



PLANNING COMMITTEE

22nd July 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:

- Jonathan Cadd (Senior Town Planner)
- Matthew Chaplin (Public Rights of Way Mapping Officer (P.10))
- Rob Close (Scrutiny and Committee Support Officer)
- Martin Dixon (Planning Manager)
- Lara Hattle (Highway and Transport Planner)
- Daniel Harrison (Assistant Drainage Engineer (P.11 – Item 1))
- Richard Limmer (Major Projects Planner)
- Keith Thompson (Specialist lawyer Property)

P.8 APOLOGIES FOR ABSENCE

There were no apologies for absence for this meeting.

P.9 DECLARATIONS OF INTEREST

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

P.10 APPLICATION FOR THE DIVERSION OF AN UN-ADOPTED PATH BETWEEN BARNOLDBY ROAD AND SALISBURY AVENUE WALTHAM

The committee received report recommending the making of an order to divert the path that runs across the middle of a plot of land in Waltham.

Mr Chaplin explained that this application came before the committee following the planning approval of Salisbury Court, Waltham at the March meeting of Planning Committee. The application sought to divert the rights of the footpath round the outside of the site. A Definitive Map Modification Order application had been submitted with regard to the concrete path going across the site. Evidence supported the application, suggesting that it had been used for more than 20 years. This application sought to remove the unrecorded rights from across the site to round the edge of the site.

The committee question who would be responsible for putting in the tarmac path and what sort of time scales should be expected for this project. Mr Chaplin explained that the tarmac path would be the responsibility of the applicant of the proposal. The footpath would remain closed until the applicant had completed the works.

The committee asked if the applicant was responsible for the construction of the footpath, would they be responsible for its maintenance. Mr Chaplin explained that North East Lincolnshire Council would be responsible for the maintenance of the footpath.

Councillor Hudson moved this application be approved as laid out within the report. Councillor Hasthorpe seconded his motion of approval.

RESOLVED – That the application for the diversion of an un-adopted path between Barnoldby Road and Salisbury Avenue, Waltham, and the recording as a public footpath on the definitive map be approved.

P.11 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/0759/19/FUL – 59 Cheapside, Waltham, Grimsby

The Chair acknowledged that when this application came before the committee in March 2019, they resolved to defer for a site visit. Due to public health circumstances, this site visit was held virtually. The use of a virtual site visit was controversial but covered under government guidance and the planning advisory service.

Mr Limmer introduced the application and explained the applicant sought the erection of three dwellings within the rear garden area of 59 Cheapside, Waltham. The proposed dwellings were designed around a central courtyard area and provided two parking spaces per property. The three dwellings had been designed as single storey dwellings with

rooms in the roof space. He showed the committee plans and pictures of the site and explained that it came before them following a deferral for a site visit at the March meeting of Planning Committee. The site benefited from outline planning permission for three bungalows, but, was refused permission in 2017 for three dormer bungalows with rooms in the roof. The refused planning permission from 2017 was also dismissed at appeal for the detail submitted on erosion control and the reinforcement of bank of Buck Beck. The applicant had since provided more detailed information on this application with more trees being retained along the bank of Buck Beck.

He explained that the site sat within the defined settlement boundary of Waltham and benefitted from outline planning permission for three properties. The application was therefore considered acceptable in principle. There were extensive objections from neighbouring properties which related to the impact on their amenity. The properties had been designed in a way that would mitigate overlooking onto neighbours so the impact to neighbouring amenities was considered acceptable. The site was originally a workshop outbuilding which was removed to make room for the proposed dwellings. The view of the site from Cheapside was limited due to the layout of the existing properties. The overall impact to the street scene and character of the area was therefore considered acceptable. There would be a five-metre-wide access running into the site from Cheapside. Highways officers considered this to be acceptable. Flood risk and drainage was a key concern for neighbours and Waltham Parish Council. The site was located in flood zone one so was considered to be low risk. Any issues of flooding in the area had been a result of Buck Beck and surface water issues. The application was submitted with a full drainage plan which had been reviewed and amended drainage officers. The amended drainage system was considered to be acceptable. The system in place would result in a restricted run off rate of 1.6 litres per second, this was less than the current green field properties on the site. The site sloped down into Buck Beck, this created a natural drainage system. Drainage officers were therefore content that this application would not increase the risk of flooding to the area. Plot one had been moved six metres away from Buck Beck, recommended by the drainage team. Foundation details had been provided to show how the properties would be constructed. Because of the separation distance and the works that would be done to the bank, the impact to the bank was therefore considered acceptable. The number of trees that would be removed near Buck Beck had been reduced. Mr Limmer noted that an additional line be added to condition five of the recommendations to read 'any damaged caused in the construction of the development to the area that has been reinforced be repaired with an agreed period with the local authority and prior to occupation of the dwellings'. He confirmed that this application was recommended for approval.

The Chair sought clarification of the direction of flow from Buck Beck. Mr Limmer confirmed that Buck Beck flowed from the north-west into the south-west.

Mr Boyd was invited to address the committee in objection to this application. He explained that he was speaking on behalf of the residents of Cheeseman's Close. Peak flow in Buck Beck occurred more frequently and was a major risk factor to the bank, yet there was no data to the frequency or effect of the flow to inform construction. Residents of Cheeseman's Close would be impacted if construction caused flooding due to a bank collapse when the beck is in spate. Drainage comments in 2013 and 2019 stated that the beck was in a high flood risk. The latest drainage comments stated that the six-metre distance from the properties to the beck was for maintenance reasons only. Residents were aware of the instability of the bank. Several metres of tyre reinforcement were installed at 59 Cheapside by the drainage board to meet the steel piling erected by 53 Cheapside. One report recognised the ad hoc measures other residents have had to take. He asked why was discharge via a headwall into the beck required at this site, regardless of the greenfield run off rate. A larger development in this vicinity did not discharge into the beck, despite a greater land area and a history of water logging. The headwall would be underwater when the beck was full. The latest drainage comments compared the reinforcement to one further upstream. Mr Boyd felt this site was very different, his concern was not only that it sat very close to the building on plot one, but that it had to sit comfortably next to the remaining stretch of tyres it broke into along the bank of 53 Cheapside. It also had to sit next to the rest of the bank at plot one, which presently had a different profile. It also had to be constructed with strict design parameters within this complicated framework, at a site where if the beck is in spate, the flow would be very deep and powerful. The building on plot one was too close to the bank. The geology from the test pictures showed there was instability there, hence the need for deep or pile foundations to the property on plot one. The plot it sat on was tiny. The drainage comments seemed to bare out that the whole of the bank along plot one would be moved and remodelled to align with the erosion control. Part of it, without the benefit of the enforcement. If that was the intention, it was not made clear from the start. Realignment meant measure from the top of the bank to the nearest point of the building on plot one, could be made from either the existing bank or the remodelled bank. This distinction must be definitive to establish exact distances. Although this detail was covered in Planning Conditions, neighbours didn't have trust in the planning developer. The number of trees to be removed had reduced, but this did not diminish residents' worries. Vegetation served not just to bind but to preserve the amenity to homes on the opposite bank. Waltham Parish Council and neighbours opposed homes with rooms in the roof, and felt the site was suitable only for bungalows. The Planning inspectorate listed the buildings as two story. The present proposal stretched all parameters including adequate parking, space for wheelie bins and distance from the beck. Waltham Parish Council requested further consultation following the site visit, and, that a physical site visit still take place. He questioned if a meaningful and through consultation was taken out between all parties including neighbours. He suggested that the

original outline proposal be looked at to consider how three bungalows could be repositioned safely.

Mr Deakins was invited to address the committee as the agent of this application. He explained that the edge of the back will be made up of a reinforced soil detail which was a permanent system. It had a 25-year design life and a biodegradable erosion control matting that went over the face of the edge which over time, would breakdown as surface vegetation establishes. It was a purpose made detail solution for just this situation. He noted that drainage officers were happy with the detail of the scheme. Part of the application included a detailed plan of how access would be maintained in the future through plot one and plot two. Anglian water would share this access for a sewer in the same location. There was a permanent route in there for access to the beck for issues that arise in the future. It was expected that all three property occupiers would be responsible for their section of the beck. The site sat in a flood risk one zone so in terms of tidal and fluvial flooding, this site was not at risk. Water levels in the beck varied throughout the year, so there was opportunity to form this bank reinforcement detail. The surface water runoff from the site had been designed to be less than green field run off rate. The previous appeal was only dismissed due to the level of detail given to how the beck would be treated, that information had now been provided in quite a lot of detail, with drainage officers been satisfied with the scheme provided.

Councillor Jackson was invited to address the committee in his capacity as a Waltham Ward Councillor. He explained that he had been involved with this site for several years and had been working with residents to object to this application. There had been long standing issues with the way this site had been managed over the years, included the involvement of the Health and Safety Executive. The approved outline planning permission that was referred to by officers, was for single story bungalows with permitted development rights removed as part of the initial outline planning consent. The application in its current form, went against that outline permission. The properties at Cheeseman's Close were likely to be affected by overlooking and overbearing as they sat lower than the proposed dwellings. He reminded the committee that Buck Beck was the main drainage water course for Waltham, and, was running at higher levels more often recently with significant flooding in 2007 and 2014 in the properties on Cheeseman's Close. If there were any issues with drainage, Cheeseman's Close would feel the impact. He felt there were too many questions unanswered about the flood risk and how that was being addressed. He referred to the significant number of objections received from neighbours. He had reservations that the physical site visit was unable to take place and hoped that the committee would consider deferring again for a site visit.

Councillor Mumby was invited to address the committee in her capacity as a Waltham Parish Councillor. The outline permission granted in 2017 had a condition attached which restricted the development to single story dwelling only with no rooms or useable space in the roof. All full

application with rooms in the roof was subsequently refused by the Planning Committee because the size and position of the proposed dwellings would compromise the integrity of Buck Beck and increase the risk of flooding. The ensuing appeal was dismissed for reasons stating the potential for the stability of the bank to be affected by the construction of plots one and two and questioned whether details of the erosion matting and the removal of trees should have been supported by further information about their long term effects. Although there had been an increasing number of documentations to support this application, Waltham Parish Council still held reservations against this application and fully supported the neighbours and residents of Waltham. If the committee were to approve this application, she hoped that the conditions attached were robust, fully implemented and strictly managed to provide the best possible reassurance for residents in the future.

Councillor Mickleburgh noted was supportive of Waltham Parish Council's position and agreed with the comments made by Councillor Jackson. The outline permission granted was for level bungalows not dormer bungalows. He was concerned about the flood risk issues and noted that climate change could present further changes to flood risk. He moved that this application be refused.

Councillor Pettigrew had reservations of how this current application for dormers varied from the initial outline application for bungalows. He felt dormers would affect the neighbours amenity and would result in loss of privacy. The impact to drainage was a serious concern for him. He noted that Buck Beck was a major drainage channel through Waltham which ran at high levels. He didn't feel the conditions that were in place went far enough to ensure there was adequate access for maintenance. He noted that the runoff and attenuation was another concern, adding that when the beck got full, it filled completely. The method of construction for the bank seemed very generic and hadn't been formulated to suit the situation at Buck Beck. Although drainage officer had approved the scheme, there was a concern it would have to be installed properly and inspected. Condition five stated that any damage would have to be repaired, Councillor Pettigrew quired who would determine if there was any damaged and added that it could potentially be underground. He seconded Councillor Mickleburgh's motion of refusal.

Mr Harrison explained that the outfall from the site was a reduction from the greenfield run off rate. There would, therefore, be a betterment to the volume of water entering Buck Beck during heavy rainfall. The flood risk from the site had been mitigated from the storage and flow speed reduction.

Councillor Hasthorpe was concerned about the amenity around the properties, noting that plot one had a very amount small space between the house and the fencing.

Councillor Hudson noted that three bungalows had permission to be built on this site regardless of the application currently under consideration.

He didn't know what more drainage officers could do to improve on the current situation, adding that they had taken a major step in reducing the runoff. By going ahead with this scheme there would be an improvement to the site. He noted that a main drain was the best way to any site. He was satisfied with the drainage scheme. The matting would be an improvement. He didn't expect that this site would be the maintenance access for the whole of Buck Beck, anticipating that each property would be responsible for only their own stretch. Councillor Hudson noted that he was present for the first physical site visit and was content that three bungalows could sit comfortably. As the land sloped the profile of the buildings lowered so he didn't feel there would be any issues of overlooking for Cheapside. His only concern was that an application originally approved for bungalows had changed. If this application was for bungalows as it formerly was, then he would be able to offer his support.

Councillor Parkinson sought further clarification on the layered structuring and if the trees that were going to be removed would be replaced by it. In addition, he asked if the attenuation tanks volume was limited to nine cubic metres.

Mr Harrison explained that there were three trees to be removed on the north west corner of the site which would be replaced with the retaining bank structure. The flood defensives worked by building up the bank and compacting it in layers, then adding the geotextile to provide additional strength and support for the soils. The proposed works would result in the best stretch of land on Buck Beck. This would also be inspected once a year for any defects. Lots of sections of the bank were in poor condition, these works would represent a significant betterment. He explained that there was a tank to the rear of plot two which contained nine cubic metres of storage. In addition, there was permeable paving to the front of the properties which would also be providing additional storage.

Councillor Parkinson stated that if officers were confident in the strengthening of the bank and that the runoff was reduced, there shouldn't be a deterrent to flood risk and drainage. Although, he felt that the because this application varied so much from the outline permission, he couldn't offer is support.

Councillor Pettigrew reminded the committee that Buck Beck was the main drainage channel through Waltham and ultimately, the local authority was responsible for its upkeep. He added that neighbours at Cheeseman's Close were perfectly placed to know the level and frequency of Buck Beck reaching capacity. He noted that nine cubic metres of attenuation wasn't particularly significant, and once full there was nowhere for the water to go other than into Buck Beck.

The Chair stated that after visiting Waltham he was surprised at how small and overgrown Buck Beck was.

Councillor Goodwin asked that if an application on this site for single story dwellings were to be received, would that be likely to be approved.

Mr Dixon explained that if a different application were to be received it would be considered on its own merits, but, noted that the principle of three bungalows had been established in the approval for outline planning permission.

RESOLVED – That the application be refused as:

1. The proposed development, by virtue of the use of the first floor in the dwellings for living accommodation, would result in overlooking and loss of privacy detrimental to the residential amenities of neighbouring property contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).
2. The proposed development, due to the size and position of the proposed dwellings and through resultant surface water drainage, would compromise the integrity of Buck Beck and increase the risk of flooding. This is contrary to Policy 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

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

Item 2 – DM/0130/20/FUL – 36 Bargate, Grimsby

Mr Cadd introduced the application and explained that it sought permission for a change of use and conversion of 36 Bargate to a class A1, convenience retail store with associated car parking with access from Bargate and two exits from Augusta Street. The store would have 353 square metre of floor space at ground floor. 236 square metres of that would be retail space with the upper floor being left vacant. As part of the conversion, a portion of the current rear wing, fronting Augusta Street, would be demolished to create a suitable service area and egress for goods vehicles leaving the site. In addition to this, a small more modern flat roofed extension would also be demolished to the south. The remaining building would be refurbished and extended to form the new store. The structure was designated as a locally listed building and was positioned within the Wellow Conservation Area. He showed the committee plans and pictures of the site and explained that it came before them following a request by a ward councillor.

He explained that the site sat outside of a designated retail centre. Planning policy therefore required the impact of this application on local centres to be assessed based on the availability of realistic alternative locations within a local centre and the impact to the vitality and viability of the existing centres. Officers had worked closely with the applicant and taken independent advice before concluding that there were no suitable sites within existing local centres which could accommodate the store and serve the market to the applicant's requirement. In addition, any

impact to the vitality and viability to existing local centres would not be of sufficient scale to materially impact to the operation of those centres. Therefore, this application was acceptable in principle. The site was an attractive and locally listed building within the Wellow Conservation Area. Officers felt that subject to conditions, the proposal would create suitable extension to the property and would not harm the significance of the asset. The partial demolish was not considered to have a great enough impact to itself lead to a recommendation of refusal. The placing of a retail store with parking, servicing and hours of operation had the potential to impact residential amenity through noise and nuisance. As part of the demolition of the rear wing of the property, the applicant would undertake a structural report which would outline whether and high wall could be retained to the boundary of 1 Augusta Street. Until the structural report had been complete, officers were unable to confirm how high the wall would be. Therefore, if this application were to be approved, a condition would have to be included to determine could be achieved and alternative provision, should additional screening be required. The applicant had provided a draft servicing plan, hours of deliveries and operation of the store. Environmental protection officers were satisfied with the scheme as proposed. The Highways Authority had considered all detailed reports submitted and considered the creation of an addition access point on Bargate so close to three others, would lead to an unacceptable level of conflicting traffic movements leading to a detrimental impact to highways safety.

Ms Hattle explained that the Highways Authority requested that the applicant undertook a road safety audit as part of the application due to the road safety concerns. Initially, the applicant provided an assessment, however, this was no considered to be a full road safety audit by the Highway Authority. The Highway Authority subsequently requested an independent review of the documentation provided by a fully independent road safety auditor on behalf of the Highway Authority. The auditor agreed with the Highway Authority, that the application put forward in its current format was unacceptable in highways safety terms. The site sat off Bargate, a main car and bus route into the town centre and as such was very busy. In the vicinity of the site there were three junction points all within close proximity to each other. The conflict between these junctions and the heavy traffic movements, made this a very congested area at certain times of the day. The proposal for the application would see the introduction of a further access point located on Bargate. The introduction of another junction would result in an addition point of conflict and have significant road safety implications. The applicant had shown various options for a right turn into the proposed access, the Highways Authority had considered these options as well as consulting an independent road safety auditor. The applicant requested that option two be considered as they felt it most appropriate. The issues with this option included the potentially increased risk of nose to tail shunts and head on collisions due to the short length on the right-hand lane. The length of the right turn lane has capacity for a single vehicle, whilst this may be appropriate for much of the time, peak period may increase the risk of more than one vehicle waiting to turn right due

to the lack of gaps in the north bound traffic, this increases the risk of the clear path southbound being blocked by right turning vehicles, consequently increasing the risk of nose to tail shunts for southbound traffic as they encounter unexpected stationary traffic in Bargate. The short length of the right turn lane may increase the risk of head on collisions to the side. Abby Road and Brighowgate were key routes to access the south of the town centre including the railway station and major car parks. There was a risk of conflict between vehicles turning right into these two side roads versus vehicles turning right into the development site, such that a head on type collision may occur. More likely at urban speeds, right turning vehicles make a last moment avoiding movement that caused a side sweep collision with a vehicle travelling in the same direction. Cyclists being squeezed by narrow lane widths may increase the risk of collisions involving cyclists. The right turn lane provision would create a narrowing of the ahead carriage way from both directions. Bargate formed a key route into the town centre for cyclists, a significant narrowing such as this may increase the risk of collisions involving cycles being squeezed by passing vehicles. Close proximity of the site exit may increase the risk of junction related collisions. The proposed site exit to Augusta Street was within 10 metres to the junction at Bargate, at a point where vehicles turning into the side road would be focused on the immediate hazard of the oncoming vehicles on Bargate and may not observe a vehicle waiting to join a queue of traffic on Augusta Street increasing the risk of a collision at this point. The lack of tactile pathing may increase the risk of collision with visually impaired pedestrians. The poor footway provision from the south for pedestrians which may increase the risk of collisions in the side carpark between pedestrians and manoeuvring vehicles. The poor footway provision from Augusta Street due to steps for mobility impaired pedestrians may increase the risk of these users stepping into the car park area. The option selected by the application was therefore considered unacceptable in terms of highways safety as it would likely increase the risk of road traffic accidents in this location and would also lead to a severe impact in highways safety terms which was the definition of unsuitable in the National Planning Policy Framework (NPPF). The Highway Authority acknowledged that the existing building could be brought back into use with the existing access points on Augusta Street being utilised, however, for this to happen it would need to retain its previous use. If the current application looked to utilise the existing access points as they stood, the Highway Authority would have road safety concerns regarding the relevant vehicular manoeuvres being undertaken. Augusta Street was not a wide road and often had cars parked on both sides. Should a service vehicle try to undertake the relevant manoeuvre to enter and exit the site, it was unlikely that this would be achievable. It was noted that the applicant could look to implement a Traffic Regulation Order (TRO) to prevent parking on Augusta Street, however, this would need to go through a full consultation process which could take up to 12 months and would need agreement from all residents in the vicinity of the site and require approval by the local authority. Should that fail, the application would be unable to proceed. Ms Hattle stated that she fully endorsed Mr Cadd's

report, but, had to recommend that this application be refused on the grounds of road safety.

Mr Wadcock was invited address the committee in his capacity as the agent for this application. He explained that this convenience store would benefit the area by restoring a locally listed building, improving the appearance of Bargate and the Wellow Conservation Area, creating 20 new jobs and improving local shopping facilities for residents. One percent from sales of branded products would go to support local good causes. The store would serve a neighbourhood catchment area so would not cause any harm to Grimsby Town Centre or any other local centres, as had been confirmed by the local authority's independent consultants. The applicant had undertaken door to door surveys of almost 600 local residents and found that 78 percent had a neutral or supportive opinion of the proposal, with just 22 percent being unsupportive. The proposed development would provide adequate car parking and would not generate volumes of traffic that would have any impact on the wider highway network or create congestion, these matters had been agreed with officers. The recommendation for refusal was based on highways issues, but specifically concerns associated with the proposed access arrangements. A new one-way vehicle access would be created to Bargate with all vehicles leaving the site to Augusta Street. Several options had been examined for this application before being subject to an independent road safety assessment, to determine which option was best in highways safety terms. This assessment found that whilst all options would be acceptable, the option of a right lane ghost lane facility from Bargate into the new access, together with a new right turn facility into Abbey road, represented the best option in highways safety terms. The new right turn facility into Abbey Road was considered to represent an improvement on the existing situation. The applicant submitted technical drawings to the local authority in early May 2020, which showed that a stationary HGV could wait in the right turn facility, without block either north bound or south bound traffic into Bargate. This demonstrated there would be sufficient space for cars other HGVs and busses to pass the HGV waiting to turn into the site. There would not be a realistic risk of other vehicles overrunning pavements to pass the delivery vehicle and so there would not be the danger to pedestrians as had been suggested. Even with the proposed right turn facility, the north and south bound carriageways would still be wider than the existing section of Bargate immediately to the north of the site. There would not therefore be any greater risk to cyclists it was also important to stress that HGV deliveries would only take place twice a day on average and would be scheduled to take place when the road would be quieter. Given this infrequency, it was clear that any residual risk to highways safety associated with deliveries would be very low and not at unacceptable levels which was the relevant planning policy test. There was existing access and egress to vehicles leaving to Augusta Street associated with the previous social club that could be brought back into use at any time. Thus, application scheme would remove the existing access, and would move the exit point further back so that it was further from the junction with Bargate. Works would also be carried out to improve the visibility of

the junction at Bargate and Augusta Street. The applicant had previously accepted the need for a TRO to restrict on street parking to a small part of Augusta Street to ensure that the road was clear and to improve the existing situation. At the request of highways officers, the preferred access arrangements were also subject to an independent road safety audit, building on the findings of the earlier road safety assessment. The two independent auditors did not find that the proposal would have any unacceptable impact in terms of highways safety. He was disappointed that this had not been mentioned in the officers' report, given that the independent report was prepared at the request of officers. The highway Authority placed great weight on the need for the applicant to undertake an independent road safety audit, once this was submitted, did not provide any detailed comments on the findings of this document. We have not seen the alternative audit that was commissioned by highways and only learnt of this this morning. In view of this we had asked officers to reschedule this application to the next committee meeting to enable further consideration of these issues. Whilst that hasn't taken place we would ask members to consider the strong justification we have provided for the proposed access arrangements and to look favourably on the other benefits of the application scheme in terms of restoring 36 Bargate and improving the appearance of this prominent site, creating around 20 new jobs and improving local shopping facilities in this part of Grimsby which has a high degree of local support.

The Chair asked how many deliveries were expected a day and what time these were expected. Mr Wadcock stated that two deliveries a day were expected, one early morning then another mid-afternoon.

Councillor Woodward was invited to address the committee in her capacity as a Park Ward Councillor. She circulated a petition that contained 100 signatories in support of this application. She noted that these premises had been unoccupied for several years and were unsightly and detrimental to the neighbourhood. She had consulted with residents of Park ward with emphasis on those nearest to the proposed development and generally found that three quarters were in support of this application. Even those against were adamant that something must be done and were confused as to what may be acceptable in planning. Public perception was that the local authority didn't think it suitable for offices or retail. This in view of other developments locally and the saturation of this development, it was unlikely that to attract a developer for residential apartments. She referred to the vast number of properties in the vicinity that were being developed into residential apartments. A number of residents were unable to sell their properties, because of the poor condition of 36 Bargate. Residents' understanding was that there was some chance of the wall remaining in place backing onto the site. Some objections received were based on the brand of shop to be introduced or the potential for anti-social behaviour. There was no evidence for this. Residents who had been consulted by Councillor Woodward were concerned about the traffic flow and the lack of communication on how this could be mitigated. She suggested that more be done to consult with residents. She stressed that there was

overwhelming support for the development and the supermarket brand who were seen to be an ethical organisation who would participate in the community. A high proportion of elderly residents lived nearby struggled to access main retail premises, this facility would be ideal for them. Local residents would be able to maintain their independence if this application be approved. The neighbouring community needed and effective solution to the use of this site, she requested that the committee either approve this application or consider a deferral to allow for greater consultation with nearby businesses and residents to obtain a clearer understanding of the issue at hand.

The Chair asked if a deferral would realistically present the opportunity to improve the highways issues. Ms Hattle stated that every possible option had been considered and ultimately didn't believe that there was a viably option to make this application safe in road safety terms.

Councillor Hasthorpe made reference to Mr Wadcock's statistic of 78 percent supportive of neutral for this application, adding that he expected residents to err on the side of neutrality. He noted that this application would only take custom from other retail sites. The site sat in close proximity to a school, he had concerns about the availability of unhealthy food choices for children. He noted that there was at least a possibility for anti-social behaviour. There were already issues of bottlenecks on Bargate's existing junctions without adding more. He worried that residents were supportive only as they wanted something rather than nothing. He moved that this application be refused.

Councillor Mickleburgh was concerned that this application wasn't appropriate for the area. He felt that as highways were unable to determine a viable and safe scheme this application he couldn't support. He seconded Councillor Hasthorpe's motion of refusal.

Councillor Goodwin was concerned about the right turn into Augusta Street, referring to a different store with a similar arrangement and the numerous accidents there. She added that she was supportive of the store but had reservations on the issue of traffic.

Councillor Beasant noted that Bargate was already a busy road and the introduction of this store would just exacerbate this issue. He shared Councillor Hasthorpe's concern that it would take custom away from established businesses. He felt that it was totally wrong location for a store. He noted the reduction in demand for stores due to the increased use of online shopping.

Councillor Hudson felt that the building desperately needed someone to improve it. He believed that residents would enjoy shopping in such nice surroundings. He felt that most of the shop's trade would come from people walking rather than driving. He noted that in its former use, there was a significant amount of traffic to and from the building without accident.

Councillor Silvester noted that most of the people who were in support of this application were elderly so would naturally be walking rather than driving.

Councillor Parkinson felt that due to such a strong and detailed report from highways officer he wouldn't be able to support this application.

Councillor James stated that the committee should be supportive of highways officers' report, adding that the store would attract people passing on their way home from work rather than just walk ins.

Councillor Pettigrew agreed with the highways officers' report although he felt that development to the building would be of benefit.

Mr Cadd noted that the building was only locally listed which meant that the local authority didn't have too much control over the internal features.

Councillor Hasthorpe stated that elderly residents alone would be unable to support a store.

RESOLVED – That the application be refused as the proposed development would result in a severe adverse impact on highway safety, road and pedestrian safety, by reason of conflicting traffic movements in an already complex network of junctions and limited road widths contrary to policies 5 and 36 of the North East Lincolnshire Local Plan 2018 and the provisions of the National Planning Policy Framework.

(Note - the committee voted nine to one with one abstention in favour of this application being refused)

Item 3 – DM/0977/19/OUT – 153 Humberston Avenue Grimsby

Mr Limmer introduced the application and explained that it sought outline planning permission for the erection of three dwellings in the rear garden of 153 Humberston Avenue with access to be considered and to construct a new vehicular access to the host property 153 Humberston Avenue. He showed the committee plans and pictures of the site and explained that it came before them following an objection from Humberston Parish Council and the number of objections received from neighbouring properties.

He explained that since the officers' report had been compiled the application had amended their proposal by reverting back to the shared access for the site. A planning application was approved at the rear of site for a single large property utilising the same access. Prior to that, approval was granted to an outline application for one property which had since expired. The application sat within the local settlement boundary so was in accordance with policy five of the NELLP 2018. This application was therefore considered acceptable in principle. Objections from Waltham Parish Council and neighbours were received on the

grounds of the principle and impact to neighbouring amenity. The site had good separation from neighbouring properties and was considered acceptable. The access would pass a number of trees, but, the impact had been addressed in the construction method of the access and the tree officer considered it acceptable. The tree officer raised concerns about the conflict between plot two to a tree but as the application was only at an outline stage, this shouldn't be part of the consideration. There were concerns that there may be a conflict with a bus stop adjacent to the site, the applicant had addressed this by amended to a shared access. The impact to highways safety and amenity was therefore considered to be acceptable. Drainage officers were satisfied that a drainage scheme wouldn't increase the risk of flooding elsewhere on the site. Mr Limmer confirmed that this application was recommended for approval.

The Chair noted that there was a reluctance to back land developments on Humberston Avenue but acknowledged the planning history associated with this site.

Councillor Hasthorpe stated that a precedent had already been set by the other back land developments that had already been approved. He appreciated the objections previously raised but didn't feel there was a reason to refuse this application. He proposed that this application be approved.

Councillor Hudson felt that that the two addition properties to the back represented over intensification to the site. He was minded to refuse this application.

Councillor Mickleburgh seconded Councillor Hasthorpe's motion of approval adding that this was a relatively straight forward and common place.

Councillor Parkinson agreed with Councillor Hudson that one house would be more appropriate.

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

(Note - the committee voted nine to two in favour of this application being approved)

Item 4 – DM/0387/19/FUL – Grimsby Garden Centre, Grimsby Road

Mr Limmer introduced the application and explained that it sought to refurbish the existing garden centre site including extensions, relocation of accesses, new barn, new parking, removal, and relocation of polytunnels, fencing, landscaping & associated works, and the demolition of an existing bungalow. The proposed extensions would form additional retail space, larger cafe area, office space and conference space. He

showed the committee plans and pictures of the site and explained that it came before them following the number of objections received from neighbouring properties.

He explained that in 2014 planning permission was granted for a similar scheme. This was an existing scheme run by Navigo Heath and Social Care and formed part of their services by providing service users the opportunity for employment and focus. Although policy 23 of the NELLP aimed to locate town centre uses in the town centre, this was an extension to an existing well-established garden centre compared to a full retail proposal. Condition four of the recommendations sought to limit the sales in the site to plants and related garden items rather than other item that could be sold in a town centre. The overall principle of development was therefore considered to be acceptable. A number of neighbouring objections related to a wind turbine, this had since been amended and removed from the application. The works were considered to provide a betterment to Wold View due to the landscaping and separation proposed. The front two story extension provided a strong side boundary with good separation, the impact from this was considered acceptable. The café extension and rear extensions were well separated and weren't considered to have an undue impact. Lots of work had been carried out between the applicant and highways officers to address some of the concerns raised as part of the consultation. The layout was now considered to be acceptable and wouldn't have an undue impact on highways safety or amenity. It was fairly common for garden centres to expand for selling plants to more extensive gardening paraphernalia. The design of the works was quite modern and pleasant so the overall impact on the character of the area was considered to be acceptable. Mr Limmer confirmed that this application was recommended for approval

Mr Ettridge was invited to address the committee as the agent of this proposal. He explained that Grimsby Garden Centre was purchased in 2016 by NAViGO and was run as a not for profit organisation, investing all profits back into local healthcare services. It created and provided much needed training and employment opportunities for vulnerable people in the region. The applicant's scheme was a masterplan to enhance the site and to support further community activity and support more independent local traders and craftspeople. By investing in the site, it would sustain the future of the organisation, whilst greatly enhancing it for all involved and the local area. He stated the site appeared to have evolved under the original owners over the last 30 years in a rather haphazard manner. It was handed over in quite a mess, particularly the areas to the west adjacent to the neighbouring two houses who had a view of broken greenhouses and old concrete bases. The proposals would greatly enhance the site with landscaping and a new access route. The main objection was from Wold View, the dwelling to the immediate west of the current access road. They were concerned with increased traffic passing their property. Following consultation with the neighbours, community, and highways officers, we have moved the access road away from the dwelling and added more planting. For those in Wold View it will be more like living in the woods, compared to the current outlook of broken greenhouses and old access road. Two public consultation

events were held, both of which were well attended. We originally showed a wind turbine. This concerned the locals more than we ever imagined. We agreed to remove the turbine, along with a few other minor tweaks and at the second consultation everyone was very happy. However, they did not write in to remove their objections, hence the reason for this application coming to committee as there were still over five lodged. The proposals would still be as sustainable as possible and integrated into a very well planted landscaped site. The main feature entrance structure will include a full planted living wall to its main elevation. Great for biodiversity and very appropriate for a garden centre. The proposals were phased and would be completed over the next three years. The first phase was for the café extension and remodelling. This brought in a lot of the revenue for the site and funded much of the training and education for the vulnerable adults. The extra space was actually now desperately needed to allow for social distancing, not for increased numbers. The café had a contractor ready to start on site.

Councillor Hasthorpe stated he knew this area well. He asked if the access down Maltby Avenue would be retained for residents to the rear of the garden centre, noting that there had been issues with that access previously. He felt that the café was very close to the residents to the rear and the proposed extension retail unit. The grass verge was currently worn away by vehicles parking opposite the site, he noted that the applicant could consider addressing this. He had concerns about the impact to neighbouring amenity because of the two-story works, although he acknowledged that they would not be much higher than the current gables. He noted that there may be an increase to the noise from car parking. In principle he was in support, but he noted that the site needed to be sufficiently maintained as to not cause a nuisance to residents.

Mr Limmer explained that the access to the rear would be retained for the properties down Maltby Avenue. Condition nine of the recommendations address the section of the access to the front of the site. Condition seven of the recommendations required that full detail of the site boundaries be submitted to ensure that neighbouring amenity was protected.

Councillor Hasthorpe noted that after the previous application, representations were received from residents to the rear in respect of noise and blocking of access. He welcomed the restrictions detailed in the conditions.

Mr Limmer suggest the inclusion of the further condition that would ensure that access was provided to properties at Maltby Avenue at all times.

Councillor Mickleburgh moved that this application be approved.
Councillor Hasthorpe seconded his motion of approval.

RESOLVED – That the application be approved with the attached and an additional condition:

1. Vehicle access to the neighbouring dwellings known as 1 and 2 Maltby Avenue and Wold View shall be provided at all times throughout the lifetime of the development.

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

P.12 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 15th June 2020 to 12th July 2020.

The Chair sought further information with regard to application reference DM/0400/20/CND had been approved. Mr Limmer explained that the reserved matters application had been approved so could commence subject to discharging any conditions.

RESOLVED – That the report be noted.

P.13 PLANNING APPEALS

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

Mr Dixon explained that the enforcement appeal for application reference EN/0936/17 was taking place that day.

RESOLVED – That the report be noted.

P.14 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.15 ENFORCEMENT ISSUES

The committee considered any requests from any member of the committee to discuss any enforcement issues.

There being no further business, the Chairman closed the meeting at 1.05 p.m.