

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

1 November 2023

PRESENT: - Councillor N Sherwood (Chairman)

Councillors C Ross (Vice Chairman), M Bell, M Grant, C Patterson, D Southern, C Sherwood and K Vickers

Councillors L Foster, T Gosling, H Rayner and R Waltham MBE attended the meeting in accordance with Procedure Rule 1.37(b).

The meeting was held in the Conference Room, Room F01e, Church Square House, High Street, Scunthorpe.

2479 **SUBSTITUTIONS** - Councillor C Sherwood substituted for Councillor J Davison and Councillor K Vickers substituted for Councillor D Wells.

2480 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY)** - The following member declared a personal and prejudicial interest –

Member: Councillor N Sherwood
Planning Application: PA/2021/1611
Minute: 2500
Nature of Interest: Member and trustee of the Boat Club.

The following members declared that they had been lobbied –

Councillor M Bell
Planning Application PA/2022/1702
Minute 2487a

Councillor M Grant
Planning Application PA/2022/1702
Minute 2487a

Councillor C Patterson
Planning Application PA/2022/1702
Minute 2487a

Councillor C Ross
Planning Application PA/2022/1702 and PA/2023/311
Minutes 2487a and 2489

Councillor C Sherwood

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Planning Application PA/2022/1702
Minute 2487a

Councillor N Sherwood
Planning Applications PA/2023/439, PA/2022/1702 and PA/2023/311
Minutes 2485 and 2487a and 2489

Councillor D Southern
Planning Application PA/2022/1702
Minute 2487a

Councillor K Vickers
Planning Application PA/2022/1702
Minute 2487a

2481 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 4 OCTOBER 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN (TO FOLLOW) - Resolved** – That the minutes of the meeting held on 4 October 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2482 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT** - The Committee considered several applications that had been deferred at the previous meeting to allow members to visit the site.

2483 **PA/2022/1848 OUTLINE PLANNING PERMISSION TO ERECT A DWELLING AND GARAGE WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION AT LAND OPPOSITE PADDOCK VIEW, WEST END, GARTHORPE, DN17 4RX** - Councillor C Ross informed the Committee that following the site visit, she had no objections to the application.

Councillor M Bell agreed with the previous speaker and stated that the application would improve the street scene.

It was then moved by Councillor C Ross and seconded by Councillor C Sherwood –

That planning permission be granted, subject to the inclusion of the following conditions -

1.

Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country

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Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 1009-20 (Location and Block Plans).

Reason

For the avoidance of doubt and in the interests of proper planning.

6.

All reserved matters applications for access required by condition 1 above shall include the following details:

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(i) the location and layout of the vehicular access; and

(ii) the number, location, layout and materials of vehicle parking and turning spaces within the site and, if loose materials are proposed within 10m of the adopted highway, details of measures to prevent the material from spilling onto the highway; and

(iii) an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and from the highway onto the developed site.

Reason

In the interests of highway safety and to prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies T2, T19 and DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy and the National Planning Policy Framework.

7.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

9.

All reserved matters applications for appearance, layout and scale pursuant to condition 1 above shall include details of how the proposed dwelling will accord with the mitigation measures detailed within the Flood Risk Assessment (FRA) by Howard J Wroot, dated 10 October 2022, including the

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following:

- The dwelling shall be two-storey.
- Finished floor levels shall be set no lower than 3.85 metres above Ordnance Datum (AOD).
- Flood resilient construction shall be incorporated to a minimum of 5.05 metres AOD

The mitigation measures shall be fully implemented prior to occupation of the dwelling hereby permitted and shall be retained for the lifetime of the development.

Reason

To reduce the impact of flooding to the development and future occupants.

10.

All applications for reserved matters shall comply with the suggested building specification detailed within Section 4.1 of report reference S. & D. Garritt Ltd, ACOUSTIC REPORT for PROPOSED RESIDENTIAL DWELLING at LAND OFF WEST END, GARTHORPE, DN17 4RU, Dated: 12 April 2022 unless a written justification is provided for any departure from that specification.

Reason

To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

Prior to the occupation of the development hereby permitted, the scheme of window glazing works as detailed within Section 4.1 of report reference S. & D. Garritt Ltd, ACOUSTIC REPORT for PROPOSED RESIDENTIAL DWELLING at LAND OFF WEST END, GARTHORPE, DN17 4RU, Dated: 12 April 2022 shall be installed in full and maintained thereafter for the lifetime of the development.

Reason

To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

All reserved matters applications for layout pursuant to condition 1 above shall include details of an acoustic barrier on the western and southern boundaries of the site. The details shall include a technical specification of

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the acoustic barrier specifying its location, size and design, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier shall be installed prior to first occupation of the dwelling hereby permitted and shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

Reason

To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale, and nature of contamination;

(ii) an assessment of the potential risks to:

- human health;

- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;

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- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance April 2021.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the

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approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure the site is safe for future users and construction workers.

Informatives

1.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;

- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

2.

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

3.

The developer is advised to consider upsizing the pipe network increasing storage around the development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice to ensure an increased level of resilience for the development and its future occupiers.

Motion Carried.

2484 **PA/2023/424 PLANNING PERMISSION FOR CHANGE OF USE FROM RESIDENTIAL OUTBUILDINGS TO A MICROPUB, INCLUDING ENCLOSING OF EXISTING COVERED AREA AT KINGSWELL, HOWE LANE, GOXHILL, DN19 7HU** - Prior to consideration of the application, an objector addressed the committee. He informed members that he lived directly opposite the development site. He was concerned that the living room was in the wrong location. The site was not in the heart of the village and, were it to be approved, would adversely impact the surrounding properties. There were insufficient car parking spaces identified at the site, with any extra vehicular movements adding to an already congested area. There were concerns also about on street parking and additional noise from the site.

The applicant's agent also addressed the committee. He informed the

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members that the Memorial Hall already had a licence to sell alcohol in the village. The applicant had no intention of turning the micropub into a public house. The hours the premises would be open would not cause any issues at school leaving time. Additional noise from the site would also be minimal. The applicant had agreed to reduce the operating hours on a Wednesday and Thursday and the council's Environmental Health department had not objected to the application. To improve visibility, the applicant would also consider removing the brick wall at the front of the property.

Councillor C Sherwood stated that the site visit had been extremely useful. The site was within close proximity to a road junction and as a result he could appreciate the objectors' concerns. However, were the application to be granted, it would improve the area. The applicant had also agreed to reduce his opening hours to minimise any disruption to residents.

Councillor M Grant too could appreciate the concerns of residents. However, in his opinion, the application should be granted as there was no planning basis to refuse the application. The opening hours had been dramatically reduced and the capacity at the site was such that noise disruption would be kept to a minimum.

Resolved – That planning permission be approved in accordance with the recommendations contained within the officer's report.

2485 **PA/2023/439 PLANNING PERMISSION TO ERECT A NEW DWELLING AT HOMELEA, SLUICE ROAD, SOUTH FERRIBY, DN18 6JG** - Councillor R Waltham MBE addressed the Committee and stated that there were no objections to the application from Highways or the Environment Agency. He continued that the site was within a sustainable location. Over £20 million pounds had been invested on the infrastructure to minimise any future flood risk. Precedent had also been set as there were other properties that had been built beyond the boundary.

Councillor C Ross informed members that she had found the site visit extremely useful. It was clear to see that there were other properties that had been built further south of the site. There were also no objections from Highways of Environment Agency.

It was then moved by Councillor C Ross and seconded by Councillor C Patterson –

That planning permission be granted, subject to the inclusion of the following conditions –

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

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To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Plans and Elevations as Proposed (Revision J)
- Site Plans (Revision J).

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. It shall also include details of how the

resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

4.

The drainage scheme shall be implemented in accordance with the details approved under condition 3 of this planning permission, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with

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policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

5.

The development shall be carried out in accordance with the drawing labelled 'Plans and Elevations as Proposed' (project number: DN18-3338, Rev H by CK Architectural Hull, dated 23 June 2023) and the submitted flood risk assessment (ref: 2013/1419, Final Report RevE dated July 2023, by EWE Associates Ltd) and the following mitigation measures they detail:

- the development to have at least two storeys
- the proposed dwelling to have non-habitable ground floor accommodation
- the finished floor level of the first floor shall be set no lower than 5.68 metres above Ordnance Datum (AOD) as illustrated in the 'Plans and Elevations as Proposed' Drawing
- flood resistance and resilience measures to be incorporated into the development as stated.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants, in line with policy CS19 of the North Lincolnshire Core Strategy.

6.

No above-ground works shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

7.

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No above-ground works shall take place until details showing an effective method of preventing surface water run-off from hard-paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

To prevent the creation of dangerous conditions for road users.

8.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no additions or extensions shall be made to the dwelling other than those expressly authorised by this permission.

Reason

To define the terms of the permission and to allow the local planning authority to assess whether any extensions made to the dwelling would be safe in flood risk terms.

9.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

10.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

(i) measures to ensure the preservation by record of archaeological features within the footprint of the development

(ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts

(iii) post-fieldwork methodologies for assessment and analyses

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(iv) report content and arrangements for dissemination, and publication proposals

(v) archive preparation and deposition with recognised repositories including the ADS

(vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy

(vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works

(viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

11.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least 7 days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

12.

The dwelling shall not be occupied until any post-investigation assessment has been commissioned in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been

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secured.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

13.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record and the archive at the North Lincolnshire Museum within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

14.

Before the dwelling is first occupied the bedroom window in its northern wall (on the first floor) shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informatives

1.

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

2.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000

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to arrange for the relevant permissions/licenses to be issued;

- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Motion Carried

- 2486 **PA/2023/1132 PLANNING PERMISSION TO ERECT A DWELLING, INCLUDING DEMOLITION OF AN EXISTING DWELLING AT 60 GAINSBOROUGH LANE, SCAWBY, DN20 9BY** - Prior to consideration by the Committee, an objector addressed the members. He was concerned that the development would block light entering his property and grounds and other surrounding properties. The site was on a significant slope which would only make loss of light worse. The installation of a balcony would lead to a further loss of privacy.

The applicant's agent addressed the Committee. He respectfully requested that councillors support their planning officer's recommendation. He confirmed that, in his opinion, the development would not have a negative impact on the neighbours. The application had been amended to reduce the height of the roof slopes to minimise the impact on neighbouring properties. The development would enhance the street scene.

Councillor C Sherwood stated the site visit had alleviated his concerns over the size of the development. It would not be as intrusive as the plans suggested.

Councillor M Grant disagreed and stated that the development would result in a reduction in natural light available to neighbouring properties. The balcony was also overlooking neighbouring properties.

Resolved – That planning permission be approved in accordance with the recommendations contained within the officer's report.

- 2487 **MAJOR PLANNING APPLICATIONS** - The Committee considered several planning applications that had been submitted and determined to be major applications.

- 2487a **PA/2022/1702 APPLICATION TO MODIFY/DISCHARGE THE S106 AGREEMENT ATTACHED TO PA/2019/1782 RELATING TO THE REQUEST FOR CONTRIBUTIONS BE REMOVED FOR VIABILITY REASONS AT LAND SOUTH OF MOORWELL ROAD, YADDLETHORPE, BOTTESFORD** - Prior to consideration of the application, an objector addressed the Members. He was concerned that the modification to the section 106 agreement would result in a reduction in financial contribution of £1.2 million. The developers concern as to its rising viability costs was not a sufficient reason to modify the agreement. Developers had a responsibility to ensure they supported their local communities. There was no support from any of the signatories to the modification.

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A second objector shared his concerns as to the rationale for the additional financial survey. The developer had a duty to ensure it invested in the local community, not look for ways to reduce its financial contribution. Were the modification agreed, council taxpayers would have to share the burden of the cost of the development, which was wrong. In addition, the development was designed with no mains sewerage.

The applicant's agent spoke at the meeting and confirmed that the financial survey was undertaken by an independent company. The recommendations contained within the survey only re-enforced previous survey findings. The cost of the development had increased dramatically. In addition, the land had reduced in value. However, the section 106 agreement was still workable. If the modification was agreed, then development would start early in 2024. The development would generate additional employment and monies for supply industries. The traffic regulation order would see the costs borne by the developer and not the council, which had to be positive.

Councillor L Foster confirmed that he had opposed the development since it was first submitted as it was not an attractive proposition for this particular piece of land. Over three years had now passed before the developer had applied to modify the section 106 agreement, stating that it was not viable. The profits of the developer were not a matter for the Committee.

Councillor C Ross stated that the matter needed to be resolved to allow the development to commence. After considering the application, she was minded to support the modification, subject to the clawback mechanism being utilised.

Councillor M Grant stated that he was against the modification as the financial burden would be passed on to local council taxpayers. The financial affairs of the developer were not a matter for the committee. Any loss of affordable housing was a major concern.

Councillor M Bell was deeply concerned that £1.5 million would be removed from the section 106 agreement. Council taxpayers would ultimately be required to contribute to the development, which was wrong.

Councillor D Southern was concerned that the modification would allow the developer to increase its profit, whilst council taxpayers would be required to fund the shortfall.

Resolved – (a) That the Section 106 be modified, including a clause to allow North Lincolnshire Council to re-evaluate every twelve months the viability if market conditions improve prior to the completion of the development, and (b) that a highways contribution of £2,000 be included in the Section 106.

At the request of members, the names of members voting for, against and

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abstaining from the motion/resolution are as follows:–

FOR: N. Sherwood, C Patterson, C Ross and K Vickers

AGAINST: M Bell, M Grant, C.Sherwood and D Southern

ABSTAIN: Nil.

The votes having being equal the Chairman used his second and casting vote in favour of the motion.

- 2487b **PA/2023/1229 OUTLINE PLANNING PERMISSION FOR UP TO 20 DWELLINGS WITH ALL MATTERS RESERVED FOR SUBSEQUENT CONSIDERATION (RE-SUBMISSION OF PA/2021/1330) AT LAND OFF SCOTTER ROAD/HIGH STREET, MESSINGHAM, DN17 3NT** - Councillor C Ross informed the meeting that the applicant had took no notice of what was requested. Consequently, she was minded to refuse the application.

It was then moved by Councillor C Ross and seconded by Councillor C Patterson that the planning application be refused for the following reasons -

The drainage strategy fails to demonstrate whether the development would result in an acceptable method of surface water drainage disposal, whether infiltration would be feasible on the site and subsequently whether it would result in flooding to the development or increase flood risk elsewhere. The application is therefore considered contrary to policies DS16 of the North Lincolnshire Local Plan and CS18 of the adopted Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

Motion Carried

- 2487c **PA/2023/1429 PLANNING PERMISSION FOR THE DEMOLITION OF A PUBLIC HOUSE AND THE ERECTION OF A TWO-STOREY RESIDENTIAL BUILDING CONSISTING OF 20 DWELLINGS (RE-SUBMISSION OF PA/2022/754) AT FORMER LINCOLN IMP PUBLIC HOUSE, 29 GLOUCESTER AVENUE, SCUNTHORPE, DN16 2EA** - Prior to consideration of the planning application, the council's Development Management Lead updated the Committee on an additional letter of representation that had been submitted. The letter requested that the community asset be kept and not demolished for housing. The Development Management Lead confirmed that the issue raised had been addressed in the main report and did not change the planning officers recommendations.

An objector then addressed the committee, stating that the property was currently an eyesore. It was derelict and had been heavily vandalised. This the objectors believed was part of a concerted effort to grant the application. The patrons at the Lincoln Imp were one big family, and the loss of the iconic venue would be devastating for the local community. It was once the third best music venue and a building that people would travel many miles to

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visit.

The applicant's agent informed Members that the development would provide twenty affordable apartments, which were desperately needed locally. It would also provide an outdoor space for the apartments, which was a huge selling point. There were several public houses less than ten minute walk away. For a public house to remain open, it needed to be viable. The Lincoln Imp required circa £300,000 investing in it to allow it to re-open. The pub had been closed since August 2022. It had been on the market since it closed but there had been no offers to purchase it. It had also been designated as an Asset of Community Value but no bid had been received. No tenants had lived at the premises since 2013. Every reasonable step had been made by the owners to sell the Lincoln Imp without any success.

Councillor H Rayner, local ward member informed the meeting that there was significant public interest in this planning application. The Lincoln Imp was at the heart of the community and had historical and social importance. It was a unique venue and all avenues must be explored to ensure it remained as a public house.

Councillor T Gosling, local ward member was disappointed that the premises owner had allowed the building to fall in to such a poor state of repair. There had been no investment or maintenance at the premises for a long time. The planning application would result in over development at the site. There were insufficient car parking spaces too. Nothing had changed since the previous application was submitted and ultimately refused by the Committee.

Councillor R Waltham MBE addressed the Members. He reminded the Committee that he spoke against the development of the site previously and was going to do so again as nothing had changed. The meeting had heard that Admiral Taverns had allegedly marketed the premises, but there was no evidence to support that statement. The application was akin to building 20 rabbit hutches which was not acceptable. This application should again be refused.

Councillor C Ross was disappointed that the Committee was again being asked to consider the development of the site, when nothing, in her opinion, had changed since the previous application.

Councillor M Grant stated that nothing had changed the previous application was refused by the Committee.

Councillor M Bell believed that buildings of such local and national importance should be preserved and not demolished.

It was then moved by Councillor C Ross and seconded by Councillor C Sherwood that planning permission be refused for the following reasons –

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1.

The proposed development would result in the unacceptable loss of The Lincoln Imp public house which is a valued community facility. There is insufficient justification for the demolition of The Lincoln Imp and the proposals for housing are not considered to outweigh this loss. Therefore, the proposed development would be contrary to policy CS22 of the North Lincolnshire Core Strategy and paragraph 92 of the NPPF.

2.

The proposals would result in insufficient provision of private amenity open space for the future occupiers of the proposed units. Therefore, the proposals are contrary to policy H5 of the North Lincolnshire Local Plan and paragraph 130 of the National Planning Policy Framework.

Motion Carried

2488 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** - The Planning Committee considered several applications that, in accordance with the scheme of delegation, required the Members to determine.

2489 **PA/2023/311 PROPOSED CHANGE OF USE FROM A STORE ROOM TO A COMMERCIAL CAR REPAIRS AND TYRE REPLACEMENT GARAGE AT 312 MESSINGHAM ROAD, BOTTESFORD, DN17 2QY** - Prior to consideration of the application, the council's Development Management Lead updated the Committee on an email that had been received after the agenda had been published by the council's Planning department regarding the noise impact assessment submitted by the applicant. The email was copied to all Members. In the view of the objector, the noise impact assessment was not suitable or sufficient, and as a result the application should be rejected. Members heard that initially the applicant did not submit a noise impact assessment to be assessed by the council's Environmental Health department. The department commented that they did not have sufficient information from the applicant to assess the impact of noise. They therefore requested a noise impact assessment. The requested noise impact assessment was submitted and reviewed by the Environmental Health and the department concluded that the resultant noise impact was low and therefore recommended an operational hours condition. The condition had been applied to the decision notice. Having considered the additional information received, this did not change the planning officers recommendation.

An objector addressed the Committee and stated that she could hear everything that occurred at the store room from her back garden. The premises could not be used for storage as it was not secure. The application would generate lots of extra traffic and noise. The road leading to the site had double yellow lines and cycle lanes. The car park was also not big enough to cater for the number of vehicle movements. Safety was

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paramount and with it being a school route, this was a real concern.

Councillor C Ross informed members that she believed the Committee would benefit from a site visit to better appreciate the proposed site.

It was then moved by Councillor C Ross and seconded by Councillor C Paterson –

That a site visit be held and the application be brought back to a future meeting for a decision.

Motion Carried

2490 **PA/2023/631 PLANNING PERMISSION TO ERECT 9 DWELLINGS AT LAND ADJACENT TO HALKON CLOSE, LUDDINGTON, DN17 4RD** - Prior to consideration of the application, the council's Development Management Lead updated the Committee on a letter of objection that had been received from the Parish Council after the agenda had been published. The Parish Council wished to inform the Planning Committee that -

- Outline application had expired.
- Parish Council was not informed of change the development boundary.
- Access and traffic issues.
- Overlooking.
- Overbearing.
- Loss of light.
- Dwellings would be very visible for all areas of the village as well as immediate neighbours.
- Biodiversity impact assessment was inaccurate.
- Bat boxes to be installed on all four walls but no mention of avoiding over doors and windows.
- No similar developments in Luddington.
- Out of character.
- Would not contribute significantly to the council's housing land supply.
- Loss of amenity land.
- Noise and disturbance during construction.
- Exclusive community proposed by the design.
- Development not for local people.
- No benefits to the community of Luddington.

In addition, a letter of objection from a previous objector had been received, and raised the following issues –

- Rear gardens would not gently slope down to the rear borders.
- Drainage issues.
- Overbearing.
- Loss of amenity, light and privacy.
- Out of character.

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The Development Management Lead confirmed that the issues had largely been addressed in the main report. The location of bat boxes on the site would be dealt with through the recommended biodiversity planning condition. Therefore, having considered the additional information received this did not change the planning officer's recommendation.

The applicant's agent addressed the Committee and informed Members that in 2017 outline planning permission had been granted. The planning officers report was fair, and the recommendations proportionate. Detailed negotiations with stakeholders had resulted in the amended application being considered by the Committee. Strict conditions could be attached to the application to protect residents' amenities.

Councillor C Ross stated that there were no objections from any of the statutory consultees. Therefore, the application should be granted.

Resolved – That planning permission be approved in accordance with the recommendations contained within the officer's report.

2491 **PA/2023/659 PLANNING PERMISSION FOR PARTIAL CHANGE OF USE OF LAND AND THE ERECTION OF A TIMBER OUTBUILDING FOR COMMERCIAL USE AT 1 WHITEHOUSE WAY, EPWORTH, DN9 1GS - Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer's report.

2492 **PA/2023/1055 PLANNING PERMISSION FOR NEW ACCESS INTO AGRICULTURAL FIELDS OFF B1206 BARTON ROAD, WRAWBY AT FIELD ACCESS FROM B1206 BARTON ROAD, WRAWBY - Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer's report.

2493 **PA/2023/1212 PLANNING PERMISSION TO ERECT A DWELLING AT 4 OAKLANDS, GRANGE COURT, WESTWOODSIDE, DN9 2QN** - Prior to consideration of the application, the applicant addressed the Committee. He explained that the application was to allow family members to live close by.

Resolved – That planning permission be approved in accordance with the recommendations contained within the officer's report.

2494 **PA/2023/1244 PLANNING PERMISSION TO ERECT A GENERAL-PURPOSE AGRICULTURAL BUILDING AT LAND ADJACENT TO TORNE GATEHOUSE, SANDTOFT ROAD, EPWORTH, DN9 1LE** - Prior to consideration of the application, the applicant's agent spoke in support of the application. He stated that the planning officer had recommended approval. The building was required to house a small tractor and hay bailing equipment. There would be no loss of amenities as a result of the application.

Councillor C Ross stated that she would support the application were an additional condition be attached to the application specifying the type of

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cladding to be used.

Resolved – That planning permission be approved in accordance with the recommendations contained within the officer’s report, subject to the inclusion of an additional condition to replace existing condition 3 -

3.

Notwithstanding the hereby approved plans condition (condition 2 above), the materials to be used in the construction of the external surfaces of the development hereby permitted shall be either wooden cladding (natural colour) or a green metal cladding and shall be retained as such unless otherwise approved in writing by the local planning authority.

Motion Carried

- 2495 **PA/2023/1260 PLANNING PERMISSION TO CHANGE A GARAGE/WORKSHOP INTO A SEPARATE DWELLING (ONE-BEDROOMED BUNGALOW) (RE-SUBMISSION OF PA/2022/1980) AT CHURCH END COTTAGES, TOWNSIDE, EAST HALTON, DN40 3NU - Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer’s report.
- 2496 **PA/2023/1354 PLANNING PERMISSION TO ERECT A BARN FOR AGRICULTURAL USE AT FOX FARM, CADNEY ROAD, HOWSHAM, LN7 6LA - Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer’s report.
- 2497 **PA/2023/1367 PLANNING PERMISSION TO ERECT A DOMESTIC TIMBER GARDEN BUILDING AND USE AS A PART-TIME WORK-FROM-HOME BEAUTY SALON AT MEADOW VALE, CHAPEL ROAD, CROWLE, DN17 4BN -Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer’s report.
- 2498 **PA/2023/1379 APPLICATION TO CROWN REDUCE BY 40% AND CROWN LIFT BY 2.5 METRES ABOVE GROUND LEVEL TWO BEECH TREES IDENTIFIED AS T1 AND T2 WITHIN AND PROTECTED BY TREE PRESERVATION (MORFIELD GROVE, EPWORTH) ORDER 2022 AT 9 MORFIELD GROVE, EPWORTH, DN9 1DQ -Resolved** – That planning permission be refused in accordance with the recommendations contained within the officer’s report.
- 2499 **PA/2023/1436 PLANNING PERMISSION FOR AN AIRCRAFT HANGAR EXTENSION AT THE GREEN HANGARS, HIBALDSTOW AIRFIELD, REDBOURNE ROAD, BRIGG, DN20 9NN -** Councillor C Sherwood believed that a site visit would assist Members in determining the application.

It was moved by Councillor C Sherwood and seconded by Councillor C Patterson –

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That a site visit be held and the application be brought back to a future meeting for a decision.

Motion Carried.

The Chairman having declared a personal and prejudicial interest left the meeting for consideration of the following item (PA/2021/1611). Councillor Ross was Chairman for the following application.

- 2500 **PA/2021/1611 PLANNING PERMISSION TO ERECT A STEEL-FRAMED BUILDING AT BOAT CLUB, ISLAND CARR ROAD, BRIGG, DN20 8PD -** Prior to consideration of the application, a representative of the Boat Club addressed the Committee. He stated that the building was to house a mobile crane. The Boat Club Committee were unaware that they required planning permission. The structure was steel-framed and had a roller shutter door. The construction was basic, which allowed for natural ventilation. There were no workshop facilities within the structure. The building was constructed over a landfill area. There were no contamination issues on the site.

Councillor C Patterson stated that it had been useful to visit the site prior to considering the application. After visiting the site, the application should be granted.

Councillor M Bell had no reservations about the application and suggested that the land contamination conditions be removed.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer's report, subject to the removal of condition 1.

- 2501 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED -** There was no urgent business for consideration at the meeting.