council's support and protection.

### 3 There are many better ways of using this site.

I am sure that some sort of community provision could utilise this site. I would urge this form of usage for the facility to be explored. I personally would have few objections if the Co-op were to use the site to create a Funeral Parlour. This idea would not necessitate the demolition of a building which could be easily remodelled for that purpose. Neither would it be necessary to destroy the beautiful and well established trees at the front of the property.

### 4 This is a residential area which should not be disturbed. The impact on the site's neighbours will be extreme and very unpleasant.

The area surrounding the site in question is a residential one. Local ratepayers have purchased properties here in good faith with the understanding that the Church site would not and could not be transformed into a busy supermarket. The process of making that change and the end result it will bring will be at a huge cost to local residents: noise, unwanted lighting, constant disturbance, litter and other associated anti-social effects will all have a dramatic effect.

The thought of all this going on every day of every week throughout the year is a very depressing thought, indeed.

### 5 The adverse impact on the local environment will be significant.

I remain extremely sad at the prospect of three magnificent trees being removed from our neighbourhood. Some of the trees on Waltham Road have a preservation order on them and I think there ought to be one on these trees too. Other residents have written objecting to the adverse effects on local wildlife. Those powerful points remain absolutely valid and should be noted.

### 6 The risk of accidents is considerable; this location will not be a safe one.

Since I last wrote objections the amount of traffic on this part of Waltham Road has grown considerably: it is a very busy road for much of the day. Last month there was a serious car accident right outside the proposed site and a car was written off as a result. I fear and predict many more accidents if this site is used in this way.

In conclusion, I remain passionately opposed to this scheme, which is not needed and indeed which would bring many more bad consequences than good ones trailing in its wake.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Hazel Hale

Address: 101 Waltham Road Scartho wea Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objections 1 to 4 (8 total)

Objections to co-op July 22nd 2021.

I am unclear how this proposal is different from the original one and would be grateful if there could be some information regarding this. Please find below in 2 submitted comments 8 objections and a conclusion.

1. Unsuitable and inappropriate location and there are too many shops in this area already: this is a residential area. New shops should ideally be built in existing buildings which have closed down or areas which need rejuvenating. It seems unnecessary to build yet another food shop in an area inundated with convenience stores, when so many shops in the town have been boarded up. The emphasis should be on regenerating the town centre, not the outskirts of the town. (See comment A.F. Blakemore and son).

2. The road is too busy to take the strain of a new store: there are already traffic problems with parking on the road, queues at school times, pollution from excessive traffic. A new store will exacerbate problems and may well lead to more accidents, especially with the blind corner towards Waltham. With the building of hundreds of new houses around Waltham And Tollbar, the traffic is going to increase even more and become unsupportable as Waltham Road is one of only 2 roads from the south, along with Louth Road, to the Bargate end of town.

3. Lack of a thorough retail assessment: there is no evidence this has been done in an up-to-date

way. If the argument is that there will be more walk-ins, it is unclear why so many parking spaces have been planned. This is contradictory. Data provided is out-of-date and inadequate.

4. Destruction of a green site: the grassland will be destroyed, and more worryingly the 5 magnificent trees which front the area. In view of the world's agreed aims to preserve animal habitats, and plant trees to protect the climate, it is wrong to remove the trees. I have been told that owls have been seen nesting in these trees. If the trees have to be removed to carry out this project, it is the wrong project. This tree line is one of the most spectacular in Grimsby, and sets a fine entranceway to the town when approaching from the south, especially in the blossom season. It is nothing short of mindless destruction to cut down trees which are such an asset to us all: our health, the atmosphere, the wildlife and the aesthetics of a Grimsby road view.

Continued.

Hazel Hale.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works - AMENDED PLANS RECEIVED JULY 2021

Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Hazel Hale

Address: 101 Waltham Road Scartho wea Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objections continued

5 to 8 (total of 8)

5. Noise, light and dust pollution: this should be seen as a serious problem for nearby residents, and is why a building such as this in a residential area is dangerous to people's health and wellbeing. This cannot be ignored and I cannot see where this is addressed. There is a serious risk to health during the proposed construction. Although the times allowed for this work are restricted, they are not restricted enough. Has an assessment been done on the effect on people's lungs and health of all the dust which will be created, to all the children who pass by on their way to school, and to all the elderly nearby residents, of whom there are a large number, and who will not be able to escape the daily grind of noise and dust pollution, as many are in their homes all day?

6. Taking away a community venue: this has not been addressed at all. Many people have been using this venue as a place to meet and enjoy hobbies e.g. keep fit groups, slimming world, cycling lessons, a meeting place for organized walks, and more. I would be grateful if it could be pointed out how taking away a valuable meeting place, essential for people's wellbeing is to be compensated for.

7. Demolition raises carbon emissions, and is wasteful: the church is a substantial and useful building, which should be used rather than destroyed. Demolishing buildings is vehemently opposed by Architects and I refer you to an article in the Times on June 1st 2021 entitled: "Demolishing 50,000 buildings a year are a national disgrace" by Will Hurst managing director of

the Architects' Journal. Here he outlines the dangers to the climate in the rush to demolish and I quote: "Buildings are quickly viewed as obsolete ... Many could be revitalised ...where necessary. Instead they are replaced with shiny new structures built of fossil-fuel-hungry steel and cement. No wonder the construction sector accounts for about 10% of the country's carbon emissions, a percentage only likely to grow".

Now that consumers have the right to repair on electrical goods, to eliminate waste, it makes sense that buildings are re-used and recycled for the good of us all. This is what is being proposed by Architects in their RetroFirst campaign. St John Fisher Church is a perfectly usable building. It would be immoral to see good flooring, windows, seating etc all thrown into tips to be destroyed. It would be wasteful in the extreme. I suggest that the best solution is for someone to come up with an idea to re-use and adapt this church.

8. Heritage Concerns: A 1960's Catholic Church of this design has heritage value. It is an unobtrusive, well designed building and typical of the post war modernist style buildings. It is part of the town's heritage, especially for the thousands of members of the congregations who have attended services there over the years. Such buildings are soon history, and I would suggest that this one is already. It is impressive in that it is built in such a generously large open green space, providing welcome relief from all the houses and concrete it is surrounded by. We all benefit from this attractively built sixties building sitting in its own green space. It deserves to be preserved and re-used. I do not feel that heritage response has adequately addressed the architectural and green heritage of this site. The trees are also part of the green heritage and as I point out above also deserve to be preserved.

Conclusion: This is a proud town, and it is heart breaking to see the closing down and the demise of the town centre. I suggest part of the answer is to start building shops like the Co-op near the town centre in order to build up the town again. It does not make sense to place such shops in areas where there are too many convenience shops already. A F Blakemore and Son (comment May 7th) make excellent comments that sites should be chosen for town centres not out of town residential areas, and raise some legal matters on this and on retail assessments. I would be most grateful if the council could explain why they want to clutter up the outskirts of the town with unnecessary shops, and yet leave so many parts of the centre bare and abandoned.

On Tuesday July 20th 2021 this week Robert Jenrick, housing secretary, stated that he wanted all new streets to be "tree-lined" with "access to green space". If this proposal goes ahead it will fly in the face of Robert Jenrick's plans, and will destroy some of the finest trees on this beautiful entry road into Grimsby. The loss will be enormous, and the result will be a faceless entrance to the town from the south end. The proposal will also destroy a valuable area of green space, of which there is such a shortage in this area. It is concerning that the Council will even consider a proposal which opposes an inspirational government approach to town planning.

This plan should be rejected for all our sakes.

Hazel Hale.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Hazel Hale

Address: 101 Waltham Road Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to express my objections to the proposed development of the Lincolnshire Co-op on Waltham Road. They are:

1. Serious traffic problems will be created with a possible increase in danger to life, complicating an already serious traffic situation.
2. Another shop is not needed on Waltham Road as so many already exist nearby.
3. Heritage and Environmental issues- the heritage of the building, the site's character, and the green space and wildlife, all need to be saved and protected.

Each of these objections is considered in detail in separate documents.

I would like to express my objections to the proposed development of the Lincolnshire Co-op on Waltham Road. They are:

4. Serious traffic problems will be created with a possible increase in danger to life, complicating an already serious traffic situation.
5. Another shop is not needed on Waltham Road as so many already exist nearby.
6. Heritage and Environmental issues- the heritage of the building, the site's character, and the green space and wildlife, all need to be saved and protected.

Each of these objections is considered in detail in separate documents.

Hazel Hale. 101 Waltham Road. 03.04.2021.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Roger Hale

Address: 101 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I welcome the opportunity to comment on these plans, about which I have a number of grave concerns. These can be grouped into four main categories:

1. Change of Usage
2. Traffic implications
3. Impact on the Environment
4. Impact on the quality of life for local residents

As a result of these concerns I do not believe that planning permission should be granted for this project.

### **1. Change of Usage.**

For over 50 years the existing building has served a clear purpose in our community. And changing the site's usage to a commercial one would have been illegal until last year. It seems therefore very unfortunate to make this change now. If a potential buyer can be found who wants to preserve its purpose as a place of worship, this would be much preferable. A buyer who wishes to preserve the original designated purpose for this land should be given preference over one whose plans will necessarily include dramatic changes and risks.

I do not believe that local circumstances warrant a change of usage in this case. There are two existing collections of shops in the local vicinity: in Scartho village and in Waltham village. Both of these include two medium sized convenience stores. Moreover the Co-op own the freehold on a vacant commercial property in the Scartho village (the ex-Braeburn Chemist shop). There are also several other convenience shops standing alone in the local vicinity. The existing sets of shops serve the community very well and really do not need to be added to. Further both of the existing blocks of shops have substantial parking areas to meet the traffic demand, an issue of concern with this project.

## 2. Traffic Implications

I have lived opposite the proposed site for over 25 years. In recent years the build up of traffic at numerous times in the day has led to traffic queues reaching beyond my house (especially 8.20am onwards in the morning, 3.10pm onwards after local schools release, and 5.00pm onwards as the end of the afternoon arrives). The general amount of traffic at other times of the day has increased significantly too in recent years. And often the speed of passing vehicles, especially in the evening hours, is of considerable concern. There are no speed cameras on this road as has been inaccurately claimed.

Any attempt to measure traffic trends cannot reasonably be carried out during a pandemic: 2020 was not a typical year. And recent trends need to be assessed in an up to date way which captures the trends of recent years.

I am very concerned that this project would lead to a very significant and potentially dangerous build up of traffic. The proposed arrangements for parking could quickly prove inadequate at busy periods (especially since the plans contain a dual usage of the site). This could well lead to clients parking on Waltham Road. There is already a great deal of on-road parking in the area, and more could create a hazardous situation.

Further the way the road bends prior to the site could lead to a dangerous situation if traffic is backing up waiting to enter the site. If cars end up parking on-road in both directions the amount of space in the road would be severely limited.

The plans for traffic to enter and exit the site do not seem to have taken these issues in to consideration adequately and seem to have under-estimated the potential traffic buildup considerably. In particular it does not seem wise for cars to enter the site and exit it from the same entrance.

Considerable traffic calming measures would need to be introduced to diminish these hazardous risks: speed cameras and multiple signage which all seems to be a disproportionate change to a residential area. It is currently a 30mph zone, but this is often dis-respected by passing drivers.

In conclusion on this point, I am very concerned about potential accidents and extra hazards being created directly by the these plans.

### 3. Impact on the Environment.

This part of Waltham Road is blessed with many beautiful and long established trees which provide support to our bird life. The proposed site includes 6 such trees, one of which is especially substantial and remarkable. The loss of these trees would be a very significant loss to the area. And any attempt to plant new trees (at least six, I would hope!) will be a very pale imitation of what currently exists for many years to come.

There are substantial drainage issues on this site. The grassed area to front right as viewed from opposite is regularly waterlogged after substantial rainfall and this often takes many days or even weeks to clear. The tarmaced area also gathers large puddles which are slow to clear. I am very concerned that this issue has not been fully or properly addressed in these plans and that this could lead to problems in the vicinity.

### 4. Impact on the Quality of life for local residents.

Notwithstanding the fact that Waltham Road is a busy one, this is essentially a quiet residential area. The amount of noise, late night lighting and interference with a quiet life is a major source of concern. It is not clear what the hours of operation would be for the proposed shops, nor are the arrangements for outside lighting specified. Furthermore, no restrictions on the hours when deliveries can be made are set out. It is hoped that these will be strictly limited so as to minimise the unwanted noise. Similarly limits on evening lighting which will have significant impact on local residents should be established.

In conclusion, I wish to re-affirm my opposition to this proposed scheme and my belief that planning permission should not be granted in this case.

Roger Hale  
101 Waltham Road, Scartho, Grimsby

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works - AMENDED PLANS RECEIVED JULY 2021

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Andrew Jackson

Address: 105 Waltham Road Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

### Comment Reasons:

Comment: In comments which I submitted some time ago, I mentioned in particular, the existing mature trees along the front boundary of the site in question.

I must stress that I consider it essential that these trees remain in place. I have read within the planning documents associated with this application, that the existing trees are likely to be removed, and a scheme of new planting and new trees introduced. I feel that that is unnecessary, unacceptable and pointless, as we already have mature trees to enjoy. The alternative would take many years to reach an equal maturity.

I am sure that Planning Officers would agree that trees will always enhance any environment.

Imagine how much more appealing Victoria Street Grimsby, would be, if there were trees anywhere in sight.

Please keep the trees. If the intention remains to remove them, then I would strongly object to the entire proposal.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Andrew Jackson

Address: 105 Waltham Road Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

### **Comment Reasons:**

Comment:I feel that the development must be carried out sympathetically, bearing in mind the nature of the immediate locality, which is entirely residential, (apart from no. 93 Waltham Road, which is mixed, residential with hairdresser's) and attractive.

Therefore, it is essential that any signage should be as subtle as possible, and not be garish, (as can be seen in the advertisements in the windows of the 24 hour store along Waltham Road, in the centre of Scartho).

Also, for the same reason, it is very important to retain the mature trees along the front boundary of the site. There is ample space to provide any vehicle access required in addition to that which exists. And a scheme of further green landscaping would also be necessary to ensure the site and the area remain pleasing to the eye.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

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Proposal: AMENDED DESCRIPTION - Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022.

Case Officer: Richard Limmer

## **Customer Details**

Name: Andrew Jackson

Address: 105 Waltham Road Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

### Comment Reasons:

Comment: The final day for submitting comments is today.

I had hoped to speak with Richard Limmer; I left him a couple of telephone messages during last week.

My main concern is the EXISTING MATURE TREES along the front boundary of the site in question.

I submitted comments regarding the trees, when first notified of the planning proposal.

I consider it essential that the trees remain. They play such an important part in the overall appearance of this section of Waltham Road, and will provide some degree of screening of the new building. Waltham Road is an attractive location, particularly owing to the trees along its length, although there are fewer in the section containing this site.

There is a generous frontage to the site, and surely ample space for the required accesses.

The application mentions a scheme of landscaping. The existing trees must be included in such a scheme.

Also, they will 'soften' the appearance of the development. This is a predominantly residential section of Waltham Road, and must remain so in appearance. Therefore, the SIGNAGE must be reasonably subtle, to reflect this. Nothing gaudy should be allowed to blight the locality.

I do not object to the planning proposal, and did not when originally informed of it, but I would most strongly object if the trees are threatened.

Please keep the trees  
I look forward to your comments.  
Andrew Jackson.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Suzanne Lydiate

Address: 110 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I concur with the recent comments regarding the unsuitability of this plan for a retail development.

There are too many negatives. Noise, loss of trees, traffic etc.

I agree that a funeral parlour would be more appropriate but this stand alone option may not be viable for the Lincoln Co-op.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Suzanne Lydiate

Address: 110 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

### Comment Reasons:

Comment: Whilst I can see that there has been a concerted effort regarding landscaping etc., the trees chosen will be much smaller, both front and back. Two entrances?? Bus stop??

As per previous comments, the same reasons for folk objecting to this application still apply. The site is presently a tranquil area with little disturbance. The trees are splendid and the grass has turned wild. The shrubs at the church front are thriving.

The site is for sale so of course it cannot be left indefinitely but is retail really the best answer. There will be, as much mentioned, increased traffic, noise, disturbance. I understand that housing is ruled out and there would be no funding for a community type development.

Aldi is due to open on 9 June on Scartho Top. I notice in Retail Report that Coniston Avenue Co-op would have to stay open for at least 5 years, which surely means that it might not be viable to operate two Co-ops in such close proximity.

Our fears could well prove to be unfounded but they may not and then it will be too late.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Suzanne Lydiate

Address: 110 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

### **Comment Reasons:**

Comment: As a local I can concur with many of the points made by my fellow neighbours. I have lived within the proximity of the planned area for some 43 years and the busy Church has never caused any problems. It was used regularly for many activities. A funeral parlour would see limited activity and traffic, but a shopping area with constant deliveries and shoppers would be on a different level.

I do not think visitors would be "passers by". The Lincoln Co-op would not be opening a store if they did not think it was going to be profitable. Visits would be short and regular and probably result in some customers parking on Waltham Road.

I do not really see the need for a further shop when Scartho is already very well supported in this regard.

I can, however, see that care has been taken to create a sensitive plan. I do wonder at the decision to remove all mature trees, only to be replaced with new trees and low level planting. New trees would clearly not give height. (I have been unable to establish types of trees intended). The flowering almond close to 106 is particularly attractive and affords a lovely view with privacy. The tree roots will be extensive for all the trees. Any grand garden planting would hopefully be maintained and not left to become untidy and wild as seems to be the trend these days with corporate grounds.

Two entrances placed at either end of frontage would clearly not be as safe as existing central

entrance.

It could well be that this new plan for the grounds would prove positive but understandably the reservations of local neighbours warrant careful and duly considered responses. I do think the store would prove popular, resulting in possible traffic problems.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Suzanne Lydiate

Address: 110 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

### Comment Reasons:

Comment: Further to recent comments regarding the trees on this plot, I would like to point out that the trees at the rear of the property are not blocking any road view. With regard to removing the trees to the front roadside, these could be pruned. There are drives next to trees all over this town. This is not usually a problem as most of the tree growth is not in eye view of the traffic. In addition vehicles are positioned to exit in such a way as to avoid the problem. Creating two entrances is making this situation worse. There has never been a problem with exiting this plot. I find it disheartening that removal of trees is mostly so convenient. Finding a way of working with existing planting should be key.



6 Hawthorne Avenue, Scartho, Grimsby, DN33 2NE,  
North East Lincolnshire.

1 April 2021

North East Lincolnshire Planning  
New Oxford House  
George Street  
Grimsby,  
DN31 1HB

**For the attention of Chief Planning Officer**

**Dear Sir,**

**The Proposed Co-op Store and Funeral Home in Waltham Road, Scartho.  
(Planning Application DM/0210/21/FUL)**

I attach to this letter my written objection to the planning application for the proposed Co-op Store and Funeral Home in Waltham Road (Planning Application DM/0210/21/FUL).

I did email my objection to your web site – but in posting I noted that my response was to be limited to 5000 words. Please now find attached my full text of objection.

Please ensure that this objection is placed with the other documents of this application for review by the Planning Committee.

Thank you

Yours truly

*Christopher Cook*

ENC: Objection to Planning Consent (2 pages)

**OBJECTION TO PROPOSED DEVELOPMENT OF PLANNING CONSENT FOR CO-OP  
CONVENIENCE STORE AND FUNERAL HOME IN WALTHAM ROAD, SCARTHO, GRIMSBY.  
(PLANNING APPLICATION DM/0210/21/FUL)**

This development is flawed in many respects, the following report lists some of the flaws.

**ONE.** There is an abundance of convenience stores in the area. There are 4 convenience stores within easy walking distance of this location. The proposed developer has an empty shop just 200 metres away from this location in Waltham Road. If they see a need for another convenience store - why have they not used that location at the Waltham Road blocks of shops? The Co-op do not need this store location. The neighbourhood does not need this convenience store.

**TWO.** Waltham Road is often clogged with large delivery lorries, any further store locations allowed will only exacerbate the problem. There is school traffic in this location and the increased traffic and lorries to the proposed store will create an additional risk to the school. Any additional traffic will also cause further delays on Bus Routes. There is a particular traffic problem at morning "rush hour" for schools. Waltham Road is clogged from Scartho Fork past the planned store location and almost to Fairfield Avenue. Further deliveries to the proposed store at this time will create morning havoc.

**THREE.** The proposals take down established trees. the environment will suffer if this happens.

**FOUR.** The whole nature of the proposed development is out of character and context with the neighbourhood. In any event a Funeral Home building with a convenience store is a combination that is not seen anywhere else. The proposed siting of a store next to a funeral home shows total dis-respect to mourners visiting the funeral home.

**FIVE.** The site should be used for housing in line with the Government's current policies. The current planning policies do not promote the conversion of residential/religious zones to be converted to commercial/industrial zones. Additional housing is the current local requirement, not unnecessary convenience stores.

**SIX.** It should also be taken into consideration that the Co-op already have an established funeral home in Grimsby and many more in Lincolnshire. They do not need another one.

**SEVEN.** A large supermarket is currently under construction in Scartho, again this proposed convenience store will not be able to compete with that and the already established convenience stores. This means the convenience store will not have a good future. This will result in yet another empty shop – causing an eyesore in the neighbourhood.

**EIGHT.** The proposed elevations are out of keeping with the neighbourhood. The existing building is low based and is not intrusive in this residential area. The proposed elevation is a large two storey development which is intrusive.

**NINE.** The supporting documentation in the form of various reports submitted with the Planning Application are based on incorrect assumptions and are contradictory – as detailed below: This is because these reports are all prepared by firms outside North East Lincolnshire and accordingly they have no local knowledge.

The following extracts are from

1. The Planning Statement
2. The Retail assessment
3. The Design and Access Statement
4. The Heritage Assessment.

**OBJECTION TO PROPOSED DEVELOPMENT OF PLANNING CONSENT FOR CO-OP  
CONVENIENCE STORE AND FUNERAL HOME IN WALTHAM ROAD, SCARTHO, GRIMSBY.  
(PLANNING APPLICATION DM/0210/21/FUL)**

**1. The Planning Statement (submitted on 25 February 2021).**

This states in item 7.28 that the proposed development "...is not expected to generate significant movements with an additional 13 trips associated with the convenience store in the peak hours and an additional 12 trips at the busiest time..." This must mean 25 additional trips are expected at busy times, and it ignores the funeral home. This is an incorrect assumption to avoid a planning restriction. (As stated in item TWO above – there is already serious traffic congestion at busy peak times). The clause continues to state that there will not be any impacts on adjacent junctions. Again, this is incorrect, there will be a serious impact on the junction with Hawthorne Avenue. The conclusion of the Clause 7.28 is that "...no mitigation is required..." in respect of traffic problems, again this is incorrect.

**2. The Retail Assessment (submitted on 25 February 2021)**

This quotes in Clause 3.3 part of the North East Lincolnshire Local Plan as follows:  
"...development outside of existing centres will be acceptable where it can be demonstrated that the development satisfies requirements of the sequential test and the impact test.." This proposed development does not satisfy either of these tests and is direct conflict with our Local Plan. This clause goes on to say that the proposed development "...will not have an adverse impact on the vitality and viability of any centre..." This is simply just incorrect and untrue. The proposed development will have an impact on all the existing centres.

**3. The Design and Access Statement (submitted on 25 February 2021)**

Clause 9.4 describes the appearance of the proposed development. In this the following is quoted "...the architect states his elevations have a strong presence.." Surely this emphasis on *strong presence* conflicts with the Heritage Assessment where impact of the proposed development is defined as "*minimal*"

Clause 11 of the Client's Statement states how the proposed development is "...good for everyone..." It certainly will not be good for all the other existing shops. It certainly will not be good for adjacent neighbours as the store proposes to be open 7 days a week from 7a.m. In the morning to 10p.m. at night.

**4. The Heritage Assessment (submitted on 11 March 2021).**

This report describes the impact on the area as "*negligible*". In particular the assessment of the overall impact as "*neutral/slight*" as shown in Table 2 is incorrect. The report also states that "...the benefits of the proposal can be said to outweigh the low risk posed to the neighbouring Conservation Area..." Again, this is a biased statement and as shown by the above facts of this objection that this report and the others are simply wrong.

**AND FINALLY**, the application was not publicised around the neighbourhood. It was only detailed to a few homes in total contravention of the spirit of neighbourhood planning consents.

**This application must be refused.**

**Christopher Cook.  
6 Hawthorne Avenue,  
Scartho, Grimsby, DN33 2NE .**

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: AMENDED DESCRIPTION - Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Christopher Cook

Address: 6 Hawthorne Avenue Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Hello Planning Committee

A document by Jackson Pelling has been submitted to your offices. This is entitled Final Detail Planning Advice.

The document has many failings and skips over the fact that the site proposal is for mixed use. The mixed use is an unsuitable mix. The document goes into much superfluous detail to create a thick report. The verbosity of the report does not prove its validity. This document should be rejected.

Then new site layout does not save the established trees on this site and no consideration has been given to even try to move the access to save trees.

This flawed application must be rejected.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works - AMENDED PLANS RECEIVED JULY 2021

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Christopher Cook

Address: 6 Hawthorne Avenue Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTION TO PLANNING APPLICATION DM/0210/21/FUL.

Proposal to erect General Store Combined with a Funeral Parlour.

The firm of Architects who have prepared the plans, Framework of Lincoln, have re-submitted their plans. But there is no real or substantial change to their original plans. All they have done is added the prefix "A" to all their drawings and re-issued them. I have telephoned their office.

This "revised" application does not address any of the many objections this proposal has received. In fact, all the comments and objections received have been ignored.

In particular the objections raised by AF Blakemore and their planning Consultants JMS have not been addressed at all. The proposal still does not address the fact that it is NOT in accordance with our Town Plan. If the Council Officers and the Councillors progress with this proposal against the Local Plan, the consequences will be most damaging for them. They are leaving themselves open to be accused ignoring the Local Plan and acting beyond their jurisdiction. In addition, as previous proposals for a general convenience store have been refused in the area - the Council can not now change its position - again leaving themselves open to adverse criticism and the possibility of legal action.

If this proposal does go ahead it will mean the end of a good local shopping centre. The proposal will then create unemployment and a gap in our local services. There is simply not room for another convenience store in our local area. This point was accepted when the Council refused other planning applications for additional convenience stores in Scartho. There has been no change in local requirements since that Council decision. The Council can not change its policy

now.

Demolition of this existing social building will also cause an increase to our local effect on climate change and global warming. The RIBA have stated that use should be made of existing buildings as the demolition of buildings to build new buildings does have an effect on climate change. For the above, and many other reasons, this application must be refused.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Christopher Cook

Address: 6 Hawthorne Avenue Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Proposed Erection of Co-op Store and Funeral Home.

This development is flawed in many respects, the following report lists some of the flaws.

ONE. There is an abundance of convenience stores in the area. There are 4 convenience stores within easy walking distance of this location. The proposed developer has an empty shop just 200 metres away from this location in Waltham Road. If they see a need for another convenience store - why have they not used that location at the Waltham Road blocks of shops? The Co-op do not need this store location. The neighbourhood does not need this convenience store.

TWO. Waltham Road is often clogged with large delivery lorries, any further store locations allowed will only exacerbate the problem. There is school traffic in this location and the increased traffic and lorries to the proposed store will create an additional risk to the school. Any additional traffic will also cause further delays on Bus Routes. There is a particular traffic problem at morning "rush hour" for schools. Waltham Road is clogged from Scartho Fork past the planned store location and almost to Fairfield Avenue. Further deliveries to the proposed store at this time will create morning havoc.

THREE. The proposals take down established trees. the environment will suffer if this happens.

FOUR. The whole nature of the proposed development is out of character and context with the neighbourhood. In any event a Funeral Home building with a convenience store is a combination that is not seen anywhere else. The proposed siting of a store next to a funeral home shows total dis-respect to mourners visiting the funeral home.

FIVE. The site should be used for housing in line with the Government's current policies. The current planning policies do not promote the conversion of residential/religious zones to be

converted to commercial/industrial zones. Additional housing is the current local requirement, not unnecessary convenience stores.

SIX. It should also be taken into consideration that the Co-op already have an established funeral home in Grimsby and many more in Lincolnshire. They do not need another one.

SEVEN. A large supermarket is currently under construction in Scartho, again this proposed convenience store will not be able to compete with that and the already established convenience stores. This means the convenience store will not have a good future. This will result in yet another empty shop - causing an eyesore in the neighbourhood.

EIGHT. The proposed elevations are out of keeping with the neighbourhood. The existing building is low based and is not intrusive in this residential area. The proposed elevation is a large two storey development which is intrusive.

NINE. The supporting documentation in the form of various reports submitted with the Planning Application are based on incorrect assumptions and are contradictory - as detailed below: This is because these reports are all prepared by firms outside North East Lincolnshire and accordingly they have no local knowledge.

The Planning Statement (submitted on 25 February 2021).

This states in item 7.28 that the proposed development "...is not expected to generate significant movements with an additional 13 trips associated with the convenience store in the peak hours and an additional 12 trips at the busiest time..." This must mean 25 additional trips are expected at busy times, and it ignores the funeral home. This is an incorrect assumption to avoid a planning restriction. (As stated in item TWO above - there is already serious traffic congestion at busy peak times). The clause continues to state that there will not be any impacts on adjacent junctions.

Again, this is incorrect, there will be a serious impact on the junction with Hawthorne Avenue. The conclusion of the Clause 7.28 is that "...no mitigation is required..." in respect of traffic problems, again this is incorrect.

The Retail Assessment (submitted on 25 February 2021)

This quotes in Clause 3.3 part of the North East Lincolnshire Local Plan as follows:

"...development outside of existing centres will be acceptable where it can be demonstrated that the development satisfies requirements of the sequential test and the impact test.." This proposed development does not satisfy either of these tests and is direct conflict with our Local Plan. This clause goes on to say that the proposed development "...will not have an adverse impact on the vitality and viability of any centre..." This is simply just incorrect and untrue. The proposed development will have an impact on all the existing centres.

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Clause 9.4 describes the appearance of the proposed development. In this the following is quoted "...the architect states his elevations have a strong presence.." Surely this emphasis on strong presence conflicts with the Heritage Assessment where impact of the proposed development is defined as "minimal"

Clause 11 of the Client's Statement states how the proposed development is "...good for everyone..." It certainly will not be good for all the other existing shops. It certainly will not be good for adjacent neighbours as the store proposes to be open 7 days a week from 7a.m. in the morning to 10p.m. at night.

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This report describes the impact on the area as "negligible" . In particular the assessment of the overall impact as "neutral/slight" as shown in Table 2 is incorrect. The report also states that "...the benefits of the proposal can be said to outweigh the low risk posed to the neighbouring Conservation Area..." Again, this is a biased statement and as shown by the above facts of this objection that this report and the others are simply wrong.

AND FINALLY, the application was not publicised around the neighbourhood. It was only detailed to a few homes in total contravention of the spirit of neighbourhood planning consents.

This application must be refused.

Christopher Cook.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Christopher Cook

Address: 6 Hawthorne Avenue Scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:MESSAGE FOR THE PLANNING COMMITTEE.

We received Equans letter dated 25 September 2021 advising us that the date of receiving comments had been extended again, this time to 7 October 2021 because of "Amended Details". We wish to advise the Planning Committee that these Amended Details do not change this proposed development at all. These Amended Details do not affect our strong objections to this Application and we reiterate our comments of 8th and 13th of April and 28 July 2021.

The addition of recent documents does however require comment.

The Environment Team comments of 5 October 2021 regarding The Noise Impact Assessment are simply incorrect. The Noise Impact Assessment relies on theoretical information and as the title states - it is an "assessment". This assessment even defines its own calculations as as "uncertain" - see page 26 of the report. The noise barriers proposed will not stop noise. This will be a particular problem as the shop hours proposed are virtually 24 hours a day for 7 days a week.

Who will monitor this ?

The Trees and Woodland Team comments of 28 September 2021 confirm their earlier comments of 27 August 2021. Their report objects to this proposal.

This application must be refused and this development must be refused - there are too many failings in this application to allow it to go forward.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Julie Todd

Address: 16 Olde Farm Court South Kelsey

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to object to the plans to build yet another convenience store in this area . There are already two large shops on the same road and another 2 within close proximity. It is unfair that existing businesses should be put at risk by yet another store

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Liam Harrison

Address: Newlands, Hawthorne Avenue Scartho

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Hello there,

I find I cannot support the application on several fronts.

I would like to start to with as a street with elderly neighbours the access onto Waltham road, is tricky to say the least. With increased traffic and the inevitable cars parking directly on the main road, as there are no yellow lines, this will only make things worse as is the case around the spar shop currently. This will inevitably lead to accidents as people have to dodge between cars just to get access to the road from their properties.

I would also feel that, although I'm a big fan of the Co-operative, we really dont need another convenience store. We already have more than enough stores around the village centre, many independants also, which will suffer due to the consequences of the CO-OP opening. We already have a nice village centre feel that everyone can walk to and have a variety of shops to choose from, so why add another shop, down the road, which will only have a detrimental impact on the shops in the centre.

The store would be no more convenient for us, as to walk a little bit further down the road is no different than to try and cross the road to get to the Co-op.

I would also argue, if the development were to go ahead, that an entrance and exit be added

rather than everyone trying to use one entrance to get in and out, which would at least help with the inevitable traffic congestion.

Thank you for your time.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Miss Claudia Foster

Address: 38 Gloucester Avenue Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

### Comment Reasons:

Comment: We do not need another large, national chain convenience store in this village. The council should be supporting the small independent businesses such as Swales butchers and the Veg patch rather than entertaining the idea of another CO-OP store when there are already plenty of convenience stores within walking distance of this site.

This site has the potential to be so much more than another shop.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Miss Claudia Foster

Address: 38 Gloucester Avenue Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

### **Comment Reasons:**

Comment:I have lots of family that live in Scartho and the surrounding villages and often drive down Waltham road. This is an already busy road and adding a shop where cars will be pulling in and out of a car park is going to increase the risk of road traffic accidents. Especially as this church is located just around a slight bend (when heading from Waltham towards Grimsby) and any cars pulling in or out may not be able to see oncoming traffic very well. Additionally I have visited the local shops such as Swales butchers and cake shop for many years and I worry what impact another shop will have on these local independent businesses. I do not believe the value of an additional shop outweighs the risk of putting local shops of business.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Sophie Ladd

Address: 238 Grimsby Road Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Already a very busy road. This will add to the high levels of traffic and possibly increase the chances of collisions/accidents in this area.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr allen jones

Address: 13 taunton way scartho Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I 100% object with this application. The proposed application would be at the rear of my property which is relatively quiet most of the time. With the increase of foot traffic along the entry to the rear of my house, also the noise of lorries loading etc and general vehicles from customers. This application would alter my current lifestyle and relaxed environment. We already have convenience shops a few hundred yards down the road. And i certainly do not want to wake up in the morning seeing coffins being carried back and forth from my bedroom window.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs A Foster

Address: Park Avenue Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

### **Comment Reasons:**

Comment: As a frequent user of this road I would like to add my objection because, despite comments to the contrary, it is inevitable that placing a commercial unit at this site will affect the flow of traffic. There are times when it is difficult navigating a clear route past the existing shops further down Waltham road (Spar,etc) as cars queue to get into the small car park, hence blocking the road and I can foresee the same thing happening as vehicles would have to slow down/queue to get into a car park to this intended Coop store.

There would also be the added problem of pedestrians trying to cross the road to reach the shop. On occasions when I have had to cross Waltham road at this very point to visit relatives, it has not always been easy, especially at busy times when the traffic flow is heavy. At less busy times the cars drive quite quickly and as there is a natural bend to the road visibility of approaching traffic can be limited. Would this then lead to the addition of some sort of pedestrian crossing? (And therefore further disruption to traffic flow).

According to Google, there are already fifteen Funeral Services available in the Grimsby area. Do we really need another one? Surely the existing ones allow a good choice already. Several of those are also Co operative Funeral Services. Just as it is questionable as to whether another convenience store is necessary along this road, taking trade away from the existing units further along Waltham Road and on Mendip Avenue.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mrs Melanie Rayworth

Address: Flat 3 6 Regent Gardens GRIMSBY

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There are lots of Coops in Grimsby and Cleethorpes particularly need another, plus Coop is very expensive.

I think the building could be put to far better use to serve the community in a more helpful way and should remain as a church hall and possibly sold to a church group who can properly help with people's physical and spiritual needs and be a credit to Grimsby and Cleethorpes.

Planning Department  
North East Lincolnshire Council  
New Oxford House  
2 George Street  
Grimsby  
North East Lincolnshire  
DN31 1HB

For the attention of Richard Limmer

28 April 2021

Dear Mr Limmer

**Re: Application Ref. DM/0210/21/FUL for the demolition of the former St John Catholic Church Hall and erection of a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works**

**Former St John Fisher RC Church, Waltham Road, Grimsby, DN33 2NA**

**Objection on Behalf of A.F. Blakemore & Son Limited**

I act on behalf of A.F. Blakemore & Son Limited which is the largest SPAR Group within the United Kingdom, serving a nationwide customer base and employing more than 8,000 people. The Company looks after all SPAR stores across SPAR's UK, Meridian and Welsh Guilds, which covers an area from the Welsh Coast to East Anglia and from the South Coast to North Lincolnshire. The Company's operations also include logistics and shop fitting divisions amongst others.

My Client operates the SPAR store at 33 Waltham Road, Scartho. This store is open seven days a week 7.00am to 10.00pm. As a long term occupier and anchor retailer within Scartho Local Centre, my Client has a vested interest in the local community and in maintaining the quality of the local environment.

My Client has reviewed the above planning application and has significant concerns regarding the principle of the development proposed. It is noted that this application has raised concerns within the local community as demonstrated by numerous letters of objection submitted by local residents at the time of writing.

In preparing this advice, we have also given consideration to the written advice provided by Marrons dated 28 October 2019 acting on behalf of North East Lincolnshire Council in respect to a proposed retail development off Forsythia Drive (LPA Ref: DM/0406/19/FUL) which is at odds with the case currently being promoted.

My Client's objections to the proposed development are set out below.



## **Administrative Matters**

We have reviewed the planning application and note that at Question 17 of the application form states that 250m<sup>2</sup> of existing “A1 – shops” floorspace is proposed to be lost. This is incorrect as the lawful existing use of the site is as F.1 use. As such, the application form does not clarify that the application involves a loss of F.1 (i.e. church hall / community facility) floorspace. This is inaccurate and misleading for local residents reviewing the application.

## **Principle of Development and Retail Planning Matters**

The proposed planning application involves the demolition of the existing church and community hall (Use Class F.1) and redevelopment of the site to provide a convenience store and funeral services building (Use Class E), together with associated works. The loss of the church hall, which is a community facility, is considered below.

### The Sequential Test

In terms of the proposed Class E uses, these are “*town centre uses*” as recognised by the NPPF. The application site is not located within a centre. Scartho Local Centre is approximately 260m north of the site. The NPPF recognises that town centres function as the heart of local communities providing facilities and services that are essential to people’s needs. They also serve a valuable role as a community hub where people meet for social and leisure activities. The NPPF advocates a strong town centre first approach to the development of town centre uses.

Paragraph 86 of the NPPF requires that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period of time) should out of centre sites be considered.

It is the opinion of my client, an experienced convenience store operator, that the suggested catchment area of 600-800 metres for the purposes of its sequential assessment has been artificially constrained by the Applicant. In our experience of submitting numerous convenience store applications, a catchment area of 600-800 metres, whilst appropriate for a walking catchment, does not reflect the true catchment area of the store given that a number of customers will utilise a car to visit the store. The Applicant clearly expects this to be the case given the significant number of car parking spaces (22) that are being provided. As such, we would suggest that a catchment area of one kilometre would be more appropriate.

In support of this assertion, I attach a recent appeal decision dated 23 June 2020 (PINS Ref: APP/A4520/W/19/3238653) concerning the change of use of the Boldon Lad Public House, Hedworth Lane, Jarrow, NE32 4LQ which was proposed to be occupied as a convenience store of 372 sqm. The appeal concerned the extent of the catchment area of the convenience store. The Inspector in this case concluded (paragraph 6) that a 2km search area was appropriate given the scale and nature of the proposals. As such, we would suggest a wider search area than being suggested by the Applicant here is appropriate.

## Retail Impact Assessment

The proposals comprise the development of two main town centre uses outside of a designated centre.

Planning policy directs retail development to the defined primary shopping frontages. Policy 23 of the Local Plan specifies that proposals for main town centre uses, specifically retail and leisure uses comprising 200m<sup>2</sup> gross or more, in any location outside the defined primary shopping frontages, will only be acceptable if it is demonstrated that:

- a) the development cannot be accommodated on a suitable site within first, the identified primary shopping frontages, then, within the defined town centre boundary, including identified opportunity sites, or finally close to, the town centre boundary (sequential test); and,
- b) the proposed site is accessible and well-connected to the town centre; and,
- c) development will not adversely impact upon the vitality and viability of any of the town centres, (impact test) having regard to:
  - i) committed, planned or proposed public and private investment in the town centres;
  - ii) evidence as to retail expenditure capacity which shows that the development would not adversely impact upon consumer choice and existing town centre trading levels.

The site does not fall within a primary shopping frontage. The proposals result in convenience store (Class E) development of 388m<sup>2</sup> gross new floorspace, of which 280m<sup>2</sup> will be provided as net sales area. Therefore, Policy 23 is triggered as over 200m<sup>2</sup> retail uses are proposed outside the defined primary shopping frontage.

No justification has been provided either in the Planning Statement or the Retail Assessment for the proposed funeral service use. Indeed, the Planning Statement wrongly suggests that the NPPF is silent on funeral provision and therefore the use "*can only be assessed against the land use and amenity policies set out in Sections 5 and 6*" (these sections have regard to delivering a sufficient supply of homes and building a strong, competitive economy).

It is not clear why the proposed funeral service use has been assessed against these sections of the NPPF rather than Section 7, which sets out the town centre hierarchy and the sequential approach.

Turning to the proposed convenience store (Class E) use, the submitted Retail Assessment states that the proposed shop is intended to serve a catchment area of 600-800m distance and this is consistent with facilitating a "*walkable neighbourhood*" by having a range of facilities within 10 minutes (about 800m) walking distance of residential areas. The Applicant has referenced the 2008 Local Centres Study map in their review of the nearest local centres and has determined two centres – 6 Coniston Avenue and 15 Scartho Road – to both be under 800m from the site.

The adopted policies map (specifically the Urban Inset Map), confirms the Scartho Local Centre is located approximately 260m north of the site. The Local Centre of Coniston Avenue is approximately 610m south-west of the site – see below marked-up map.



Figure 1: Extract from adopted Urban Inset Map

Therefore, there are already two existing Local Centres well within 800m of the site. The area already provides a “*walkable neighbourhood*” by having a range of facilities within 10 minutes walking distance of residential areas.

Notwithstanding this, as stated above, the premise that the proposed supermarket provides a “*walkable neighbourhood*” is significantly undermined by the high level of car parking proposed at the store.

The previous advice prepared by Marrons Planning dated 28 October 2019 (attached) confirmed that on the basis that the catchment area of the proposed store at Forsythia Drive fell within the walking catchments of other local centres, that refusal of the planning application was recommended.

Furthermore, in its advice in respect to the proposals at Forsythia Drive, Marrons highlighted the lack of available expenditure within Grimsby as identified within the Retail, Leisure and Three Centre Study Update of 2016 prepared by GVA (now Avison Young) as having a negative capacity for further convenience goods floorspace development. In addition, Marrons highlighted that there was a real risk that if planning permission were granted for the current application, this could undermine the prospects for the delivery of the committed Scartho Top Local Centre and adversely impact that planned investment.

Consistency in decision making is important tenet of planning law and the consultant should maintain, in terms of professional credibility, a firm stance in this matter.

The Applicant is required in terms of Local Plan policy to undertake a Retail Impact Assessment. Despite badging its document as a Retail Assessment, the Applicant has not actually undertaken a Retail Impact Assessment at all. Simply, the Applicant has submitted a document badged as such which whilst talking around the issues does not actually deal with any assessment of impact or trade diversion in any detail as required in order to satisfy the policy. The application site is located approximately 260m from an existing Local Centre, and insufficient information has been provided to



demonstrate that the development would not adversely impact upon consumer choice and existing centre trading levels. Simply put, the impact test assessment prepared by Marrons is inadequate and should not be considered to be a "*impact assessment*" as required by policy.

You will be aware that in the context of national planning guidance reference to town centres applies to all centres of the hierarchy. As such, the Applicant is required to undertake an Impact Assessment of all centres within the catchment area (which as stated above is not defined but appears to be inappropriately limited in its extent). The Applicant accepts that an impact assessment is required and has attempted (but failed) to address the issue of retail impact in its submission.

The Applicant has not addressed the requirements of Policy. Simply badging the supporting statement as an '*impact assessment*' does not disguise the fact that no impact assessment has been undertaken.

Marrons suggested in 2019 that a convenience store of similar size would result in an adverse impact. Given the recent covid pandemic Marrons must justify why a proposal of equivalent size is now considered to be acceptable when previously it has considered that a store of this size would be unacceptable.

In respect to the limited community in respect to trade diversion, Marrons state (paragraph 4.30) that it expects the majority of the proposed store's trade to be drawn from larger stores and centres within Grimsby currently relied upon to provide top up shopping facilities. This is not considered likely or credible. Given the top up role the application proposal seeks to meet, this is precisely the role utilised by the three convenience stores in the Scartho Local Centre which lies only some 250 metres to the north. To suggest that the new store is not going to compete against stores in the immediate locality (given the assertion from Marrons that it intended to principally cater to a walk in catchment) is simply not credible. In this respect, the Applicant's case in respect to trade diversion is muddled and unconvincing.

The suggestion at paragraph 4.35 that the Council should note the commentary from the Lincolnshire Co-operative Society (who are the agent for the new store) that the proposal will have no impact on their store at Coniston Avenue and that they have no plans to alter the retail offer cannot be given weight given the Society has a vested interest in seeking to secure what is a larger convenience store with a significant level of car parking attached at the application site.

Scartho Local Centre contains a number of outlets including three convenience stores, two butchers and two bakers, which contain a crossover of goods with the proposed store. The agent does acknowledge that there will be trade diversion from the local centre (but makes no suggestion as to how great this trade diversion would be in the absence in any proper impact assessment) but suggests that any reduction in Scartho's pass by trade will be mitigated by the increasing tendency for consumers to shop locally and more frequently. Given that the proposed new store falls wholly within the catchment area of the Scartho Local Centre, it is suggested that actually Scartho's walk-in trade from local consumers is likely to be significantly affected by the new store.

In respect to the issue of trade diversion, I would envisage that a substantial amount of this trade diversion will be taken from the SPAR store at Scartho which sits alongside units which benefit from '*linked trips*' associated with the SPAR store. Any trade diversion from the existing SPAR store and the other convenience stores risk undermining the centre's vitality and viability.



The agent suggests that the grant of planning permission for a convenience store on the application site would not endanger the prospects for the delivery of the convenience store at Scartho Top. However, again, the agent's advice previously to the Council was that a new store would affect the development at Scartho Top.

Notwithstanding this, the Applicant fails to reference the matter of cumulative impact. Whilst one new store at Forsythia Drive might not impact the delivery of the Scartho Top proposal, it does not follow therefore that an additional convenience store would also not (cumulatively) impact the delivery of the Scartho Top proposal coming forwards. The Applicant therefore needs to consider the issue of cumulative impact in respect to the likelihood of the Scartho Top proposal coming forward. The Applicant has failed to do this. Notably, the conclusions of Marrons previously was that the proposal at Forsythia Drive would adversely impact on the delivery of the proposals at Scartho Top.

### **Impact on Scartho Post Office**

Whilst the Applicant has submitted a Retail Assessment, it has failed to take into account the impact on the potential loss of the community use, namely the Post Office, which is situated in my client's store. This is a separate test from Retail Impact falling under Section 92 of the framework. In this respect, I attach a recent High Court decision in respect to *The Queen (on the application of) Sagar Vishnubhai Patel and Dacorum Borough Council and Harkalm Investments Limited* where the impact by a convenience store on another which contained an associated Post Office was the basis of successful challenge at Judicial Review. In particular, Judge Mold makes it clear that the test under paragraph 92 of the NPPF in terms of impact on other community facilities is a separate test from the issue of retail impact. As such, in addition to the need for the Applicant to undertake an Impact Assessment (as discussed above), the Applicant also needs to properly consider any impact on community uses, in this case the potential impact on Scartho Post Office.

As such, any determination by officers of this application without properly taking into account the impact on the Post Office associated with my client's store, in the form of a proper assessment under Section 92 would leave the Council open to a legal challenge. The High Court judgement attached is clear that this is a matter which officers and members should take account of. In the absence of any evidence from the Applicant, we would suggest it would be difficult for officers to properly consider this matter in their Report.

### **Loss of Community Facility**

The proposals comprise the demolition of the existing building which comprises a former church and community hall (Use Class F.1). The church and community hall were previously used by various community groups for activities. As a result, the proposals will result in a loss of community facility, which has not been addressed within the submitted planning application.

Both national and local planning policy are concerned with protecting and enhancing such facilities. Turning first to the NPPF (2019), paragraph 92 confirms that, "*to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as ... meeting places ... and places of worship) ... to enhance the sustainability of communities and residential environments*". The text also confirms that planning decisions should guard against the unnecessary loss of valued facilities, particularly where this would reduce the community's ability to meet its day-to-day needs.



Having regard to local planning policy, Policy 29 (Social and Cultural Places) of the North East Lincolnshire Local Plan supports existing assets of social and cultural value and supports the development of new facilities and cultural places. The supporting text explains that "*social and cultural places*" refers to venues for social and cultural activities which support and broaden people's social and cultural experiences, and promote a sense of community pride and mental well-being. The Council will support local communities who wish to take control of community assets.

The loss of the church and community hall should not be taken lightly. Such uses are protected by policy, even if they are not currently occupied by an "*active*" use. As a first step, the site should be retained in F.1 use. The building was previously used by various community groups for activities, which provided a social and cultural role in line with NPPF policies. Loss of the facility would undoubtedly have an adverse impact on the local community and would be contrary to both national and local policy.

The proposed loss of community facility has not been addressed as part of the application. In considering planning policy in the Planning Statement, no reference to paragraph 92 of the NPPF or Policy 29 of the Local Plan is made. In addition, in terms of Section 7 and the planning justification requiring the appropriateness of the change of use, the Applicant focuses on retail planning issues with no reference at all to the loss of the community facility. Furthermore, the Applicant has not submitted any marketing evidence as part of the application to demonstrate that the site was appropriately marketed to groups that could have retained the site in F.1 use.

As such, the Applicant has ignored what is a fundamental planning issue. Community facilities are protected under planning policy. The proposals would result in the loss of a community facility, contrary to planning policy. The application should be refused on this basis.

### **Loss of Trees and Landscaping**

The proposal will result in the removal of five trees at the front of the site and one group of trees to the rear. The accompanying Arboricultural Report notes the five trees to the front as being "*of some value*". The report notes that the loss of the amenity value provided by the group of trees to the rear is determined to be "*moderate*".

In particular, three of the trees at the front (T1, T2 and T3) are categorised as "*B1*". All of the trees that are proposed to be removed are assessed as being in good physiological condition and good structural condition. No attempt has been made to retain these trees *in situ*.

In addition, the proposals will result in loss of the existing lawned area to the front of the site and its replacement with a tarmac car park. This will further detriment the character and appearance of this predominantly residential area and is out of keeping with the surroundings.

The removal and replacement of older, established trees with new trees, together with the loss of open lawned space, is considered to have a detrimental effect on biodiversity and is contrary to planning policy. In particular, Local Plan Policy 41 (Biodiversity and Geodiversity) requires that development proposals minimise the loss of biodiversity features, or where loss is unavoidable and justified ensure appropriate mitigation and compensation measures are provided. The policy states that any development which would, either individually or cumulatively, result in significant harm to biodiversity which cannot be avoided, adequately mitigated or as a last resort compensated for, will be refused. It is not considered that the loss of the trees is "*unavoidable*", therefore the proposals are deemed to be contrary to policy in this respect.



Local Plan Policy 42 (Landscape) requires that landscape character be given due consideration in the nature, location, design and implementation of development proposals. Developers should have regard to the landscape context and type within which the development is to be located; seek opportunities, when incorporating landscape buffers to offset development impacts, to enhance landscape quality including opportunities to incorporate suitable landscape planting; and retain and protect trees and hedgerows which offer value for amenity, biodiversity and landscape. Local Plan Policy 43 (Green Space and Recreation) resists the loss of public or private green spaces, in recognition of their importance to the health and well-being of residents and visitors to the Borough, and their importance to biodiversity.

Furthermore, Section 15 of the NPPF is concerned with conserving and enhancing the natural environment. It states the importance of recognising the wider benefits from natural capital and ecosystem services – including trees. It requires planning policies and decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

It is considered that the proposed loss of trees and landscaping will result in:

- a net loss in biodiversity;
- the loss of private green space;
- the loss of trees which offer value for amenity, biodiversity and landscape; and
- an adverse impact on the natural environment.

This is contrary to the NPPF and Local Plan Policies 41, 42 and 43. No attempt has been made to retain the trees, even though some are assessed as being in good physiological and structural condition, and it has not been demonstrated that their loss is "*unavoidable and justified*". The new replacement planting is tokenistic and will result in new trees of a much lower biodiversity and amenity value. The proposals do not demonstrate that appropriate mitigation and compensation measures have been provided.

Overall, the proposals comprise the inappropriate and unjustified loss of trees and landscaping, which is uncharacteristic of the area, and should be refused on this basis.

### **Impact on Residential Amenity**

According to the Transport Statement, the proposals are anticipated to amount to "*an additional 227 vehicles at worst per day and no more than 23 vehicles in the busiest periods*".

It is recognised that the Highway Authority have provided comments and have determined that, "*the proposals put forward will not have a severe impact on the adjoining adopted highway network*". However, it is considered that the Highway Authority have not had regard to the specific site context and have taken a blanket approach in their assessment.

Given the site's context, in a primarily residential area and outside a centre, the estimated additional vehicle generation is deemed to be excessive and could have a detrimental impact on residential amenity. This is contrary to Local Plan Policy 5 (Development Boundaries), which requires all development proposals to have regard to the impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. The proposals also conflict with the NPPF, specifically



paragraph 127 which requires planning policies and decisions to ensure that development maintains a high standard of amenity for existing and future users, as well as paragraph 180, which requires new development to be appropriate for its location taking into account the likely effects of living conditions. Paragraph 180 also recognises that planning policies and decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Overall, the additional trip generation, together with the proposed deliveries and servicing vehicles, will result in a development that is entirely out-of-keeping with this residential area. The proposals will impact on residential amenity, in conflict with NPPF and Local Plan policies. The application should therefore be refused on this basis.

### **Conclusions**

The application proposal involves an inappropriate development outside a designated centre, together with the loss of a community facility, which is contrary to both NPPF and Local Plan policy. The Applicant has provided no justification for the loss of the community facility on the site. In addition, the proposals will result in the loss of trees and open space of amenity value, as well as having an unacceptable impact on residential amenity.

The Applicant has failed to undertake an appropriate sequential test assessment and has failed to undertake any proper form of a retail impact assessment. Simply badging text as an Impact Assessment is not sufficient. The Applicant's agent has previously provided advice on a nearby proposal at Forsythia Drive against the backdrop of the same planning policy and retail study and advised that a convenience store of similar size to the current application proposal would be unacceptable and cause harm. There is no evidence to suggest that the agent's original advice in respect to this previous matter is now out of date. The Applicant's agent has contradicted its earlier comments without any justification or explanation.

The Applicant has failed to consider the loss of the community use of the church hall and has provided no evidence of any lack of demand for other F.1 uses and has provided no marketing evidence to support its alternative use. It is not considered that a convenience store operated by a national multiple meets the terms of the Local Plan policy in respect to social and cultural places. In addition, the Applicant has not undertaken any consideration of the impact on the Post Office facility within the SPAR store in the nearby Scartho Local Centre. The failure to consider the impact on an important local facility such as a Post Office (which is a separate test from retail impact) as confirmed in a recent High Court decision, means that any decision by the Council to grant this permission in the absence of such evidence is that it would be open to challenge.

Overall, the proposals are contrary to planning policy. In the absence of appropriate justification, it is considered the Council has no option other than to refuse planning permission for the proposed development.



I confirm that I would wish to speak at Committee should this application be presented to Members.  
I would be grateful if you could advise me of the outcome of the application in due course.

Yours faithfully

Julian Sutton  
JMS Planning & Development

**PLANNING COMMITTEE** - 5th February 2020

**ITEM: 1** **RECOMMENDATION:** Refused

**APPLICATION NO:** DM/0406/19/FUL

**APPLICATION TYPE:** Full Application

**APPLICATION SITE:** Land South Of Diana Princess Of Wales Hospital,  
Forsythia Drive, Grimsby, North East Lincolnshire,

**PROPOSAL:** Erect single storey retail store (use class A1) and three commercial units (with flexible A1 and A3 use classes) with access, parking, landscaping and associated works

**APPLICANT:**

Mr Stevens  
E5 Living (Grimsby) Ltd  
The Coach House  
Oldberrow Manor  
Ullenhall Lane  
Ullenhall  
B95 5PF

**AGENT:**

Mr Gareth Johnson  
Hodson Architects  
The Old Post Office  
Yarra Road  
Cleethorpes  
DN35 8LS

**DEPOSITED:** 3rd May 2019

**ACCEPTED:** 23rd August 2019

**TARGET DATE:** 18th October 2019

**PUBLICITY EXPIRY:** 6th October 2019

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:** 22nd September 2019

**CASE OFFICER:** Cheryl Jarvis

**PROPOSAL**

The application seeks full planning permission for the erection of four linked commercial units on former hospital land to the south side of Diana Princess of Wales Hospital in Grimsby. The larger of the four units is proposed for retail use (A1), the other three units are proposed for flexible use comprising either retail (A1) and/or cafe/restaurants (A3).

The buildings would have a linear, horizontal plan form with the larger unit to the western side. The buildings would be single storey dropping in height from the west to the east. The roofs would be flat with brick parapets. A full length canopy is proposed along the

buildings southern elevation. Materials are identified as brick for the external walls, a ply membrane for the roof and grey aluminium for the windows and doors. The canopy would be constructed with timber posts with a translucent roof covering.

Access is proposed to the south from Forsythia Drive and along Juniper Way. Three separate areas of hardstanding are proposed, one creating a car park to the south with 13 standard car parking spaces, 1 assessable car parking space and 2 motor cycle spaces with separate cycle parking. Another area of parking is proposed off the access with 7 spaces within it. The third is to the north of the buildings and would be informally laid out and would be gated providing separate access for deliveries and servicing. Pedestrian access would be from the south, west and north west sides via linked pathways. The one to the south having bollards for restricted access.

Landscaping would be provided within the site, primarily to the site edges. Planters would be set within areas of hardstanding in the main car park.

The application is brought to committee due to a call in request from Councillor Woodward.

## **SITE**

The 0.45ha application site comprises an area of previously developed land to the south east side of the Diana Princess of Wales Hospital. The site previously housed the junior doctors and nurses accommodation before those facilities were demolished and re provided elsewhere on the main hospital site. Access is from Forsythia Drive to the south.

The main hospital with access from Scartho Road is to the north. Scartho Top housing estate is to the far west and far south beyond the main hospital boundary. Scartho Road and its subsidiary cul-de-sacs are to the east of the site. The land immediately surrounding the site is allocated housing land, for which outline planning permission has already been given.

## **RELEVANT PLANNING HISTORY**

Zone 6: DM/0405/19/REM - Reserved Matters Application to erect 19 dwellings in zone 6 to consider access, appearance, landscaping, layout and scale following application DM/0937/15/OUT with details to comply with condition 17 (Phasing Plan) (Outline application for residential development for up to 131 dwellings with Step Down Care Unit (approximately 40 bedrooms), Assisted Living Unit (approximately 80 bedrooms), Retirement Living Unit (approximately 59 apartments), NHS Trust Accommodation (approximately 125 apartments & 96 student bedrooms) and club house, with means of access to be considered). Pending consideration.

Zone 1: DM/0721/18/NMA - Non material amendment application as granted on DM/0294/17/REM (Reserved Matters pursuant to DM/0937/15/OUT for Zone 1 comprising of 124 apartments, 96 student bedrooms, 12 communal rooms and central

support hub with details of access, layout, landscaping, appearance and scale to be considered) to amend highway and omit southern bin store. Non material amendment accepted.

Zones 3A and 3B: DM/0713/18/REM - Reserved Matters Application pursuant to DM/0937/15/OUT (Outline application for residential development for up to 131 dwellings with Step Down Care Unit (approximately 40 bedrooms), Assisted Living Unit (approximately 80 bedrooms), Retirement Living Unit (approximately 59 apartments), NHS Trust Accommodation (approximately 125 apartments & 96 student bedrooms) and club house, with means of access to be considered) specifically for zones 3A and 3B providing details of access, appearance, landscaping, layout and scale for the erection of 77 dwellings. Approved.

Zone 1: DM/0520/18/FUL - Improved access to Zone 1 of planning permission DM/0294/17/REM, by extending car park and modifying circulation. Approved.

Zone 1: DM/0294/17/REM - Reserved Matters pursuant to DM/0937/15/OUT for Zone 1 comprising of 124 apartments, 96 student bedrooms, 12 communal rooms and central support hub with details of access, layout, landscaping, appearance and scale to be considered. Approved.

All zones: DM/0937/15/OUT - Outline application for residential development for up to 131 dwellings with Step Down Care Unit (approximately 40 bedrooms), Assisted Living Unit (approximately 80 bedrooms), Retirement Living Unit (approximately 59 apartments), NHS Trust Accommodation (approximately 125 apartments & 96 student bedrooms) and club house, with means of access to be considered. Approved with section 106 agreement.

Various history on the wider hospital site, along with various discharge of conditions applications, although these are not directly relevant to this proposal.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

National Planning Policy Framework (February 2019)

- NPPF2 - Achieving sustainable development
- NPPF6 - Building a strong, competitive economy
- NPPF7 - Ensuring the vitality of town centres
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

PO5 - Development boundaries

PO13 - Housing allocations  
PO22 - Good design in new developments  
PO23 - Retail hierarchy and town centre develop  
PO33 - Flood risk  
PO34 - Water management  
PO38 - Parking  
PO39 - Conserve and enhance historic environ  
PO42 - Landscape

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Humberside Police - Acknowledges that there is no specific section on Designing out Crime in the Design and Access Statement. Suggests the applicant's achieve the security standards set out in the Secured By Design Commercial Guidance. Provides recommendations in regards to covered walkways.

Anglian Water - Informative advice is provided with regard to connecting to their network. Confirms the surface water strategy relevant to Anglian Water is acceptable and this should be conditioned.

Trees and Woodlands Officer - No objections to the principle of the site layout or the landscape plan provided. However, conditions would be required for a final scheme and this needs to reflect the requirements of climate change adaptation. This means having sufficient rooting area available to make the scheme work. Suggestions are made in relation to a landscaping strip and the requirements for protection during the construction phase.

Drainage - Advise that a condition for a fully sustainable surface water drainage scheme will be required. Request that existing ground levels are not raised.

Conservation Officer - No comments.

Archaeology - No archaeological input required.

Humberside Fire and Rescue - Provide informative advice with regard to access for firefighting and water supplies.

Environment Team - Conditions are recommended for working hours, the submission of a construction management plan, contaminated land, piling, extraction, external manufacturing and hours of deliveries with an informative for electric vehicle charging points.

Highways - No objections. Having considered the contents of the Transport Assessment they deem the impact upon the highway network would not be severe. The parking allocation is considered acceptable to serve the development.

Cllr Woodward - Considers in the public interest that the application be fully considered in relation to the scheme benefits to the hospital users, the residents of Park ward and the surrounding area. The proposal could reduce traffic movements along Scartho Road who require the car to access basic amenities.

#### Neighbours

Brocklesby Estates - Objects to the proposal. Considers the proposal would be in conflict with the Policies set out in the Local Plan in that it would undermine and jeopardise the delivery of the allocated local centre site proposed for Scartho Top.

### **APPRAISAL**

The material considerations are:

1. Principle of Development
2. Visual Amenity and Character
3. Impact to Neighbours
4. Highways
5. Landscaping
6. Flood Risk and Drainage

#### 1. Principle of Development

The site is within the development boundary for Grimsby. Policy 5 does not, in itself, prohibit retail development in the urban area, subject to an assessment of the site specific impacts. These will be considered as set out in the report.

The site is allocated for housing under Policy 13, under reference HOU150. The proposal is for retail development with the potential to include restaurant and cafe uses and so represents a departure in land use planning terms. The North East Lincolnshire Local Plan (2013-2032) was adopted in 2018 and provides an up-to-date position of the Boroughs requirements for housing through its site allocations. The provision of these uses in this location would be in conflict with Policy 13 and the site's allocation for housing, which in turn, reduces the ability to deliver the amount of homes identified on this site during the Plan period.

Policy 23 provides a retail hierarchy for town centre development. For retail developments such as this which are over 200sqm it states that it will only be permitted if:

- The development cannot be accommodated within the existing town centres (including local centres), identified opportunity sites and also cannot be accommodated within primary shopping frontages or within areas close to the town centre boundary;
- The site is accessible and well connected to the town centre; and
- The development will not impact upon the vitality or viability of any town or local centre, taking account of committed, planned, or proposed public or private investment in town centres and retail expenditure capacity to show development would not adversely impact upon customer choice and existing town centre trading levels.

The application is supported by a Town Centre Uses Assessment which in essence is the sequential report. In response to this report the Authority have commissioned their own independent retail advice.

The applicant's case is that there is a direct need for this development and a need for it to be at this location. This is in part due to the potential increase in demand for services which will result from the new development approved to the south of the hospital under outline planning permission DM/0937/15/OUT. Another reason is that they consider the hospital does not provide enough services to cater for the daily needs of the staff at the hospital. Their assessment states that the hospital is not within walking distance of any existing or proposed local centre. The statement states that whilst the scheme does not meet the definitions of a local centre, that is the intended purpose of it. Moreover, the assessment considers the impacts upon Grimsby Town Centre, existing local centres and the planned local centre at Scartho Top. It concludes that there would be no adverse impact on any of these.

In response to development need and whilst the proposal would increase the availability of local shopping facilities within the vicinity of the application site, it is not considered that the existence of the hospital and the surrounding areas constitute the development of an 'entity' or 'campus' that warrants the provision of a new local centre, given the strategy set within the NELLP and the accessibility of the hospital and associated residential development to existing local centres. Also, the Retail, Leisure and Three Centres Study (2013 and updated 2016) identifies a negative capacity for further convenience goods floorspace within Grimsby throughout the NELLP period. This means that an additional unplanned additional local centre would impact and compete for expenditure within the existing, nearby local centres to the detriment of their vitality.

In terms of the 'policy test', existing town and local centres should be considered first for retail development before out of centre locations are considered. The applicant's assessment does consider alternative locations in a broad sense, notably Second Avenue, Sutcliffe Avenue and Scartho Top. It discounts them for a number of reasons

including availability, size and in the case of Scartho Top, the lack of certainty around a reserved matters application.

In response to this, full regard has been given to the case put forward but it is considered that there is capacity to accommodate the development within an existing local centre, that being Sutcliffe Avenue which has a 650sqm vacant site capable of accommodating the larger A1 unit along with a number of smaller units in existing vacant units.

Additionally, a new local centre is allocated at Scartho Top. The overall Scartho Top allocation under HOU076 represents a strategic housing site (under Policy 14) and this proposes community facilities including convenience stores. Significantly, Brocklesby Estates have provided written representation against the development confirming their intent to bring forward the planned local centre. This provides clarity on the confidence of delivery and reasons why this has not yet been brought forward. Trigger points for the delivery of the local centre have been secured through previous but recent planning permissions. To allow this development would undermine and prejudice the future delivery of this long awaited and allocated local centre for Scartho Top which would also serve the proposed housing development at the hospital.

Having regard to the above this proposal would be contrary to Policies 13 and 23 of the NELLP in that it fails the sequential test for a retail development undermining existing and planned local centres and conflicting with the established retail hierarchy. Under Para 90 of the NPPF, applications which fail to satisfy the sequential test should be refused.

There is no justification to depart from the up-to-date Local Plan or advice contained in the National Planning Policy Framework.

## 2. Visual Amenity and Character

Policy 5 of the NELLP requires an assessment on the impact to the character of the area and visual amenity by virtue of size, scale and density with Policy 22 setting out the requirements for 'good design'. Policy 39 relates to proposals which affect or may affect the historic environment.

The proposed buildings would extend in a linear form across the site with the larger unit to the west of the block. The southern elevation would be glazed in its entirety and would include a timber canopy along its length. A substantial part of the west elevation would also be glazed. The site is relatively contained with the west and southern elevations being the most prominent. The amount of glazing along these elevations, along with the provision of a canopy is welcomed and would reduce the massing of the development as well as provide interest and definition to the elevations. In relation to scale the buildings would be low level and comparable to buildings within the main hospital site, those along Scartho Road and those within Scartho Top. The overall footprint of the development can be accommodated on the site without resulting in an overdevelopment or cramped layout.

It is noted that the locally listed Scartho Hall and the Scartho Conservation area are to the south of the site beyond the former hospital boundary. As confirmed by the Heritage Officer, there are no objections to the design, scale or position of the development or the impact upon the setting of heritage assets or areas.

The Crime Reduction Officer has provided comments with some reservation over the canopy given that these can be targets for crime and congregation. Should the development have been considered acceptable in principle, a condition securing a scheme for security measures would have been recommended. Conditions relating to materials, boundaries and external structures would also have been necessary.

The development would not harm the visual amenity or character of the area and would, subject to conditions, accord with Policies 5, 22 and 39 of the NELLP.

### 3. Impact to Neighbours

Policy 5 of the NELLP requires an assessment on the impact to neighbouring land users.

The development is proposed to the west of properties on Scartho Road. The development is well separated from these. In the main approximately 64m to the site boundary and 90m from the properties themselves. A significant landscape buffer also provides separation between the sites. Given the buildings are also single storey and are orientated into the site, there are no significant massing, overlooking or overshadowing issues.

The main hospital is to the north. The proposal has been designed in such a way that the operational efficiency of the hospital is not compromised and only pedestrian access would link through to the development.

Development on Scartho Top is sufficiently separated as to ensure no undue adverse impacts upon these residents.

The application site is proposed to be surrounded by new residential development, all of which has outline planning permission and some of which has reserved matters approval. The likelihood is that all of the development would come on stream at a similar time if it was approved. This would reduce the impacts in regards to construction and overall disturbance. Landscaping proposed to the site perimeter, along with separation and overall scale, would ensure no detrimental impacts to the future occupiers of these properties. Should the development have been considered acceptable in principle, a condition securing construction management details would have been recommended.

No residential neighbours have commented on the application. Brocklesby Estates have provided an objection to the principle of the development and this has already been documented in section 1.

The development would not harm neighbours and subject to conditions would accord with Policy 5 of the NELLP.

#### 4. Highways

Policy 5 of the NELLP requires an assessment of the impacts of the proposal in regard to access and traffic generation with Policy 36 seeking to promote sustainable travel and Policy 38 setting out the requirements for parking.

The application is accompanied by a Transport Assessment (TA), a Travel Plan (TP) and a Parking Delivery and Services Plan (PDSP).

Access is proposed off Forsythia Drive to the south and along Juniper Way. The residential schemes previously approved on the site require a local junction upgrade at this location. Should the development have been considered acceptable in principle, a Grampian condition securing this upgrade would still be required to facilitate this element to ensure the development was safe in highway terms.

The TA assesses the likely trip generation arising from the proposal. As the site has wider outline consent for residential development, this proposal would reduce the amount of houses on that proportion of the site. Given this position and the traffic which could have been generated from those approved dwellings when compared to the amount of traffic expected from this development, the impacts would be minor and in highway terms not severe. It is noted that many of the 'trips' created would be linked trips from people on existing journeys.

Customer parking is proposed to the south side of the buildings and comprises of 13 standard car parking spaces, 1 assessable car parking space and 2 motor cycle spaces. A further 7 spaces are proposed to the east. Highway Officers raise no objection to the number of spaces and consider it proportionate to serve the proposed development. Policy 38 requires 5% of all parking provision to be allocated for the disabled. The parking proposals comply with this requirement. Should the development have been considered acceptable in principle, a condition securing parking construction details would have been recommended along with construction traffic management.

The PDSP states that in regards to customer parking management, pay and display machines would be installed. The first 45 minutes would be free. This would assist those who are visiting the retail development but deter wider hospital users from parking at this location. The spaces would be privately managed. In relation to the operation of the retail development, separate parking for unloading, servicing and refuse is proposed to the north and east of the buildings. Staff parking would also be available in this location. Vehicle tracking has been provided to ensure vehicles can enter and leave the site. Highways Officers consider the Plan to be sufficient to serve the proposed development. Should the development have been considered acceptable in principle, a condition for implementation of the PDSP would have been recommended.

The Framework TP sets out what measures will be employed over the first 5 years of the development to promote sustainable travel. Additionally, the scheme includes the provision of cycle parking. The TP is considered proportionate to the scale of the development but enforceable timescales for implementation would need to be secured. Should the development have been considered acceptable in principle, a condition for implementation of the TP and for cycle parking details would have been recommended.

The development would not result in severe highway impacts and subject to conditions would accord with Policies 5, 36 and 38 of the NELLP.

## 5. Landscaping

Policy 42 places an emphasis on the natural environment.

Landscaping is proposed to the boundaries of the application site, with planters within the car park. The Trees and Woodlands Officer raises no principle objections to the scheme but raises concerns that, due to the lack of detail, the scheme may struggle to be achieved. Given the importance of the natural environment and the increasing need to consider climate change adaptation, a comprehensive landscaping scheme would be needed. This would have to be secured by a condition if planning permission was to be granted.

The impacts upon the natural environment can made be acceptable under Policies 5 and 42 of the NELLP.

## 6. Flood Risk and Drainage

Policy 33 of the NELLP deals with flood risk areas with Policy 34 seeking to ensure appropriate provisions are in place for water management.

The site is not within a medium or high flood risk area. A Drainage Statement has been submitted. Infiltration tests have been undertaken on site and this has ruled out the use of soakaways. Therefore drainage is proposed to be disposed of via the existing combined sewer. It is acknowledged this will be subject to a separate 104 agreement with Anglian Water. Anglian Water has confirmed that the strategy is acceptable in their comments. The Drainage Officer requires further detail and they recommended a condition.

Drainage is acceptable in principle though conditions securing final details would be required. This is in accordance with Policies 33 and 34 of the NELLP.

## CONCLUSION

The proposal is for a new retail development at land formerly associated with the Diana Princess of Wales Hospital. Whilst the detailed impacts of the scheme could be made acceptable through conditions, the proposal fails to comply with the site's Local Plan

allocation and the retail hierarchy for the Borough. The principle of retail development at this site is unacceptable.

On the basis, the development is contrary to Policies 13 and 23 of the NELLP and advice contained in the NPPF and is recommended for refusal.

## **RECOMMENDATION**

### **Refused**

(1) The proposal is contrary to Policies 13 and 23 of the North East Lincolnshire Local Plan and advice in the National Planning Policy Framework in that it fails to demonstrate that the established retail hierarchy would not be undermined in this out of centre location by reason of the type of retailing, floorspace format, character and layout. A change in the retail hierarchy would be likely to have an adverse impact on established local centres in terms of existing, committed and planned private investment, including that allocated on Scartho Top and the departure to the Local Plan in terms of its housing allocation is not justified in this case.

## **Informatics**

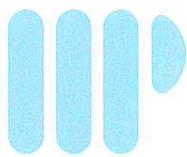
### **1 Informative**

This application is decided in accordance with the plans and documents uploaded on the following dates 3rd, 10th and 20th May, 27th and 28th August 2019, 3rd and 19th December 2019 and 10th January 2020.

### **2 Added Value Statement**

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing additional information and amended details in respect of the scheme detail.



This matter is being dealt with by  
David Prichard

Two Colton Square  
Leicester LE1 1QH  
DX 744174 Leicester 41

FAO Martin Dixon  
North East Lincolnshire Council  
New Oxford House  
George Street  
Grimsby North East Lincolnshire  
DN31 1HB

Our ref: .6.1233017.2.DJP.cb

28 October 2019

By post and email: martin.dixon@nelincs.gov.uk

Dear Martin

**Proposed Retail Development off Forsythia Drive  
Application Reference: DM/0406/19/FUL**

We have now had the opportunity of considering the above application, and in accordance with your instructions, set out below our advice in respect of this matter.

**The Proposed Development**

While not explicitly stated as such the development proposed in the subject application seeks to establish a new local centre.

The application is supported by a Town Centre Uses Assessment prepared by WYG Planning ("the WYG Assessment"). The latter refers to the definition of a local centre adopted in the Framework and that set out in the Council's Local Centres Study. It considers that while the proposed development does not wholly accord with the definition of a local centre as set out in the Local Centres Study, it is intended to fulfil that purpose. It states:

*"The proposed development, while not meeting the "five unit" definition of a local centre does perform that function when an appropriately flexible approach is taken taking into account provision and needs in specific areas. The inclusion essentially of a convenience store is essential in this regard. It is envisaged that the other three units will be accommodated by uses which are well related to those living and working in the immediate vicinity, such as a pharmacy."*

(WYG, para 4.1.9)

This advice therefore assumes that the development seeks to establish a new local centre, anchored by a convenience goods store, with the other units occupied by complementary Class A uses.

**Background Context**

At the outset, it is considered pertinent to have regard to the broader economic and retail context against which the application proposals fall to be considered.

While WYG note shopping habits continue to change and that the weekly food shop is being increasingly augmented by more frequent local shopping and that Experian has revised up the short term outlook for convenience goods expenditure (WYG, para 3.2.2), this needs to be considered in the broader context. In particular, it is pertinent to note that the wider retail economy has experienced very low growth in convenience expenditure in recent years, and this is expected to continue going forward.

The latest advice from Experian (Retail Planner Briefing Note 16, December 2018) is that whilst the short term output for convenience goods expenditure growth has been revised up following stronger recent performance, the longer term outlook remains unchanged, with per capita growth amounting to only 0.1% per annum. Experian record that over the period 1997 – 2007 the annual increase in convenience good expenditure averaged 0.0%; and that during the period of the recession, 2008 – 2011, growth declined by some 2.9% per annum. In the period post-recession, 2012 – 2017, this increased to 0.2% per annum. It is therefore the case that convenience goods expenditure, nationally, is effectively static, with minimal growth in spending.

At the same time, whilst there has been some limited growth in expenditure on convenience goods, retailers have sought to increase productivity through the introduction of new technology and allied methods of increasing retail turnover and productivity. As such, notwithstanding the modest recent increase in convenience goods spending, the requirement for further floorspace provision will remain limited. Across the retail sector as a whole Experian consider:

*"Our estimates for floorspace requirements have been revised lower compared with last year's Retail Planner Briefing Note 15 due to an upgrade in the impact of SFT [Special Forms of Trading] and efficiency gains. The scope for expansion in floorspace will be limited over the next few years as margin pressures force retailers to continue focussing on strategies to increase efficiencies from existing floorspace. Redevelopment of existing floorspace and new technologies will also help facilitate efficiency gains."*

The factors set out above demonstrate that nationally there is relatively little capacity in broad terms to sustain additional convenience good floorspace development in the foreseeable future.

This national pattern is reflected in the position locally. The Retail, Leisure and Three Centres Study (2013), update of 2016, prepared by GVA, identifies a negative capacity for further convenience goods floorspace development within Grimsby. The GVA Assessment records that:

*"at 2016, the level of local residents spending in convenience goods stores (£220m) is below the benchmark turnover of existing facilities (£250m). When commitments are included, Table 10a shows that the expenditure-equivalent of this over-supply of floorspace is circa. £34m, indicating that there is no current quantitative capacity for additional convenience goods floor space".*

(Retail Floor Space Capacity Update, 2016, paragraph 3.2).

Looking forward, the GVA Assessment concludes that based upon a constant market share for convenience goods shopping, the negative capacity will persist until 2032 (GVA, paragraph 3.3).

Even when an allowance is made for expenditure inflow, resulting from visits by tourists/ visitors to Grimsby, the position does not materially change. The GVA Assessment concludes that:

*"The effect of adding in tourist expenditure into the capacity analysis is to reduce the level of negative capacity at 2016 (i.e. circa - £13m) and allows a surplus capacity to be achieved by 2026 and 2032. However, this level of surplus capacity is relatively limited (£0.4m at 2026 and £8.8m at 2032) and, bearing in mind the comments made earlier regarding the reliability of the medium to longer term forecast, does not suggest there is a need to seriously contemplate a quantitative need for additional convenience goods floorspace in Grimsby. In addition, it should be noted that should new convenience goods floorspace be provided in the surrounding area, and which diverts trade away from stores in Grimsby, then the small level of longer-term capacity identified in Table 10b would either be reduced or eliminated".*

(Retail Floor Space Capacity Update, 2016, paragraph 3.4)

The position in Grimsby is not unique within North East Lincolnshire, and is broadly reflected by the position in the Cleethorpes and Immingham areas.

### **The Application Description of Development**

The documents comprising the application are confused and contradictory in respect of the scale of development proposed:

- The APP1 states that the development relates to 430sqm (Class A1); 90sqm (Class A2); and 90sqm (Class A3), giving an overall total of 610sqm of Class A floor space.
- The Design and Access Statement (Section 4) states that the development will extend to 470sqm for the proposed Class A1 convenience store, with a further 3 units totalling 362sqm of floorspace, giving an overall total for the development as a whole of 832sqm.
- The WYG Assessment (para 1.1.3) states that the scale of development proposed, comprises a convenience store of approximate 465sqm with three other units, each of about 112sqm, giving an overall total of 801sqm. The WYG Assessment notes that the end use for the three smaller units has yet to be confirmed and could be Class A1, A2 or A3 (WYG Assessment, paragraph 1.1.3).
- The application drawings show a convenience store of 5,000sq.ft (465sqm) together with three smaller units, each of 1,250sq.ft giving a total of 3,750sq.ft or 348sqm. The drawings therefore suggest an overall scale of development of 813sqm.

Whilst the WYG Assessment of the proposed development does not include any quantitative assessment, it is recommended that the application details be clarified with the applicant in order to ensure that the Local Planning Authority are made aware of what precisely the application seeks to secure planning permission for and are thereby able to consider the application on a fully informed basis.

### **The White Young Green Town Centre Uses Assessment**

The WYG Assessment reviews relevant retail planning policy for town centres set out in the Framework and the Local Plan, and acknowledges that the proposed development is an out-of-centre proposal and of a scale in excess of that which requires an Impact Assessment having regard to the locally set threshold set out in Policy 23 of the Local Plan. The applicant therefore

accepts that the proposed development fails to be considered against the requirements of the sequential and impact tests.

In their consideration of local plan policy, WYG appear to suggest that the local plan makes no provision for any new local centres, as none are shown on the Proposal Map. It is however the case that the Local Plan proposes a new local centre at Scartho Top, close to the current application site, under strategic housing Policy 14A(v).

### **Sequential Test**

The WYG Assessment sets out a justification for the proposed development on the basis of it having a specific locational need, as provided for in guidance set out in the PPG.

The latter, with regard to the requirements of the sequential approach states that (our emphasis):

*"Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements, which mean that they only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such justification".*

(PPG, 011, Reference ID: 2b-011-20140306)

The application is therefore premised on the fact that there is a locational need for the development of a new local centre on the application site. This matter is addressed in Section 4 of the WYG Assessment at paragraphs 4.1.8 – 4.1.9.

It is not necessary to repeat verbatim the justification set out in the WYG Assessment, which in summary contends that the Diana Princess of Wales Hospital, together with the residential development in the immediate vicinity, both existing and proposed, does not have good access to local shopping facilities. It notes that the hospital benefits from a small Londis unit but that this small shop is intended to meet the direct needs of the hospital and operates for only limited hours and retails a limited range of goods.

In terms of the lack of access to local shopping facilities, the WYG Assessment contends that:

*"the plans included in the 2012 Local Centres Study show that significant parts of the Hospital are not within the defined "walk to" zone. We have measured specific walking distances using pavements and footpaths and find that the entire Hospital does not lie within 800m walking distance of any existing or proposed local centre. Consequently, those working at the Hospital either need to make a separate shopping trip or visit an alternative more distant facility. Neither case results in them being able to integrate into their working day a trip for daily needs groceries. The application site is, in effect, located within the "campus" of Hospital and associated uses and so is easily able to perform this function".*

(WYG para 4.1.8)

The WYG Assessment goes on to record that much of the site which benefits from the outline planning permission for residential development has similar characteristics and the same limited accessibility to local shopping facilities.

However, consideration of the Local Centres Study demonstrates that the conclusions reached by WYG in respect of the accessibility of the hospital and its surroundings to Local Centres, as not being within the 800m “walk to” zones, is incorrect.

The Local Centres Map set out in the 2012 Local Centres Study (Map 1), shows the extent of the “walk to” zones around the Local Centres throughout the urban area and for convenience is reproduced at Appendix 1.

The map clearly shows that the totality of the hospital site, together with the surrounding locality, is entirely within the “walk to” catchment zones of Local Centres in the immediate vicinity.

The map shows that the catchment area of Scartho Centre extends northwards towards the Hospital, along the A1243 Scartho Road, as far as its junction with Edge Avenue, whilst the extent of the “walk in” catchment area of Second Avenue Local Centre, extends eastward into Scartho Road Cemetery and southward as far as the junction of the A1243 with Edge Avenue. It is therefore the case that the totality of the hospital site and its “campus” comprising the associated extant and committed residential development fall within the “walk-in” catchment area of existing local centres.

In addition, it should be noted that other convenience goods shopping facilities are available in the locality in the form of the small local centre at Edge Avenue. The latter local centre was designated as such in the 2003 Local Plan but was removed as a defined local centre in the 2012 Study because of its close proximity to Scartho Road and Second Avenue Local Centres. The 2012 Study stated in this regard:

*“with 4 units, the catchment of Edge Avenue is totally covered by the centres at Scartho Road (12) and 2<sup>nd</sup> Avenue (13)”*

(Local Centres Study, 2012, Paragraph 4.3)

This position is confirmed in the Local Plan which notes that the Edge Avenue local centre was de-designated as it made no additional contribution to the coverage of provision via its walk zone (Local Plan para 14.85).

It axiomatically follows that if Edge Avenue was de-designated as a local centre because it, and the catchment area it served, was totally covered by the catchment areas of the Scartho Road and Second Avenue local centres, it must be the case that the totality of the hospital “campus” is itself covered by the “walk-in” catchment areas of existing local centres.

It should also be noted that while Edge Avenue has been de-designated as a local centre, this does not alter its day to day function: the centre continues to provide a small convenience store in the form the “Today’s Local Store” and thereby provides, and adds to, available local shopping facilities within the vicinity of the hospital “campus”.

In the course of preparation of this advice, we have walked from the centre of the hospital “campus”, including from the current application site, to the de-designated local centre at Edge Avenue, as well as the designated local centres of Scartho Road and Second Avenue, and consider that these local shopping facilities are within easy walking distance of the hospital “campus”. Walking between the hospital and the local centres did not involve a journey of more than 10 minutes duration and the “walk in” catchment areas used in the Local Centres Study is therefore consistent with the walkable neighbourhoods promoted in Manual for Streets (MfS), defined as:

*"Walkable neighbourhoods are typically characterised by having a range of facilities' within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly those under 2km."*

(Manual for Streets, para 4.4)

We therefore conclude that there is no validity to the assertion made in the WYG Assessment that the hospital "campus":

*"Does not lie within 800m walking distance of any existing or proposed local centre".*

(WYG para 4.1.8)

Leaving aside considerations of accessibility, the WYG Assessment seeks to justify the provision of a new local centre on the application site as it would serve a "campus" of hospital and associated uses.

While the provision of the application proposals would increase the availability of local shopping facilities within the vicinity of the application site, it is not considered that the existence of the hospital and the surrounding residential areas constitute the development of an entity or "campus", which warrants the provision of a new local centre, given the strategy of the development plan and the accessibility of the hospital and associated residential development to existing local shopping facilities.

It is also not the case that the absence of a local centre at the hospital precludes those working at the hospital from being able to integrate into their working day (WYG, para 4.1.18), a trip for daily needs groceries. As noted above, existing local centres are accessible to those working at or living around the hospital.

It is also the case that many of the staff working at the hospital will be undertaking a journey to and from work as part of their daily employment and for many staff that trip itself is likely to provide an opportunity to access local shopping facilities. Indeed, a significant proportion of the trips to local shopping facilities are typically generated from "pass-by" trade.

Given the above, and having regard to the requirements of the sequential approach, we do not consider that the WYG Assessment provides the "robust justification" needed to demonstrate that the application proposals are locational specific in terms of the PPG.

Moreover, we do not conclude that the failure to provide a local shopping centre at the Hospital "campus" gives rise to any conflict with NELP Policy 28, and its justification for the role of Local Centres as being "to provide appropriate facilities to meet the day to day needs of local residents based on a walk in catchment area of approximately 800m".

The requirements of the sequential approach are set out in Policy 23(4) of the Local Plan. In summary the policy provides that town centre uses outside of defined primary shopping frontages will only be acceptable if it is demonstrated that the development could not be accommodated within, or on the edge of, defined centres and that the proposed site is accessible and well connected to the town centre.

In respect of the current application the only use specified is a convenience store with a gross floor area of some 430 sqm (APP1) to 470 sqm (Design and Access Statement). The other elements of the scheme are non-specific and comprise 3 small units that could be either Class A1, A2 or A3 use. The only specific element of the development proposed is therefore a convenience stores.

Within the Sutcliffe Road local centre there is a vacant site at 1860188 Sutcliffe Avenue. The site previously accommodated Class A development in the form of 2 units developed in the mid to late 1950s when the remainder of the centre was developed. However, that part of the centre fell vacant and the building was subsequently demolished. The site has a gross area of c. 650 sqms, large enough to accommodate the proposed convenience store of 430 sqms – 470 sqms. The site has an adjacent service road from which servicing of a store on the site could be undertaken and the site fronts onto the centre's shared parking area, where adequate car parking to serve the centre is located. A number of the smaller units within the centre are currently vacant.

Given the requirements of policy for flexibility, it appears that no consideration has been given to the potential to accommodate the retail development proposed at the Sutcliffe Road centre.

In the absence of a robust justification for the establishment of a new local centre at the application site the sequential approach requires that "with due regard to the requirements to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered": as such, consideration should be given to other alternative sites available within centres, including at Sutcliffe Road.

We are also aware that a new local centre is planned for Scartho Top, in accordance with the provisions of housing allocation HOU076. That strategic housing allocation is expected to accommodate approximately 970 additional dwellings over the plan period in accordance with a masterplan. Policy 14 of the NELP provides that the Scartho Top development will include the provision of social infrastructure including community facilities, to include a convenience store and other facilities compatible with the local centre.

The site of the proposed Scartho Top local centre is shown on the approved Scartho Top masterplan and is located approximately 800 ms to the west of the application site. Conditions imposed on the Scartho Top permission require the construction of a convenience store with a net sales area of 300 sqm as part of the approved phasing of the development.

It is therefore the case that a suitable site for the development of a new local centre will be available for development within a reasonable period of time, as provide for by para 86 of the Framework.

Given the above we do not consider that the application proposals accord with the requirements of the sequential test set out in the Framework and in Policy 23 of the Local Plan.

Para 90 of the Framework states that where an application fails to satisfy the sequential test it should be refused.

## **Impact Assessment**

Given the broader economic context, particularly with regard to convenience goods retail expenditure discussed above and the existing provision of convenience goods floorspace, it is evident that there is only limited scope to support new convenience goods retail development within Grimsby in the foreseeable future.

The application proposals seek to provide a new local centre, anchored by a convenience store, on the basis of the expenditure generated by the workforce of the hospital "campus" and the residents of the existing and committed residential development in the locality. However, that expenditure, is also relied upon by the existing local centres at Scartho Road, Second Avenue and Sutcliffe Avenue, as well as other local shopping facilities such as those at Edge Avenue, the catchment areas of which all extend over and into the catchment area that would be served by the application proposals. In addition, the catchment area of the proposed Scartho Top local centre will also be dependent in part on that pool of expenditure. The application proposals will therefore directly compete for that expenditure and will undoubtedly capture an element of that trade. The capture of such trade will be at the cost of the turnover of those existing and planned centres.

The Scartho Top Local Centre is being brought forward in accordance with development plan strategy and to benefit the residents of the c. 970 new dwellings that will be provided at Scartho Top over the plan period. It will draw trade from the new residents of that development as well as capturing an element of passing trade and also expenditure generated from residents of the HOU150 site comprising residential development allied to the hospital "campus".

Given the limited expenditure available, as demonstrated by the Three Centres Study update, and notwithstanding the additional residential development being promoted at Scartho Top and the HOU150 site, it must be considered doubtful that there is sufficient expenditure available to sustain the provision of 2 new additional local centres, as well as the existing network of local centres, at the present point in time.

While this assessment and that prepared by WYG does not rely upon any detailed quantitative analysis, we have considered existing convenience goods floorspace provision within existing local centres and compared that to the application proposals in order to identify the order of magnitude of the increase in provision that would result from the application proposals.

Existing convenience goods floorspace provision within the local area is assessed as follows:

<b>Local Centre</b>	<b>Estimated net convenience sales area (sqm)</b>
<b>Sutcliffe Avenue</b>	
Nisa Local – convenience store	276
<b>Second Avenue</b>	
Co-op – convenience store	206
Heron Frozen Foods	176
Coopland - bakers	38
<b>Edge Avenue</b>	
Today's Local – convenience store	56
<b>Scartho</b>	
Browns – butcher	37

Today's Local – convenience store	56
Costcutter – convenience store	214
Swales - baker	26
Swales - butcher	26
Spar – convenience store	240
Coopland - bakers	26
<b>Overall Total</b>	<b>1380</b>

The committed Scartho Top convenience store will increase net convenience sales floorspace in the local area by a further 300 sqm representing an increase of some 22.7% above existing provision. When that store commences to trade it is reasonable to assume that a significant proportion of its turnover will be drawn from existing convenience goods outlets trading in the locality within existing local centres. However, that development is brought forward as a component part of development plan strategy in accordance with Policies 14, 23 and 28 of the Local Plan and as such the increased competition that will ensue between those local centres is in accord with both national and local planning policy that seeks to enhance local shopping provision.

The application proposals will increase local convenience goods shopping provision by a minimum of a further 280 sqms (estimated on the basis of the maximum sales floorspace that can trade on an unrestricted basis throughout the week having regard to the Sunday Trading legislation) and potentially more if any of the small retail units were to be used for convenience goods sales. Combined together the application proposals (280 sqms net) and the Scartho Top committed store (300 sqms net) would increase convenience floorspace provision within the local area by 580 sqms from some 1380 sqms to 1960 sqm, an increase of 42%.

This represents a significant increase in convenience shopping provision within the local area at a time when expenditure growth is limited and Grimsby is assessed in the Retail, Leisure and Three Centres Study update of 2016, prepared by GVA, as having a negative capacity for further convenience goods floorspace development.

In this context there is considered to be a real risk that if planning permission were granted for the current application this could undermine the prospects for the delivery of the committed Scartho Top local centre and adversely impact that planned investment.

With regard to impact, national policy set out in the Framework states (para 89) that retail development proposed on sites outside town centres and not in accordance with an up-to-date plan should assess, inter alia:

*“the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.”*

Para 90 of the Framework states that where an application is likely to have a significant adverse impact on, inter alia, planned investment in a centre, it should be refused.

The same policy considerations are set out in Policy 23 of the Local Plan.

## **Conclusions**

On the basis of the analysis set out above it is considered that the application proposals fail to satisfy the requirements of the sequential test and the impact test set out in national and development plan policy together with the Local Plan's policies for the provision of a local centre to include a convenience store at Scartho Top as part of strategic housing Policy 14.

I trust the above assists.

Yours sincerely

**David Prichard MRTPI**

## **APPENDIX 1**

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### **Grimsby and Cleethorpes Urban Area & Environs LC Zones Local Centres Map 1**

## Grimsby and Cleethorpes Urban Area & Environs LC Zones

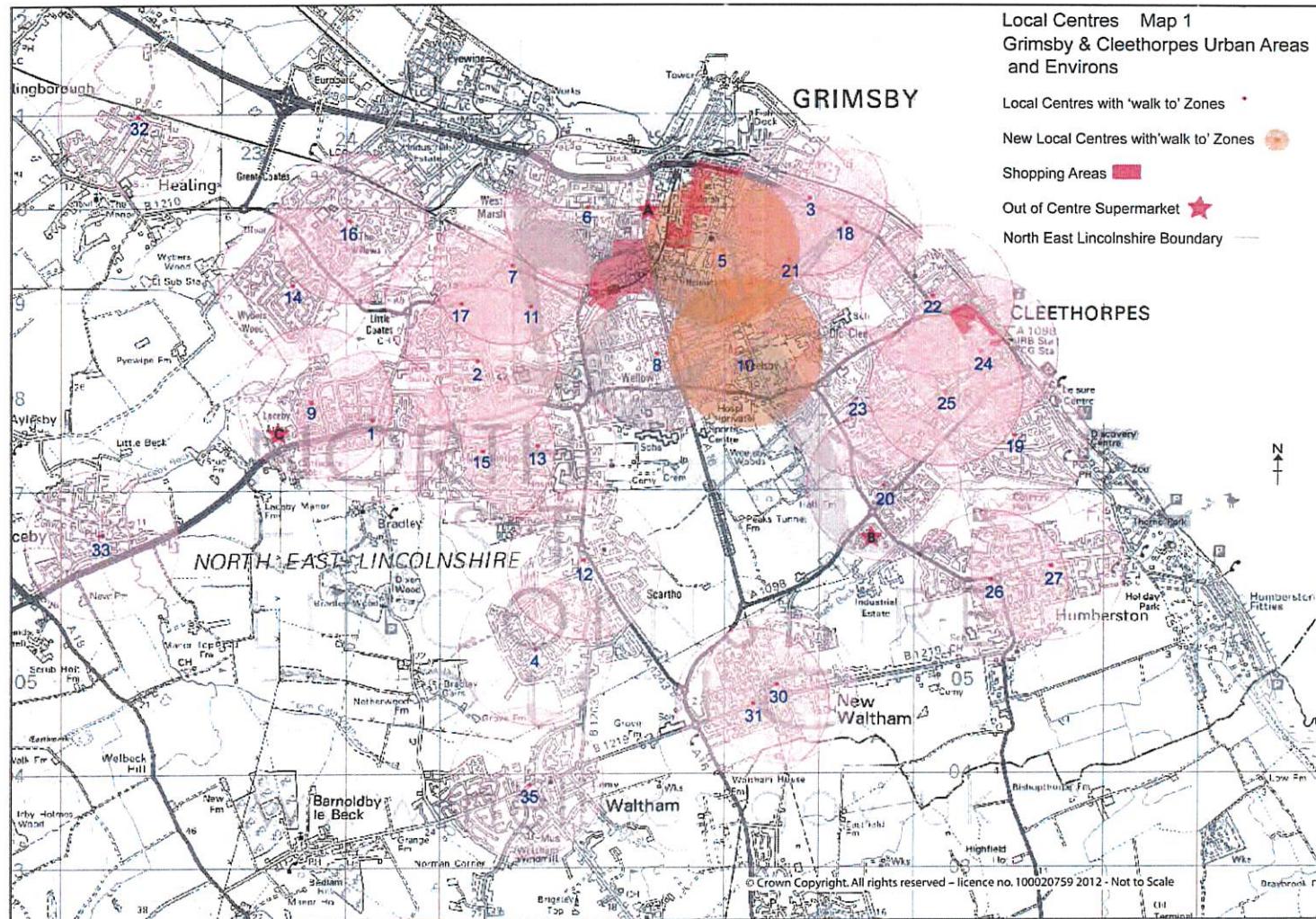


Figure C.1 Grimsby/Cleethorpes urban area & environs Local Centre Zones

DM/0406/19/FUL – LAND SOUTH OF DIANA PRINCESS OF WALES HOSPITAL  
FORSYTHIA DRIVE, GRIMSBY



DM/0406/19/FUL – LAND SOUTH OF DIANA PRINCESS OF WALES HOSPITAL  
FORSYTHIA DRIVE, GRIMSBY





## **Development Management Services**

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Telephone (01472) 313131 Fax

Email: [Planning@nelincs.gov.uk](mailto:Planning@nelincs.gov.uk)

## **REQUEST FOR APPLICATIONS TO BE HEARD AT PLANNING COMMITTEE**

### **Ward Member Reply Slip for Applications to be reported to the Planning Committee**

<b>Application No.</b>	<b>Reason for Referring to Planning Committee</b>
<b>DM/0406/19/FUL</b>	<p>With regard to planning application DM/0406/19/FUL, Land South of Diana Princess of Wales Hospital, Forsythia Drive, Grimsby North East Lincolnshire, I request that under the Council's adopted scheme of delegation, the above application is 'called in' for determination by Members if officers are minded to refuse the scheme.</p> <p>I believe this to be in the public interest and that members of the planning committee should be fully aware of the application and its proposal to improve the amenities, not only for hospital users, but also for resident of park ward and surrounding area. It is my understanding that the proposed scheme will provide a retail store and three other commercial sites for the area. This could potentially reduce the number of vehicles caused to travel along Scartho Road to access basic amenities from the neighbourhood of Scartho Top estate and both hospital staff and patients.</p>

### **Contact Details:**

**Signature:**

**Date: 3<sup>rd</sup> December 2019**

**Name: Councillor Debbie Woodward**

**Address:** Rye Corner, 10 Welholme Road, Grimsby, N.E. Lincs, DN320DU

Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU  
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Neutral Citation Number: [2019] EWHC 2992 (Admin)

Case No: CO/209/2019

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 07/11/2019

**Before :**

**Timothy Mould QC (sitting as a Deputy High Court Judge)**

**Between:**

**THE QUEEN**  
(on the application of)  
**SAGAR VISHNUBHAI PATEL**  
- and -  
**DACORUM BOROUGH COUNCIL**

**Claimant**

**Defendant**

**-and-**

**HARKALM INVESTMENTS LIMITED**

**Interested Party**

**Saira Kabir Sheikh QC and Conor Fegan (instructed by Clyde and Co LLP) for the**  
**Claimant**

**Giles Atkinson (instructed by Legal Team Dacorum Borough Council) for the Defendant**

**Richard Kimblin QC and Christian Hawley (instructed by WGS Solicitors) for the**  
**Interested Party**

Hearing dates: 10-11 July 2019

**Approved Judgment**

**Timothy Mould QC:**

1. This is an application for judicial review of the decision of the Defendant, Dacorum Borough Council, to grant planning permission ('the planning permission') subject to conditions for development comprising the change in the use of Unit 1 and Unit 2, Richmond Square, Hicks Road, Markyate, Hertfordshire AL3 8 FL ('the site'). The Defendant gave notice of the grant of the planning permission on 5 December 2018.
2. The Claimant is the joint owner and operator of the Nisa Local convenience store and Post Office at High Street, Markyate. In his claim form, the Claimant challenged the lawfulness of the Defendant's decision to grant the planning permission on no less than sixteen grounds.
3. On 27 February 2019 John Howell QC, sitting as a deputy high court judge, granted permission to apply on nine of those grounds and refused permission on the remaining seven grounds. On 3 April 2019 the Interested Party, as leasehold owner of the site, together with the freehold owner entered into a planning obligation, in the form of a unilateral undertaking, under section 106 of the Town and Country Planning Act 1990 ('the 1990 Act'). The effect of that planning obligation is to limit the net retail sales area of Unit 1 at the site to no more than 170 square metres. In the light of that planning obligation, Ms Saira Kabir Sheikh QC, who appeared on behalf of the Claimant, did not pursue grounds 5 and 6 of the claim. The claim before me accordingly proceeded on grounds 4, 10 to 13, 15 and 16 as stated in the claim form.

**Background**

4. On 4 July 2012, the Defendant granted planning permission ('the 2012 permission') for the comprehensive redevelopment of land at Hicks Road, Markyate to provide a range of 75 residential dwellings, new class B1, B2 and B8 accommodation, a new surgery/health centre, 3 commercial units for class A1/A2/A3/A4 and B1 use, creation of a public square, associated landscaping, formation of new access roads and provision of 197 car parking spaces. The 2012 permission was granted subject to 37 conditions. Condition 29 was in the following terms-

*"Any shop unit falling within Use Class A1 shall not exceed 105 square metres as shown on the approved plans. This condition shall apply to the original construction and any future re-arrangement of the commercial floorspace within the development hereby permitted."*

5. The reason given for the imposition of condition 29 was-

*"In order to maintain the viability of existing retail units within the village in accordance with Policy 43 of the [Dacorum Borough Local Plan]."*

6. That reasoning was explained further by the Defendant's planning officer in his report on the application for the 2012 permission -

*"...this application is an opportunity to create a new commercial focus for Markyate that would encourage more residents to use the village for shopping and other services to the benefit of not only the application site, but also the wider High Street."*

*However, it is also important to acknowledge the success that the independent operator of the local NISA shop... [i.e. the Claimant] ...has had in tailoring his business to the needs of the local community and thus maintaining a thriving small business through the recent economic downturn. It is therefore necessary that the livelihood of this local shop is complemented by the proposed new retail units. This can be addressed by limiting the maximum size of retail outlet by way of condition, in accordance with the aims of Proposal SS2 which seeks small A1 to A4 units".*

7. The comprehensive redevelopment scheme authorised by the 2012 permission was carried out. There followed a period of marketing of both the doctor's surgery/health centre accommodation and a commercial unit within the scheme which did not result in the occupation of either of those premises. On 24 May 2018 the Interested Party submitted a planning application to the Defendant for the following description of development ('the proposed development') -

*Units 1 and 2, Richmond Square, Hicks Road, Markyate, AL3 8FL – change of use of unit 1 (Class D1 surgery/health centre use) to Class A1 convenience foodstore, together with change of use of unit 2 (Class A1/A2/A3/A4 and B1) to three residential units (one 1-bed and two 2-bed flats), together with associated external alterations. Landscaping, amendment to Richmond Square and provision of parking.*

8. The planning statement submitted in support of the Interested Party's planning application indicated that the proposed change of use of the vacant surgery/health centre premises (Unit 1) would enable The Co-operative Food Group to take up occupation of those premises for a convenience store. The ground floor would provide the main sales area and dedicated refuse store, with additional back of house space located at first floor level. No car parking was proposed to serve the convenience store, on the basis that customers would be able to make use of the existing Hicks Road public car park.
9. The planning application was notified to neighbours and publicised for comment between 6 June 2018 and 19 July 2018. The Claimant objected to the proposed development. He instructed his agent, Mr Julian Sutton, Managing Director of JMS Planning and Development Limited, to write to the Defendant setting out the basis of his objections. In his letter to the Defendant's Planning Department dated 26 June 2018, Mr Sutton wrote that the Claimant raised three principal objections relating to retail issues, loss of the Post Office services and highway issues. Mr Sutton explained each of these three objections in some detail, before concluding –

*"...it is considered that the above application should be refused as the current proposal does not accord with the previous permission on the site and it is considered that the retail unit is too large and will have an adverse impact on the character of Markyate and therefore is in contradiction with Policy CS16 and saved Policies 43 and 44 as it would have an adverse impact on the existing retail centre within Markyate and has failed to address the sequential approach to site selection. Furthermore, the proposal also raises significant highway safety issues and does not make appropriate provision for car parking. My client also raises concerns over the impact of the application proposal on Markyate Post Office*

*and the failure to comply with saved Policy 45 of the Dacorum Borough Local Plan".*

10. Mr Bhavesh Patel, the Claimant's uncle and joint owner of the Nisa Local store and Post Office, also wrote on 26 June 2018 raising objections to the proposed development. Mr Bhavesh Patel raised concerns that the proposed development would put both the continuing operation of the Post Office service at the Nisa store at serious risk and lead to a loss of existing jobs in the existing village centre. Mr Patel wrote further letters of objection raising, amongst other matters, concerns about the ability of the Hicks Road public car park to serve the proposed convenience store and the impact of the operation of the store on highway safety.
11. Markyate Parish Council lodged an objection to the proposed development. There were numerous persons who also raised objections and some expressions of support. A petition which attracted over 1,000 signatures was lodged objecting to the 2018 development on a number of grounds, including its impact on highway safety, the lack of car parking, the impact of the proposed convenience store on existing shops with Markyate village centre with a resulting loss of employment and the risk of closure of the Post Office.
12. In October 2018, the Interested Party submitted amendments to the car parking, servicing and delivery arrangements for the change of use of Unit 1 as a convenience store under the proposed development. Those amendments now proposed that 5 car parking spaces be provided on site to serve Unit 1 (4 customer spaces and 1 staff space). The amended plans also included an updated Delivery and Servicing Management Plan (October 2018).
13. Given the existence of a significant level of local interest in and concern about the proposed development, the Defendant decided to undertake a further round of publicity to enable both neighbours and the public to comment on the amended plans for car parking, servicing and delivery arrangements for the proposed convenience store in Unit 1. On 12 November 2018, the planning officer wrote to neighbours, offering a further opportunity to comment on the planning application. The planning officer wrote that any comments would need to be submitted by 3 December 2018 to be considered, and that –

*"...your comments will be taken into account by Planning Officers in making a decision".*

The planning officer also wrote that most applications are decided at officer level, however some applications are referred to the Defendant's Development Management Committee ('the Committee') for determination. He drew attention to the Defendant's website for an explanation of the process and how people were able to participate in it.

14. The Defendant also gave notice on its website of a further period of public consultation on the planning application. A screen shot of the relevant page dated 23 November 2018 shows that the planning application was "awaiting decision", with an "actual Committee date" of 29 November 2018, and a neighbour and standard consultation running from Monday 12 November 2018 and expiring on Friday 7

December 2018. The same information appears on a screenshot of the same page dated 1 December 2018.

15. In fact, because the planning application was “contrary to the views of Markyate Parish Council”, it was reported by the planning officer to the Committee for determination at its meeting on 29 November 2018. The Committee received a full report (‘the report’) on the planning application from the planning officer.
16. The planning officer drew together his conclusions in section 10 of the report. He concluded that the proposed development would bring vacant units into productive use. The provision of 3 new flats would make a small but valuable contribution to the borough’s housing stock. The proposed convenience store would offer a greater choice of food products for local residents. It would serve as a link to the High Street, where other goods and services are available. Considered in the context of the retail policies in the development plan, there were no sequentially preferable sites within the Markyate Local Centre. The size of retail floorspace proposed did not raise the need for a retail impact assessment on the Local Centre. The edge of centre location was considered to be appropriate. Parking and highway impacts had been addressed in a satisfactory way. He recommended the grant of planning permission, subject to conditions.
17. The planning officer appended to the report *verbatim* both the responses received from statutory consultees on the proposed development (appendix 1 to the report) and the responses received from neighbours and members of the public objecting to or supporting the proposed development (appendix 2 to the report).
18. On 28 November 2018, Mr Sutton wrote to the Chair of the Committee reiterating the Claimant’s objections to the proposed development and also expressing concern that the planning application was being presented to Committee “*before the end of the current consultation period which does not expire until 3 December 2018*”. An addendum sheet submitted to the Committee for its meeting on 29 November 2018 included the following advice –

*“Neighbour consultation letters sent on 12 November 2018 erroneously gave 21 days for comment instead of the standard 14. Consequently, it is recommended that the decision is changed from “Grant” to “Delegated with a view to approval” in order to allow time for the consultation period to run its course – i.e. up to 3 December 2018. It is recommended that the application is then determined in accordance with Members’ resolution”.*

19. The minutes of the Committee’s meeting on 29 November 2018 record that the planning officer introduced the planning application to the Committee. The minutes record that, during the Committee’s discussion, it was moved and agreed that the planning application should be granted in line with the planning officer’s recommendation, with the addition of a condition restricting the length of vehicles delivering to the convenience store in Unit 1. On that basis, and by a majority of two to one, with four members abstaining, the Committee resolved that planning permission be granted, subject to conditions, for the proposed development.

20. The minutes of the Committee's subsequent meeting on 13 December 2018 record that the minutes of its meeting held on 29 November 2018 were confirmed by the Members present and were then signed by the Chair.
21. On 30 November 2018, the Claimant wrote a further letter of objection to the Defendant's planning officer. In that letter, the Claimant reiterated in some detail that his and his co-owners' concerns about the impacts of the proposed development on highway safety, car parking, the shops and businesses in the existing village centre and the risk of losing the Post Office service had not been properly considered and evaluated by the Committee at its meeting on the previous day.
22. On 5 December 2018, the Defendant issued the planning permission.

### The report

23. In the report, the planning officer advised that there were four main issues to consider in relation to the planning application for the proposed development. These issues were planning policy and principle, parking and impact on highway safety, impact on appearance of building and street scene, and other material considerations. It is necessary to set out in a little more detail how the planning officer dealt with the issues both of planning policy and principle and of parking and highway safety, in relation to the proposed change of use of Unit 1 to use as a convenience store.
24. Under the heading of policy and principle, the planning officer set out his assessment of the proposed change of use of Unit 1 to retail use in paragraphs 9.2.2 to 9.2.24 of the report.
25. The planning officer said that the Dacorum Core Strategy 2013 ('the Core Strategy') promotes new retail development in central locations first in order to support the vitality and viability of centres. The Core Strategy requires a sequential approach to site selection for new retail development. Policy CS16 states that any new retail floor space will only be permitted outside of a defined centre if the proposal complies with the sequential approach and it is demonstrated that the proposal would not impact upon the vitality and viability of the centre.
26. The planning officer advised that, applying the definition given in the National Planning Policy Framework (2018) ('the NPPF'), the site comprises an 'edge of centre' location for new retail development. He considered that the selection of the site for retail use was in accordance with the sequential approach required by Core Strategy policy CS16, since there were no unoccupied shop units within the existing designated local centre at Markyate. He said that the site had formed part of Strategic Site 2 (SS2) in the Dacorum Borough Local Plan ('the DBLP'), under which "*Ground floor retail uses will be acceptable where they meet local need and complement the existing retail offer within the village centre. Such uses to create a link to/extension of High Street into Hicks Road*". He also referred to the approved Hicks Road Masterplan which supported "*The provision of small-scale retail uses (Classes A1/A2/A3 and A4) to add life and vibrancy to the new public spaces and to complement the role and function of the existing High Street*". He said that the 2012 permission had established the principle of retail floor space outside the village centre and of Richmond Square as forming a continuation of that centre.

27. In recognition of the Hicks Road Masterplan's support for "small-scale retail uses" and the fact that the proposed convenience store in Unit 1 would be larger than the retail unit approved under the 2012 permission, the planning officer gave further consideration to what "small-scale retail uses" actually meant in practical terms –

*"9.2.19 Saved Policy 45 (Scattered Local Shops) of the [DBLP] states that "Small means up to 235 sq. m in area". It is important to note that the proposed net sales area equates to 170 square metres, with the remaining 177 square metres required for back-of-house facilities and plant equipment, which is split over two levels. As such, the whole of the unit (347sqm) is not proposed to be given over to the sale of goods. It is uncommon for convenience stores to operate over two levels; however, for the avoidance of doubt and to allay any potential concerns over the impact of the additional space at first floor level, it has been indicated that the applicant would be amenable to a planning condition limiting the sales area to 170 square metres. The proposal is therefore considered to be a small-scale retail use".*

28. The planning officer then turned to consider the impact of the proposed new convenience store on the existing Nisa Local store –

*"9.2.21 The Hicks Road Masterplan refers to small-scale retail uses complementing the role and function of the existing High Street, but does not say that competition is inappropriate. Limiting competition is not the role of planning, as acknowledged by the previous case officer. The key issue is the impact on the Markyate local centre as a whole, not the NISA store in isolation. Competition between respective shops can benefit customers (by keeping prices competitive and offering a wider choice of goods), and is an integral part of a free market economy. Whether in a local centre or not, two businesses selling similar products will be in competition with each other."*

29. The planning officer said that, as the doctors' surgery no longer wished to occupy Unit 1, a productive new use now needed to be found for it. At paragraph 9.2.24 he set out the advantages of the proposed new use of Unit 1 as a convenience store –

*"9.2.24 The combination of a Doctor's surgery and enhanced retail offerings at Richmond Square was intended to serve the growing needs of Markyate. In recent years there have been a number of new developments in and around the area, as well as increases in density through infilling. The provision of a new A1 shop would be commensurate with the growth in population and density within the local area. The site's proximity to the A5183 (formerly the A5) may also attract passing trade from residents of outlying areas – i.e. Flamstead, Pepperstock, Kensworth – on their way to and from work. It is considered that this could have positive spin-off benefits for the other shops and retail offerings within Markyate. The food store is considered to further the aims and objectives of Policy CS23 of the Dacorum Core Strategy, which states that "Social infrastructure providing services and facilities to the community will be encouraged."."*

30. The planning officer summarised his assessment as follows –

*"The proposal would not conflict with the retail/shopping aims of Policy CS16.*

*The principle of a retail unit outside of the Markyate Village Centre was established by [the 2012 planning permission].*

*Small-scale retail is encouraged in the Hicks Road Masterplan, noting previous approval of a Class A1 use (within Unit 2).*

*The designated local centre comprises a number of active retailers and there do not appear to be any vacant units.*

*The site is visually and physically connected to the centre – well connected, as required by paragraph 87 of the NPPF (2018).*

*The centre suffers from a lack of focus.*

*The application offers the opportunity to provide a convenience store which would be commensurate with the size of Markyate and take into account the recent growth in population.”*

31. In relation to car parking provision, the planning officer said that saved appendix 5 of the DBLP set a maximum parking standard of 12 spaces to serve the proposed convenience store in Unit 1. For the reasons given in paragraphs 9.3.11 to 9.3.16 of the report (to which I return later in this judgment), he concluded that the provision of 4 short stay spaces and 1 staff car parking space, as proposed under the amended plans, was acceptable. The planning officer also assessed the adequacy of the updated Delivery and Management Plan and the potential for delivery vehicles turning into Hicks Road from the High Street to disrupt the free flow of traffic and endanger pedestrians on the footway. At paragraph 9.2.23, he acknowledged that a lorry making the turn might encroach to some extent onto the footway connecting Hicks Road to the High Street and also into the oncoming lane. However, such a lorry would not be travelling at speed and could reasonably be expected to take careful note of any pedestrians using the footway at the time. There was unlikely to be any significant resulting disruption to the free flow of traffic. He noted that the highway authority had raised no objection to the proposed development.

### **The grounds of challenge**

32. In her skeleton argument, Ms Sheikh summarised the grounds of challenge advanced by the Claimant as follows –
  - (1) **Ground 4:** The Defendant misinterpreted saved policy 45 of the DBLP by considering the net floor space and not the gross floor space when assessing whether the proposed development was a small-scale local shop.
  - (2) **Ground 10:** The Defendant failed to take into account that the proposed development would divert customers away from the High Street. This was a material consideration which the Defendant was required to take into account when assessing whether the proposed development complied with saved policy 44 of the DBLP and policy CS16 of the Core Strategy.
  - (3) **Ground 11:** The Defendant failed to take into account the impact which the proposed development could have on the continuing availability of the Post

Office. This was a material consideration which the Defendant was required to take into account both when assessing the impact of the proposed development on valued facilities under paragraph 92 of the NPPF and when assessing the impact of the proposed development on the vitality and viability of the Village Centre, under saved policy 44 and policy CS16.

- (4) **Ground 12:** The Defendant failed to take into account the impact which the proposed development could have on employment levels in Markyate even though this was a key issue which was raised by numerous objectors.
- (5) **Ground 13:** The Defendant misinterpreted the car parking standards contained in saved appendix 5 of the DBLP, by calculating the requirement for parking spaces with reference to the difference in floor space between the proposed retail unit and the existing, permitted retail unit. The correct approach was to consider the gross floor space of the proposed unit.
- (6) **Ground 15:** The Defendant breached a procedural legitimate expectation by resolving to grant planning permission before the publicly advertised further period of consultation on the amended planning application had come to an end.
- (7) **Ground 16:** The Defendant acted unfairly by consulting at a stage when it had already made up its mind to grant planning permission for the proposed development and was not willing conscientiously to consider consultation responses before it made a final decision.

## Legal Principles

- 33. There is no dispute between the parties over the relevant legal principles against which the Claimant's grounds of challenge are to be considered.
- 34. In dealing with an application for planning permission, a local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations: section 70(2) of the 1990 Act. The local planning authority must make its determination in accordance with the development plan, unless material considerations indicate otherwise: section 38(6) of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act').
- 35. A local planning authority's decision will be open to legal challenge if it fails to have regard to a relevant policy of the development plan or properly to interpret that policy: City of Edinburgh Council v Secretary of State for Scotland [1997] 1 WLR 1447, 1459.
- 36. A planning policy is to be interpreted objectively in accordance with the language used, read in its proper context: Tesco Stores Ltd v Dundee City Council [2012] UKSC 13, [2012] PTSR 983 at [18].
- 37. Where a claimant seeks judicial review of a local planning authority's decision to grant planning permission on the basis of criticisms of the planning officer's report which informed that decision, the question for the court is whether, on a fair reading of the report as a whole, the planning officer has materially misled the members of the planning committee on a matter bearing on their decision to grant permission. It is

necessary to ask whether any such error went uncorrected before the decision was made. Minor or inconsequential errors may be excused. It is only if the advice in the officer's report is such as to misdirect the members in a material way – so that, but for the flawed advice it was given, the committee's decision would or might have been different – that the court will be able to conclude that the decision itself was rendered unlawful by that advice. See Mansell v Tonbridge and Malling Borough Council and others [2017] EWCA Civ 1314, [2018] JPL 176 at [42] per Lindblom LJ.

38. Having reviewed the relevant authorities in Mansell's case, Lindblom LJ said (at [42])

*"Where the line is drawn between an officer's advice that is significantly or seriously misleading – misleading in a material way – and advice that is misleading but not significantly so will always depend on the context and circumstances in which the advice was given, and on the possible consequences of it".*

Lindblom LJ gave the following as examples of situations in which the court may conclude that the advice given was misleading in a material way: a case in which the planning officer has plainly misdirected the members as to the meaning of a relevant policy; or a case in which the officer has simply failed to deal with a matter on which the committee ought to receive explicit advice if the local planning authority is to be seen to have performed its decision-making duties in accordance with the law.

39. If a public authority so conducts itself as to create a legitimate expectation that a certain course will be followed, it may be unfair for that authority to be permitted to follow a different course to the detriment of a person who entertained that expectation, particularly if that person acted in reliance on it. Where the conduct alleged against the public authority is in the form of a statement made by that authority, it is necessary for the statement relied upon to have been clear, unambiguous and devoid of any relevant qualification. See R v Inland Revenue Commissioners ex parte MFK Underwriting Agents Ltd [1990] 1 WLR 1545 at page 1569G-H (Bingham LJ).
40. Consultation must be undertaken in accordance with the principles of fairness, whether or not it is undertaken as a matter of obligation. One of the purposes of consultation is to enable consultees to draw the decision maker's attention to relevant considerations that may otherwise have been overlooked when making the decision. In order to be a "proper" consultation of interested parties or the public, a consultation must (amongst other things) be undertaken when proposals are still at a formative stage; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken: see R (JL and AT Baird) v Environment Agency [2011] EWHC 939 (Admin) at [40]-[41] (Sullivan LJ).

#### **Ground 4: Misinterpretation of saved policy 45 of the DBLP**

##### *The Claimant's submissions*

41. Ms Sheikh submitted that, in paragraph 9.2.19 of the report, the planning officer misinterpreted saved policy 45 of the DBLP in that he assessed whether the proposed convenience store in Unit 1 was a small-scale retail use by reference to its net sales

area rather than (as paragraph 45.2 of the DBLP required) by reference to its gross floor space.

42. Saved policy 45 of the DBLP is principally concerned with protecting existing local shops from change to alternative uses –

***“45 Scattered Local Shops”***

*The loss of individual local shops outside town centres and local centres to alternative uses will not be permitted unless-*

- a. *There is another shop similar in use available for customers within convenient walking distance, or, in the absence of such an alternative, all reasonable attempts to sell or let the premises for shop purposes have failed; and*
- b. *The alternative use complements the function and character of the area.*

*Additional small shops may be permitted in exceptional circumstances where there is a proven need”.*

43. Ms Sheikh acknowledged that saved policy 45 is not directly relevant to the proposed development, which does not involve the loss of an existing individual shop. Nevertheless, she relied upon the following guidance given in paragraph 45.2 of the DBLP –

*“45.2 Small means up to 235 sq. m in area. Local shops in this context will usually be newsagents, sub-post office and grocer but could include others in the list of local shops...”*

44. As Ms Sheikh correctly pointed out, the planning officer relied upon that guidance both to explain and to justify his conclusion that the proposed convenience store would be a small-scale retail use. In paragraph 9.2.19 of the report, she submitted, the planning officer applied a threshold of up to 235 sq. m in area to the net sales area alone in Unit 1, in order to determine whether the proposed convenience store was a small-scale retail use. His approach was founded upon a misinterpretation of the definition of a “small local shop” given in paragraph 45.2 of the DBLP. Interpreted objectively in accordance with the language used, and read in its proper context, the reference in that paragraph to “up to 235 sq. m in area” is properly to be understood as a reference to the gross floor space of the shop, and not merely to its net sales area.

*Discussion*

45. In my view, it is clear from its language, its context and its purpose that the guidance given in paragraph 45.2 of the DBLP requires the decision maker to focus on the overall size of the shop under consideration, rather than its sales area alone. In other words, I accept Ms Sheikh’s submission that, if it is right to read that paragraph as stating a definition of a “small local shop”, that definition is properly to be understood as being governed by the gross floor area of the unit in question and not merely by its net sales area. The real issue under this ground, however, is whether the planning officer followed a different approach in paragraph 9.2.19 of his report.

46. In my judgment, that is clearly not the case. On the contrary, as I read his reasoning in paragraph 9.2.19, the planning officer followed precisely the approach that Ms Sheikh says paragraph 45.2 of the DBLP demanded of him. The planning officer recognised that taken as a whole, the size of Unit 1 was considerably in excess of the threshold of 235 square metres gross floor area for a small local shop as stated in paragraph 45.2. As he said, the floor area of the proposed shop unit as whole, measured across its two floors, was 347 square metres.
47. He advised, however, that it was uncommon for a convenience store to operate its sales area over two floors. The proposal here was to confine the sale of goods to the ground floor only of Unit 1, a proposal which the applicant was willing to see formalised by the imposition of a planning condition, if that were thought to be necessary. Confined to the ground floor of Unit 1, the net sales area of the proposed convenience store would be 170 square metres, that is to say, no more than half of the size of Unit 1 taken as a whole. The planning officer plainly considered that a net sales area of 170 square metres was consistent with the threshold of 235 square metres gross floor space for small local shops stated in paragraph 45.2 of the DBLP. On that basis, he was able to conclude that the proposed change of use of Unit 1 was to a small-scale retail use.
48. In my judgment, that was a conclusion that he was entitled properly to reach for the reasons that he gave in paragraph 9.2.19 of the report, based on his professional knowledge and experience. He did not misunderstand the guidance given in paragraph 45.2 of the DBLP. As I have explained, his conclusion that the proposal was for a small-scale retail use was founded on his recognition that, taken as a whole, the proposed convenience store was of a size that exceeded the threshold size for a small local shop as stated in that paragraph. For these reasons, Ground 4 fails.

#### **Ground 10: Failure to consider diversion of trade**

##### *The Claimant's submissions*

49. Ms Sheikh submitted that in his report, the planning officer failed to consider the possibility that the proposed convenience store would divert custom and trade away from Markyate High Street to the Richmond Public Square and result in significant harm to the vitality and viability of the existing Village Centre. This was a substantial point of concern to both the Claimant and many other local objectors, including shopkeepers and business owners, to the proposed development. Objectors feared that the proposed development would seriously damage the vibrancy of the High Street.
50. Ms Sheikh pointed to policy CS16 of the Core Strategy and saved policy 44 of the DBLP. Both policies required the Defendant to assess the likely impact of the proposed development on the vitality and viability of the High Street. The potential for the proposed convenience store to divert trade and custom away from the High Street was a necessary element of that assessment. Yet there was no explicit consideration of these potential impacts, and of local concerns about them, in the report. The planning officer did not address the specific issue of diversion of trade in the context of the vitality and viability assessment required under policy CS16 and saved policy 44. The proper inference to be drawn was either that the planning officer had failed to have regard to those relevant development plan policies or that he had failed to take account of the issue of trade diversion, which was a material

consideration in the determination of the planning application. On either basis, the Defendant had failed in its duties under sections 70 of the 1990 Act and section 38(6) of the 2004 Act.

*Discussion*

51. The planning officer undoubtedly drew the Committee's attention to policies CS16 and saved policy 44. In paragraph 9.2.2 of the report he said that under policy CS16, any new retail floorspace will only be permitted outside of defined centres if the proposal complies with the sequential approach and demonstrates that the proposal would not impact upon the vitality and viability of an existing centre. In paragraph 9.2.6 of the report, he said that saved policy 44 requires shopping proposals outside defined centres to demonstrate that a sequential approach to site selection has been followed. In summarising his assessment, the planning officer concluded that the proposed development would not conflict with the retail/shopping aims of policy CS16.
52. In paragraph 9.2.12, the planning officer advised that having regard to paragraph 89 of the NPPF, the proposed development was well below the threshold at which an impact assessment is required for the purposes of applying policy CS16. In other words, the nature and degree of any impact that the proposed development might be expected to have on the existing Village Centre was a matter for judgment on the basis of the material facts.
53. In my view, the planning officer's assessment of the likely impacts of the proposed convenience store on the vitality and viability of the existing Village Centre is to be found principally in paragraphs 9.2.21 and 9.2.24 of the report (which I have set out in paragraphs 28 and 29 above). That assessment was as follows -
  - (1) There are currently no vacant units in the existing Village Centre.
  - (2) As a small-scale retail use in Richmond Square, the proposed convenience store would complement the role and function of the existing Village Centre, which currently lacks retail focus.
  - (3) The proposed convenience store was likely to compete with the existing Nisa Local store, but retail planning policy does not seek to limit competition between individual shops.
  - (4) On the contrary, such competition can benefit shoppers by keeping prices down and broadening the range and choice of goods available to them.
  - (5) The proposed convenience store would help to meet the needs of the growing population with the local area, and also to attract passing trade, in each case leading to "spin-off benefits" for other shops and retail activities within Markyate.
54. In short, the planning officer both acknowledged and drew attention to the potential for the proposed convenience store to divert trade way from the existing Nisa Local store, but advised that it was likely to lead to a number of positive impacts that would be to the overall benefit of the existing Village Centre. On this basis, he was able to

conclude and to advise the Committee that the proposed development would not conflict with the retail /shopping aims of policy CS16.

55. In the light of the above analysis of the planning officer's assessment of the retail impact of the proposed development, I am satisfied that he did consider the possibility that the proposed convenience store would divert trade away from the existing High Street to Richmond Square. He concluded that any such diversion of trade would be likely to be felt primarily by the existing Nisa Local store, but that the overall impact of the proposed convenience store on the vitality and viability of the existing Village Centre along the High Street was likely to be positive. That was a planning judgment that he was entitled properly to reach. He explained why he had done so. His explanation is in accordance with policy CS16 and saved policy 44, both of which contemplate that the impact of new retail development outside of defined centres may be either positive or negative, or involve both positive and negative elements.
56. For these reasons, I am unable to accept Ms Sheikh's submission that the Defendant failed to consider the question of trade diversion. Ground 10 must be rejected.

### **Ground 11: Failure to consider impact on the Post Office**

#### *The Claimant's submissions*

57. Ms Sheikh submitted that the Defendant had failed to take into account the potential impact of the proposed development on the existing Post Office operation within the Nisa Local store. She drew my attention to Mr Sutton's letter to the Defendant's Planning Department dated 26 June 2018, in which he said that the existing Post Office counter operates "on the margins of viability". Mr Sutton wrote that –

*"Any trade diversion from my client's store, which would result in the store's closure, would obviously result in the loss of the Post Office facility. Furthermore, any significant trade diversion from my client's store prejudices its ability to underpin the existing Post Office counter".*

58. Mr Sutton went on to refer to the policy of the NPPF that seeks to guard against the unnecessary loss of local community facilities such as Post Offices. He asserted that –

*"As part of the officer's assessment of all relevant material considerations, a view of the likelihood of Markyate Post Office closing must be reached".*

59. Ms Sheikh submitted that, notwithstanding Mr Sutton's clear identification of the potential threat posed by the proposed development to the continuing availability of the Post Office counter to the local community and the importance placed on that consideration under national planning policy, the Defendant had failed to take account of that issue before deciding to grant the planning permission. The planning officer had neither acknowledged nor attempted to assess the risk of closure of the existing Post Office counter in the report. This was all the more striking, since the Claimant's concerns on this issue were echoed by those many members of the local community who had put their names to the petition. It was clear that the planning officer had lost sight of the issue, treating it as adding nothing to the assessment of the impact of the proposed development on the existing Village Centre. Whereas as a matter of national and development plan policy, the impact of the proposed development on the Post

Office as a local community facility (albeit one that operates within the existing Nisa Local store) was a distinct material consideration that, on the facts, demanded separate consideration and advice to the Committee in the report.

*Submissions on behalf of the Defendant and the Interested Party*

60. Both Mr Giles Atkinson for the Defendant and Mr Richard Kimblin QC for the Interested Party resisted these submissions. They accepted that the existing Post Office facility provided at the Nisa Local store was properly to be regarded as a community facility falling within the ambit of paragraph 92 of the NPPF and policy CS23 of the Core Strategy. They submitted that the Claimant had not justified (and could not justify) the Court drawing the inference that the Defendant had failed properly to take into account the potential impact of the proposed development on that community facility.
61. Essentially, both Mr Atkinson and Mr Kimblin presented the following submissions as to the approach that the Court should follow in considering this ground of challenge –
  - (1) When considering an allegation that a local planning authority has failed to take account of a material consideration, the Court should assess the totality of the information that was before the committee that resolved to grant planning permission.
  - (2) That information is by no means confined to the contents of the planning officer's report. It will (for example) extend to representations received from consultees, members of the public, and professional persons submitting comments on behalf of neighbours and other interested parties. It will also include the local knowledge and experience of the members of the committee, particularly in a case where the material consideration is the potential impact of the proposed development upon a local community facility.
  - (3) Members of a local planning authority are to be taken to be familiar with the policies both of that authority's development plan and to have a working knowledge of the NPPF. They are also to be taken to be reasonably familiar with the recent planning history of the site to which the planning application relates.
  - (4) The approach that the planning officer chooses to take to the presentation and analysis of the planning considerations that arise in any given case is a matter for the planning officer. The task of the Court is to read the report fairly and as a whole: see Mansell's case (paragraph 37 above).

62. Applying that approach, Counsel submitted as follows –

- (1) There was no doubt but that Defendant was well aware of the concern raised both on behalf of the Claimant and by others, that the proposed development put at risk the continuing viability of the Post Office counter as part of the Nisa Local store. The planning officer had set out *verbatim* in appendix 2 to the report both the contents of Mr Sutton's letter of 26 June 2018 and other written representations received in relation to the proposed development.

Members of the Committee had the petition drawn to their attention. Moreover, Mr Sutton had written directly to the Chair of the Committee on 28 November 2018 repeating the Claimant's concerns in relation to the Post Office.

- (2) Policy CS23 of the Core Strategy is the development plan policy that gives effect locally to paragraph 92 of the NPPF. Policy CS23 states that existing social infrastructure providing services and facilities to the community will be protected. Members of the Committee will have been aware of that policy.
- (3) Moreover the planning officer drew the Committee's attention to policy CS23 as a relevant policy and discussed the performance of the proposed development against that policy in paragraph 9.2.24 of the report. The planning officer's assessment in that paragraph was that the proposed development "could have positive spin-off benefits for the other shops and retail offerings within Markyate" and that the proposed convenience store "is considered to further the aims and objectives" of policy CS23. When that assessment is set in the context of his assessment in paragraph 9.2.21 of the potential impact of the proposed development on both the Nisa Local store in isolation and the existing Village Centre as a whole, it cannot justifiably be concluded that the Defendant failed to take into account the asserted impact on the Post Office facility.
- (4) It is also the case that the Claimant's and others' asserted concerns about the potential risk to the Post Office facility were not quantified. It was said that the viability of the existing Post Office counter was marginal and that any significant trade diversion from the Nisa Local store would place the Post Office facility in jeopardy. However, the point was put no more scientifically than that. In response, in paragraph 9.2.21 of the report, the planning officer had acknowledged that the Nisa Local store was likely to face competition from the proposed convenience store, but that the latter would complement the existing Village Centre as a whole.
- (5) In summary and for these reasons, there was no good reason to infer that the Committee had failed to consider the Claimant's and others' concerns about the potential impact of the proposed development on the Post Office facility. Insofar as those concerns added materially to the assessment of the impact of the proposed development on the existing Village Centre, the Committee had considered them in resolving as it did to grant the planning permission.

#### *Discussion*

63. I readily accept that the Court should follow the approach that I have set out in paragraph 61 above. It is beyond reasonable argument that both the planning officer and the Committee were aware of the Claimant's and others' concern that the proposed development would put at risk the continuing viability of the Post Office counter as part of the Nisa Local store. It is also fair to say that there was no evidence before the Committee upon which it was able to assess the scale or degree of that risk in any scientific way. What the Committee did know, however, was that the Claimant, speaking as the operator of the Nisa Local store judged the Post Office operation within it already to be marginal. The Committee also knew that the Claimant

considered that any significant diversion of trade from the Nisa Local store would prejudice the ability to maintain the Post Office counter as a viable part of the Claimant's business.

64. In paragraph 9.2.21 of the report, the planning officer acknowledged that the proposed convenience store would be in direct competition with the Nisa Local store. His answer to the concern that, as a result, the existing store risked loss of trade to the proposed convenience store was that it is not the role of planning control to limit competition between individual shops. From the perspective of retail planning policy, that answer is correct. As the planning officer said (and as is apparent from policy CS16), retail planning policy focuses upon the impact on the existing town or local centre as a whole.
65. However, as Ms Sheikh points out, the issue under this ground arises in the context of a distinct planning policy objective found in policy CS23 and paragraph 92 of the NPPF, that of seeking to protect existing community facilities. Of course it is true to say that the planning policy objective of safeguarding the vitality and viability of an existing town or local centre and the planning policy objective of protecting existing community facilities are to some degree interrelated. In many instances, it may well be that achieving the former objective will lead also to achieving the latter, since the health of the shopping centre and the community facilities within it are found to go hand in hand.
66. But it does not follow that is necessarily the case. It depends on the circumstances. The crux of Ms Sheikh's submission, as I understood her, was that in the circumstances placed before the planning officer and the Committee in the present case, protecting the existing Post Office counter depended not on the impact of the proposed convenience store on the Village Centre as a whole, but rather on the diversion of trade away from the Nisa Local store. In my judgment, that submission is well founded. It follows that, in advising as he did in paragraph 9.2.21 of the report that "The key issue is the impact on the Markyate local centre as a whole, not the NISA store in isolation", the planning officer begged the question as to the degree to which the proposed development was in accordance with national and development plan policy for the protection of community facilities such as (in this case) the Post Office.
67. Both Mr Atkinson and Mr Kimblin submit that the planning officer went on to address that question in paragraph 9.2.24 of the report by reference to policy CS23, with the result that (read fairly and as a whole), there is no foundation to the contention that the Committee was misled.
68. I have set out paragraph 9.2.24 of the report in paragraph 29 above. The focus of paragraph 9.2.24 is clearly upon the benefits to the community that would result from provision of a new foodstore as part of the proposed development. It was that provision that was said "to further the aims and objectives of Policy CS23". There is no mention in that paragraph of the Post Office counter in the Nisa Local store, or any further discussion of the concerns raised by the Claimant and others about the potential loss of that community facility, were the Nisa Local store to lose trade to the proposed convenience store.

69. It is necessary to have in mind that policy CS23 and paragraph 92 of the NPPF have two distinct and complementary objectives. The first objective is to encourage the provision of new social and community facilities, whether in their own right or as a component of new development. The second objective is the protection of existing social and community facilities. Thus, policy CS23 states –

*“Social infrastructure providing services and facilities to the community will be encouraged.*

...

*Existing social infrastructure will be protected...*

...

*All new development will be expected to contribute towards the provision of social infrastructure...”.*

Paragraph 92 of the NPPF states –

*“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops...) and other local services to enhance the sustainability of communities and residential environments;*

...

*b) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*

... ”

70. In my view, in paragraph 9.2.24 of the report the planning officer was concerned with the first of those two policy objectives. As he put it, “The food store is considered to further the aims and objectives of Policy CS23 of the Dacorum Core Strategy, which states that social infrastructure providing services and facilities to the community will be encouraged”. He did not mention or assess the Claimant’s and others’ concern that the proposed food store would run contrary to the second of the two policy objectives, that of seeking to protect the existing community facility comprising the Post Office counter in the Nisa Local store. Insofar as he did offer advice that bore upon that concern, it was his advice in paragraph 9.2.21 that the impact of the proposed convenience store on the Nisa Local store in isolation was not a significant material planning consideration.

71. Contrary to the submissions of Mr Atkinson and Mr Kimblin, it is clear to me that paragraph 9.2.24 of the report did not address the question as to whether the proposed development was in accordance with national and development plan policy for the protection of existing community facilities. Given the terms and objectives of both development plan policy (i.e. policy CS23) and paragraph 92 of the NPPF, and the

evidence before the Defendant, that was a material consideration. The report did not question that the Post Office counter at the Nisa Local store was a valued local community facility deserving of protection in accordance with policy CS23. The report advised that the proposed foodstore would further the aims and objectives of policy CS23. Yet the report, read as a whole, offered the Committee no explanation or advice as to the risk of closure of the Post Office counter resulting from loss of trade to the Nisa Local store. The report did not suggest that the Claimant's concerns about the loss of trade to the Nisa Local store were unfounded. On the contrary, the report acknowledged that there would be an impact on the Nisa Local store. The report advised, however, that the impact on the Nisa Local store was not a significant planning consideration.

72. For these reasons, in my judgment, Ms Sheikh is correct in her submission that, on a fair reading, the report did not address as a material consideration the risk posed by the proposed development to the Post Office counter within the Nisa Local store.
73. Nevertheless in order to succeed, Ms Sheikh must establish that the error in failing to address that consideration in the report resulted in the Committee being misdirected or misled in a material way: see paragraphs 37 and 38 above. There is force in the submissions of Mr Atkinson and Mr Kimblin that I have set out in paragraph 62 above. It is clear not only that the concerns raised by the Claimant and others were before the Committee but also that the report drew the Committee's attention to policy CS23. However, those submissions do not answer what is, in my view, the decisive point. The report needed to address the question whether the proposed development risked the loss of the existing Post Office counter at the Nisa Local store. That was a material consideration in its own right. The report did not address that consideration. Instead the report advised that the impact on the Nisa Local store in isolation was not a significant planning consideration and that the proposed foodstore fulfilled the aims and objectives of CS23. That was misleading, and materially so, in the sense stated by Lindblom LJ at [42] in Mansell v Tonbridge and Malling Borough Council and others [2017] EWCA Civ 1314, [2018] JPL 176, since it is right to conclude that had the question whether the proposed development risked the loss of the existing Post Office counter at the Nisa Local store been addressed, the Committee at least might have reached the overall conclusion that planning permission should be withheld.
74. For these reasons, I conclude that ground 11 has been made out.

#### **Ground 12: Failure to consider impact on employment levels**

##### *The Claimant's submissions*

75. Ms Sheikh submitted that the Defendant had failed to take into account the impact that the proposed development was likely to have on employment levels within Markyate. Loss of employment was a key issue raised by objectors to the proposed development in their representations. It was a specific point of concern raised by those who had signed the petition. There was a particular concern that the proposed convenience store would put at risk jobs in the High Street. One of the Claimant's points in relation to the risk to the Post Office had been the impact that was likely to have on levels of employment in the High Street.

76. Despite loss of employment being a key issue raised by objectors, the planning officer had not addressed that issue in the report. It was not enough merely to have included the representations themselves in the appendix to the report. Whilst it was correct to say that the planning officer was not under a legal duty to mention every point raised in relation to the proposed development, the issue of loss of employment was a material consideration of sufficient importance that it needed to be drawn expressly to the Committee's attention. On a fair reading of the report, this key issue had not been taken into account. In the result, the planning officer's assessment of the proposed development as materially misleading. The outcome might have been different if this error had not been made.

*Discussion*

77. I accept Mr Atkinson's submissions in response to this ground of challenge.
78. The planning officer is not under a legal duty to rehearse every point raised by objectors in his report to the Committee. The claimant's and other objectors' concerns about the potential impact of the proposed development, particularly the proposed convenience store, on levels of employment in Markyate were before the Committee. They were included in the appendix to the report. Likewise, the issues raised in the petition. Loss of employment was not, in itself, one of the key issues raised by Mr Sutton on behalf of the Claimant (see paragraph 9 above).
79. In contrast to her case under ground 11, Ms Sheikh did not draw attention to any distinct development plan or national planning policy objective which supported her argument. Whereas, for the reasons that I have given, the risk of loss of the Post Office as a local community facility was a key policy consideration in its own right, I am unable to reach the same conclusion in relation to objectors' concerns over employment.
80. The focus of objectors' concerns was upon the risk of job losses in the High Street resulting from the coming into operation of the proposed convenience store. As I have concluded in relation to ground 10, in the report the planning officer carried out a proper assessment of the impact of the proposed foodstore on the existing Village Centre in accordance with the relevant policies of the Core Strategy and the DBLP. The planning officer concluded that the proposed development would complement the existing Village Centre and bring a number of benefits overall for shops and retail businesses within Markyate. Conversely, the planning officer advised that the proposed foodstore was likely to compete with the existing Nisa Local store.
81. In my judgment, it is unrealistic for the Claimant to suggest that, in reaching these conclusions, the planning officer failed to take account of the implications for job gains and losses in the High Street and in Markyate as a whole. On the contrary, it is plainly to be inferred that the planning officer considered that the proposed development was likely to result in an increase overall in economic activity within both the High Street and Markyate as a whole, including opportunities for employment. As he noted, Unit 1 at the Richmond Centre had never been occupied. There were no vacant units in the High Street. The proposed foodstore would help to meet the needs of a growing local population. I can find nothing misleading in the planning officer's assessment insofar as concerns the likely effects of the proposed development on levels of employment. Ground 12 accordingly fails.

### **Ground 13: Misrepresentation of car parking standards**

#### *The Claimant's submissions*

82. Ms Sheikh drew my attention to the car parking standards set out in saved appendix 5 of the DBLP. She pointed out that the relevant standard for small food shops up to 500 square metres in area was set by reference to the gross floor area of the unit under consideration. The maximum requirement was for one parking space per 30 square metres gross floor area.
83. Ms Sheikh submitted that the planning officer's approach in paragraphs 9.3.13 of the report was founded upon a misinterpretation of the car parking standard in the DBLP. Paragraph 9.3.13 stated –

*"It must however be acknowledged that a retail permission exists at Richmond Square for 191m<sup>2</sup>, of which 105m<sup>2</sup> could be used for retail sales. A Convenience Store retailer could therefore occupy one of the existing units and trade with no alterations to parking or improvements to the benefit of the area. This application seeks to provide a number of parking spaces commensurate with the uplift in gross floor area; namely 191m<sup>2</sup> to 347m<sup>2</sup>. A difference of 156m<sup>2</sup> would give rise to a parking requirement of between 3.9 (75%) and 5.2 spaces (100%)".*

84. Ms Sheikh submitted that the planning officer had followed an approach that was not open to him under appendix 5 of the DBLP. Instead of basing his assessment on the overall gross floor area of the proposed convenience store, he had focused only on the uplift in gross floor area that represented the difference between the size of the retail store authorised by the 2012 permission and the proposed convenience store. The risk with that illegitimate approach was that it ignored existing shortfalls in car parking and so risked making inadequate parking provision for the proposed development, even allowing for the fact that the parking standards are stated to be maxima. In any event, there was a clear misinterpretation of the relevant car parking standard in the DBLP and the Committee had been materially misled.

#### *Discussion*

85. The planning officer assessed the car parking requirements for the proposed development in paragraphs 9.3.11 to 9.3.16 of the report. His starting point was as follows -

*"9.3.11 Saved Appendix 5 of the [DBLP] requires 1 off-road parking space per 30m<sup>2</sup> of gross floor area for A1 shops. Consequently, the proposed shop would give rise to a maximum parking standard of 11.56 spaces – essentially 12 spaces as it is not feasible, nor desirable, to provide 0.56 of a parking space".*

86. It is clear from that reasoning that the planning officer's approach to the application of the car parking standard for small food shops at least started from the right place. He applied the relevant standard to the overall gross floor area of the proposed convenience store. In paragraphs 9.3.12 to 9.3.14, the planning officer went on to consider whether there was any basis for reducing the required provision of parking spaces on-site from 12 to a lesser number. Again, that approach was undoubtedly in accordance with appendix 5 of the DBLP, which speaks of the maximum demand-

based car parking standards as “the starting point for progressive reductions in on-site provision”.

87. Understood in that context it is clear, in my judgment, that the planning officer’s approach in paragraph 9.3.13 of the report is not founded upon a misinterpretation of appendix 5 of the DBLP. As Mr Atkinson submitted in his skeleton argument, the planning officer was doing no more than seeking to identify those factors in this particular case that supported a reduction in on-site provision to serve the proposed development. One such factor was the existence of the 2012 planning permission, which allowed retail operations at Richmond Square without the need to make any on-site car parking provision. There were other factors too, including the likelihood that many of the customers using the proposed convenience store would be from the local area and walk to the store.
88. Nevertheless, I am unable to accept Ms Sheikh’s submission that, in taking account of the 2012 permission as he did in paragraph 9.3.13, the planning officer failed properly to interpret or to apply the parking standards in appendix 5 of the DBLP. On the contrary, I am satisfied that the planning officer’s approach in paragraph 9.3.13 of the report was a proper exercise in seeking to identify for the Committee those opportunities for progressive reductions in on-site provision that were to be taken into account in relation to the proposed development. Ground 13 accordingly also fails.

### **Ground 15: Breach of procedural legitimate expectation**

#### *The Claimant’s submissions*

89. Ms Sheikh submitted that the Defendant had made clear to the Claimant and other objectors to the proposed development that the Defendant would not determine the planning application before the expiry of the further period of public consultation on the amended car parking, servicing and delivery arrangements for the proposed convenience store. Given the terms in which the planning officer had written to neighbours on 12 November 2018, the recipients of that letter reasonably expected that the Defendant would not reach its decision on the planning application for the proposed development until after 3 December 2018. Moreover, the Defendant’s website gave rise to a reasonable expectation that the planning application would not be determined until after 7 December 2018.
90. In fact, the approved minutes of the Committee recorded that the Defendant had determined to grant planning permission for the proposed development at the meeting of the Committee held on 29 November 2018. There was no contemporary evidence to indicate that the planning officer had reviewed that decision in the light of the further written representations made by the Claimant on 30 November 2018. Nor was there any contemporary record of the Defendant having reviewed the Committee’s decision to grant planning permission in the light of further written representations made by other objectors immediately after the Committee on 29 November 2018 and by Ms Eccleston on 2 December 2018. In any event, notice of the grant of planning permission was issued on 5 December 2018. It followed that the Defendant had failed to honour the reasonable expectations of objectors that the period for responding to the further round of public consultation would remain open until 7 December 2018.

91. Ms Sheikh submitted that a legitimate expectation had arisen that the Defendant would not reach its decision on the planning application for the proposed development until it had first considered the responses that it received to the further round of public consultation. In breach of that legitimate expectation, the Defendant had reached its decision to grant the planning permission on 29 November 2018, well before the close of the further period of public consultation, which (for those being guided by the Defendant's website) would not expire until 7 December 2019, by which date the planning permission had actually been issued.

*The Defendant's evidence*

92. In response to both this ground of challenge and to ground 16 below (which is at least to some degree interrelated), Mr Atkinson sought to rely on two witness statements. Ms Sheikh submitted that those witness statements were inadmissible. It is, therefore, necessary to determine that issue before I proceed to consider grounds 15 and 16 on their substantive merits.
93. It is convenient first to consider the witness statement of Colette Wyatt-Lowe, dated 2 April 2019. Ms Wyatt-Lowe is an elected councillor of the Defendant. She is the vice-chair of the Committee and was present in that capacity at the Committee's meetings held on both 29 November 2018 and 13 December 2018. Ms Wyatt-Lowe's principal purpose in making her witness statement appears to have been to correct what she considered to be the inaccuracy of the Defendant's minutes of the Committee's meeting on 29 November 2018. In paragraph 9 of her witness statement, she says –

*"9. I have seen the minutes from the meeting of 29 November 2018 and have noticed that they incorrectly state that permission was granted by the committee. This was not the case. The minutes are wrong in that regard".*

94. Ms Sheikh submits that it is not open to the Defendant to adduce evidence which directly contradicts or questions the accuracy of the minutes of the Committee's meeting of 29 November 2018. She referred me to R (Lanner Parish Council) v The Cornwall Council and another [2013] EWCA Civ 1290 at [64] –

*"64. Save in exceptional circumstances, a public authority should not be permitted to adduce evidence which directly contradicts its own official records of what it decided and how its decisions were reached. In the present case the officer's report, the minutes of the Planning Committee meeting and the stated reasons for the grant of planning permission all indicate a misunderstanding of policy H20. These are official documents upon which members of the public are entitled to rely. Mr Findlay's submission that this is not a "reasons" case like Ermakov misses the point. The Council should not have been permitted to rely upon evidence which contradicted those official documents. Alternatively, the judge should not have accepted such evidence in preference to the Council's own official records".*

95. Ms Sheikh submitted that the minutes of the Committee's meeting on 29 November 2018 record the Committee's resolution that planning permission be granted for the proposed development subject to conditions. At its meeting held on 13 December 2018, the Committee had confirmed the minutes of its meeting on 29 November 2018. The confirmed minutes had then been signed by the Chairman. It would plainly be

contrary to the law as stated by the Court of Appeal in Lanner Parish Council's case for me to admit Ms Wyatt-Lowe's evidence, since the clear purpose of that evidence was to contradict the Defendant's own official record and, on that false basis, to outline how the Defendant would have dealt with any further representations received after 29 November 2018 in response to the further public consultation, in accordance with its scheme of delegation.

96. I accept Ms Sheikh's submissions on this issue. It is clear that Ms Wyatt-Lowe's evidence in her witness statement is primarily concerned to correct what she asserts to have been an inaccuracy in the minutes of the Committee's meeting on 29 November 2018. Her account of what would have happened after that date is essentially predicated on the Court accepting her account of what was decided on 29 November 2018 in relation to the proposed development in preference to the confirmed minutes of the Committee meeting held on that date. For the reasons given by the Court of Appeal in Lanner Parish Council's case, it is not open to the Court to proceed in that way. I decline to admit Ms Wyatt-Lowe's witness statement.
97. I turn to the witness statement of James Gardner dated 8 February 2019. Mr Gardner is the Defendant's planning officer who was responsible for the handling of the planning application and who prepared the report to Committee on 29 November 2018. Ms Sheikh objected to the admissibility of Mr Gardner's evidence essentially for the same reasons as she opposed Ms Wyatt-Lowe's witness statement. Ms Sheikh argued that Mr Gardner's evidence was an attempt to remedy, after the event, the Defendant's procedural failings that were evident both from the Committee minutes and from the contemporary record of the course of events from 29 November 2018 until the planning permission was issued on 5 December 2018. That contemporary record showed that both the Claimant and others had made further representations on the proposed development following the Committee meeting on 29 November 2018, but there was nothing to indicate that those representations had been considered by the Defendant prior to the issue of the planning permission on 5 December 2018. It would be contrary to the approach stated by the Court of Appeal in Lanner Parish Council's case for the Court to admit the evidence of Mr Gardner in order to enable the Defendant now to assert the contrary, i.e. that those further representations had indeed been considered.
98. Insofar as Mr Gardner seeks in his witness statement to refine or to supplement the resolution of the Committee as recorded in the confirmed minutes of its meeting of 29 November 2018, his evidence is not to be admitted for the same reasons as I have given in relation to Ms Wyatt-Lowe's witness statement. However, Mr Gardner goes on in his witness statement to give his account of what happened in relation to the further written representations received by the Defendant in response to the further public consultation after 29 November 2018. In paragraph 25, he says –

*"25. As no new material planning considerations were raised following the committee meeting, in line with the resolution of the committee, the application was subsequently granted on 5 December 2018".*

99. In my view, Mr Gardner's evidence in that paragraph is in no sense seeking to contradict the minutes of the Committee's meeting of 29 November 2018. The grant of planning permission was plainly "*in line with*" the resolution of the Committee as recorded in the confirmed minutes. Mr Gardner's statement that "*no new material*

*planning considerations were raised following the committee meeting*" of 29 November 2018 does not contradict any official document of the Defendant in evidence before the Court. To the contrary, it is Ms Sheikh's submission that there is no such document which records the Defendant's consideration (or lack of consideration) of the further representations received in the period between 29 November 2018 and 5 December 2018.

100. In my judgment, Mr Gardner's evidence is admissible at least insofar as it provides his account, speaking as the responsible planning officer, of the further written representations received by the Defendant during the period between 29 November 2018 and 5 December 2018 and of the consideration (if any) given to those further representations. To admit his evidence for that purpose does not offend the principle stated by the Court of Appeal in Lanner Parish Council's case. On the contrary, it enables the Court to understand the relevant facts upon which the Claimant's complaints under grounds 15 and 16 are founded. Paragraphs 16 to 25 of Mr Gardner's witness statement address events following the meeting of the Committee on 29 November 2018. Although expressed throughout in the passive voice, which is not entirely satisfactory for the purpose of providing the Court with a clear and precise factual account of what Mr Gardner, as the responsible planning officer, received and considered before he issued the planning permission on 5 December 2018, I am satisfied that those paragraphs of his witness statement provide an accurate account as case officer of his handling of the further written representations received, in response to his letter of 12 November 2018 and the publicity given on the Defendant's website.

#### *Ground 15 - discussion*

101. In his skeleton argument, Mr Atkinson referred to the planning officer's letter of 12 November 2018 and to the Defendant's website pages notifying the public of the further period of consultation on the planning application. Mr Atkinson accepted that the contents of those documents gave rise to a legitimate expectation that the period of further consultation would remain open until 3 December 2018. He did not, however, accept that there arose such an expectation that the period of further consultation would remain open until 7 December 2018.
102. I am prepared to proceed on the basis that, insofar as the planning officer's letter and the entry on the Defendant's website may properly be said to have given rise to such a legitimate expectation, the expectation was that the consultation period would remain open until 7 December 2018. I am willing to do so because the planning officer's letter of 12 November 2018 directs those reading it to the Defendant's website for further information about the decision making process, particularly in a case where (as here) the planning application had been referred to the Committee for determination. Had the reader followed that direction, he or she would no doubt have found their way to the website which, at that time, identified the date of expiry of the consultation period as Friday 7 December 2018.
103. The letter of 12 November 2018 informed readers that their comments would be taken into account by planning officers in making a decision on the planning application. The website as it stood at both 23 November 2018 and 1 December 2018 notified readers that the planning application was awaiting decision and that the actual committee date was 29 November 2018.

104. The question arises as to precisely what (if any) legitimate expectation arose in the light of these various statements by the planning officer and the Defendant. In my view, the most that can fairly be said is that the readers of one or other (or both) of these documents were able reasonably to expect that, if they submitted further representations to the Defendant in relation to the planning application by 7 December 2018, the Defendant as local planning authority would take those representations into account in deciding whether to grant planning permission. However, neither of those documents raised the reasonable expectation that the Defendant would postpone the Committee's consideration of the planning application until after the close of the further consultation period. To the contrary, the website was consistent both before and after 29 November 2018 in stating that the actual Committee date fell on that date.
105. The actual course of events was that the Committee did actually meet on 29 November 2018 and resolve that planning permission should be granted subject to conditions. In passing that resolution, in my view, the Committee was not acting in "breach" of any expectation created by the planning officer's letter of 12 November 2018 or the Defendant's website. On the contrary, both the letter and, in particular, the website anticipated that the Committee might meet and consider the planning application on 29 November 2018. Moreover, the Claimant and his professional representative were both well aware of that fact and understood that to be what the Defendant intended. With that in mind, Mr Sutton wrote to the Chair of the Committee on 28 November 2018. Notwithstanding the resolution of the Committee to grant planning permission, on 30 November 2018 the Claimant submitted a further detailed written representation to the planning officer arguing that the planning application required further consideration by the Committee.
106. There is no good reason to infer that others saw things differently. Indeed, the fact that other persons made further written representations to the Defendant objecting to the proposed development strongly indicates that there was a general understanding amongst objectors that the Committee's resolution on 29 November 2018 to grant planning permission was not its final decision on the planning application. In other words, both the Claimant and other objectors well understood that the opportunity to make further representations had not been closed off by the Committee's resolution of 29 November 2018.
107. It follows, in my judgment, that Ms Sheikh's primary argument under this ground is without merit. Far from being in breach of the asserted legitimate expectation that representations made during the further round of public consultation would be conscientiously taken into account prior to the decision to grant planning permission, the Committee's resolution of 29 November 2018 is consistent with that expectation.
108. Ms Sheikh's further argument is that there was a breach of legitimate expectation by reason of the fact that planning permission was issued on 5 December 2018, two days in advance of the close of the consultation period stated on the Defendant's website. Had there been evidence that any further representations were received by the Defendant during that two day period, and that those representations raised relevant matters that had hitherto not been raised and considered in respect of the proposed development, there might have been some force in Ms Sheikh's further argument. But there is no such evidence. Both the contemporary documentary record and the relevant paragraphs of Mr Gardner's witness statement attest to the absence of any

such further representations being made during the period between 5 December 2018 and 7 December 2018. Nor is there any evidence to suggest that any person who might have been minded to make such a representation was discouraged from so doing by the grant of planning permission on 5 December 2018.

109. For these reasons, I am not satisfied that ground 15 has been made out.

### **Ground 16: Unfair consultation**

#### *The Claimant's submissions*

110. Ms Sheikh submitted that the further public consultation on amendments to the car parking, servicing and delivery arrangements for the proposed development was unfair, because it was not undertaken at a formative stage and the responses to that further consultation were not conscientiously taken into account before the Defendant decided to grant the planning permission.
111. Ms Sheikh reminded me of the sequence of events during late November and early December 2018. The Defendant opened the further round of public consultation on 12 November 2018. The public was informed that the consultation would continue until at least 3 December 2018; on Ms Sheikh's argument, until 7 December 2018. Yet during that period, the planning officer prepared the report recommending that planning permission should be granted for the proposed development and, on 29 November 2018, the Committee resolved to grant planning permission. Representations received by the Defendant after that resolution to grant planning permission were not fairly and conscientiously considered by the Defendant. Indeed, such representations were not fairly considered after the planning officer had written the report. They could not be fairly taken into account, because both the planning officer and the Defendant had reached a well formed and settled conclusion that planning permission should be granted. The subject matter of the further public consultation, that is to say, the Defendant's consideration of the planning application for the proposed development, was no longer at a formative stage. Certainly, that was the position following the Committee's resolution to grant on 29 November 2018.

#### *Discussion*

112. The circumstances of this case are certainly unusual, in that the planning application was reported to the Committee with a recommendation that planning permission should be granted whilst the public was still being consulted on certain aspects of the proposed development. It is entirely unsurprising that, in these circumstances and in the absence of any contemporary document recording the planning officer's further assessment of the written representations received after the Committee met on 29 November 2018, permission was granted on this ground.
113. Nevertheless, I have had the advantage both of hearing argument from Counsel on the substance of the representations received by the Defendant after 29 November 2018 and of considering paragraphs 16 to 25 of the witness statement of the planning officer, Mr Gardner.
114. By far the most extensive of the further written representations received by the Defendant after 29 November 2018 was that submitted by the Claimant on 30

November 2018, which was supplemented by his letter of 3 December 2018. Ms Sheikh emphasised that the focus of those further representations was upon an aspect of the proposed development that was particularly controversial within the local community, that is to say the impact of the operation of the proposed convenience store on highway safety and the free flow of vehicles in and around Markyate Village Centre. The Claimant had made a series of further, detailed points about those issues which added substantially to the position as reported to the Committee in paragraphs 9.3.8 to 9.3.25 of the report. Moreover, she argued, the Committee had themselves been divided and the minutes recorded that members of the Committee had particular concerns about the ability of the local road network to accommodate service and delivery vehicles associated with the proposed convenience store.

115. I see the force of these submissions. Nevertheless, having considered and compared carefully both the matters reported by the planning officer to the Committee in paragraphs 9.3.8 to 9.3.25 of the report, the issues raised by objectors in representations that were set out in detail in the appendix to the report, and the reported lack of objection of the local highway authority following the amendments made to the proposed car parking, servicing and delivery arrangements, I am not persuaded that the Claimant's written representations of 30 November 2018 and 3 December 2018 added anything of substance to the information and arguments already before the Committee on 29 November 2018. Indeed, it is a theme running through the Claimant's letter of 30 November 2018 to draw the Defendant's attention to the fact that he had already raised the point at issue in previous representations, albeit without success. Fair consultation demands that the consultee's representations must be conscientiously considered by the decision maker; it does not demand that those representations must prevail.
116. Mr Atkinson submitted that ultimately it was enough that the planning officer had read and considered the further representations submitted by objectors during the period after 29 November 2018. If, having done so, the planning officer concluded that those further representations did not raise any new matter of relevance and substance to the planning application, or anything that called into question the accuracy or fair balance of the report, then the planning officer was able fairly and reasonably to conclude that there was no reason to refer the matter back to the Committee: the planning permission could properly be issued. Mr Atkinson submitted that the evidence supported the conclusion that this was indeed what had happened. In his witness statement, the planning officer had stated that objectors had not raised any new material planning considerations in their further representations following the Committee meeting on 29 November 2018. Those matters that the Claimant and others, including Ms Eccleston, had raised had either been addressed in the report or during the course of the Committee meeting.
117. I accept Mr Atkinson's submissions. The focus of the Claimant's further written representations was upon the inadequacy of the highway to accommodate the servicing and delivery arrangements for the proposed convenience store without serious disruption to traffic and danger to pedestrians. The report dealt clearly with those issues. Paragraphs 9.3.21 and 9.3.22 addressed the first of them. Paragraphs 9.3.23 to 9.3.24 addressed the safety issue concerning the need for delivery vehicles to mount the kerb. I have no doubt that the Claimant and other objectors are not persuaded by the planning officer's reported response to their concerns and surprised

at the lack of objection from the local highway authority. But that is a different thing altogether. For my part, I am not satisfied that the Defendant, through its planning officer, failed conscientiously to consider the further representations made by the Claimant and other objectors during the period following the Committee's resolution to grant planning permission at its meeting on 29 November 2018. I am satisfied that, albeit that the Committee was plainly minded that planning permission should be granted, nevertheless the Defendant remained at a formative stage in decision making, pending the planning officer's receipt and consideration of the further representations received from objectors, a process that was properly completed prior to the issue of the planning permission on 5 December 2018.

## **Conclusion**

118. I conclude that ground 11 of the claim has been made out. Although in their skeleton arguments Counsel for the Defendant and the Interested Party invited the Court to withhold relief in the exercise of its discretion, they did not press that argument in oral submissions. In any event, I am in no doubt that it would not be appropriate for me to take that course. Modest in scale the proposed development may be, but the Claimant raised before the Defendant a material consideration of substance as regards the protection of a local community facility, that was firmly founded upon the policy of both the development plan and the NPPF. The Claimant did so, speaking as the co-owner and operator of the Nisa Local store and the Post Office within it, and his concerns were founded upon his own assessment of the risk posed to that community facility by any significant loss of trade from his store to the proposed new convenience store. The report needed to consider that issue. It did not do so. It is at least a realistic possibility that the Committee will take a different view of the proposed development, when it does reflect upon the risk that it presents to the continued operation of the Post Office counter within the Nisa Local store at Markyate.
119. The claim succeeds on ground 11. All the remaining grounds of challenge fail.



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## Appeal Decision

Site visit made on 9 June 2020

**by S Hunt BA (Hons) MA MRTPI**

**Inspector appointed by the Secretary of State**

**Decision date: 23 June 2020**

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**Appeal Ref: APP/A4520/W/19/3238653**

**The Boldon Lad, Hedworth Lane, Jarrow NE32 4LQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Punch Partnerships (PML) Ltd against the decision of South Tyneside Metropolitan Borough Council.
- The application Ref ST/0192/19/FUL, dated 15 July 2019, was refused by notice dated 27 August 2019.
- The development proposed is Change of use of a Public House (A4) to a Retail Store (A1), reconfiguration of external car park layout and erection of 2.1 metre high close boarded acoustic fencing along the western, northern and eastern site boundaries tapering down to 600mm high adjacent to the highway.

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### Decision

1. The appeal is allowed and planning permission is granted for Change of use of a Public House (A4) to a Retail Store (A1), reconfiguration of external car park layout and erection of 2.1 metre high close boarded acoustic fencing along the western, northern and eastern site boundaries tapering down to 600mm high adjacent to the highway at The Boldon Lad, Hedworth Lane, Jarrow NE32 4LQ in accordance with the terms of the application Ref ST/0192/19/FUL, dated 15 July 2019, subject to the conditions set out in the Schedule to this decision.

### Application for Costs

2. An application for costs has been made by Punch Partnerships (PML) Ltd against South Tyneside Metropolitan Borough Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The appeal was scheduled as a hearing to take place on 12 May 2020, however this was postponed as a result of the restrictions of the Covid-19 pandemic. On a review of the case and taking into account the views of both parties, I decided that the appeal could appropriately proceed by the written representations procedure.

### Main Issue

4. The main issue is whether the sequential test has been demonstrated in the light of local and national planning policy which seeks to direct retail uses to existing centres.

## Reasons

5. The proposals seek to convert an existing public house (A4) to a convenience store (A1) with around 372m<sup>2</sup> gross floorspace. It is situated on Hedworth Lane, within a primarily residential area. A sequential assessment has been submitted which considers whether any alternative sites in existing centres are suitable and available for the type of development proposed in terms of size, type and range of goods, incorporating the requirement for flexibility as recommended by paragraph 87 of the National Planning Policy Framework (the Framework). The parties disagree on the size of the search area for the test which includes centres within 2km of the site. The Council suggested a more extensive radius which would include the town centres of Jarrow and Hebburn, some 2.5 and 3km away respectively (as the crow flies).
6. Having considered the Sequential Assessment Justification Statement, a 2km search area is appropriate given the scale and nature of the proposals. The retail unit is proposed to be occupied as a convenience store serving day to day needs and 'top up' shopping of a localised catchment of the residential area in which it is situated. Whilst this is not explicit in the description, the supporting documentation and plans clarify the proposed convenience use. A condition could be imposed to prevent future occupation by a comparison goods retailer that may command a larger catchment area. It is improbable that people residing in the towns of Jarrow and Hebburn would make a specific trip to use this facility, when their convenience needs are served in their own locality. A wider search area is therefore unnecessary.
7. A number of appeal decisions have been submitted by the appellant. Whilst these represent different circumstances and locations, they support the premise that convenience stores tend to serve small catchment areas, generally less than 1.5km.
8. The sequential assessment incorporates a range of centres, the majority being local neighbourhood shopping centres as identified on the South Tyneside Local Development Framework (LDF) Site Specific Allocations (SSA) proposals map 2012. It does not follow that this type of centre should be excluded from the search simply because they are not 'towns'. The centres are identified on the adopted proposals map and in this respect they meet the definition of a town centre in Annex 2 of the Framework. Sufficient evidence has been put to me in demonstrating that the eleven identified vacant units are unavailable or unsuitable and I am satisfied that flexibility on format and scale has been demonstrated.
9. I turn to the dispute about whether the appeal site should be classified as 'edge of centre'. Fellgate Avenue is located less than 200 metres from the appeal site. It incorporates a range of shops and services including two convenience stores (one with post office), hairdressers, pharmacy, takeaways, restaurant and betting shop. Due to the restrictions related to the Covid-19 pandemic at the time of my visit the majority of these units were closed, however none of the units displayed obvious signs of being vacant or for sale/let.
10. The retail policies of the emerging South Tyneside Local Plan have been put to me in respect of the status of Fellgate Avenue. Policy R1 promotes a somewhat different retail hierarchy to that in the adopted LDF and I note that this follows

the recommendations of a retail needs study<sup>1</sup>. Fellgate Avenue is not proposed in the emerging plan as a town centre but as a 'Local Neighbourhood Hub' by Policy R9 as a small parade of purely local significance. Such parades are excluded from the definition of a town centre in Annex 2 of the Framework, but I give this limited weight given that the emerging plan is at an early stage of preparation.

11. Fellgate Avenue is clearly identified on the adopted SSA proposals map as a local neighbourhood shopping centre. In my view the scale and nature of this centre is consistent with the Framework definition of a town centre. It has characteristics which demonstrate it as more than a small parade of shops of purely neighbourhood significance, with around 12 units and a dedicated car park.
12. Regarding paragraph 87 of the Framework, the site is in an accessible location on a main road within a sizeable housing area. There are bus stops adjacent to the site, and it is in close proximity to a railway station. The site is well connected to Fellgate Avenue neighbourhood shopping centre by two signalised pedestrian crossings providing suitable safe access. In view of its close proximity to Fellgate Avenue it is probable that linked trips already take place between the public house and the centre, and will continue to do so as a retail unit.
13. The site is 'edge of centre' to Fellgate Avenue, being less than 300 metres away. The sequential assessment has adequately demonstrated that there are no suitable and available units here or in other centres within the search area of 2km, which reflects the limited catchment area for a convenience store of this scale.
14. The proposals are in compliance with Policy SC1 of the South Tyneside Local Development Framework (LDF) Core Strategy 2007 (CS) which seeks for development proposals to be focused and promoted within the built-up areas, and (C) to maintain and improve the provision of accessible basic local services and community facilities, whilst focusing high trip-generating uses within town centres.
15. The proposal does not accord with Policy SC2 of the CS in respect of focussing retail development within the three town centres of South Shields, Jarrow and Hebburn. The supporting text setting out the shopping centre hierarchy of town centres and district shopping centres does not include Fellgate Avenue. Both Policies precede the 2012 Framework and are not fully consistent with it particularly in terms of their lack of flexibility and reference to a former Regional Spatial Strategy. Consequently, I give them moderate weight.
16. The more recent SSA (2012) Policy SA5 includes reference to local neighbourhood centres, and Fellgate Avenue is identified on the proposals map as one such centre. The proposal is broadly in accordance with this Policy which states that proposals for retailing provision will only be permitted where they would not adversely impact on the vitality and viability of existing and allocated sites within the designated centres. In this case the size of the proposed store does not meet the default threshold in paragraph 89 of the Framework in requiring an impact assessment (there is no locally set threshold). No assessment of impact on vitality and viability is therefore required.

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<sup>1</sup> South Tyneside Town and District Use Needs Study by Peter Brett Associates (October 2018)

## **Other Matters**

17. The highway authority have no objection to the plans subject to conditions requiring details of road markings and signage, and as such no adverse effects relating to traffic generation, parking and access have been demonstrated.
18. Potential noise, disturbance and fumes can be minimised by the imposition of conditions as recommended by the Council's environmental health team. There is no evidence before me that litter, anti-social behaviour and crime would be any worse than that which might arise from the existing unrestricted use as public house. The proposed change of use gives the opportunity to impose conditions on opening and delivery hours as well as installation of suitable acoustic mitigation which would represent an improvement on the existing situation.
19. The acoustic fence is of suitable design and sufficiently distanced from neighbouring residential properties, and as such there would be no harmful effects in terms of outlook. Other issues raised by local residents including loss of property value are not matters which would justify withholding planning permission.
20. A viability study has established that the public house is commercially unviable and it has not been designated as an Asset of Community Value.

## **Conditions**

21. I have undertaken some minor editing of the Council's conditions for precision and clarity. I have attached conditions specifying a time limit and the relevant plans to provide certainty.
22. I have included a condition in relation to signage and marking out of parking spaces and delivery areas and signage in the interests of highway safety. A condition is required to ensure cycle parking is installed as approved in the interests of promoting sustainable modes of travel for staff and customers.
23. In the interests of the living conditions of nearby residential occupiers a condition is required to ensure the approved acoustic fencing is installed prior to the retail store being brought into use. It is necessary to limit opening and delivery hours given the residential location of the site. I have considered the appellant's request for earlier delivery hours on a Sunday, however I have also had regard to the consultation response from the environmental health team and a restriction to 10am is considered to be appropriate in the interests of living conditions of nearby occupants.
24. A condition requiring details of any plant, ventilation and extraction equipment and an associated noise assessment is necessary to minimise potential effects on living conditions of nearby occupants. I have amalgamated the two conditions relating to these matters for clarity. Details of any external lighting is also required to ensure that living conditions of neighbours are not unduly compromised. Bin storage details are required so that the Council can ensure it is located in a suitable location in the interests of area character, living conditions and highway safety.
25. Finally, to ensure that the scheme as implemented is materially the same as that for the sequential assessment and to justify its limited catchment area I

have imposed a condition limiting the store to the sale of convenience goods only.

## **Conclusion**

26. Whilst I have found that the proposal is not fully in accordance with the development plan, the relevant retail policies in the CS are not entirely consistent with section 7 of the Framework. The proposals would provide social and economic benefits including employment opportunities and would represent an appropriate use of previously developed land in an accessible location. The proposal is in accordance with the Framework as a whole and there are no material considerations which lead me to conclude otherwise.
27. On the basis on of the evidence before me I do not consider that there are any sequentially preferable sites on which the development could be accommodated, and as such the sequential test has been demonstrated.
28. For the reasons given above I conclude that the appeal should be allowed.

Inspector

## **Schedule of Conditions**

- 1) The development to which this permission relates must be commenced not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Proposed Site Layout 19.3129.100 Rev P5  
Context Elevation Plan 19.3129.103 Rev P3  
Proposed Elevations 19.3129.102 Rev P2  
Proposed Floor Plans
- 3) The parking spaces and delivery areas shown on Proposed Site Layout 19.3129.100 Rev P5 shall be completed/marked out in full on site as per the approved plan prior to development being first brought into use and made available for use at all times. The car parking and delivery areas shall then be retained on site for their designated purpose, so long as the development hereby permitted remains in use.
- 4) Prior to the first occupation of the retail store hereby approved details of a scheme incorporating road markings within the site and signage for the proposed one way/in-out system shall be submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details in full prior to development being first brought into use by customers and retained thereafter.
- 5) The cycle parking spaces shown on Proposed Site Layout 19.3129.100 Rev P5 shall be installed prior to the approved retail store being first brought

into use and made available for use at all times. The cycle parking spaces shall then be retained on site for their designated purpose thereafter.

- 6) The acoustic fence as shown on Proposed Site Layout 19.3129.100 Rev P5 and Context Elevation Plan 19.3129.103 Rev P3 shall be installed prior to the approved retail store being first brought into use and retained in place without modification thereafter.
- 7) The premises shall only be open for customers between the following hours:  
0800 - 2000 Mondays - Saturdays  
0800 - 1700 Sundays and Bank Holidays
- 8) Deliveries shall be taken at or despatched from the site only between the following hours:  
0800 - 2000 Mondays - Saturdays  
1000 - 1700 Sundays and Bank Holidays
- 9) Details of any plant, ventilation and extraction equipment and a noise assessment shall be submitted to and approved in writing by the local planning authority prior to their installation. The approved equipment shall be installed and any noise mitigation measures implemented prior to the first use of the retail store and retained thereafter.
- 10) Full details of any proposed external lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. The external lighting shall be installed in full accordance with the approved details prior to the approved retail store being first brought into use and retained thereafter.
- 11) Full details of the bin storage area shall be submitted to and approved in writing by the local planning authority prior to its installation. The approved details shall be implemented in full prior to the approved retail store being first brought into use and retained thereafter.
- 12) The premises shall be used for the sale of convenience goods and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of Schedule.



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Planning Department  
North East Lincolnshire Council  
New Oxford House  
2 George Street  
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North East Lincolnshire  
DN31 1HB

For the attention of Richard Limmer

27 August 2021

Dear Mr Limmer

**Re: Application Ref. DM/0210/21/FUL for the demolition of the former St John Catholic Church Hall and erection of a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works**

**Former St John Fisher RC Church, Waltham Road, Grimsby, DN33 2NA**

**Objection on Behalf of A.F. Blakemore & Son Limited**

As you are aware, I act on behalf of AF Blakemore & Son Limited which operates the SPAR store at 33 Waltham Road, Scartho. I have previously submitted an objection to the above application by a letter dated 28 April 2021. I confirm that my Client's objections to the above application remain extant.

Notwithstanding the above, I have now seen the Initial Retail Planning Advice prepared for North East Lincolnshire Council by Jackson Pelling Limited dated June 2021, which provides an overview of the submitted Retail Assessment prepared by Marrons Planning (Marrons) in respect of the above application. I have also reviewed the subsequent response from Marrons dated 1 July 2021. I write to set out my comments in respect to these two documents.

#### **Initial Retail Planning Advice Prepared by Jackson Pelling Limited (June 2021)**

The above document is independent planning advice prepared for the Council in respect to the above application. In summary, the initial planning advice confirms that the submission by Marrons is deficient and is not an appropriate basis upon which the Council could recommend a grant of planning permission. In particular;

- The advice from Jackson Pelling identifies a number of elements that must be further considered including an explanation of the methodology adopted by Marrons Planning in respect to the catchment area and the 2012 Local Centres Study Mapping to properly illustrate the extent of the convenience store's catchment area.

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Company No. 09829806



- The Marrons Sequential Site Assessment is deficient and must be extended south to Waltham and North Waltham and north into the southern parts of Grimsby, reflecting the site's location on a north/south route;
- The Sequential Assessment of the Scartho Road and Conniston Avenue Local Centres is very brief and the lack of detail in the form of centre mapping, schedules of the existing units and details of when the investigations were carried out ensures proper consideration cannot be undertaken;
- Jackson Pelling considers that the Impact Assessment submitted by the Applicant falls short of what is required in order to properly consider the impact of the proposed convenience store;
- Jackson Pelling questions the conclusions of the Applicant's commentary regarding from where it expects the store's turnover to be drawn from.

In summary, the conclusions (paragraph 29) of the Jackson Pelling Advice reflect my Client's previous objection dated 28 April 2021.

#### **Response from Marrons Planning dated 1 July 2021**

We note Marrons have responded to the initial retail planning advice by Jackson Pelling, however, there is no response to our objection dated 28 April 2021. In this respect, those matters raised within our letter, including the potential for impact on Scartho Post Office, which is a material consideration as confirmed in the High Court decision submitted is effectively unchallenged.

The response from Marrons Planning does not, in my opinion, address satisfactorily the comments from the Council's retail consultant. On this basis, I consider that Council Officers have no option other than to refuse planning permission for this application. In respect to my detailed comments, I set these out below:

#### Sequential Test

Marrons suggest that the comments from Jackson Pelling are unfounded. However, Marrons' response is both confusing and misunderstands relevant case law and guidance. The suggestion that the application site will principally serve a local walk-in catchment area is disputed and is not supported by the development itself which provides a significant level of car parking.

We previously attached a recent appeal decision dated 23 June 2020 (PINS Ref: APP/A4520/W/19/3238653) concerning the change of use of the Boldon Lad Public House, Hedworth Lane, Jarrow, NE32 4LQ which was proposed to be occupied as a convenience store of 372 sqm. The appeal concerned the extent of the catchment area of the convenience store. The Inspector in this case concluded (paragraph 6) that a 2km search area was appropriate given the scale and nature of the proposals.

To ignore an assessment of trade diversion from one centre on the basis that there is an existing Co-Op store there is not a justification for not properly considering this issue.



In respect of the review of the local centres, the retail advice the Council has received confirms the Applicant's submission is not sufficient for a proper assessment to be undertaken notwithstanding Marron's response to the contrary. Accordingly, the Council should take a precautionary approach due to the absence of appropriate information by the Applicant.

On page 4 of their letter, the Applicant reverts to referring to car borne trips being attracted to the store. The Applicant also notes on page 4, that "*there is no evidence to indicate that trade diversion from the centre resulting from the development of the application proposal would be such as to materially impact on its vitality and viability*". This is the case made by Jackson Pelling that the Applicant has not submitted a proper assessment or provided any such evidence to confirm this or not. Marrons has, in their response, effectively agreed with the Council's retail advice that there is a lack of any evidence regarding the issue of trade diversion.

The Applicant's response is one of assertions stating that should an existing convenience goods store in the centre cease trading this would not put at risk the vitality and viability of the centre as a whole. However, on what basis is such an unsubstantiated assertion made? The loss of my client's store and the Post Office and the consequential impact on local people would be substantial. As an anchor trader within the centre, the loss of the SPAR store and Post Office would, I consider, effect the vitality and viability of the centre as a whole. There is no guarantee that the unit would be let in the near future and the current '*linked trips*' which occur between my Client's store and other uses within the centre would be lost. Under the new Class E there is no guarantee that the site would be reoccupied by say an alternative convenience retailer.

Marrons suggest that an Impact Assessment should be undertaken in a proportionate and locally appropriate way. However, given the significant objections to this application, the criticisms from an independent retail consultant, as well as the technical retail objections from ourselves and other parties, an appropriate Impact Assessment should be undertaken. Stating that an Impact Assessment should be proportionate is not a justification for not undertaking an Impact Assessment.

## **Conclusions**

We remain of the view that the application proposal involves an inappropriate development outside a designated centre.

In summary, the Council's independent retail advice from Jackson Pelling supports our commentary contained within our objection of 28 April 2021. The conclusion is that it is not possible, based on the information submitted by the Applicant, for the Council to make any decision on this application other than a refusal of planning permission.

The Applicant has failed to undertake an appropriate sequential test assessment and has failed to undertake any proper form of a retail impact assessment. Simply badging text as an Impact Assessment is not sufficient. This is agreed by the Council's retail adviser.

In addition, the Applicant has not undertaken any consideration of the impact on the Post Office facility within the SPAR store in the nearby Scartho Local Centre. The failure to consider the impact on an important local facility such as a Post Office (which is a separate test from retail impact as confirmed in a recent High Court decision) means that any decision by the Council to grant this permission in the absence of such evidence would be open to challenge.



On this basis, my Client would request that the application be refused under delegated powers. Again, we would reiterate that should this application be presented to Committee with a recommendation for approval we would wish to be notified as we would wish to attend Committee to speak in objection to the application.

Yours sincerely

Julian Sutton  
JMS Planning & Development

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr ALAN BARRATT

Address: 102 WALTHAM ROAD, SCARTO GRIMSBY

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Whilst supporting the scheme we do have concerns on the Noise impact report by its own admission there is no definitive study or method of establishing noise impact on the local residents for this project.

Looking at 4.0 schedule of deliveries - Monday to Sunday 7am to 7 pm would look to be unacceptable especially for the 20 ton and 27 ton delivery lorries that are on the schedule we would ask that these deliveries are tapered and restricted to the following

Saturdays 08.00 hrs to 18.00 hrs

Sundays 09.00 hrs to 18.00 hrs

We see no need to restrict the 3.5 ton vans and Light Commercial vans in any way as in effect these are more like cars.

We feel that this is a fair workaround to deliveries and noise disturbance to the local residence and should be well within the gift of the coop to do this as two of the three larger 20T and 27T deliveries will be made on their own trucks.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: AMENDED DESCRIPTION - Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr ALAN BARRATT

Address: 102 WALTHAM ROAD, SCARTO GRIMSBY

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

### **Comment Reasons:**

Comment: We support the revised application and the project and echo the view of our next-door neighbour at Snow Drop cottage at 100 Waltham Road - the site has been left for 5 years and is in need of attention. Having nice established trees at the front with a tired and deteriorating building behind them serves no purpose to the aesthetics of the area.

The revised plan is both considered and considerate, and from talking to the team at the Coop and considering the companies views and well documented approach to the community and the local environment we feel the Coop will run and care for the site and have a positive impact on the area. I would ask the planning committee to give due consideration to Opening hours, and delivery times for store replenishment.

We support this and are keen to see the site developed and sooner rather than later.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr ALAN BARRATT

Address: 102 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Signage to the Roadside - or use of a livery Totem. - Registered Objection

I have not seen any mention of the installation of a supporting roadside livery totem or general signage to the front (roadside) of the scheme, can clarity be given that the proposed scheme both now and, in the future, - Roadside signage is not permitted and would require expressed planning and consent and consultation. This would not be in keeping with the area and it is noted that in the local area planning has been sort and rejected where roadside signage has been requested in the past e.g. - at the Kings Head public house Waltham.

Signage at side Elevation of Funeral Shop - Registered Objection

Can I please draw your attention to drawing ref: J2041 00109 PROPOSED COLOURED SIDE ELEVATION in this design the site has livery to the side elevation to the left aspect when facing the B1203 (Waltham Road) - I would like to register a formal objection to the livery at the side of the building on the basis that -

- A) It cannot possibly be seen from the roadside to attract custom and so is pointless.
- B) It cannot possibly be seen from walking pedestrians as there is no side access and so is pointless.

This livery serves absolutely no purpose, but if allowed to be installed will be directly opposite my side elevation window and will form an unnecessary blue stripe that has no material benefit to anyone. Livery should be solely consigned to the front facing elevation only.

Yours sincerely,

Mr. A. Barratt MBA, DMS, BA(Hons), CMgr, FCMI  
102 Waltham Road, Scartho, Grimsby, DN33 2NA  
Tel: 07500 049344  
[thebevalicottage@aol.com](mailto:thebevalicottage@aol.com)

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr ALAN BARRATT

Address: 102 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:comment in relation to the planning application ref DM/0210/21/FUL - Saint John Fisher Church Hall Waltham Road Scartho - DN33 2NA-

I have noted a recent comment added by "Highways" and I feel that the comments made and published are not a true reflection or interpretation of local residents comments made on your portal.

Highways comments that " It is noted that there are concerns from local residents that the increased traffic from the development will be detrimental to the highway network."

This is not I feel true reflection of the comments made by residents - overwhelmingly the comments are on the current level of traffic and its poor flow past the site between 08.00 hrs and 09.30 hrs Monday to Friday and on speeding traffic on the road across what will be a busy junction, and the fact that the Cooperative report doesn't reflect the three serious accidents that have happened out site the site and proposed entrances in 2006/07/08

I have a film of the sites on mornings that shows the problem and I am happy to share this with you on drop box however attached is a photo of this morning traffic back log.

The Highways Comment goes on to agree with the cooperative that "As part of the site is to be that of a co-op store the majority of trips to the development will be those of "pass-by" trips. The

other part of the site, a funeral services, has demonstrated that it will not see a significant amount of trips on a daily basis and will not therefore show a significant increase in trip generation to and from the site.

This is of course utter speculation on the Highways and cooperative having no data whatever to support such a statement - why have a large car park if your not expecting people to drive there? And with predicted sales at the site of £2.9M that's £571 an hour average transaction at £15 would be 38 customers an hour every hour - its un-realistic to suggest that the majority would be on foot. only Yesterday at 17.30 we enjoyed the local Evel Knievel trio of bikers doing un-helmeted wheelies down this stretch of road.

I implore you to please look again at the traffic flow and conditions at this location - if the proposal is to go ahead traffic calming will be required to the right from Waltham to reduce speed or you will see fatalities at this location. You will also need to address the access issues which you can see from the photo provided would be problematic at best.

## Angela Tynan (Engie)

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**From:** t  
**Sent:** 31 March 2021 10:14  
**To:** Lara Hattle (Engie); Planning - IGE (ENGIE)  
**Cc:** Cllr Ronald Shepherd (NELC); Cllr Ian Lindley (NELC)  
**Subject:** Application Number: DM/0210/21/FUL MR Richard LIMMER SENIOR DEVELOPMENT MANAGEMENT OFFICER

Dear Mr Limmer and Ms Hattle. I have phone and left several request to talk to you to no avail.

I write in relation to the planning application ref DM/0210/21/FUL - Saint John Fisher Church Hall Waltham Road Scartho - DN33 2NA-

I am Mr Barratt and I live next door to the site at 102 Waltham Road Scartho- I have made comments on this proposal via you website in the formal process -

I have noted a recent comment added by "Highways" and I feel that the comments made and published are not a true reflection or interpretation of local residents comments made on

your portal.

Highways comments that "*It is noted that there are concerns from local residents that the increased traffic from the development will be detrimental to the highway network.*"

This is not I feel true reflection of the comments made by residents - overwhelmingly the comments are on the current level of traffic and its poor flow past the site between 08.00 hrs and 09.30 hrs Monday to Friday and on speeding traffic on the road across what will be a busy junction, and the fact that the Cooperative report doesn't reflect the three serious accidents that have happened out site the site and proposed entrances in 2006/07/08

I have a film of the sites on mornings that shows the problem and I am happy to share this with you on drop box however attached is a photo of this morning traffic back log.



The Highways Comment goes on to agree with the cooperative that "*As part of the site is to be that of a co-op store the majority of trips to the development will be those of "pass-by" trips. The other part of the site, a funeral services, has demonstrated that it will not see a significant amount of trips on a daily basis and will not therefore show a significant increase in trip generation to and from the site.*

This is of course utter speculation on the Highways and cooperative having no data whatever to support such a statement - why have a large car park if your not expecting people to drive there? And with predicted sales at the site of £2.9M that's £571 an hour average transaction at £15 would be 38 customers an hour every hour - its un-

realistic to suggest that the majority would be on foot. only Yesterday at 17.30 we enjoyed the local evil kenevil trio doing un-helmeted wheelies down this stretch of road.

I implore you to please look again at the traffic flow and conditions at this location - if the proposal is to go ahead traffic calming will be required to the right from Waltham to reduce speed or you will see fatalities at this location. You will also need to address the access issues which you can see would be problematic at best.

Yours truly

Mr. A Barratt  
102 Waltham Road  
Scartho  
Grimsby  
DN33 2NA

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr ALAN BARRATT

Address: 102 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The comment on Drainage concerns me - "

"This drainage catchment of Grimsby is extremely high flood risk with millions of pounds earmarked

for the reduction of surface water flood risk over the next few years. Consequently, the surface water drainage strategy for this site will be greenfield runoff rates from the existing grassed area and a 50% reduction from the existing impermeable area - D04"

The plan is to build on - over and across the Grassed area - so where will the water go and how please will this be managed - this greatly concerns me as i live next door and the grassed area already floods and if allowed to get worse with the proposal will flood into my property and garden. also what please is D04???

Mr A Barratt 102 Waltham Road

**From:** Barratt, Alan (CAI - Leeds)  
**Sent:** 09 June 2021 16:38  
**To:** Richard Limmer (Engie) <[Richard.Limmer@nelincs.gov.uk](mailto:Richard.Limmer@nelincs.gov.uk)>  
**Subject:** DM/0210/21/FUL - Objection on Road Safety

**For Publication – Objection (Unsafe Road)**

Hi Mr Limmer –

You will see that I mentioned that traffic outside this site required careful attention and that the report supplied did not look back to the period where I mentioned that no less than **three** total loss accident had occurred directly adjacent to the proposed site. Two of them my cars -

Less than half an hour ago, (Monday 7<sup>th</sup> June 16.48 Hrs) another **two** car total loss accident directly on the site entrance, in broad daylight and sunshine. Taking the Tally to **5** total loss accident at this site.

This brings to light all to starkly the concerns that I and other local residents have been making in relation to this application and the need to review and amended the road if this application is to be successful.

Yours truly

Alan Barratt -102 Waltham Road Scartho DN33 2NA







# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

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Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr ALAN BARRATT

Address: 102 Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Comments

I reside at 102 Waltham Road, Scartho, DN33 2NA- a property directly to the left (facing the Road) of the proposed development. And have a large side window overlooking the site - I have lived next to the proposed site for almost the last 18 years as of - (20/6/03).

I have reviewed and considered all the submitted documents and for the most part I am content with the outline proposal. I can genuinely see that the cooperative has designed the scheme with the best of intentions and have worked hard to be sympathetic to the area. Although I do question the need for a third mid-sized convenience store, noting that the Village Spar shop is 360 mtrs from the site and Costcutter 460 mtrs respectively. How much convenience does one need? That said I am not objecting par se to the proposal merely questioning the real need. It evident the site will be developed at some stage so I accept in general this scheme as its reasonably well considered and would be preferable to any other type of business that may take the site.

Being directly "affected" by the development I have some comments and questions and observations that I would ask are fairly and subjectively considered and responded too in relation to the proposal - I have broken these down into sections.

### Road and Access

The data supplied in the report DM-0210-21-FUL-SCARTHO-TS-with appendices- 1526225.pdf only accounts and shows data dating back to 2015. Where you state that there have been 10 "slight" accidents 12 casualties non within 250 metres of the site. Being local to the site and if you look back to 2007/8/9 data you will find several serious accidents within 25 metres of the site main entrance and with 5 metres of the proposed funeral entrance. These accidents resulted in three

"total Loss accidents" such was the severity. I know this as I was the owner of two of the three cars that have been hit on this road and totally written off - one accident resulted in a car going through my front wall, causing it to be completely re-built.

The Study has counted and measured traffic "Manual traffic count" at the Scartho fork (B) and the B1219 (C) what the report has not captured is the significant log jam off traffic that "pre-covid" backs up and que's from the Scartho folk to the proposed Funeral entrance road. Consideration will need to be given to this, as access certainly in the morning rush 08.00 to 09.00 will impact access to and from the site. The study on page 6 states that the road is controlled by traffic control speed cameras this is not the case there are no fixed speed cameras, only mobile speed camera vans and on the B1203 and are seen most rarely at that. I would ask that due consideration is given to the information I have provided. My own opinion is that the road to the right of the main entrance where the road curves slightly (heading towards Waltham village) you may wish to consider a central bollard warning drivers of the bend and that a "hazard" - the new access is ahead. I note also this is a School children crossing point with a lollipop lady on school days / hours. The issue of speed (illegal speed) on this bend, usually occurs of an evening 18.00 hrs to midnight from my local knowledge.

However, I feel the proposed development with consideration to my points may well serve to have a calming and slowing of traffic on the B1203 (Waltham Road) for traffic slowing to turn into and out of the site, which I personally welcome.

#### Opening Hours.

I note that the opening hours in "The Application" (page 7) are silent or "TBC" and are not stated and yet in the "design access statement Feb 2021- they are stated as being 7 days a week 07.00 hrs to 22.00 hrs - (page 2)

Both aforementioned documents do not state the intended opening hours of the funeral parlour save for that it will be closed on the Sunday - can the opening hours please be declared and fixed and notified to all residents.

I have looked at all the Grimsby cooperative stores and note that they open 07.00 -22.00 hrs and if this is the case for this development then I have no objection.

#### Delivery (re-fulfilment deliveries)

I note that none of the supplied documentation provides or states the intended delivery times to the site, I would ask that due consideration is made in relation to delivery hours for stock replenishment purposes be considered - I note in the submitted documents.

SWEPT PATH ANALYSIS OF 10M RIGID TRUCK

SWEPT PATH ANALYSIS SMALL ARTICULATED VEHICLE

SWEPT PATH ANALYSIS 12.7M RIGID TRUCK

All delivery vehicles are required to reverse towards the store goods inward entrance.

Consideration should be given that since 1953 this location has been a quite village hall and a place of local worship, with minimal impact to the local residences from noise and or disturbance and was largely protected under the D1 Classification until 20th September 2020 where E classification has since stepped in. This is a considerable change to the local area, and it should

be considered save for the road the entire site is surrounded by residential property and to the rear elderly residential dwellings-

Consideration should be made that early or late hours deliveries will due to the design lead to the "beep Beep Beep" of reversing alarms required on goods vehicles - I would ask / request that delivery times are restricted to the hours of 08.00 hrs to 18.00 hrs 7 days a week to keep this "new" noise pollution to having minimal impact to the local residence.

#### Car Park lighting

Looking at the designs I was not able to deduce that any car park lighting is to be installed, can this be conformed and if it is to be installed can we please have sight of the Re-lux (LUX) mapping and light fall levels. If there is to be no additional lighting - I have no objections.

#### Visual Impact effect on Character of Neighbourhood

I genuinely commend and welcome sincerely the Lincolnshire cooperative investing into the local community and taking the bold step to build an all-new store. -In the "Design access statement" Section 11 the cooperative states "we make life better for our communities" Section 11.5 goes on to say, "we want our physical presence in our communities to be the best it can be".

I can genuinely see that the cooperative has made every effort to offer up a sympathetic design and footprint on the proposal however I feel if you are going to build something new, we (the local community and the Lincolnshire cooperative) have the unique opportunity to build a new Village convenience store we can all enjoy and take pride in.

The Design access statement section 9 - Appearance 9.4 states "the Gable feature give a strong presence". - indeed, it does - to strong in my opinion.

Please consider that the site since 1953 has been a place of local worship and the site "adjoins and runs into the Scartho Conservation area" The cooperative will argue the site is outside of the conservation as indeed is my property and yet NELC planning imposed that I planted trees to the front of my property when I had to re-build my wall following the road traffic accident that I mentioned previously demolished my wall on the basis that it was - "joining the conservation area".

The point I would like you to please consider is that the new building is twice the size of the old one and must be sympathetic to being directly adjoining the conservation area, and being surrounded totally by local housing - the current building looks like a miniature main supermarket and is to bold - I would ask that the front elevation is softened still further with perhaps larch or some form of timber cladding to give the building a warmer "village" feel - The cooperative have done this before and a good example is the recent cooperative store in the village of Reepham that was opened on Friday 11th June 2020. Please see "The Reepham Post" for visuals found at: <https://www.reephamlife.co.uk/?q=node/3996>

Whilst I fully understand that the new proposed store maybe of a differing design, I would say that this softening will both make the building look more in keeping with a small affluent village and have a more positive impact on the local look and feel of the village. Positively effecting the character of the neighborhood. I also feel that this warmer look will also serve the cooperative customers better attending the funeral business. As opposed to attending a funeral business attached to what currently looks like a larger supermarket.

Will the cooperative and the planning officials please look sympathetically again at the materials

proposed for the front elevation and see if a wood cladding can be used. And that the front gable entrance is re-considered to reflect something more in keeping with a small village store and not a main supermarket. So, enhancing the run into the conservation area and general appearance.

#### Wildlife and environmental impact

On reviewing the submitted documents, I have found no reference or acknowledgement to the local Barn owls that are in the area - from local knowledge these birds can be seen and heard best between March and September often seen on my fence or in the tall trees to the front of the site and swooping into what is now the green grassed area taking small voles, field mice and the like from this open area.

Would it be possible to have some tall trees kept in the scheme to ensure these birds are still seen and heard in the area perhaps even a conservation box could be considered.

#### Signage to the Roadside - or use of a livery Totem. - Registered Objection

I have not seen any mention of the installation of a supporting roadside livery totem or general signage to the front (roadside) of the scheme, can clarity be given that the proposed scheme both now and, in the future, - Roadside signage is not permitted and would require expressed planning and consent and consultation. This would not be in keeping with the area and it is noted that in the local area planning has been sort and rejected where roadside signage has been requested in the past e.g. - at the Kings Head public house Waltham.

#### Signage at side Elevation of Funeral Shop - Registered Objection

Can I please draw your attention to drawing ref: J2041 00109 PROPOSED COLOURED SIDE ELEVATION in this design the site has livery to the side elevation to the left aspect when facing the B1203 (Waltham Road) - I would like to register a formal objection to the livery at the side of the building on the basis that -

- A) It cannot possibly be seen from the roadside to attract custom and so is pointless.
- B) It cannot possibly be seen from walking pedestrians as there is no side access and so is pointless.

This livery serves absolutely no purpose, but if allowed to be installed will be directly opposite my side elevation window and will form an unnecessary blue stripe that has no material benefit to anyone. Livery should be solely consigned to the front facing elevation only.

#### Screening using native Trees to my property. Registered -Request

I fully support and endorse the two new additional trees that are in the proposal one tree to be planted at the front right of my property and one to the front right of my property largely centred to my lawned area - I would like to request that the species of these trees be similar to the Non deciduous trees of identical species to complement the trees on my property.

- A) (Red Robin) Photinia
- B) (Cherry Laurel) Prunus Laurocerasus
- C) Rowan Tree - Aucuparia Asplenifolia
- D) (Chanticleer) - Pyrus calleyrana

Due to the side window of my property and given that the new development is moving the main building significantly closer to my property I would like to formally request that a third tree is planted to provide further screening of the development to my side window - please refer to drawing ref: J2041 00103 - the tree I am requesting should be planted at the Datum point (A) to

the right of my property on the access road.

This 3rd additional tree will I feel also work well for the Lincolnshire cooperative and may help to assist the drainage issues on this part of the site from the tree's absorption of water - I have notice that since the removal of a Hawthorne tree at this point some years ago the grassed area becomes waterlogged, a new tree may help both parties at this proposed location.

Access to my fence line for maintenance purposes Registered -Request

I would ask the Lincolnshire Cooperative to consider granting me permission to access the fence line on the site from time to time to allow me to carry out maintenance of my fence along its length I would of course seek permission to undertake the work and would undertake maintenance sympathetically to the needs of the cooperatives working operations - the maintenance would be to re-paint the significant fence periodically (3/5 year intervals) to keep it in good order and maintain its nice aesthetic appearance.

Yours sincerely,

Mr. A. Barratt MBA, DMS, BA(Hons), CMgr, FCMI

102 Waltham Road, Scartho, Grimsby, DN33 2NA

Tel: 07500 049344

[thebevalicottage@aol.com](mailto:thebevalicottage@aol.com)

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works - AMENDED PLANS RECEIVED JULY 2021

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr ALAN BARRATT

Address: 102 WALTHAM ROAD, GRIMSBY

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:DM/0210/21/FUL

We have met with the Developers and project team from the Coop at our request which the fully supported and engaged with. The Coop listened to our concerns on the scheme and have from this new application made the adjustments to the design we suggested and listened to our main concerns.

They are willing to work with NELC department on the build - specifically we have words of comfort on road safety and a keenness to support and look at that with the officials.

We too would like to keep the trees at the front dearly we would but having spoken to the developers we can now see that replacing the trees will aid road safety from exiting the site. And so whilst regrettable we now understand that part of the design and support.

The retail argument is for other experts, the scheme will make good use of the land, and we feel will be better than the site being left as it is, or used for a more intrusive purpose such as youth center etc. Under the new Planning the site has very little protection left and is open to virtually any business, better the Coop that's community focused in our view.

The Coop are willing to work with the NELC team and have shown that they will work and listened to the local community.

We now support the application

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr JOHN MALLETT

Address: 103 WALTHAM ROAD Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

### **Comment Reasons:**

Comment: This is a most contentious issue and in my professional opinion the collision that occurred lately would bear no support to this matter as the driver may prove to be over the prescribed limit. The car that was hit was parked kerbside and had the new development have been open would unlikely to have been a customer of the premises. What is of greater concern to me is the inadequate delivery arrangements at the shops opposite Springfield Road. All deliveries are kerbside with articulated combinations parked opposite the junction causing a far greater risk than anything this application will cause. At all times of day the gravest danger is caused by these existing premises but no one seems to be able to see the advantages of this new store. The proposal offers 25 parking spaces plus delivery options whereas the existing premises that all seem to support have very limited parking space and cause all day congestion as people queue for limited spaces and add to the the danger caused by illegally parked delivery vehicles. Head out of sand progress is what's needed here. It's clear to me that a small minority are being very vocal causing an illusion of majority view

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr John Mallett

Address: 103 Waltham road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I am in total agreement with the latest comments of my neighbour at 102 Waltham Road .This development is the lesser of many evils and potential more antisocial useage. I do agree save what tree can be saved or simply reinstate with new tree. How this will affect climate change is beyond me as all of us create a carbon footprint.

# **Comments for Planning Application DM/0210/21/FUL**

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Case Officer: Richard Limmer

## **Customer Details**

Name: Mr John Mallett

Address: 103 Waltham road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: In principle I believe this to be a good use of a redundant site that if left will only deteriorate into a site of ASB.

I do agree with some the concerns expressed by my neighbour at 102 Waltham Road And appreciate his concerns although I do not believe in any way that it contributes to a road safety matter. As a qualified road safety officer in a previous life there are no issues whatsoever and with such generous parking available i can see none arising.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: AMENDED DESCRIPTION - Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022.

Case Officer: Richard Limmer

## **Customer Details**

Name: JOHN MALLETT

Address: 103 WALTHAM, ROAD GRIMSBY

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

### **Comment Reasons:**

Comment: We appreciate that we are the voice of the local minority in favour of this proposal. Our view is that the site is derelict and is becoming an eyesore. Vandalism will follow. Yes it would be great if this were to be a park or a public amenity But that's not going to happen as the library is now the hub despite having no parking like this building and less facilities than this building. Let's be pragmatic about this the road safety issues are much less of a concern than the constant unloading of vehicles further down the road which cause congestion and danger. The design is ethical and something needs to happen in a positive manner. Whatever is proposed will be subject of similar objection.

We support the proposal as we believe it will be the lesser of many other evils that may follow.

# **Comments for Planning Application DM/0210/21/FUL**

## **Application Summary**

Application Number: DM/0210/21/FUL

Address: Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire DN33 2NA

Proposal: AMENDED DESCRIPTION - Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022.

Case Officer: Richard Limmer

## **Customer Details**

Name: Mr Peter Fell

Address: Snowdrop Cottage 100. Waltham Road Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We are in support of the project going ahead. The Church has been empty for 5 years, this new development would uplift the area we feel.

## Ellie Smalley (EQUANS)

---

**From:** clerk@newwalthamparishcouncil.com  
**Sent:** 12 May 2022 09:50  
**To:** Planning - IGE (ENGIE)  
**Subject:** NWPC Comments

**Categories:** Purple Category

Good Morning,

Pls see below comments from New Waltham Parish:

**DM/1240/21/FUL – Objection, due to growing concerns of road safety and possible rising pollution in the area.**

Kind Regards

Anneka

Anneka Ottewell-Barrett  
Clerk to New Waltham Parish Council & R.F.O  
(Office Opening Hours: 9.30am – 1pm Mon -Thurs & 10am-12pm Fri)

Contact: (01472) 822821  
New Waltham Parish Council  
St Clements Way  
New Waltham  
DN36 4GU



Virus-free. [www.avg.com](http://www.avg.com)

## **Ellie Smalley (EQUANS)**

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**From:** clerk@newwalthamparishcouncil.com  
**Sent:** 31 May 2022 12:30  
**To:** Planning - IGE (ENGIE)  
**Subject:** NWPC Comments

**Categories:** Purple Category

4. **DM/1240/21/FUL – Louth Road, NW. 227 Houses with Barratt Homes. Visibility splay/viewpoint from the road has been approved. Pollution is an concern. Object, concerns re building area increasing, traffic increasing with it levels of pollution. Safety of local school children.**

Kind Regards

*Anneka*

**Anneka Ottewell-Barrett**  
**Clerk to New Waltham Parish Council & R.F.O**  
**(Office Opening Hours: 9.30am – 1pm Mon -Thurs & 10am-12pm Fri)**

Contact: (01472) 822821  
New Waltham Parish Council  
St Clements Way  
New Waltham  
DN36 4GU



Virus-free. [www.avg.com](http://www.avg.com)

Planning Application Reference: DM/1240/21/FUL Proposal: Erection of 224 dwellings, garaging, creation of new vehicular access on Louth Road, landscaping and associated works  
Location: Land At Louth Road New Waltham North East Lincolnshire

**Waltham Parish Council supports approval of this application.**

# **Comments for Planning Application DM/1240/21/FUL**

## **Application Summary**

Application Number: DM/1240/21/FUL

Address: Land At Louth Road New Waltham North East Lincolnshire

Proposal: Erection of 227 dwellings, garaging, creation of new vehicular access on Louth Road, landscaping and associated works (Amended Plans and Description to include 3 additional units)

Case Officer: Bethany Loring

## **Customer Details**

Name: Mrs Emma Portas

Address: Holton Le Clay Parish Council, Pinfold Lane, Holton Le Clay DN36 5DL

## **Comment Details**

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Parish Council has given careful consideration to this application and would like to strongly object for the following reason:

- The additional housing will increase the traffic on an already heavily congested road. At peak times the traffic around Tollbar and on the A16 is at a standstill with large tailbacks along the A16. The idle traffic produces high levels of pollution which puts the children who use the road to get to school at risk of breathing problems and chest complaints and the emissions levels cannot be ignored.
- The inevitable increase in traffic puts the children further at risk - particularly those on bicycles and it is only a matter of time before there is a serious collision.
- In terms of the infrastructure, the doctors, dentists and other health practitioners who are already stretched to their limit - will not be able to cope with the additional pressure of more families moving to the area.

The schools - which already seem to be operating to capacity will see further pressure upon them to accommodate more pupils.

- Holton le Clay will see a huge impact on the entrance/exit to the village at the A16 junction as there are currently plans in place for 300 properties to be built in the village. This will heavily impact road users trying to get to and from work and school every day.

The parish council has very real concerns regarding this development as it will have a huge negative impact on the residents of Holton le Clay and those living in the surrounding villages.

COMMENTS ON PLANNING APPLICATION DM1240/21/FUL

MR D. H. WATERS  
433 LOUTH ROAD  
NEW WALTHAM,  
GRIMSBY  
NE LINCOLN SHIRE  
DN36 4PP

THIS AREA OF DEVELOPMENT WAS ONCE  
THE COUNTRY SIDE

NO DEVELOPMENT TO PLANNING APPLICATION DM1240/21/FUL  
SHALL COMMENCE UNTIL DETAILED DESIGNED DRAWINGS  
HAVE BEEN SUBMITTED AND APPROVED BY PLANNING  
AUTHORITY INDICATING PROPOSED HIGHWAY IMPROVEMENT  
TO THE A16 LOUTH ROAD NORTHERN APPROACH.

NO SITE WORKS TO BE COMMENCED UNTIL IMPROVEMENTS  
I.E. SITE OPENING, OF LOUTH ROAD A16, ROAD OPENING,  
TRAFFIC LIGHTS, FOOT PATHS, SPEED SIGNS, CAMERAS,  
ROAD MARKINGS, LIGHTING. COST PAID FOR BY DEVELOPER.

LOUTH ROAD A16 IS THE SILVERSTONE BRANCH OF GRIMSBY  
THE INFRASTRUCTURE TO THIS APPLICATION IS UNKNOWN  
BY THE GENERAL PUBLIC AND IS RAISING ISSUE'S.

OVERDEVELOPMENT, SURFACE STORM WATER DISPOSAL,  
WILD LIFE HABITATS, INCREASE TRAFFIC, POPULATION  
INCREASE, AIR QUALITY, STORM AND SURFACE WATER FONDS  
DO THEY ALL WORK, FOUL, MAJOR CONCERN,  
EXTRA INTAKE FOR SCHOOL CHILDREN HAVE WE THE ROOM,  
HEAVY HOUSING DEVELOPMENT ON NORTHERN APPROACH A16  
LIGHT HOUSING DEVELOPMENT WESTERN + EASTERN  
APPROACH, STATION ROAD, LIGHORE PARK.

AIR QUALITY TO EXISTING PROPERTIES WILL INCREASE  
FROM EXTRA TRAFFIC A16 LOUTH ROAD CAUSING HEALTH  
PROBLEMS TO EXISTING POPULATION.

EXISTING SITE ENTRANCE NEW FORMED, OFF LOUTH ROAD  
A16 IS CAUSING PROBLEMS FOR LARGE SITE LORRIES.  
ON TURNING ONTO SITE, SURFACE CLEANING ON.

EXISTING ROAD SURFACE LOUTH ROAD, STATION ROAD MUD  
IS NOT ADEQUATE  
LOCAL ROAD NETWORK IS NOT FIT FOR PURPOSE, NEW RELIEF ROAD

LETTER FROM MR D H WATERS  
433 LOUTH ROAD  
NEW WALTHAM  
SLEEMSBY  
N.E LINCOLNSHIRE  
DN36 4PF

23.5.2022

RECEIVED  
26 MAY 2022

SIR'S CONCERN HAS ARISEN. ABOUT THE AMOUNT OF TRAFFIC,  
WHICH IS CAUSING LARGE AMOUNTS OF DUST. ROAD  
CONTAMINATION FROM WISMORE SITE PROJECT TOWARDS  
EXISTING PROPERTIES FACING THIS BUILDING SITE ON LOUTH

IT HAS COME TO MY INFORMATION THAT SITE ENTRANCE ON  
STATION ROAD RE WISMORE PARK HAS BEEN CLOSED OFF.  
CLOSE TO ROAD ENTRANCE NOT ALLOWING ANY CONSTRUCTION  
OR SITE TRAFFIC TO ENTER.

THIS CLOSURE I HAVE BEEN TOLD WAS ORDERED BY THE  
PLANNING DEPARTMENT DUE TO CONCERNES TO  
SAFETY FOR THE SCHOOL CHILDREN.

THEREFOR ALL CONSTRUCTION TRAFFIC, SUPPLIED, WORKFORCE  
IS DIRECTED TO CONSTRUCTED SITE ENTRANCE ON LOUTH  
ROAD MANY LARGE LORRIES, DELIVERIES, CONSTRUCTION,  
CAUSING ROAD ACCESS PROBLEMS, DISTURBING TRAFFIC FLOW  
ENVIRONMENT, ISSUE'S. WILL THIS SITE ENTRANCE BE USED  
FOR DURATION OF SITE CONSTRUCTION.

#### POINTS OF NOTE

BARRATS, SHOW HOUSE IN PRISTEN CONDITION HOUSE.  
GARDENS, DRIVE FOR COURT.

PROPERTY FACING WISMORE PARK LOUTH ROAD AND AREA  
TAKING THE BRUNT ON MANY ISSUE'S.

HOW DO YOU KEEP PICTURE FRAMES STRAIGHT ON  
INTERNAL WALLS.

YOURS

# Nearly 100 deaths linked to air pollution in borough

## HOW TO FIND OUT ABOUT THE AREA WHERE YOU LIVE

By CLAIRE MILLER

claire.miller@reachplc.com  
@GrimsbyLive

NEARLY 100 deaths in a single year in North East Lincolnshire may be due to raised levels of air pollution, figures show.

The Central Office of Public Interest (Copi) and Imperial College London have created the most detailed map to date of air pollution in the UK.

The interactive map - [www.addresspollution.org](http://www.addresspollution.org) - tells you about pollution levels for where you live and shows nearly every home in the UK is subjected to air pollution above World Health Organisation (WHO) guidelines.

The map will tell you about levels of pollutants PM2.5 and PM10, which are small particles in the air that can cause lung problems, and in the case of PM2.5 can cause cancer, as well as Nitrogen Dioxide (NO<sub>2</sub>), which can increase the risk of disease-related mortality.

Poor air quality is a significant public health issue.

Air pollution in the UK in 2013 was



Long-term exposure to particulate air pollution increases the risk of death

associated with the loss of 328,000 to 416,000 years lost due to people dying early.

Public Health England estimates the number of deaths each year that may be attributable to PM2.5.

It suggests levels of air pollution may have contributed to one in 20 deaths of people over 30 (5 per cent) in North East Lincolnshire in 2019.

Across the area, that would be the equivalent of around 90 deaths in

2019, the most recent figures available.

Long-term exposure to particulate air pollution increases the risk of death, particularly from cardiovascular causes, while short-term exposure to high concentrations can exacerbate lung and heart conditions.

Across England, 5.1 per cent of deaths are attributable to fine particulate air pollution in 2019 - the equivalent of around 25,000 deaths of people aged over 30 in a year.

The Government's Clean Air Strategy aims to reduce people's exposure to PM2.5, with plans to set out what action would be needed to meet the WHO guidelines.

It also plans to reduce PM2.5 concentrations across the UK, so that the number of people living in locations above the guideline level is reduced by 50 per cent by 2025.

REF DM/1240/21/FUL

5.9.2022.

FROM NRDH WATERS

433 LOUTH ROAD

NEW WALTHAM

SRIMSBY

NORTH EAST LINCOLNSHIRE

DN36 4PP

RECEIVED

10 APR 2022

COMMENTS OF CONCERN RE 227 DWELLINGS

RE AIR POLLUTION FROM NEWSITE. SITE TRAFFIC ONTO LOUTH ROAD

RE INTERACTIVE MAP WWW. ADDRESS POLLUTION. ORS.

TELLS ABOUT EFFECTS ON PEOPLE'S HEALTH SRIMSBY EVENING TELEGRAPH  
DATED MAY 6TH

EXTRA TRAFFIC FROM THIS NEW DEVELOPMENT CAUSING CONCERNS  
TO EXISTING HOMES. RE LOUTH ROAD HAWTHORNE AVE. MAPLE SHOAL  
TOLL BAR SCHOOL + SURROUNDING AREA'S.

NEW VEHICULAR ACCESS ON TO LOUTH ROAD TO BE CONSTRUCTED  
TO NEWSITE FOR ENTRY AND ACCESS FOR CONSTRUCTION 3-6 YEARS  
EXISTING SITE ENTRANCE ON TO LOUTH ROAD IS WISDOME PARK  
WILL BE USED BY ALL CONSTRUCTION TRAFFIC. DELIVERIES. TRADES  
SITE SPOIL. LARGE AMOUNTS DUST. NOISE. MUD. TRAFFIC INCONVENIENCE  
SITE CONSTRUCTION CONCERNS 227 DWELLINGS MATERIAL SHORTAGE  
WORK FORCE SHORTAGE. OVERDEVELOPMENT OF SITE. NOT ENOUGH  
INFORMATION FOR LOCAL RESIDENTS TO VIEW AND UNDERSTAND  
SITE LAYOUT. THIS APPLICATION MUST BE THOUGHT PROPERLY NOT RUSHED  
LOCAL RESIDENT LOUTH ROAD LOOK FORWARD TO IT ALL

# **Comments for Planning Application DM/1240/21/FUL**

## **Application Summary**

Application Number: DM/1240/21/FUL

Address: Land At Louth Road New Waltham North East Lincolnshire

Proposal: Erection of 227 dwellings, garaging, creation of new vehicular access on Louth Road, landscaping and associated works (Amended Plans and Description to include 3 additional units)

Case Officer: Bethany Loring

## **Customer Details**

Name: Mr Malcolm Willey

Address: 439 Louth Road New Waltham Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The existing Temporary access way to the site on Louth Road during phase 1 creates a lot of dust and debris which blows over the neighbouring properties at Louth Road, Hawthorn Avenue and Maple Avenue. and the heavy traffic makes it difficult to access onto the highway from their properties on the East Side of Louth Road.

This Temporary access way should be removed as soon as possible and the permanent access way which is proposed in Phase 2, further South along Louth Road should be completed.

This permanent access road junction with Louth Road should be constructed with a roundabout. It will benefit existing properties mentioned above as, instead of trying to cross the busy Louth Road when turning toward Grimsby, they will be able to turn left and then turn around to the North on the roundabout. Traffic at night time will also be prevented from speeding on this road, having to slow down for the roundabout.

The construction of the houses on Phase 1 should also be completed before phase 2 is commenced thus keeping noise and pollution down to a minimal time near the existing properties.

# **Comments for Planning Application DM/1240/21/FUL**

## **Application Summary**

Application Number: DM/1240/21/FUL

Address: Land At Louth Road New Waltham North East Lincolnshire

Proposal: Erection of 224 dwellings, garaging, creation of new vehicular access on Louth Road, landscaping and associated works

Case Officer: Bethany Loring

## **Customer Details**

Name: Mrs Annetta Fisher

Address: 7 Roy's Drive TETNEY Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

### Comment Reasons:

Comment: While we continue to be told we need more housing and planning continues to be granted in and around Grimsby for more and more houses what plans are there for the provision of healthcare for all these people. I don't believe for a minute all these houses will be occupied by people already living in the area. The hospital has no room to expand because all the surrounding land has been built on the GPS and dentists are full to bursting. Towns and villages feeding into Grimsby hospital are also experiencing large development bringing more people to the area. I can't see how consideration can be given for more housing without a major review of healthcare provision in this area

# **Comments for Planning Application DM/1240/21/FUL**

## **Application Summary**

Application Number: DM/1240/21/FUL

Address: Land At Louth Road New Waltham North East Lincolnshire

Proposal: Erection of 224 dwellings, garaging, creation of new vehicular access on Louth Road, landscaping and associated works

Case Officer: Bethany Loring

## **Customer Details**

Name: Miss Magdalena Dir

Address: 2 Simpsons Fold Court New Waltham Grimsby

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a neighbour, who is going to be impacted by this project I would like to rise few objections.

First of all Tollbar Roundabout Area, New Waltham and Waltham do not have infrastructure to support other housing estate, which is going to contain 224 dwelling as stated in your plans.

Thinking nowadays each household has 2 cars it will be another 448 cars per day going through A16, which is single lane road to Grimsby. Every day when I come back from work I am stuck in the traffic from the bottom of Peaks Parkway for 20-30 minutes, the same situation in the morning when everyone else is trying to get to work. I can not agree to more and more houses being built and it will make traffic even worse.

Secondly all the pollution from the cars, which are stuck in the traffic are going to have impact on the air, which we breathe and further on our health. To add up you are building on the field, which could be a new park and green area.

Thirdly there are not enough schools and nurseries to provide places for children in our area.

To sum up you have already started building and sent the letter after dated on 28th of January 2022, so how are you going to deal with my objections against your plans, which already had been approved and works are going ahead?

I will await your response.

Thank You

**From:** Bradley Parish Council <bradleyparishcouncil@gmail.com>  
**Sent:** 25 March 2022 12:52  
**To:** Planning - IGE (ENGIE) <planning@nelincs.gov.uk>  
**Subject:** Planning Application No DM/0144/22/FUL

Good Afternoon

Bradley Parish Council held an extra ordinary meeting last night (24-03-22) on the above application.

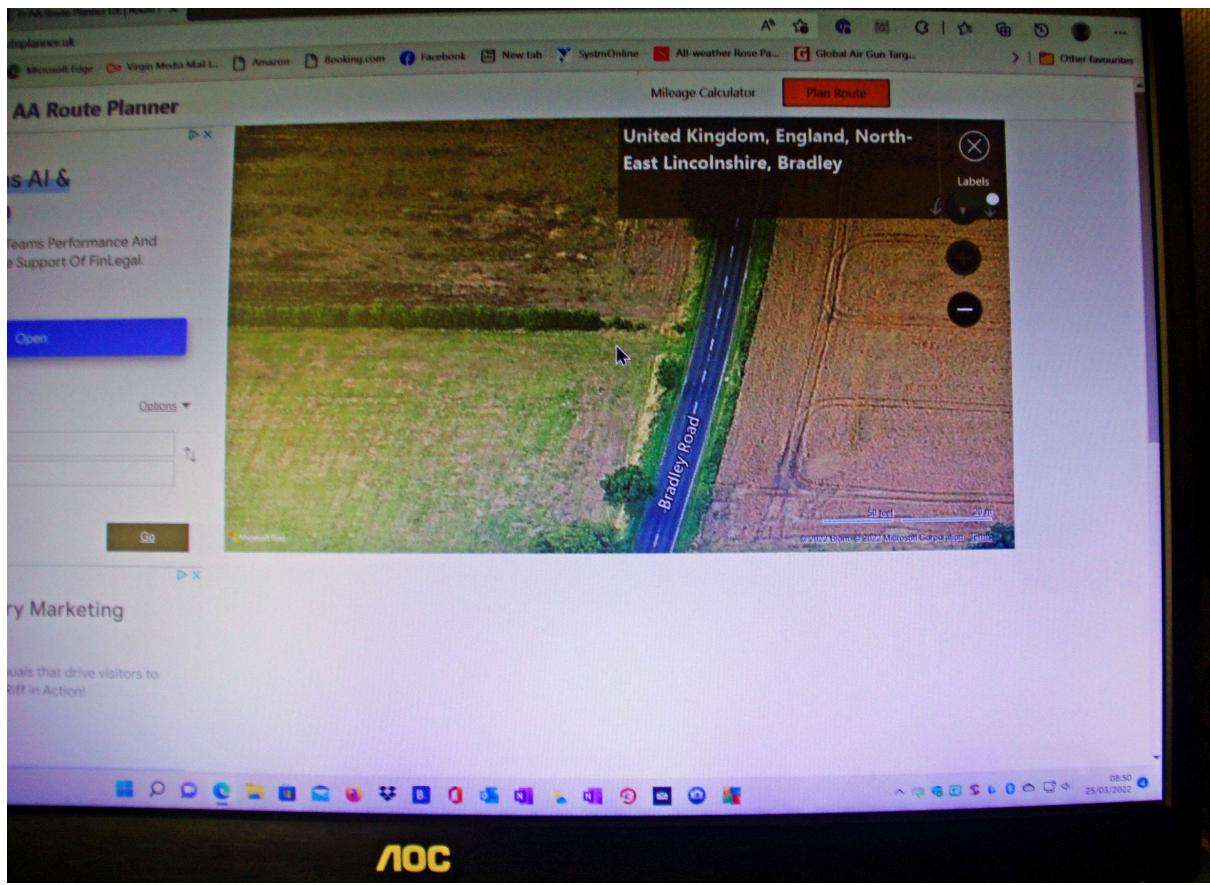
After much discussion it was concluded that Bradley Parish Council **STRONGLY OBJECT** to this application for the reasons below:

1. The wording on the application is incorrect. The water pump building was not 'demolished', a new brick outer layer was erected around the original construction.  
The word 'construction' of the access track infers that a new track has been established, which it has but we are lead to believe this work is simply resurfacing the original track.
2. There has never been a 'track' as access to that field – it was simply a way in off Bradley Road for farm vehicles to work on the field. It did not go along the side of the field. (Picture Attached)
3. The land this track has recently been constructed on, does not belong to the applicant and we have no written evidence that there is any formal agreement on this, between the landowner and the applicant.
4. We have no written evidence of any report directly from highways on this application ie. This track immediately joins onto Bradley Road with restricted visibility from trees in either direction and appears to restrict the required 120 metres unobstructed clear view on the approach to Bradley Road. This particular stretch of Bradley Road, although it has a 40mph speed limit, is the first straight piece of road after the double bends at Bradley Woods and the majority of traffic automatically accelerate as they approach this stretch of the road.  
There is also a potential risk of danger to the pedestrians that use this footpath, especially to the residents of the Complex Care Hospital which is close to the point where this track joins Bradley Road and it is used by its residents regularly.
5. As the application for access by agricultural vehicles also includes 'residential' access this is not relevant to the existing planning application DM/0590/18/FUL as is inferred. The application for DM/0590/18/FUL was granted in 2018 with access from Church Lane, Bradley. It was not a condition in that application that a new access be made.
6. On the first day of construction of this track NELC planning department were informed (Reference EN/0758/21) and we were given to understand that an Inspector visited the site but the construction was NOT stopped even though no planning application had been submitted.

Because of the concerns listed above Bradley Parish Council would like to emphasise again that we **STRONGLY OBJECT** to the above application.

Regards

*Val Turner*  
*Chair Bradley Parish Council*



## Planning Application Reference: DM/0144/22/FUL

### Proposal

Retrospective application for the demolition of the water pump building, erect new water pump building and retrospective construction of access track for agricultural land and residential property approved under DM/0590/18/FUL

### Objections to the Retrospective Application

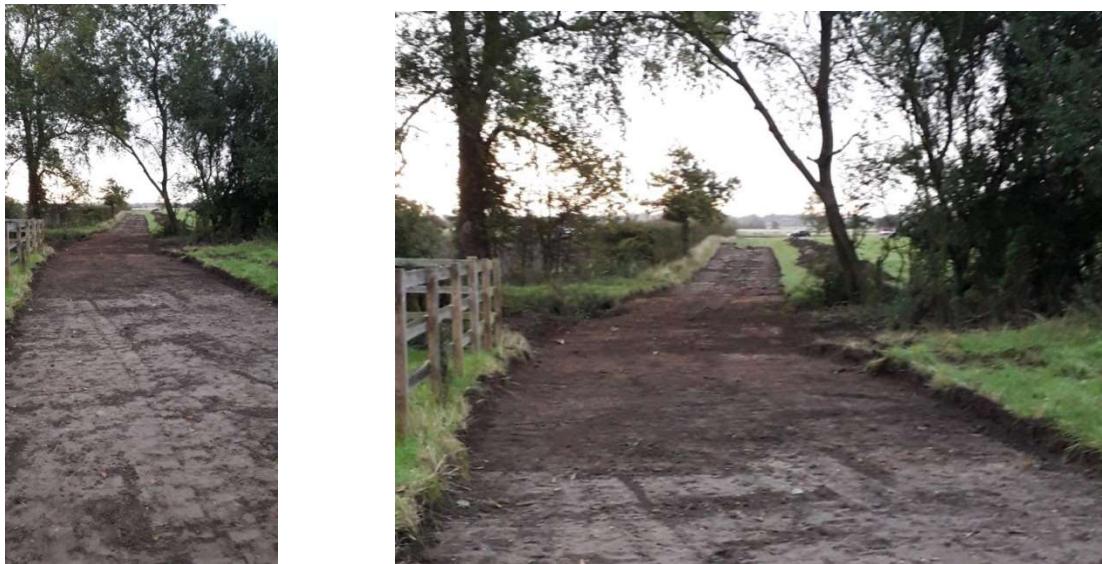
1. **Highways.** No comment of guidance submitted with the application from NE Lincolnshire Highway Department on the existing agricultural access, the modifications to create the new access from Bradley Road to the new retrospective construction access track to the applicant's land .e.g.
  - a) Visibility splays in both directions are compromised and do not achieve the required 120 meters unobstructed, clear view.
  - b) Modifications are required, a simple passing bay 15 meters in length and min 2.5 meters in width, at the new entrance off Bradley Road to the proposed single track to allow vehicles to pass without having to reverse back out onto Bradley Road and oncoming traffic. A simple passing bay will also be required at the new entrance to the applicant's field. This is absolutely critical to road safety and I am disappointed the Highways Department have not provided comments or guidance on this matter.
2. **Agricultural access and track.** The agricultural track is not an existing track as suggested and described in the retrospective application and has been created as a new access track by the applicant. Please refer to images below. There has never been an agricultural track extending to the applicant's land from Bradley Road. There has only ever been an agricultural access. Applicant to provide supportive documentation to show historical evidence of the agricultural track in existence. E.g. Google Earth images etc.
3. **Environmental Impact.** To create the access to the applicant's land existing hedgerow and trees have been removed. The existing dyke has been 'filled' in at this access point. There is no evidence that the existing dyke has been maintained via a culvert to ensure drainage from the fields is unobstructed.
4. **New Pump House.** The wording in the application is not correct as it states the 'retrospective application for the demolition of water pump building'. The new block work pump house has been built around the existing timber structure with an increased foot print from the original so in the strictness of planning terms it is not permitted development in the open countryside. Further to this the materials used in the construction of the new pump house are out of keeping with the surrounding agricultural environment. The wording in the proposal is not correct as it states the retrospective demolition of water pump building

Mr & Mrs M J McTurk  
Woodlands, The Bridleway, Off Church Lane, Bradley DN37 0AE

## Agricultural Track

I have lived at Woodlands, neighbouring property to the application, in Bradley Village since 2003 and I do not ever remember there being an existing Agricultural track extending from Bradley Road to the boundary of the applicant's field. I do recall an agricultural access onto the landowner's field, Mr Peter Strawson, for farm machinery to tend the field e.g. ploughing over etc. Also, the question that comes to my mind is, 'why would a landowner want to extend a track to the boundary of the neighbouring field that he does not own and is blocked by a dyke and hedgerow?'

The images below, taken on 6<sup>th</sup> October 2020, show the track actually being created.



The images above also confirm that the existing hedgerow and trees have been removed to create the new access to the applicant's land and more concerning, the environmental impact caused by such action coupled with 'filling in' the existing dyke at this point of access.

May I respectfully request that the applicant provides supportive evidence of the agricultural track historically being in place and extending from Bradley Road to the boundary of his field? This can be achieved by historical Google Earth images or a title plan of the field highlighting the location of the agricultural access and track. Until this information is provided we respectfully have to object.



Mr & Mrs M J McTurk  
Woodlands, The Bridleway, Off Church Lane, Bradley DN37 0AE

## Existing Agricultural Access onto Bradley Road

The proposal is to improve the existing access to accommodate two vehicles passing each other at the entrance point to avoid any vehicle reversing back onto Bradley Road. My concern is the required clear unobstructed visibility in both directions at the access point onto Bradley Road is not achievable in its current state and it will require further modification. The images taken are set back the required 2.4 meters from the highway.

Please refer to images below:



Obstructed visibility to the left.



Partial obstructed visibility to the right

We need to be mindful that Bradley Road has suffered a number of fatalities over the years so any new or existing access onto Bradley Road that will increase traffic at this point and potentially impact on the traffic flow will need careful consideration by Highways and the applicant. I am not convinced that a thorough analysis has been undertaken to provide confidence that all requirements relating to road safety have been addressed. On this basis and due to lack of any supportive information from the applicant I object to this retrospective application.

## Existing Pump House

Please note the existing timber pump house has not been demolished as stated by the applicant and remains in situ.

Mr & Mrs M J McTurk  
Woodlands, The Bridleway, Off Church Lane, Bradley DN37 0AE

The new block work pump house has been built around the existing timber structure with an increased foot print from the original so in the strictness of planning terms it is not a permitted development in the open countryside. The materials used in the construction of the new pump house are out of keeping with the surrounding agricultural environment.

Ultimately it remains the responsibility of the planning officer to determine if this new building be demolished as it is not permitted development in the open countryside and therefore in breach of planning requirements. Perhaps a more suitable option will be to provide timber cladding to the block work thus reducing its impact on the local agricultural environment.

Unfortunately as this is a retrospective planning application and the building is not permitted development or in keeping with the immediate area I have to object. Please refer to images below:



Old Chapel,  
Bridleway off Church Lane,  
Bradley,  
Grimsby  
DN37 0AE  
5<sup>th</sup> April 2022

Richard Limmer, Case Officer,  
Major Projects Planner,  
North East Lincolnshire Planning Dept.  
Origin 2, Origin Way,  
Europarc,  
Grimsby DN37 9TZ

Dear Mr. Limmer

**Ref: Planning Application DM/0144/22/FUL, Retrospective application for the demolition of water pump building, erect new water pump building and retrospective construction of access track for agricultural land and residential property approved under DM/0590/18/FUL**

**We wish to object to the above planning application and recommend refusal on the following grounds:**

**1. The Water Pump Building**

The Water Pump Building was not demolished and replaced, like-for-like, as would be expected if to be carried out without Planning Consent, rather, it was left in situ and the new structure built around the old wooden structure, with total disregard of Planning Regulations and with no interest in ensuring the structure remains in keeping with the agricultural and rural environment.

The new structure is simply breeze blocks built around the original wooden building, increasing the original footprint without Planning Consent and with total disregard for the rural landscape.

**2. The Access Track through agricultural land to the eastern boundary of the Woodlands Farm Land**

This retrospective application for residential access from Bradley Road is totally unnecessary, since the proposed dwelling already has approved adequate access via Church Lane, Bradley. It will also put further, unnecessary strain on Bradley Road.

Planning permission was granted for the original application (DM/0590/18/FUL) on the basis of one dwelling of special architectural merit with access via Church Lane and the Bridleway. This retrospective application now seeks permission for residential access that has been newly created from Bradley Road. The importance

of this must not be overlooked. It means that the applicant could then apply for permission for further housing development from this “residential access track”, - something which never formed part of the original discussions with the residents of Bradley Parish. Had the original application requested residential access from Bradley Road, there would have been considerable objections.

As a resident of the Parish and village of Bradley for more almost 35 years, we have seen the Parish and the Planning Authority ensure that there be no other access to the village than Church Lane. This was intended to keep the quiet, rural atmosphere and sense of Green Belt that the village provides for the residents and the endless walkers and ramblers that the area attracts. This new application is likely to be one of a series of applications in order to achieve by stealth and deviousness, the desired outcome of a larger residential development.

The landowner has used an unplanned development, building an access track where there was not one with the view that *“once in, it will be there to stay”* with total disregard to the normal planning procedures, perhaps with the view that Parish and Planning Department have *“no teeth”*.

If allowed to remain, the track becomes part of an infrastructure that provides the basis for further applications for properties on the Woodland farm land along with the potential of ribbon developments from other landowners.

If we are to keep some level of control over developers with no more than profit and self interest in mind, who buy land well away from their own residencies and develop with no regard to the quality of life of the residents of the area and no interest in the environment or the Green Belt boundaries as defined, then this retrospective planning application for an access road from the Woodland Farm Land in the village of Bradley to Bradley Road must be rejected and instructions to have the track removed be issued.

Bradley Road is well known for its numerous accidents and fatalities, a fairly recent fatality happened very close to this unlawful access track, which underlines the necessity of keeping the traffic and accesses to as low a level as possible.

In repetition, we consider this application to be undesirable, using stealth and underhanded methods to achieve a more insidious outcome than the original approvals intended and strongly recommend that they are refused.

Thank you in anticipation,

Yours Sincerely

Mr. and Mrs. Whitehead

Garden Cottage  
Bradley Road  
Bradley DN37 0AA

Richard Limmer, Case Officer  
Major Projects Planner  
North East Lincolnshire Planning  
Origin 2, Origin Way  
Europarc  
Grimsby DN37 9TZ

3rd April 2022

Dear Mr. Limmer,

**Ref: Planning Application DM/0144/22/FUL, Retrospective application for the demolition of water pump building, erect new water pump building and retrospective construction of access track for agricultural land and residential property approved under DM/0590/18/FUL**

I wish to object to the above planning application and recommend refusal on the following grounds:

**1. In respect of the water pump:** I object to this part of the application on the grounds that the footprint of the pump building has been increased and the materials are no longer in keeping with the natural agricultural environment.

The old water pump building, contrary to the claim of this application, has not been demolished; the old timber structure is still in situ and has been built around with breeze blocks. The consequence of this is 2 fold. The original footprint is now larger and therefore non-compliant with permitted development in the open countryside. Additionally, the breeze block material, masking the timber structure, is no longer in keeping with the agricultural environment.

**2. In respect of the construction of the access track:** I object to this retrospective application for residential access from Bradley Road on the grounds that it is unnecessary, since the proposed dwelling already has approved adequate access via Church Lane, Bradley. It will also put further, unnecessary strain on Bradley Road.

Planning permission was granted for the original application (DM/0590/18/FUL) on the basis of one dwelling of special architectural merit with access via Church Lane and the Bridleway. This retrospective application now seeks permission for residential access that has been newly created from Bradley Road. As far as I am aware the importance of this is considerable. It means that the applicant could then apply for permission for further housing development from this "residential access track", - something which never formed part of the original discussions with the residents of Bradley Parish. Had the original application requested residential access from Bradley Road, there may well have been objection. I believe that this new application is one of a series of applications in order to achieve by stealth the desired outcome of a larger residential development.

Bradley Road is a narrow road with poor visibility and the cause of several fatalities over the years. It has become much busier in recent years through, amongst other things, the siting of the Bradley Football Centre along the road. It is one of the main routes in and out of town by road users from Waltham, Barnoldby and Wold villages. There is also a housing development in progress at the Waltham end of Bradley Road. All of these factors put considerable strain on this narrow, semi-rural "B" road.

There is implication in the application that there has always been a track for agricultural purposes from Bradley Road onto the farmland in question and that this "existing" track has merely been surfaced. I consider this to be misleading. Whilst there was always an access point from Bradley Road simply for access by farm vehicles, it was not what could be called a proper "track". A track has therefore been created where there was none before.

I consider this application to be unnecessary on the grounds stated above and would therefore recommend refusal.

Thank you for your consideration.

Yours sincerely

M.A. Bryden

# **Comments for Planning Application DM/0144/22/FUL**

## **Application Summary**

Application Number: DM/0144/22/FUL

Address: Woodlands Farm Church Lane Bradley North East Lincolnshire DN37 0AE

Proposal: Retrospective application for the demolition of water pump building, erect new water pump building and retrospective construction of access track for agricultural land and residential property approved under DM/0590/18/FUL

Case Officer: Richard Limmer

## **Customer Details**

Name: NICHOLAS FRAME

Address: 34 Bradley Road Bradley Grimsby

## **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the retrospective application for the construction of of an access track for agrcultural land and residential properties.

There has never been a track in the forty six years I have lived in Bradley, save for a gap in the hedge to enable agricultural vehicles access the field for the purpose of agrculture. Access to the properties at the end of Church Lane has always been along Church Lane and never from Bradley Road.

Why does the applicant think it is necessary to create this access when a perfectly adequate access is already available as it always has been.

Vehicles exiting from this proposed track onto a very busy Bradley Road have a limited view of traffic from both directions and vehicles travelling along Bradley Road have no indication of vehicles leaving the track.

On the basis of these points I urge the committee to reject the application