



To be submitted to the Council at its meeting on 30th July 2020

PLANNING COMMITTEE

20th May 2020
9.30 a.m.

Present:

Councillor Harness (in the Chair)
Councillors Beasant, Goodwin, Hasthorpe, Hudson, James, Mickleburgh, Nichols, Parkinson, Pettigrew and Silvester.

Officers in attendance:

- Martin Ambler (Senior Enforcement Officer - item P.93 only)
- Rob Close (Scrutiny and Committee Support Officer)
- Martin Dixon (Planning Manager)
- Lara Hattle (Highway and Transport Planner)
- Richard Limmer (Major Projects Planner)
- Bev O'Brien (Scrutiny and Committee Support Officer)
- Keith Thompson (Specialist Lawyer Property)

P.87 APOLOGIES FOR ABSENCE

There were no apologies for absence received for this meeting.

P.88 DECLARATIONS OF INTEREST

Councillor Mickleburgh declared a personal interest in P.90 DM/0157/20/TPO as he knew the applicant.

P.89 DEPOSITED PLANS AND APPLICATIONS

The committee considered a report from the Director of Economy and Growth regarding deposited plans and applications.

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

Item 1 – DM/0804/19/FUL – 1 Catherine Street, Grimsby

Mr Limmer introduced the application and explained that it sought change of use from a house of multiple occupation (HMO) to a bed and breakfast guest house. He showed the committee plans and pictures of the application and explained that it came before them because of the number of objections received.

The site was located in the main urban area of Grimsby, so was considered to be a sustainable location. Policy five of the North East Lincolnshire Local Plan 2018 (NELLP 2018) supported this form of accommodation. This application was therefore acceptable in principle. The site sat within a flood zone so did present a risk, however, the proposed change of use did not represent an increased risk, so the application was considered acceptable in terms of flood risk. Objections were received from neighbours on the impact of noise and nuisance, lack of parking and lack of amenity space. The overall change of use was not considered to create a significant increase in these issues so the impact to neighbours was considered acceptable. The site currently utilised on street parking; this would continue if change of use permission was granted. As the site sat within the town centre, addition parking wouldn't normally be expected due to the easy access to public transport. An issue was raised as to how the guest house would be regulated; a note from the Council's Housing Team confirmed the property would be closely monitored to ensure that it was run appropriately. Mr Dixon confirmed that this application was recommended for approval.

Mr Close read out a statement submitted by the applicant of the proposal, Mr Rahman. He stated Catherine Street in Grimsby was one of the most deprived areas of the town, with issues ranging from unemployment, substance misuse and an overall lack of investment. If this planning application were to be approved, he felt that it would act as a great investment for the area. In addition, he felt that this application would modernise the building and create employment opportunities. Some buildings within the area had become derelict and this proposal would represent an improvement to the street scene. With regard to objections received, he confirmed excess waste had previously been addressed and stressed there were ample parking spaces available.

Councillor Hasthorpe had concerns that the site only provided one shared bathroom, particularly as that meant there would only be one hand basin for guests.

Mr Limmer confirmed that although guest rooms would be provided with a dining table, there were no hand basins so guests would indeed have to share the one hand basin in the bathroom.

Councillor James noted if the property was limited to a shared bathroom, but guest rooms included a dining table, were the kitchen facilities shared to allow guests to wash tableware?

Mr Limmer explained the breakfast meals would be provided by a service facility, so any washing up would be carried out by staff of the guest house.

Councillor James stated that, as the property was currently run as an HMO without hand washing facilities in private rooms, she was minded to offer her support. She proposed that this application be approved, as laid out within the report.

Councillor Mickleburgh shared Councillor Hasthorpe's concerns with regard to hand basins. He added that lack of facilities would only really be acceptable for older more established guest houses and in this instance, he couldn't support this application.

Councillor Parkinson also took issue with the lack of facilities, adding that the potential for six different guests to have to share the same bathroom seemed inadequate. He didn't feel this was acceptable.

Mr Dixon noted that the ground floor offered a toilet and shower while the first floor offered a bathroom. He reminded the committee they should only make decisions based on their remit of determination, adding that the facilities offered in the application likely wouldn't fall within that remit.

Councillor Pettigrew had concerns over parking and waste but felt that as the property had been used as an HMO already with no issues raised, he was happy to second Councillor James' motion of approval.

Councillor Goodwin also had concerns but felt that it was for consumers to determine if a guest house with shared facilities was acceptable for them.

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

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

Item 2 – DM/0003/20/FUL – 40 Weelsby, Avenue Grimsby

Mr Dixon introduced the application explaining that it sought the erection of a two-storey extension to the side and rear and the erection of a single storey rear extension at 40 Weelsby Avenue. He showed the committee plans and picture of the site and explained that it came before them because of the significant number of objections from neighbours.

He explained that the site sat within an established residential area, so the principle of extension was acceptable. Representations supporting and objecting to the application had been received. The extension was considered to be reasonably well-proportioned in relation to existing properties. The design would be subservient to the main dwelling with lower ridge heights. On the whole, the design was therefore considered acceptable. Daylight testing had been carried out at 38 Weelsby Avenue, which didn't produce any undue effects from massing and light. He confirmed this application was recommended for approval.

Mr Close read out a statement submitted in objection to the proposal received from Miss Tipler, a neighbour of the site. Miss Tipler objected on the grounds of loss of light, building over shared incoming water supplies and a disregard for planning laws. Miss Tipler received notification of the application from planning officers on 1st February before arriving home two days later to find that the applicant had already dug out the foundations for the works. Within a week of that, the applicant had removed existing sewers and began laying brickwork for the foundations. She contacted a local authority officer who confirmed that planning approval had not been granted; she felt that the necessity for approval was being circumvented. After Miss Tipler contacted Anglian Water, they confirmed that the applicants needed to reroute the water supply around the extension. She felt this would not have been considered by the applicants. Miss Tipler was advised by an architect that the proposed works contravened the 45-degree test and a full light analysis should have been undertaken. She stressed this would have an impact on the light to the rear of her property. In addition, she was advised that the location of the doorway on the stairs created an issue among other regulatory faults. She finally stressed that the proposed restriction of working hours would likely not be adhered to, adding that previously the applicant had been working into the evening.

Councillor Hudson understood Miss Tipler's concerns when footings appeared on the site but noted that a single storey extension could be erected as permitted development regardless. He felt her concerns with regard to the water pipe had been addressed. As the double extension sat on Oak Avenue, he didn't feel there would be a significant impact on light. In addition, he felt that the single extensions adjacent to Miss Tipler helped with any light mitigation issues. Councillor Hudson moved approval of the application as laid out within the report.

Councillor Hasthorpe echoed Councillor Hudson's comments and seconded his motion of approval.

Councillor James considered Miss Tipler to hold the only valid objection considering the proximity of other representations. She suggested 42 Weelsby Avenue had set a precedent for this applicant. As officers had confirmed that the light regulations had been met, Councillor James was happy to support this application.

Councillor Pettigrew empathised with Miss Tipler and believed that the applicant had behaved inappropriately. He had serious concerns that building regulations weren't being met. Although, as a material planning consideration he couldn't see why this application couldn't fit within the local area.

Councillor Parkinson felt that the extension was reasonable large, but on a corner plot facing outward he considered this acceptable. He added that the proposed works would produce some level of light restriction to neighbours although this would be within parameters. Overall, he felt this application was acceptable in planning terms and would offer his support.

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

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

Item 3 – DM/0759/19/FUL – 125 Peaks Lane, New Waltham

Mr Dixon introduced the application and explained that it sought permission to erect a single storey extension to the side of the existing garage to provide a store and office including the installation of roof lights within the curtilage of an existing detached dwelling. He showed the committee plans and pictures of the site and explained that it came before them following a significant number of objections from neighbours.

He explained that the extension was to an existing outbuilding in a residential area, so the proposal was acceptable in principle. A lot of negotiations had taken place with regard to this development with the original plans being for a larger two storey extension, the ridge height was subsequently raised by 0.4 metres. The design was now considered to be acceptable with no undue impact on the street scene. An objection to the proposal had been sustained after the amendments but the reduction in the size and scale was considered to address this. Officers therefore felt that in residential amenity the application was acceptable. Mr Dixon confirmed the application was recommended for approval.

Councillor Hasthorpe congratulated the applicant for negotiating a smaller extension, adding that he appreciated the increased requirement for this sort of space. He moved that the application be approved as laid out within the report.

Councillor Pettigrew acknowledged the work that had been carried out by officers to appropriately reduce the scale of this proposal. He initially had concerns that the building could potentially migrate into a dwelling but noted this had been mitigated in condition six of the recommendations. He sought further clarification if condition six prevented the building being used to run a business.

Mr Dixon explained that the applicant would need further planning permission to run a business from this building. He suggested that additional wording to condition six be added stating 'the garage should be used for private and domestic purposes only and occupied in connection with the main dwelling.'

Councillor Pettigrew confirmed he was satisfied with that amendment and seconded Councillor Hasthorpe's motion of approval.

RESOLVED – That the application be approved with an amendment to condition six:

The garage, store and office area shall be used for private and domestic purposes only and occupied only in conjunction with and ancillary to the main dwelling known as 125 Peaks Lane and shall not be let, sold, or rented separately from the main dwelling.

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

Item 4 – DM/0664/19/FUL – Land at Hobson Way Stallingborough

Mr Limmer introduced the application and explained that it proposed the construction of a sustainable transport fuels facility for both aviation and road fuels. It included various chimney stacks up to 80 metres high, creation of new accesses, installation of pipelines, a rail link, associated infrastructure and ancillary works. The proposed process would convert waste into transport fuel through a series of mechanical and chemical processes. He showed the committee plans and pictures of the site. The site was originally the former Abengoa bio-ethanol plant proposal which never progressed, so had planning history for a large-scale industrial installation. The site was allocated for industrial and employment use within the NELLP 2018 with the addition of being an enterprise zone. No objections were received from Stallingborough or Great Coates Parish Councils or Immingham Town Council. The statement of community involvement showed detailed consultation had taken place with stake holders very early on the process. Natural England had withdrawn their previously held objection and accepted the proposal as laid out. No objections were received from Highways England, highways officers, National Grid or Cadent Gas. Four public comments had been received, only two of which held objections.

He explained large industrial allocations were key to the environmental and economic strategy as laid out in policy one of the NELLP 2018. The application was expected to create 100 full time jobs once constructed and 500 jobs while under construction, this supported policy seven of the NELLP 2018. He noted the waste hierarchy, stating central government's ambition was to work towards more sustainable and efficient approaches to resource use and management. This facility's intent was to use that

waste to create sustainable fuel. The principle of the application was considered acceptable. Large scale industrial developments were not uncommon in the borough with examples sitting close to the site, therefore this application was not considered to have a detrimental impact on the wider character and landscape of the area. The site benefitted from being well separated from any residential properties. Any neighbouring land uses were limited to industrial, commercial or agricultural so the impact on neighbouring land uses was considered acceptable. The project proposed a rail link to bring in waste onto the site although it was subject to commercial agreement with rail operators and the practicalities of putting the waste on the railways. The application was therefore being considered in a worst-case scenario that all waste was delivered by heavy goods vehicles (HGVs), this had been addressed with the large HGV access coming off Hobson Way. 336 HGVs movements were expected over a 24-hour period, this would remain consistent 365 days a year. Extensive discussions had taken place between both Highways England and highways officers including junction modelling, this resulted in no objections from either party. The link road that came from Moody Lane to Hobson Way, which was currently under construction, included a cycle way which was anticipated to carry on towards South Marsh Lane along Hobson Way. This scheme would contribute £77,444.61 out of the total £430,000.00 towards the cost of the cycle way. The applicant consequently complied with the NELLP 2018's requirement for sustainable methods of transport to and from the site. Overall, the scheme was considered to be acceptable in terms of highways safety and amenity. Extensive work had been carried out by the applicant, Natural England and ecology officers to look at what effect the development would have on the immediate and wider area in terms of air quality and effluence, this resulted in an amended environmental statement which went out to consultation in April 2020. Natural English subsequently withdrew any objections. In addition, this application would be a permitted process, so the Environment Agency would have control over aspects including emissions, air quality and pollution. The permitting process was separate from the planning process which was important when considering the overall impact to the environment. In terms of ecology and the environment, the application was considered to be acceptable. The Environment Agency and environmental health officers had considered the human health, pollution, air quality and contamination aspects of the application, ultimately deeming it acceptable. The site sat within a flood zone but was supported by a detailed flood risk assessment which looked at different levels of mitigation to ensure that this would be safe in a flood event; this had been approved by the Environmental Agency. Condition eight of the report noted that the final details of the surface water drainage be submitted to the local planning authority for approval to look at a sustainable drainage system. The Health and Safety Executive had reviewed this application and raised no objections. In conclusion, Mr Limmer stated that this was a substantial installation which represented an investment into the area of approximately £500,000,000. The plans had been assessed against the NELLP 2018 and the National Planning Policy Framework (NPPF). The signing of a section 106 agreement was

still required which related to the payment of the offset from the loss of the land. Further conditions also still needed to be amended in future. He explained that the application was recommended for approval, to be delegated to officers to make.

Mr Hardgreaves was invited to address the committee as a representative of Velocys, the applicant of the proposal. He explained that Altalto was an important project which hoped to help tackle serious global climate change effects. Aviation was a challenging sector to decarbonise, Velocys had applied their 20 years' experience making fuels to create Europe's first waste-to-fuel plant. Our two co-investors would buy the fuel and were leaders in their own industries and in the transition to sustainable fuels. Each tonne would reduce net greenhouse gasses by approximately 70% compared to conventional jet fuel. The plant would treat hundreds of thousands of tonnes of waste per year which would otherwise have been burnt or taken to landfill. He explained that the location for the plant was chosen because of the skilled people needed to operate it and the proximity to other process plants. He expected this development would act as a magnet to other high-tech, green businesses to the region. The investment of several hundred million pounds would create over 100 permanent jobs with a wide range of skills and training, in addition to the hundreds of people working there during construction and an increase in indirect employment to the area. He expected to start construction in 2022 and to be producing fuel by 2025. The plant would take in municipal solid waste and both commercial and industrial waste of similar compositions. Hazardous or harmful waste would not be accepted. After being delivered, the waste would be sorted, shredded, and dried in a building designed to avoid escape of smells. The site would fit into the current industrial landscape using land earmarked for industrial use in the NELLP 2018. It was well separated from residential neighbours and was designed to ensure no nuisance from noise or smells. HGVs would follow a designated route that avoided villages. He explained that close consultation had taken place with the Environmental Agency, Natural England and environmental officers to create a scheme which mitigated loss of habitat from this development. In conclusion, Mr Hardgreaves explained this scheme had been undertaken with care to ensure that it took place safely and sensitively within the community. He added that Velocys had felt welcomed by North East Lincolnshire Council, parish councils and consultees, he hoped that this development would not only bring valuable and worthwhile employment but enhance the reputation of the region.

The Chair noted the significant amount of direct and indirect jobs that would be brought to the region as a result of this application.

Councillor Hasthorpe felt that this was an opportunity to stimulate employment in the area. He welcomed the investment and the environmental consideration that was put into the scheme. He moved that the application be approved as laid out within the report.

Councillor Hudson echoed Councillor Hasthorpe's comments. He hoped progress was made with the rail link in order to mitigate the number of HGVs. He seconded Councillor Hasthorpe's motion of approval.

Councillor Goodwin stated her only concern was the possibility of the smell coming from the site. She enquired if any similar sites had this sort of problem.

The Chair invited Mr Hardgreaves to respond to Councillor Goodwin's question. He explained that when the waste was received it would be kept in a building that was under negative pressure and benefitted from air handling systems so would be entirely secure in term of smells. This arrangement was typical of standard energy to waste plants.

Councillor Parkinson welcomed the investment and potential prestige from the plant. His only concern was how much pollution was created by the plant itself, although he assumed that this would have been addressed initially.

Councillor Mickleburgh appreciated the employment benefits to the area created by this proposal. In addition, he was supportive of the proposed rail link. His only concern was the drop in demand for jet fuel as a result of current lulls in air traffic.

Councillor Hasthorpe referred to Councillor Goodwin's concerns over smell. He noted that there had been issues of smell from businesses in the past; legislation and commitment from companies had resolved this problem.

Councillor Pettigrew felt the project was extremely exciting and appreciated the great deal of work that had been carried out.

The Chair noted that the Humber Bank already played host to a significant amount of industry. He stated that he was concerned regarding the number of HGV movements but explained that this waste couldn't be sent to landfill or abroad anymore, so he welcomed the opportunity to convert it to something useful.

RESOLVED – That the application be approved with the attached conditions and the signing of a section 106 legal agreement.

(Note – the committee voted 10 in favour with one abstention for this application to be approved.)

P.90

PLANS AND APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The committee received plans and applications determined by the Director of Economy and Growth under delegated powers during the period 20th February 2020 to 6th May 2020.

Councillor Parkinson queried if the works to application reference DM/1056/19/FUL had already been completed. He asked for further clarification on the rationale behind this application.

Mr Dixon explained that application reference DM/1056/19/FUL had been implemented and was applied for in a response to anti-social behaviour.

RESOLVED – That the report be noted.

P.91 PLANNING APPEALS

The committee received a report from the Director of Economy and Growth regarding outstanding planning appeals.

Mr Dixon explained that a number of appeals were ongoing but had been delayed. The appeal against the refusal of 89 Scartho Road, Grimsby was allowed as the Planning Inspector felt it wouldn't have a detrimental impact to the street scene.

Councillor Hasthorpe queried the appeal status of 15 Coltsfoot Drive, Waltham.

Mr Dixon stated that an appeal had been received, but he didn't have any further details on its status.

RESOLVED – That the report be noted.

P.92 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be excluded for the following business on the grounds that its discussion was likely to disclose exempt information within paragraph 6 of Schedule 12A of the Local Government Act 1972 (as amended).

P.93 ENFORCEMENT ISSUES

The committee discussed issues relating to enforcement and raised a number of matters for further investigation.

RESOLVED – That the information be noted, and further investigations be carried out as requested.

There being no further business, the Chair closed the meeting at 11.42 a.m.