



To be submitted to the Council at its meeting on 28<sup>th</sup> July 2022

## **PLANNING COMMITTEE**

**15<sup>th</sup> June 2022 at 9.30 a.m.**

### **Present:**

Councillor Pettigrew (in the Chair)

Councillors Aisthorpe (substitute for Beasant), Batson, Croft, Hasthorpe, Hudson, Lindley, Mickleburgh, Parkinson, Patrick (substitute for Goodwin), and Shreeve (substitute for Dawkins).

### **Officers in attendance:**

- Martin Dixon (Planning Manager)
- Richard Limmer (Major Projects Planner)
- Keith Thompson (Specialist Property Lawyer)
- Sophie Pickerden (Committee Support Officer)
- Matthew Chaplin (Public Rights Of Way Mapping Officer)
- Paul Chaplin (Trees and Woodlands Officer)
- Christopher Clayton (Planning and Highways Enforcement Officer)

### **Others in attendance:**

There were 14 members of the public and 1 member of the press present.

## **P.1 APOLOGIES FOR ABSENCE**

Apologies for absence for this meeting were received from Councillors Beasant, Dawkins and Goodwin.

## **P.2 DECLARATIONS OF INTEREST**

Councillor Pettigrew declared a pecuniary interest in item P.6 as he had a business relationship with the applicant.

## **P.3 APPLICATION FOR PART OF THE PUBLIC FOOTPATH 94, BARNOLDBY LE BECK**

The committee considered a report from the Executive Director of

Environment, Economy and Resources seeking to divert part of Public Footpath 94 in Barnoldby le Beck.

Councillor Hudson stated that he welcomed the common-sense approach applied with this application and moved for the application to be approved.

Councillor Mickleburgh agreed with Councillor Hudson's statement that the diversion of the footpath made sense and seconded the motion to approve the application.

Councillor Lindley stated that he found it strange that the footpath in its current form was so close to private property and that if you were to walk along the footpath you might feel that you were encroaching onto private land. Councillor Lindley stated that he agreed with Councillor Hudson and was happy for the application to be approved.

Councillor Aisthorpe questioned whether the proposed diversion would cause a safety risk particularly for women and children as, if approved, the footpath would now be along areas that were less visible. Councillor Aisthorpe stated that she had concerns this could lead to more anti-social behaviour and queried whether the area would be cleared.

Mr Chaplin stated that the area would be cleared.

Councillor Aisthorpe queried whether the trees would be felled and whether the hedge was being removed.

Mr Chaplin explained that no trees would be removed. The footpath would be diverted to the opposite side of the hedgerow and the hedge would not be removed.

Councillor Aisthorpe stated that she was not convinced that the proposed diversion would be a safer route for the public.

Councillor Croft queried how long the route was and whether there was lighting from any outhouses.

Mr Chaplin stated that the route was not very long and that he didn't think there was any lighting from any of the outhouses.

Councillor Patrick queried whether there had been any consultation with the public regarding the anti-social behaviour.

Mr Chaplin stated that the residents had previously raised issues but confirmed that public consultation had not been undertaken.

The Chair stated that he thought that the diversion would improve privacy for residents and that he didn't think that the proposed diversion would cause more anti-social behaviour in the area.

RESOLVED –

1. That the making of an Order for the diversion of part of Public Footpath 94, in accordance with Section 119 of the Highways Act 1980, be approved.
2. That the diversion Order as made be confirmed, subject to there being no objections, or in the event of objections which cannot be resolved and withdrawn, for the Order to be referred to the Planning Inspectorate for determination.

(Note - the committee voted 10 for and 1 against for the application to be approved.)

#### **P.4 APPLICATION FOR PART OF PUBLIC FOOTPATH 162, BEELSBY**

The committee received a report from the Executive Director for Environment, Economy and Resources seeking to divert part of Public Footpath 162 in Beelsby.

Councillor Mickleburgh thought the proposed diversion would make area safer. He moved that the application be approved.

Councillor Hudson seconded for the application to be approved.

Councillor Patrick stated that he worried about the precedent the committee was setting regarding the application. He stated that he appreciated that the diversion would make the area safer but that it was this specific development that made it dangerous to begin with. Councillor Patrick stated that he was uncomfortable with this and the process in how the proposed diversion had been put before the committee.

Mr Chaplin stated that this was an historic footpath and that due to the public rights of way not necessarily being previously enforced, he was now having to work through these issues retrospectively.

Councillor Hudson stated that the approval of the original footpath was not a recent one and dated back to the 1950s.

The Chair stated that the proposed diversion was being applied for, to put the footpath on the map and stated that the original development wasn't built on a footpath unlawfully.

RESOLVED –

1. That the making of an Order for the diversion of part of Public Footpath 162, in accordance with Section 119 of the Highways Act 1980 be approved.

2. That the diversion Order as made be confirmed, subject to there being no objections, or in the event of objections which cannot be resolved and withdrawn, for the Order to be referred to the Planning Inspectorate for determination.

(Note - the committee voted 10 for and 1 against for the application to be approved.)

## **P. 5 DEPOSITED PLANS AND APPLICATIONS**

The committee considered a report from the 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 1 - DM/0237/21/FUL - Land Off Littlefield Lane, Grimsby**

Mr Limmer introduced the application and explained it sought the erection of 74 dwellings together with a sales suite, construction of garages, driveways, estate roads and associated infrastructure. Mr Limmer stated that the proposed location for the development was on a site which had mainly been allocated as green space except for a small section of the land on the eastern side of the site which had no specific allocation. Mr Limmer informed committee members that whilst that was the case, the development did accord with Policies 4 and 5 of the North East Lincolnshire Local Plan (NELLP) as it would deliver 74 new homes in the Grimsby urban area and therefore, in principle, the development was considered acceptable. Mr Limmer stated that one of the key considerations for the development was the risk of flooding. He informed committee members that the site was located in flood zone three and therefore had to pass the Sequential Test and the Exceptions Test. Mr Limmer explained to committee members that the Council did have an understanding with the Environment Agency in regard to development in flood zones and applying the sequential test. He stated that this allowed for the Council to consider residential development in flood zones where it was a regeneration scheme. Mr Limmer commented that the site was close to the local Town Centre and that the development provided a rare opportunity to build quality family housing in an area which had seen little development. Mr Limmer stated that the development could lead to an increase in footfall in the Town Centre and also improve a site which was currently in a bad state and attracted anti-social behaviour. Mr Limmer informed committee members that due to the potential positive benefits that the development could have, the development was therefore considered a regeneration site and passed the sequential test. Mr Limmer informed Committee members that the requirements to pass the

exceptions test had also been satisfied as the local community would benefit from contributions made to education, children's play equipment and a mix of housing and open spaces. Mr Limmer stated that the levels of the site would also be raised, making the site in flood terms safer and therefore satisfying all requirements of the exceptions test. Mr Limmer informed committee members that due to the close proximity the development would have to Grimsby Town Cricket Club, a ball strike assessment had been undertaken and a section of the land was to be gifted to Grimsby Town Cricket Club to ensure safety. Mr Limmer added that the developers had also pledged to give £10,000 to the Cricket Club in order for their facilities to be developed. Mr Limmer stated that the development would not cause any undue impacts on residential amenity, highway safety and amenity, the character and appearance of the area or biodiversity. He stated that the proposal therefore accorded with Policies 5, 6, 22, 33, 40, 41, 42 and 43 of the NELLP and the National Planning Policy Framework (NPPF) and was recommended for approval subject to the signing of a Section 106 Legal Agreement.

Mr Hewitt spoke in objection to the application. He stated that there were four main issues with the application. He listed those as consultation, access, safety, and environmental concerns. Mr Hewitt stated that there had been no public meeting with residents and said that coronavirus restrictions had been cited as the reason for this. Mr Hewitt explained to committee members that all residents had received was a letter which contained minimal information about the proposed development. He said that his views and those of other residents had not been taken into account. Mr Hewitt stated that the access road was in an extremely bad position for the amount of traffic that occurred. He questioned how the highways officers had reported back that there would be no increase in traffic volumes due to the proposed development. Mr Hewitt stated that he appreciated comments made by Mr Limmer on the mitigation of flood levels but commented that this was the first time he had heard that information. He also queried as to why the rising of levels was referred to in the report but not on the online portal. Mr Hewitt stated that he also had concerns of how the development would impact the local environment. Mr Hewitt asked Committee members to turn down the application and stated that the site should be used by the community and not for developer's profit.

Mr Whall introduced himself as the Managing Director of Keigar Homes. He stated that Keigar Homes was a family business. He made reference to a pre-application presentation he had made to the previous committee and the positive response the presentation had received. Mr Whall informed committee members that the application had taken 18 months to complete and had not been rushed. He explained that lots of work had been put into the application to get it right. Mr Whall believed that the site would have a positive impact and would work well with the Town deal. He stated that the site was in a sustainable location and had access to local shops, public services etc. He stated that the key consultees including Sports England and the Environment Agency had had no problems with the proposed development. Mr Whall noted that Keigar Homes had not

ignored residents and had prioritized safety. Mr Whall stated that many positive benefits would occur if the development was to be given planning permission. He said that a donation of £10,000 would be given to Grimsby Town Cricket Club, the footpaths would be safer and there would be contributions made to education. Mr Whall asked committee members to approve the application.

The Chair asked Mr Limmer to address the issues of public consultation and the access road.

Mr Limmer stated that the planning process did not include legislation enforcing Keigar Homes to conduct public consultation. Mr Limmer referred to the report citing that a Highways Officer had determined that the overall traffic generation for 74 dwellings would not be significant and would not cause a severe impact on the highway network.

Councillor Mickleburgh stated that he understood Mr Hewitt's concerns. He stated that while the views of Sports England, the Environment Agency and other bodies were important, the views of the residents were important as well. Councillor Mickleburgh stated that he was concerned about the access point and that with only one bus service that went into Littlefield Lane, that method of transport would be of no use for those going to school, work etc. He stated that there would be extra pressure on the access road and that it was his belief that the issue of traffic had not been fully taken into account.

Councillor Lindley stated that he was surprised by the response from Sports England as he believed that years ago they would have fought to keep a site like this. Councillor Lindley said that his main concern was the access point and those familiar with the area knew that there had been several accidents. He stated that the road was not as safe as it should be and the use of traffic enforcement showed that. Councillor Lindley stated that he was undecided on how he would vote, but struggled to see how the introduction of 74 new properties would alleviate the traffic issues. He believed that this would instead add more congestion. Councillor Lindley was concerned about safety and that road safety should never be taken for granted. Councillor Lindley accepted that the issue of ball strikes had been addressed but the highways issue was a serious one.

Councillor Aisthorpe agreed with Councillor Mickleburgh and Councillor Lindley about the issues with the access road. She stated that speed bumps didn't make much difference. Councillor Aisthorpe was also concerned about the lack of consultation with the local residents. She queried whether the planning officers could enforce that this was undertaken.

Mr Dixon stated that there was no requirement for developers to do that but this could change in the future if new legislation was introduced. Mr Dixon reiterated that the planning process consultation had been conducted.

Councillor Aisthorpe stated that if public consultation had been undertaken, then residents might have worked with the developers to reach a compromise suiting all parties. Councillor Aisthorpe explained that she also had concerns that the surrounding area was built up and that there were no other close by green spaces other than the site in question. Councillor Aisthorpe queried whether it would be better to build less properties and utilize the remaining space to be a green space.

Councillor Hudson stated that there was criticism that not enough houses were being built. He said that there were lots of positives within the application, such as the proximity to the town centre. He stated that people would be able to walk and would not necessarily use their cars to visit the town centre and the amenities close by. He stated that it was unfortunate that more consultation had not taken place but accepted that coronavirus restrictions could have been a factor. Councillor Hudson stated that he was unsure and would listen to the rest of the debate.

Councillor Patrick stated that he was conflicted. He said that he was glad that the issue of biodiversity was being kept as a reserved matter. However, he was unsure as no one fully knew how the proposed development would pan out as there had never been 74 properties on the site before. Councillor Patrick stated that the access road had also never dealt with the amount of traffic that accompanied an additional 74 properties. Councillor Patrick was also concerned about the loss of green space. Councillor Patrick felt that public consultation should be a necessary requirement with applications involving large developments.

Councillor Aisthorpe stated that she was aware that the current green space on the site did need work but she said that she was not convinced that 74 new properties was the answer. Councillor Aisthorpe proposed a site visit to be undertaken by committee members.

Mr Dixon stated that a site visit could be arranged if voted for by committee members, but he explained that site visits were about fact finding and that committee members would not be engaging with residents as part of the site visit.

Councillor Aisthorpe stated that she had concerns about the current wildlife on the site as she was aware of a family of deers that she had seen on the site several times. Councillor Aisthorpe queried whether previous planning permission had been refused.

Mr Limmer stated that he was not aware of previous planning permission being refused.

Councillor Croft had concerns with the access point and queried whether the developer would change the access point so that there would be a way-in and way-out system.

The Chair stated that Committee members must solely look at the application being proposed and not what could be proposed.

Councillor Parkinson stated that he thought it was positive that the proposed development was close to the town centre. He stated that he was worried about the flood risks but would listen to the experts cited in the report. Councillor Parkinson stated that he understood change was difficult for residents but very frequently once the changes had occurred, people change their minds. He stated that he thought it was very good application and that he would support it.

Councillor Mickleburgh moved for the application to be refused.

Councillor Aisthorpe seconded the motion for the application to be refused.

Councillor Hasthorpe commented that it was important for committee members to look at what was being proposed and not the site's current form. Councillor Hasthorpe counter proposed that the application be approved.

Councillor Aisthorpe stated that the report from Planning Officers didn't address the issue of the wildlife already on the site. She stated that more consultation needed to take place and she said that she accepted the words of Councillor Hasthorpe but it was her belief that the specific site was not the right place for the proposed development.

Councillor Lindley endorsed refusing the application. He said that traffic would increase from having 74 new properties on the site.

Councillor Patrick was disappointed that the Committee had not looked further into the prospect of a site visit. He stated that he thought that would be a good option.

The Chair asked Councillor Mickleburgh to clarify his reasons for bringing forward the motion of refusing the application.

Councillor Mickleburgh stated that the reasons were a lack of consultation, safety concerns, concerns about wildlife and the loss of open space.

The Committee voted 5 for and 5 against for the motion of refusing the application, with one absentee vote. (Note – The Chair had the deciding vote and cast that against the motion, therefore the motion failed.)

Councillor Hasthope moved approval of the application, this was seconded by Councillor Parkinson. The Committee voted 5 for and 6 against for the motion of approving the application.

Councillor Patrick moved a site visit and this was seconded by Councillor Mickleburgh. The Committee voted 5 for and 6 against for the application being deferred while a site visit took place.

The Chair stated that as no motion had received a majority of votes, he would allow for more debate.

Councillor Batson stated that he didn't see the need in a scheduled site visit and encouraged committee members who were unsure of the site, to visit the sites prior to the meeting of the Planning Committee.

Councillor Patrick proposed that the item be deferred citing that the committee members not present today, could be present at the next meeting of the Planning Committee.

The Chair stated that he thought that a site visit would be a sensible move as it would allow committee members more time to consider the application.

Councillor Hudson stated that he had changed his mind and would support a site visit, he moved for the motion of a site visit to be approved.

Councillor Patrick seconded the motion of approving a site visit.

Mr Dixon reiterated that a site visit was a fact finding mission and was not a method of public consultation.

RESOLVED – That the application be deferred to allow a site visit to be conducted.

(Note - the committee voted 8 for and 2 against with 1 absentee for the application to be deferred while a site visit took place.)

## **Item 2 - DM/1240/21/FUL - Land at Louth Road, New Waltham**

Mr Limmer informed Committee members that the application had been deferred. He explained to members that this was due to a further representation regarding an issue with a pipeline that ran across the site. Mr Limmer stated that this was to enable resolution on the matter after which the application would then be brought before the Planning Committee.

RESOLVED – That the application be deferred.

## **Item 3 - DM/0891/20/FUL - Manor Golf Course, Barton Street, Laceby**

Mr Limmer introduced the application and explained it sought change of the use of land for the siting of 39 timber lodges and associated infrastructure including access roads, pond and landscaping. Mr Limmer stated that the proposed development would contribute to the rural economy and help sustain the existing Laceby Manor Golf Club complex. Mr Limmer stated that the site would be well screened from neighbouring

buildings and due to this and the distance between the buildings, he said that there would not be an undue impact on residential amenities. Mr Limmer stated that the site did have areas of ecological interest. He informed committee members that following an ecology survey, several changes to the layout had occurred, addressing these concerns. Mr Limmer informed committee members that a condition had been added to ensure that the site as a whole was managed and maintained correctly. Mr Limmer informed committee members that while the development could cause an increase in traffic, a Highways Officer had determined that there would not be a significant increase. Mr Limmer stated that the proposed development would provide further investment into the site and provide ancillary facilities to enhance the visitor attraction and golf course. Mr Limmer stated that the proposed development was in accordance with Policies 5, 12, 22 and 42 of the NELLP 2018 and was therefore recommended for approval.

Mr Williams stated that he was speaking as a representative of the owners of Mill Top Farm. Mr Williams said that his clients feel very strongly that the site was growing more and more and if planning permission was to be allowed, the site would grow exponentially. He stated that the applicant had previously said that he was not going to build more than 120 lodges, but Mr Williams felt that statement was now no longer true. Mr Williams stated that the owners of Mill Top Farm had concerns regarding the close proximity the lodges would have to their farm, particularly to the buildings where they keep their pigs. Mr Williams explained to members that if they were minded to approve the application, then fencing was vital, as this would help stop golf balls causing damage to machinery owned by the Farm. Mr Williams stated that his clients would also like signage to be put in place.

Mr Pleasant spoke in support of the application. He stated that the proposed development was one of high quality that would bring investment into the area. Mr Pleasant said that the site would be well managed and maintained. He stated that he supported the conclusion in the reports presented by planning officers. Mr Pleasant stated that the venue was recognised as a high-quality sports leisure venue and that it would make a difference to the overall tourism economy in the area. He also stated that the proposed development would create jobs and allow for reinvestment into the golf course. Mr Pleasant stated that there were significant benefits to the development.

The Chair queried whether adding signage and fencing was feasible.

Mr Limmer stated that it was.

Councillor Mickleburgh said that he liked the application but thought that fencing and signage should be enforced through conditions. He moved for the application to be approved.

Councillor Croft stated that she thought the development was great for the area and seconded the motion of approval.

Councillor Hudson stated that he thought it was a glowing report, but he expressed concern over a second application being voted on when the first application had not been completed.

Councillor Lindley stated that he agreed with Councillor Hudson. He said that it could be useful to see how some of the other properties had worked on the site. He stated that he would like to see movement on the previously agreed 74 lodges. Councillor Lindley commented that Laceby Manor was a thriving business.

Councillor Patrick stated that he liked the application but that he found it hard to see what the impact would be and said that he shared Councillor Hudson's concerns about several planning applications being brought to Committee.

Councillor Parkinson stated that he was reasonably happy to support the application but agreed with Councillor Lindley that it would be easier to decide had the other lodges been built. He said that he supported the condition for signage. Councillor Parkinson queried what type of signage would be used.

RESOLVED – That the application be approved with conditions.

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

#### **Item 4 - DM/1186/21/FUL - The Old Orchard South Sea Lane, Humberston**

Mr Limmer introduced the application and explained it sought consent to erect a domestic outbuilding (Amended plans received 9/03/2022 - showing revised design of outbuilding and new planting). Mr Limmer explained to committee members that the proposed development was outside the development boundary for the specific property but would accord with Policy 5 of the NELLP as long as the proposal didn't impact the visual character of the area or impact neighbouring amenities. Mr Limmer stated that the design of the proposed outbuilding had changed during the application process in order to address concerns raised regarding visual character. Mr Limmer stated that the outbuilding had changed in size, position, appearance and scale in order to not impact the visual character of the area. Mr Limmer stated that the design of the roof had also been altered. Mr Limmer said that due to these changes, it was considered that the proposed outbuilding was acceptable in terms of its impact on the visual character of the area. Mr Limmer stated that the objections received for this application were received from residents not close to the site and the impact the development would have on immediate neighbours was acceptable. Mr Limmer felt that the proposal would not have a detrimental impact in terms of visual character or residential amenity and was in accordance with Policies 5, 22 and 42 of the NELLP and was therefore recommended for approval.

Councillor Shreeve stated that the objectors for this application were not close by to the location of the proposed outbuilding. He stated that he supported the application and moved for approval.

Councillor Parkinson seconded the motion for approval.

Councillor Hudson stated that he would be supporting the application.

Councillor Mickleburgh stated that the application was straightforward.

RESOLVED – That the application be approved.

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

### **Item 5 - DM/0875//21/FUL - Signhills Academy, Hardy's Road, Cleethorpes**

Mr Dixon introduced the application and explained it sought consent to erect four lighting columns to an existing multi-use games area (MUGA). Mr Dixon stated that the floodlights would be seen from the street due to their height, however they would be set back from Hardy's Road, Daggett Road and Chichester Road. Mr Dixon stated that due to the central position of the MUGA, the proposal would not be out of character for the area. Mr Dixon stated that the applicant had agreed to follow the community use scheme and the MUGA would not be utilised until 10pm. Mr Dixon stated that a lighting report had been submitted by the applicant which showed that any lighting spillage was within the school grounds. Mr Dixon commented that a Highways Officer had reviewed the proposal and concluded that there would be no adverse impacts. Mr Dixon stated that with the conditions in place to control the operation of the floodlights, the proposal was acceptable. Mr Dixon stated that the proposal was in accordance with Policies 5, 6, 22 and 43 of the NELLP and was therefore recommended for approval with conditions.

Councillor Hasthorpe stated that it was an open and shut case and moved for the application to be approved.

Councillor Shreeve stated that he couldn't see any problems with the application and seconded the motion to approve the application.

Councillor Patrick queried whether consultation had been undertaken.

Mr Dixon confirmed consultation had taken place.

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

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

Councillor Mickleburgh left the meeting at this point.

The Committee took a break at 12pm and the meeting resumed at 12.30pm.

## **Item 6 – DM/0163/22/REM - 16 Radcliffe Road, Healing**

Mr Dixon introduced the application and explained it sought consent to erect two dwellings with access, appearance, landscaping, layout and scale to be considered. Mr Dixon stated that the site was located within the development boundary of Healing, therefore Policy 5 of the North East Lincolnshire Local Plan 2018 applied and the site had outline planning permission for two dwellings under application DM/0007/19/OUT. Mr Dixon stated that the appearance of the dwellings and garages were considered acceptable in terms of design. Mr Dixon stated that a highways officers had considered the access issue and had no concerns regarding safety. Mr Dixon said that there had been some objections received regarding drainage from residents and Healing Parish Council but these concerns had been addressed with the Council's Drainage Team and conditions were in place. Mr Dixon stated that the proposed development would not have a detrimental impact on neighbouring residential amenities, the character and appearance of the area or drainage and flood risk. Mr Dixon stated that the proposal was in accordance with Policies 5, 22, 33, 34 and 42 and was therefore recommended for approval with conditions.

Mr Deakins spoke as the agent to the applicant. Mr Deakins stated that the site could hold water and that there had been concerns regarding water running into neighbouring gardens on Radcliffe Road but the concerns involving drainage had been addressed through a detailed drainage proposal. Mr Deakins stated that there were two trees on the site which were in poor health and the idea was to remove them in due course following concerns raised by neighbours.

Councillor Hasthorpe stated that in fairness, Mr Deakins had addressed his concern regarding drainage of the site. Councillor Hasthorpe stated that in Healing Village back land development was everywhere and that he had concerns with people struggling to get to the driveway, but he was aware that was not a planning reason to refuse the application. Councillor Hasthorpe proposed that the application be approved.

Councillor Parkinson agreed with Councillor Hasthorpe that back land development was everywhere in the specific area but that in turn supported the application. Councillor Parkinson seconded the motion for the application to be approved.

Councillor Lindley stated that his only issue was the drainage on the site but he said he was now assured that had been dealt with. Councillor

Lindley stated that he was satisfied with the development and was happy to approve the application.

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

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

**Item 7 - DM/0208/22/FUL - 1,3,4,5,6 and 7 Anita Grove (former Tynedale, Cheapside) Waltham**

Mr Dixon introduced the application and explained it sought consent for a variation of condition 1 (approved plans) as granted on DM/0857/21/FUL to revise approved boundary treatments to plots 1, 3, 4, 5, 6 and 7. Mr Dixon stated that the application had received an objection from Waltham Parish Council citing concerns of lack of security, risk of crime to neighbours and risk of flooding. Mr Dixon stated that the amended boundary treatments were not considered to present additional impact in relation to the neighbours, especially as these were mostly contained within the site. Mr Dixon informed committee members that in the original application a fence was included in the plans and that the proposed amendment did not include this fence. Mr Dixon informed committee members that the adjacent land was open grassland and undeveloped, and a dyke ran along the boundary and that it was considered that leaving the boundary line open would be much more visually pleasing to both occupiers of the site and to neighbours. Mr Dixon stated that an enclosure would prevent maintenance of the dyke for residents at Anita Grove. Mr Dixon stated that the security and privacy for neighbours would not be impacted as the boundary was not adjacent to garden land and therefore would not result in overlooking or security concerns. Mr Dixon explained to committee members that the amendments proposed in this application were considered to be of a minor scale and did not fundamentally change the original design or create any significant impacts to the character of the area or to neighbours. Mr Dixon stated that the proposal was therefore recommended for approval with conditions.

Mr Rand spoke in objection to the application. He stated that he first objected to the original planning application as it did not include fencing however, he said it was then amended to include the fencing which he was content with. Mr Rand stated that since then many things have happened. He said that he had security concerns if a fence was not going to be put up and explained to committee members that the dyke close by ran strongly in the winter which posed a safety risk to children. Mr Rand stated that security and safety were compelling reasons to make sure a fence was put in place.

Councillor Hudson stated that he thought it was very unfair that the fence had not been included in the updated plans.

The Chair stated that the location of the application was one in his ward. He stated that he was concerned about the security issues and the deviation from the original planning application.

Councillor Hasthorpe supported what Councillor Hudson had said. Councillor Hasthorpe queried, if the condition of the fence was approved before, why had it not been enforced?

Mr Dixon explained to committee members that they were there to make a judgement based on the updated proposal and not a prior proposal.

Councillor Patrick stated that he wasn't sure that the area attracted much crime. He said that he didn't think a fence would make much difference and was leaning towards approving the application.

Councillor Hudson stated that a fence would give residents a degree of privacy and he thought that there was a security issue. He stated that the committee should insist the fence was built as previously agreed.

Councillor Hasthorpe commented that the residents knew that a fence would be built so they had no argument to complain about a view. He moved that the application be refused.

Councillor Aisthorpe stated that she usually was in favour of open fields but on this occasion, she found it questionable as to whether the original application would have been approved without the fencing. She stated that she was likely to go with refusing the application.

Councillor Croft seconded the motion for the application to be refused.

**RESOLVED** – That the application be refused as the development by virtue of the omission of the proposed close boarded fence along the northwest boundary with the open land beyond would be detrimental to the amenity and security of the adjacent land owner contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(Note - the committee voted 9 to 1 for the application to be refused.)

### **Item 8 – DM/0262/22/REM - Land North Of Main Road, Barnoldby le Beck**

Mr Limmer introduced the application and explained it sought consent for a variation of condition 1 (approved plans) as granted on application DM/1103/17/REM to amend the design of Plot 4 to include addition of rooms in the roof space, raise ridge height, alterations to internal layouts and amendments to window openings/positions. Mr Dixon stated that the principle of development had been established through the granting of the original planning permissions for applications DM/0951/14/OUT and DM/1103/17/REM and as such it was therefore considered to be

acceptable in accordance with the NELLP and NPPF. Mr Limmer commented that the changes did not fundamentally affect the previously approved drainage and access plans. Mr Limmer stated that whilst the proposed dwelling would be larger and have additional openings to the front elevation, it would not have an undue impact on the residential amenities of the neighbouring properties. Mr Limmer stated that the changes would not impact the visual character and appearance of the wider area and would not increase the risk of flooding. He stated that the application was in accordance with Policies 5, 22 and 33 of the NELLP and was therefore recommended for approval with conditions.

Councillor Hasthorpe stated that it was shame about all the variations but he didn't think that these variations would have any detriment to what was previously approved. He moved for the application to be approved.

Councillor Shreeve seconded the motion for the application to be approved.

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

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

Councillor Pettigrew left the meeting at this point. The Deputy Chair, Councillor Hasthorpe, chaired the next item on the agenda.

#### COUNCILLOR HASTHORPE IN THE CHAIR

### **P.6 TREE PRESERVATION ORDER APPLICATION**

The committee received an application for a Tree Preservation Order seeking permission to fell a beech tree at 23 Ferriby Lane, Grimsby.

Mr Dixon stated that the large beech tree was located within the Scartho Conservation Area and that it was an area that was characterised by the cover the tree offered. He stated that the tree had high amenity value and was a prominent part of the street scene due to its size and leaf colour. Mr Dixon informed committee members that the proposed felling of the tree was an extreme solution and that there were other forms of tree management which would alleviate many of the reasons cited by the applicant as justification for felling the tree. Mr Dixon stated that the evidence provided by the applicant did not justify the action to remove the beech tree and therefore it was recommended that the tree preservation order be refused.

Councillor Shepherd spoke as a ward councillor regarding the application. He said that the original planning permission dated back to 1995 and that permission would not be given now due to the issue of the tree encroaching. He stated that there were cracks on the tree and that branches were falling off. Councillor Shepherd informed committee

members that were the tree to be removed then the residents would plant four trees in replacement. Councillor Shepherd stated that the applicants were concerned regarding the costs that could occur if the owner of the bungalow was to want payment for any damage caused by the tree. Councillor Shepherd explained to committee members that while the tree was nice to look at, it was causing lots of problems for the applicant.

Councillor Lindley stated that he was a ward councillor for the area in which the tree was located and that he had been to see it. He stated that the tree was significantly bigger than the surrounding trees and that the area had a good coverage of trees even if this one was to be removed. Councillor Lindley said that in terms of reducing canopy and cutting it back, the applicant had made efforts to do that but those efforts had been refused in the past. Councillor Lindley stated that he was concerned about the bungalow close by and the structural damage that had occurred. He said while it was debateable on whether the tree had caused the damage, he commented that he didn't want to wait until a scenario occurred in which it was undeniably the tree that caused the damage before any action had taken place. He felt that it was imperative that the tree was removed. Councillor Lindley said that he understood reluctance to remove trees but argued that the application was a very specific case. He said he was happy to hear that four new trees would be planted if the tree was removed. Councillor Lindley moved for the application to be approved.

Councillor Croft seconded the motion to approve the removal of the tree. She said she had visited the site and while it was a beautiful tree, she didn't think cutting it back would make much difference. Councillor Croft stated that she was happy to hear that four trees would be planted following removal.

Councillor Aisthorpe queried why another application had not been made to reduce the canopy, as the only issue cited was time. She said that the tree was there before the building and before the owner moved in. She said that she would like to see the tree stay.

Councillor Hudson stated that he didn't like to see trees removed but when a tree started interfering with a property, this can cause problems. He queried whether it was just the neighbour's property the tree was affecting.

Mr Chaplin stated that if the evidence showed that damage had been caused to buildings to be true, then that could lead to a different recommendation stated in the reports. He said that damage to neighbours' property was not listed as a reason for the application.

Councillor Parkinson said that it was beautiful tree but that when it would have been planted it would have been smaller and he commented that you don't always think of problems that could occur further down the line. He queried whether the application could be deferred so that evidence could be collected.

Mr Dixon responded that this would mean a new application. He said that committee members were to judge the specific application that was being proposed.

Councillor Patrick stated that he was not happy that photos had been distributed on the day of the meeting and had not been circulated prior to the meeting. He stated that he did not support the removal of the tree at the current time.

RESOLVED – That the application be approved.

(Note – the committee voted 5 for and 4 against for the application to be approved.)

Councillor Pettigrew returned to the meeting at this point.

COUNCILLOR PETTIGREW IN THE CHAIR

## **P.7 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 14<sup>th</sup> April 2022 – 30<sup>th</sup> May 2022.

RESOLVED – That the report be noted.

## **P.8 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.9 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.10 ENFORCEMENT ISSUES**

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

RESOLVED – That the information be noted.

There being no further business, the Chair closed the meeting at 1.55 p.m