



To be submitted to the Council at its meeting on 16th December 2021

PLANNING COMMITTEE

6th October 2021 at 9.30 a.m.

Present:

Councillor Harness (in the Chair)
Councillors Batson, Beasant, Dawkins (substitute for Croft), Hasthorpe, Hudson, Goodwin, Mickleburgh, Parkinson, Pettigrew and Silvester.

Officers in attendance:

- Martin Dixon (Planning Manager)
- Lara Hattle (Highway and Transport Planner)
- Richard Limmer (Major Projects Planner)
- Bev O'Brien (Scrutiny and Committee Advisor)
- Hannah Steer (Solicitor)

Also in attendance:

- Councillor Shepherd – Scartho Ward Councillor
- Councillor Smith – Heneage Ward Councillor
- Councillor Callison – Croft Baker Ward

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

P.32 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Croft for this meeting.

P.33 DECLARATIONS OF INTEREST

Councillor Pettigrew declared a personal interest in P.34 – Item 8 as he was a Parish Councillor for Ashby Cum Fenby.

P.34 DEPOSITED PLANS AND APPLICATIONS

The committee considered a report from the for Executive Director of Environment, Economy and Resources regarding deposited plans and applications.

RESOLVED – That the deposited plans and applications submitted under the Town and Country Planning Act (Serial No's 1 – 8) be dealt with as set out below and detailed in the attached appendix.

Item One - DM/0552/21/FUL - Land off Humberston Road, Grimsby

Mr Dixon introduced the application and explained that it sought consent for erection of 122 dwellings together with a sales suite, construction of garages, driveways, estate roads and associated works. It was considered that the development of this site would provide for much needed housing to the area in a sustainable and acceptable location. The impact of the development had been fully considered and, in particular, with regard to the character of the area, highway safety and the amenity of adjacent residential areas. The development would also provide an education contribution, play equipment, ecological mitigation, and contributions to improvements to the highway network. It was therefore recommended that the planning application be approved, subject to the signing of a Section 106 Legal Agreement.

Mr Tony Bell spoke as an objector to the application. He explained that he had requested to speak because he didn't believe the development was in the best interest of the town. There was a considerable amount of people who live in the area who had submitted an objection to this application. He stated that he had been a resident in this area for the last 30 years. The development was opposed by a wide public view. The highway logistics affected traffic volume and road safety. It was a critical area with a three-way traffic circle. Many accidents had happened close by. Mr Bell stated that if the application was approved, a roundabout at Davenport Drive was essential. Having another blind spot access point would compound on traffic safety and increase driver stress levels. Drainage facilities involved a natural flood plain, which would play a major role on this development. They had concerns over the adjacent water course and no solutions had been provided. There was also a dense clay substructure and he wondered whether a sequential flood risk assessment had been undertaken as the impact would be considerable. The development would create serious impact on the current drainage system, and extra residents in the area who need to register with a doctor's surgery would be impacted as local doctors surgeries were at capacity. Recruitment for medical professionals would be difficult as people were not attracted to Grimsby. Local schools were already working at capacity. He added that it was also an established and mature woodland area which was imperative to the carbon footprint. He feared how this may have an impact on generations to come.

Mr Gary Whall spoke as the applicant for the application. He was the managing director and owner of Keigar Homes. He explained that they were a family conscientious builder, who built locally. Planning Officers had been helpful and well balanced when processing the application. He stated that they buy local and employ local people with 90% of their trade.

Keigar Homes was an award-winning developer that believed in giving back to the community. The site was within the development boundary and was an allocated housing site in the North East Lincolnshire Local Plan. The site had been to Planning Committee before and received approval for 145 units. He stated that he was there today asking to build just 122. They had lowered the density to help with impact and with the feeling of having a more open space. He asked Members to consider how well the development related to surrounding features. The public footpath would benefit a strong link to Weelsby Woods. There would be a large distance between the new and existing homes. The benefits of the site would bring so much to the area. There would be a considerable amount contributed to the local primary and secondary schools along with contributions to improving the highway. As there were no consultee objections, he asked members to approve the application in line with the Officers recommendation.

Councillor Mark Smith spoke as the ward councillor for this application site. He stated that there was a large amount of development happening around the area. Residents had serious concerns over the amount of road traffic congestion this application could create, if approved. He asked whether a left turn only had been considered. Safety came first and it was one of the main concerns residents had. The site offered a range of biodiversity and was next to Weelsby Woods nature preserve. There were also concerns of flooding. He added that in the application there had been no mention of climate change. He explained how the application documents stated that the additional highway movement would produce minor impact to the A46 junction, however, he stated the A46 at peak times was always very congested and can leave individuals waiting to get through.

The Chair stated that he sat on the committee when this was received in 2014/15 and he remember how Members called for a site visit and also deferred it to look into more detail on the entrance and exit for vehicles. He stated that the outline application was then granted for 145 dwellings with the condition to modify an egress with a left and right-hand lane. He asked whether this was still the case for this application if approved. Ms Hattle confirmed that the condition was the same as previously approved.

The Chair went on to state that, in 2014, the local authority also couldn't supply enough land supply for housing. He asked whether this was still the case. Mr Dixon stated that the North East Lincolnshire Local Plan 2018 (NELLP) came into place and allocated several new housing sites, which did meet the area's needs. However, he explained that we were no longer in the position to say that we were meeting the borough's housing needs. Mr Dixon stated that this was due to the amount of demolition that taken place recently in the area and the shortfall of approved housing being built. Mr Dixon said that we had allocated sites, like this one, and if we do not deliver on allocated sites the borough would be under pressure to use green field sites to make up for that short fall of housing. He asked Members to consider this when making their decision.

The Chair added that he would like to see a maintenance programme included in the conditions for the drainage scheme. Mr Dixon confirmed that the drainage officer had been fully involved in this application and they were pushing more for a sustainable drainage scheme. He stated that a condition would be included for final details of the drainage scheme to be received before the application went ahead and also the maintenance programme for such scheme.

Councillor Mickleburgh stated how most big developments receive objections from neighbouring properties and you would always find some supporting it. All housing developments take up space. He stated that there was a need for housing and this could attract people to the area. If the decision was just about the design and the way it suited the area it would be fine, but he was concerned about residents objections. Officers have implied that we do need the extra housing, but it was equally important to look at the individual issues. He would reserve judgement until he'd heard the rest of the debate.

Councillor Pettigrew thought it was a well-designed scheme. There were to be fewer dwellings than previous, and it was an allocated site. He believed the conditions dealt with all concerns raised. The Section 106 agreement also covered education and highways. He added that residents had raised some good points, but officers had worked with the developer to allay some fears through the conditions attached to the application. He would listen to the debate and then make a judgement following the committee's discussion.

Councillor Hudson remembered the application from 2014. He didn't like it then and he still did not like it now. He did not think the developer could squeeze much more on the site. His concern was also getting another junction on a very busy road. However, he believed the problem was that it ticked all the boxes. Personal views don't come into this committee, especially when determining an application. If the application were to go to appeal, he believed it would be passed straight away and there could also be a risk on the costs being charged back to the local authority. He did not think they had a choice other than to approve as it was also within the NELLP and no objections had been received from consultees. Councillor Hudson thought a left turn only would be a good idea. He did not like it but he believed he had no other option but to support the application.

Councillor Goodwin moved for the application to be approved. It was included in the NELLP and it would be a local builder with a local workforce. She did have concerns over the issues with the junction and the size of each plot, but since the development had been reduce to 122 from 145, she believed that there must have been some gain somewhere.

Councillor Hasthorpe had some practical concerns, particularly around the number of vehicles this development would bring to this area. Something needed to be done about the junction. He believed that even if it was made into a left turn only, individuals would not follow this. He also asked

whether there was adequate space for refuse lorries. Ms Hattle confirmed that where there was not enough space for a refuse vehicle to get down then there would be refuse stores for those properties. She confirmed that from a highways perspective they were happy with everything that had been included within the application and report.

Councillor Beasant seconded the motion for the application to be approved. He agreed that the borough was in a situation where a lot of demolitions had happened within the borough, especially in the East Marsh. There was pressure to build housing on land that we don't necessarily want to build on, so why would we pass up a site that had been allocated within the NELLP. Many people don't like living in certain areas of the Borough and want to live in pleasant surroundings. His main concerns were highways and the obvious need to do more to support biodiversity.

Councillor Parkinson stated that it was an allocated site and the scheme was well designed. He hoped that the developer would bring more biodiversity into the building, and he believed we were in the position to install solar panels. He believed all concerns had been settled. He still preferred if they were not to be built, but he did not think they had any other option.

Councillor Dawkins stated that he passed the site every day of the week. His main concern that had been addressed was traffic flow because if you pull out of Davenport Drive it can be very hard. If they were to allow right hand turns, he believed it was an accident waiting to happen. He supported residents' concerns.

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

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

Item Two - DM/0181/21/FUL- Trinity Road Playing Fields, Cleethorpes.

Mr Dixon introduced the application and explained that it sought to extend the Cleethorpes Cemetery on land at Trinity Road playing fields including an access road and other associated works. The proposal would be in-keeping with the existing and wider area. The proposal would also not give rise to significant impacts in terms of residential amenity, flood risk, drainage, or highways. However, there remained the further discussions with Sport England on their concerns on the provision of the pitches in the vicinity of the site and the relationship with the cemetery proposed. If matters were not fully resolved it was recommended that the decision be delegated to the Assistant Director of Housing, Highways and Planning to allow resolution.

Lisa Logan spoke as the applicant for this application. She explained that the council was committed to a project to improve the Bereavement Services provision, increasing the range of services, whilst maintaining the interest of the families of the bereaved. The extension to Cleethorpes Cemetery was the next part of the project, as they were running out of space for graves. The site chosen was the most logical as it was adjacent to the existing cemetery. The extension to the cemetery would allow local people to continue to bury their loved ones at Cleethorpes Cemetery. Although they do not know what the future holds, they were anticipating that this cemetery extension would provide sufficient space for many years to come. Members of the public provided suggestions on alternative sites to use, which were considered, but this site still seemed the most suitable. As part of this work, engagement had taken place with local residents, ward councillors, the adjoining school, and relevant organisations, including Sport England. The engagement with the school over the land ensured that they now had the opportunity to look at developing an additional playing pitch. This re-provision would be a separate project that the school and the Trin Centre would develop independently from the Council. It was the intention of the school to limit access for parents of children at Thrunscoe School from Trinity Road to the area containing the play equipment, as this would form part of the land that they would be leasing, and the play equipment would be relocated. There was a project scheme to improve play areas in North East Lincolnshire and this play equipment would be assessed for its suitability to be relocated to School Walk (Love Lane Corner) and the equipment would be upgraded to provide a more suitable environment for children to play.

Potential noise has been an issue raised by local residents and Ms Logan provided reassurance that construction would take approximately 6 weeks, within designated daytime hours. Noise from the digging of graves would be minimal and in an average week, there may only be three burials, which would take approximately one hour to dig and 30 minutes to back fill. Grass cutting and hedge trimming would be an ongoing fortnightly cycle from April to October. With regard to noise from school children and football games while a burial was taking place, she noted that Scartho Road Cemetery was located next to a school and this caused no problems. She added that in other areas cemeteries were located next to schools and sports facilities, without any issue. Anti-social behaviour would be monitored and addressed should the need arise.

In conclusion, Ms Logan felt that the proposed extension to Cleethorpes Cemetery would improve the Bereavement Services provision, offer people choice and ensure that the council continued to have the interest of families of the bereaved at the core of what we do.

Councillor Hasthorpe stated that people like to have loved ones close. He believed it ticked all the boxes, subject to the resolution with Sport England. He moved for the application to be approved.

Councillor Hudson believed this was a natural extension and it was apparent that it was needed. He assured Members that a graveyard was the best neighbours you could get. He would rather see this than housing. He couldn't really see where Sport England's issue was coming from as the playing field was already there so the noise would not be a new thing for people mourning. He believed the noises of children playing would remind mourners that life goes on. Councillor Hudson seconded for the proposal to be approved.

Councillor Mickleburgh was surprised by the demand for burials. He was also puzzled by Sport England's attitude. He would be supporting the application.

Councillor Goodwin questioned the play area being repositioned and believed it was vague where the equipment would be relocated. She believed that it should be relocated somewhere close by so that the children in the immediate area were not losing out. Mr Dixon confirmed that this was not part of the application but believed it would be local.

Councillor Dawkins believed the area needed it but wondered how long it would be until another extension would be needed. Mr Dixon stated that it would provide a good number of graves.

Councillor Parkinson stated that it seemed the right place to build and have the space. He thought it was a minor issue with noise from the playing field. He was surprised that there were only 3-5 burials a week.

RESOLVED – That the application be approved with the attached conditions, subject to the decision being delegated to the Assistant Director of Housing, Highways and Planning on resolution of the Sport England objection and consultation on amended plans with no significant new issues being raised.

(Note - the committee voted ten for and one against for the application to be delegated.)

Item Three - DM/0887/19/FUL - 41 Humberston Avenue, Humberston

Mr Limmer introduced the application and explained that it sought to erect a detached dwelling in the rear garden of 41 Humberston Avenue. The proposed dwelling would be a one and a half storey building with rooms in the roof space. The proposed dwelling would have living space, a study, utility and garage on ground floor, 3 bedrooms and bathroom on first floor. Dormer windows are proposed to the front and the rear of the dwelling providing windows to bedrooms to the rear and a bedroom and bathroom to the front elevation. The proposal detailed the property to have a rendered finish to the walls and slate effect tiles to the roof. Access to the proposed dwelling would be from an existing vehicular access from Humberston Avenue which served 41 and 41A Humberston Avenue. Improvements to the access area onto Humberston Avenue

were also proposed but had also recently been approved under another planning application. In conclusion, it was considered that the proposed development would not offer any undue harm to the neighbouring properties residential amenities, drainage and flood risk and highway safety or amenity. This was subject to a number of safeguarding conditions. It was, therefore, recommended for approval.

Mrs O'Brien read out a statement received from Ms Deborah Carrie in objection to this application.

Ms Carrie lived at 39A Humberston Avenue, a one storey property, which sat in close proximity to the proposed build. She noted that residents tend to buy a property on Humberston Avenue for the character and charm of the area, particularly its green, spacious semi-rural feel. Many residents now felt that the over-development of rear garden land to Humberston Avenue was negatively affecting the area and negatively affecting the very benefits that drew them to the avenue in the first place. In addition to this aspect, she felt that this particular garden land development offered poor design and had the following key areas of concern.

- The plot was narrow and a house on this piece of garden land would look shoehorned and squeezed in.
- Separating the imposing detached front house (sitting to Humberston Avenue) from its current garden would make a detrimental change to the original house's amenity. As such it no longer had a symmetry or balance between the house to garden ratio and therefore detracted from the amenity.
- Allowing a 1.5 storey dwelling to be built on this piece of garden land would set a negative precedence as the existing back land properties close to the prospective dwelling are only one storey.
- A previous extension to the side of the front house resulted in it now encroaching onto the access road. This had created a pinch point within the access road. Larger vehicles such as fire engines, building trucks and large furniture removal vans would not be able to gain direct access to the site as it was too narrow for them to pass through. Given fire engines would not be able to gain direct access, the proposed new build would require a sprinkler system. The access was therefore poor and inadequate to properly service the proposed new build.
- Prior to the previous side extension of the main house (when the access was therefore wider than it was now) an application to build a one storey dwelling on this site was turned down when it went to appeal. The Planning Inspectorate indicated that it was unsuitable due to access limitations, considered it to be an over-development and that it would have a negative impact upon neighbouring properties in terms of noise and disruption. It was important to bear in mind that the access was now even poorer than at the time of the appeal due to the extension and creation of the pinch point to the access road.

- The proposed design had a lack of turning area that makes it unsafe for visitors to the property. Having vehicles reverse out of the access road made this an unsafe design that did not meet the requirements of good design aspired to within the Adopted Plan currently in place for North East Lincolnshire.
- A property already existed to the rear of 41. The new residents of 41a had expressed their concerns in writing to this application, as did the previous resident living there also. Given 41a only had one means of access to their property, supporting this application would have a considerable negative impact on them going forward.

Ms Carrie made reference to photographs of the plot providing an indication of how narrow it was and also how it usually looked during the winter months. It showed that the ground saturation was extensive and tended to be prolonged over the winter period. Ms Carrie commented that it had recently been confirmed to her that the council was meeting its housing target and could evidence a five year housing supply. Given the extensive amount of building to larger scale developments in the area which met good design principles, garden land developments such as this one with limited access and turning areas were not needed, especially so when they offer such poor design in terms of safety, access and functionality.

Dieter Nelson spoke on behalf of the applicant. He explained that this was a single in fill plot that had been subject to detailed negotiations with officers to address all technical planning issues. There were no objections to the scheme as they had worked hard to overcome the issues. The development of back land was a common theme in this area. There was an existing private drive. A recent appeal has approved two dwellings to the east. The design would not be different to the existing character. It would be a modest dormer bungalow with no adverse overlooking. Surface water would be dealt with on site and no additional system would be needed for drainage. There had already been planning permission approved for this site to allow two vehicles to pass on the entrance. The access width would be increased to 3.1m, but he noted that the existing access was already being used. There were no objections from highway officers. Detailed discussions had taken place with building control and therefore, he respectfully requested that the application be approved in line with officer recommendations.

Councillor Mickleburgh thought the picture of the garden being flooded looked worrying. However, he believed this had been taken care of. Areas like this always received applications for in fill. He moved for the application to be approved.

Councillor Hasthorpe fully supported Councillor Mickleburgh's comments. He seconded the application to be approved.

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

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

Item Four - DM/0077/21/FUL - Land off Main Road, Barnoldby Le Beck

Mr Limmer introduced the application and explained that the proposal related to engineering operations that had already taken place to relocate a large amount of soil from the adjacent development site. The soil had been spread out on this site with depths varying between 0.7m and 1m. It should be noted that this soil was relocated from the adjacent development site due to it containing Japanese Knotweed. Both sites were in the ownership of the applicant. However, it was imperative to note that the control of Japanese Knotweed rested firmly with the Environment Agency and was not a material planning matter. It was also noted that under the relevant legislation it was not an offence to have Japanese Knotweed on your own land; it would only become an offence if you allowed it to spread to someone else's land. The soil was in its final position. It was therefore clear that this application could only be considered on the merits of the relocation of the soil and not in regard to Japanese Knotweed. The concerns raised over the Japanese Knotweed were noted, however, it was not a material consideration to justify a planning objection. The considerations were therefore based on the physical works to relocate the material. The relocation of the material did not pose undue impact on the neighbours' residential amenities, the character and appearance of the area. The proposal therefore accorded with the NELLP and was recommended for approval.

Ms Kate Bradshaw spoke as an objector to the application. She explained that this was a retrospective planning application for an extremely large amount of Japanese Knotweed. It currently wasn't a planning issue, but she pointed out that it was part of a planning condition for the original planning permission on this development site. She hoped the committee would conclude to a decision that was on the same course of action that was given before as she felt it was the right one. The decision was made via several knotweed reports that the relocation was not an option. The Japanese Knotweed was now far greater and had spread rapidly. Environmental waste was not notified of the planned movement. She had great concerns that it had been moved without permission. The waste had been moved off site as the cheapest way to get rid and gave them the ability to prepare the site for the new plots. The height of the knotweed was currently at 1 metre. Ms Bradshaw stated that plans submitted were not accurate and it had taken her a while to get the accurate measurement recognised. Going forward they had been advised that spraying should not be close to water works. Villagers were now walking through the knotweed, which was putting people's gardens at risk of it spreading.

Mr Daniel Snowden spoke on behalf of the applicant. He explained that the knotweed had been removed off the development site and remained on another land that was under the same landowner's ownership. Contractors provided remedial works and guarantees were in place to give

reassurance required to new plot owners. He confirmed that the knotweed had been safely moved off the soils. It had regular treatment that prevented potential spread. He asked that Members agree with the officers' recommendations.

Councillor Hasthorpe stated that he visited the site and it was quite unsightly because of the depth of the Japanese Knotweed. It was very close to properties and the plans and pictures did not even show how close it was. He had grave concerns.

Councillor Hudson felt that they had been slightly cheated as when they gave permission, they were told that the knotweed would be taken away from the site. It would never have been allowed if it was going to end up where it has. He believed that when it was removed it should have been dealt with better.

Councillor Parkinson asked whether there were planning conditions to remove the knotweed.

Mr Limmer confirmed that the removal of Japanese Knotweed was no longer a planning matter, so it couldn't be controlled by a condition now. The application showed details on how this could be dealt with in a different way.

Councillor Hasthorpe stated that it wasn't done correctly, and the original planning condition was not followed.

Mr Dixon wondered whether Members would like to defer the application to involve the Environment Agency to discuss this matter. The matters being discussed were no longer a planning matter and he asked members to focus on what was in front of them and whether in planning terms the application was acceptable to be approved.

Councillor Mickleburgh stated that he did not like retrospective applications as he knew what problems it could cause. He could not see how he could support this application.

Councillor Dawkins stated that he had personal experience working with soil like this and explained how it could be very contagious. If the original condition was for the knotweed to be removed securely then it needed to be removed properly. Moving it to another part of plot meant it would be someone else having to sort it out at a later date. He moved for the application to be refused.

Councillor Hasthorpe seconded the motion to refuse.

Mr Dixon asked whether Members wanted the decision to be deferred to seek advice from the Environment Agency and for them to give a more formal explanation on the current situation.

Councillor Dawkins rejected Mr Dixon's advice and believed the applicant needed to carry out what should have been done the first time around. Councillor Hasthorpe agreed.

RESOLVED – That the application be refused as the development was contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) in that the disposed soil by reason of its contamination with Japanese Knotweed in close proximity to neighbouring residential property was detrimental to the residential amenity of those neighbours due to concerns over the potential for contamination.

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

Item Five - DM/0449/21/FUL - 142 Chichester Road, Cleethorpes

Mr Dixon introduced the application and explained that it sought the erection of a first-floor extension above an existing single storey flat roof rear extension, at 142 Chichester Road. The proposal was not considered to present any significant detrimental impacts concerning design or residential amenity, and so it was considered to be acceptable and was recommended for approval with conditions.

Mr Daniel Snowden spoke on behalf of the applicant. He explained how the extension type was not uncommon. Main objections had come from neighbours, but he confirmed that the objections around the loss of light would not occur. The extension would have no windows and was considered to be appropriate. He asked for members to approve the application in line with the Officers recommendations.

Councillor Hudson said that the photographs were useful. There would be partial blockage, but he believed it wasn't enough for issues to be of concern. He moved for the application to be approved.

Councillor Hasthorpe seconded the motion for approval.

Councillor Parkinson stated that he was going to suggest a site visit as he believed it would look very different in the flesh and he felt that quite a bit of light would be lost.

Councillor Mickleburgh thought it was a straightforward application.

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

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

Councillor Goodwin left the meeting at this point.

Item Six - DM/0168/21/FUL- 55 Abbey Road, Grimsby

Mr Dixon introduced the application and explained that it sought to extend the development of the Co-operative funeral care home at 55 Abbey Road through the creation of a single storey side extension to the existing rear wing of the funeral home, a detached multiple vehicle garage and a single vehicle washing area to the rear of the site. Other alterations included extract plant and equipment and an extended car parking area to the eastern side of the site. Access and exit would remain from Abbey Road. It was believed that the proposed development would provide an enhanced operation that would aid the operation of the funeral service adding to capacity, but also providing an up to date facility and in a small way providing further employment to local people. The extension and detached buildings proposed would be of a scale and appearance that would maintain the character and quality of the site and that of the conservation area. Whilst these structures and activities would have an impact on adjoining residents, subject to conditions, it was not considered that the proposal would detrimentally impact on residential amenity, highway safety, nor drainage. It was therefore, recommended for approval.

Councillor Hasthorpe moved for the application to be approved.

Councillor Hudson seconded the motion.

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

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

Item Seven - DM/0422/21/FUL - 8 Fairisle Rise, Immingham

Mr Dixon introduced the application and explained that it was a retrospective application that sought to enclose an area of open space/verge to the south west of 8 Fairisle Rise adjoining Margaret Street and turn it into a garden area. The application sought to annex a pleasant grass verge within an adjoining residential garden. The undesignated nature of the verge, its limited scale and division from a wider area of grassland across Margaret Street indicated that the impact of the loss of use of this area would be limited in terms of physical recreation and the character of the residential area. Similarly residential amenity and highway safety would not be impacted upon in any material way. The positioning of a main water sewer on the application site was noted but no objection had been raised by Anglian Water, although to ensure future maintenance conditions, removing permitted development rights was recommended. Similarly, concerns of residents and the Immingham Town Council over the ownership were recognised. The applicant had procedurally undertaken to publish the correct notice within a local newspaper allowing any owner to come forward and make representations. Ownership disputes did not fall within

the realm of the planning system and civil law provided a suitable forum to resolve disputes of this nature. The grant or refusal of a planning application would not therefore override or direct any such procedure, nor force any actual owner to sell or not sell. It was considered therefore that the proposal would accord with policies and was recommended for approval.

Councillor Hasthorpe could not see any issues. He moved for the application to be approved.

Councillor Mickleburgh seconded the proposal.

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

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

Item Eight - DM/0609/21/FUL - Willow Lakes, Ashby Cum Fenby

Mr Limmer introduced the application and explained that it sought to vary the approved plans of an earlier permission to remove the 'green roof' feature and replace it with a standing seam roof with solar panels. In conclusion, it was considered that the proposed development would not offer any significant additional impact to the neighbouring properties amenities, the character of the area or highway safety and amenity in accordance with policies within the NELLP. The development would continue to improve the leisure and tourism offer in the area and provide additional employment opportunities. It was therefore recommended for approval subject to additional conditions.

Mr Daniel Snowden spoke on behalf of the applicant. He explained that the green roof was part of original design, whilst acknowledging this as a positive addition, energy efficiency had come on enormously since the original application had been approved. The applicant wanted to make a change on how they would be running the café and after discussing with grant funders, they were highly impressed with the proposal. The 190 solar panels would make the café self-sustaining. The change wouldn't cause any impact to the character of the area, and it would create an opportunity to be more sustainable. He hoped Members could agree and approve the application.

Councillor Mickleburgh moved for the application to be approved. He explained that we were all being affected by climate change, and he believed that Members could do their bit by supporting this application.

Councillor Pettigrew stated that he was against this application. It had a long history and when consultation for this café originally went out, the benefits of it was the green roof and how it would retract how it looked. However, he could see how there was a need for sustainable energy.

Councillor Hasthorpe stated that he would normally agree with the parish council, but he didn't on this one. He seconded the proposal to approve.

Councillor Dawkins agreed with the recommendations. He believed the solar panels were a way forward and the committee needed to show that they support this.

Councillor Hudson stated that he was more than happy to see solar panels. He said that Councillor Pettigrew made a good point and how it was a unique selling point. A green roof would make it blend in. He stated that if solar panels did not go ahead, he did not want to see a normal roof.

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

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

Councillor Mickleburgh left the meeting at this point.

P.35 PLANS AND APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The committee received plans and applications determined by the Executive Director of Environment, Economy and Resources under delegated powers during the period 26th August 2021 to 22nd September 2021.

RESOLVED – That the report be noted.

P.36 PLANNING APPEALS

The committee received a report from the Executive Director of Environment, Economy and Resources regarding outstanding planning appeals.

RESOLVED – That the report be noted.

P.37 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.38 ENFORCEMENT ISSUES

The committee discussed issues relating to enforcement and raised several 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 12.45 p.m.