



To be submitted to the Council at its meeting on 15th December 2022

PLANNING COMMITTEE

2nd November at 9.30 a.m.

Present:

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

Officers in attendance:

- Cheryl Jarvis (Principal Town Planner)
- Keith Thompson (Specialist Property Lawyer)
- Sophie Pickerden (Committee Support Officer)
- Lara Hattle (Senior Highway Development Control Officer)
- Martin Dixon (Planning Manager)
- Paul Chaplin (Trees and Woodlands Officer)
- Andy Smith (Engineer)

Others in attendance:

There were 58 members of the public present and 3 members of the press.

P.41 APOLOGIES FOR ABSENCE

Apologies were received for this meeting from Councillors Beasant and Parkinson

P.42 DECLARATIONS OF INTEREST

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

Item 1 - DM/0285/22/FUL - LAND OFF TORBAY DRIVE, WALTHAM

Ms Jarvis introduced the application and explained that it sought the erection of 64 dwellings with associated access and landscaping. Ms Jarvis explained to committee members that the application had been brought before the committee due to a call in from Councillor Shepherd and due to the number of objections received. Ms Jarvis stated that the proposed site was outside of the development boundary, however, she explained that due to the council not being able to reach their five year supply target, the application could be considered if it complied with other local plan policies and if the development was considered sustainable. Ms Jarvis said that the tilted balance was therefore in effect due to the Council not being able to reach the five year supply. Ms Jarvis said that the site was located in flood zone one, meaning there was low risk of flooding which was preferable for development. Ms Jarvis explained that the proposed site was close to local services, public transport, amenities, and public open space. Ms Jarvis stated that the proposed site was in agricultural use and that there would be a small loss of this, however, the site was divorced from the main agricultural area and the benefit of boosting the supply of housing had to be considered. Ms Jarvis stated that a previous application in 2018 for houses to be erected onto the site was refused but she reiterated that the Council was now in a different position, and that the tilted balance was in effect. Ms Jarvis stated that the application was therefore acceptable in principle. Ms Jarvis said that the site had a rural feel and that this had also been expressed by neighbours in their objections. She said that many neighbours had expressed concern regarding the reduction of the strategic green infrastructure corridor and the impact that would have. Ms Jarvis explained that there was not a specific width outlined in the North East Lincolnshire Local Plan (NELLP) and while it was accepted that there would be a reduction to allow for the housing, the proposed development would not extend past the built form established in Torbay Drive and would therefore not be detrimental to the character of the area. Ms Jarvis said that the plans included single storey bungalows and two storey houses and that similar designed dwellings were located close by. Ms Jarvis stated that the proposed single storey dwellings would be built where the development was adjacent to neighbouring boundaries and the two storey dwellings would be located within the central section of the site. Ms Jarvis stated that this would ensure the development did not cause massing or overlooking issues. Ms Jarvis stated that during the construction phase on the proposed site, there could be a disturbance to neighbours, but that this would be mitigated through conditions. Ms Jarvis stated that the Highways Officer had determined that the proposed development would not cause a severe impact on the highway network. She said that each property would have two parking spaces, and that this would alleviate parking overspill. Ms Jarvis said that a Refuse Officer had expressed

concerns about refuse vehicles being unable to access the site. She explained that the issue had been addressed and that changes were made to the layout, which the Refuse Officer supported. Ms Jarvis stated that a full ecology report had been submitted with the application and that condition 13 had been added to further investigate whether Great Crested Newts were on the site. Ms Jarvis said that the Trees Officer had not expressed objection to the proposed development but had recommended conditions. Ms Jarvis stated that the Environment Agency had not objected to the development. Ms Jarvis explained that a Drainage Strategy had been submitted with the application and that the Drainage Officer was satisfied with the scheme but that details of the strategy would be secured by conditions. Ms Jarvis explained that the developer would be signing a section 106 agreement which included the developer making financial contributions to education as well as having an on-site play area built and securing affordable housing. Ms Jarvis stated that there was a pipeline on the south of the site but that no safety concerns had been raised by the operators of the pipeline and there would be an acceptable distance between the pipeline and the development. Ms Jarvis noted the neighbours' objections to the development had been considered but that the impacts the development would have on neighbours would be mitigated through conditions. She reiterated that with the tilted balance being applied and there being no technical objections, the proposal was recommended for approval, subject to conditions and the signing of a section 106 agreement.

Mr Allsworth spoke in objection to the application. He stated that the date the ecology survey took place was not during the correct time period to conduct the survey and that this should have been done during the months of March to June. Mr Allsworth asked members to take into consideration a recent appeal rejection concerning land towards Barnoldby Le Beck. Mr Allsworth stated that the developer's submissions contained a stream of falsehoods which was designed to mislead committee members. He informed the committee that he had highlighted many of the submissions in his posts on the planning portal. Mr Allsworth stated that the misrepresentations the committee had received was a reason for committee members to refuse the application. Mr Allsworth asked committee members to refuse the application.

Mrs Taylor spoke in objection to the application. She stated that the proposed site for development sat within the strategic green infrastructure corridor and that this land was not earmarked for development. Mrs Taylor made reference to Policy 10 of the National Planning Policy Framework (NPPF). Mrs Taylor stated that her property sat within Scartho but that the land on the other side of her garden fence sat within Waltham. Mrs Taylor queried where the boundary would move to if the development was allowed. She said that Waltham had reached or was very close to reaching its housing requirements. Mrs Taylor stated that the proposed site was not divorced from the rest of the land and that the hedgerow/buffer was planted by the landowner after a previous planning application had been refused. Mrs Taylor said that the current planning application was more intensified and that to allow

planning permission would fly in the face of the Local Plan. Mrs Taylor stated that Emfield Road already had to tackle water runoff from the land and that some residents had had to install water pumps. She said that Boundary Road was laid to concrete and not tarmac and that Totnes Road and Dawlish Road were not wide enough to allow safe passage of construction vehicles. Mrs Taylor stated that Torbay Drive was a quiet residential area and that, were planning permission to be granted, there would be 34 two-way vehicle movements per hour during peak times. Mrs Taylor stated that in the surrounding area, the hospital, doctors and dentists were all stretched to capacity. She also said that the main route into Grimsby was gridlocked in the morning and evening and that there were already close by developments being built which would cause more traffic. Mrs Taylor stated that were planning permission granted, then the open footpath would be closed for the duration of the construction phase and would later be enclosed with fencing. She said this could lead to anti-social behaviour and crime. She said that currently the footpath was used by many and enjoyed. Mrs Taylor stated that once the land was built on, there would be no going back.

Mr Nelson spoke in support of the application. He commended officers for their detailed report. Mr Nelson stated that he would like to reiterate that there had been no technical objections to the plans. Mr Nelson said that while a previous planning application on the site had been refused in 2018, the current situation was different as the council could not demonstrate housing supply and the tilted balance was now activated. Mr Nelson said that Snape Properties were local developers who employed local people and had a good track record. He said that the site had been designed to a good quality standard. Mr Nelson stated that one of the reasons the previous application was refused was due to ecology concerns, however, the current plans show a 25% biodiversity gain. Mr Nelson stated that the proposal would not mean the closure of the strategic green infrastructure corridor. Mr Nelson said that the site location was sustainable and was close to public transport and amenities. Mr Nelson stated that some of the dwellings would be bungalows and that this was done to avoid overlooking. He said there would be parking provisions for each dwelling. Mr Nelson stated that the applicant was willing to sign a section 106 agreement which would mean building an on-site play area for residents and financial contributions to education. Mr Nelson said that the development would provide much needed housing and community benefits.

Councillor Shepherd spoke as Ward Councillor for the Scartho Ward. Councillor Shepherd stated that a previous application for the same site was refused in 2018 for 51 dwellings. He said that he was opposed to the current application. Councillor Shepherd stated that the proposed site was outside of the local plan. He said that he was disgusted that the application had been recommended for approval. Councillor Shepherd stated that since 2018, more development outside the local plan had occurred and he queried as to why we had the local plan if we still considered development outside of the plan. He said that the current application was not a new plan, and that the applicant was asking for

permission for more houses to be built due to greed. Councillor Shepherd stated that a recent application for a development outside of the local plan was rejected. He said that if the application was to go to appeal, he would request that a public hearing take place. Councillor Shepherd stated that the current application was an over intensification of an application from 2018 that was refused.

Councillor Jackson spoke as Ward Councillor for the Waltham Ward. He said that he was amazed that the application was recommended for approval as the proposed site was not in the local plan. He said that an application for the same site had previously been refused and that we needed to be consistent. Councillor Jackson said that the site was a greenfield agricultural site and was there to prevent two villages merging. He said that there was already substantial development in the area and that many of those sites had not yet been built out. Councillor Jackson stated that Waltham had more than its fair share of development and that local people were sick and tired of them. He said that all the developments were adding to an already overloaded highways network and that this would get worse once the other developments had been built out. He stated that Waltham did not have the infrastructure. Councillor Jackson said that the pivotal reason the development seemed to be being considered was due to the five year supply. He said that there were three reasons, the target had not been met, and that this was due to a stepped increase in local plan houses, losses being higher than expected and new government requirements. He also said that there was a problem with deliverability which was COVID related. Councillor Jackson stated that in the recent year, there had been a net increase in houses being built. He also said that the targets for the council were higher than the government guidance. Councillor Jackson stated that he hoped the committee would refuse the application.

Councillor Hasthorpe stated that it was seldom that the committee saw so many objections to an application. He said that residents had good reason to object to the application. He stated that the development was not sustainable and flied in the face of the local plan which was currently in effect. Councillor Hasthorpe commented that the committee had not seen this amount of dissent from residents regarding an application in a while and that members were elected to represent residents. He moved for the application to be refused.

Councillor Mickleburgh stated that the site was outside of the local plan and that was the document the committee followed. He commented that he was pleased to hear from Councillor Jackson regarding the five year supply. Councillor Mickleburgh stated that we shouldn't be looking at the countryside for development. He said he was elected to represent the interests of the public and that he could not recall as many people attending a planning committee as he had seen at the meeting. He also said that it was wrong to go against what people wanted. He seconded the motion of refusal.

Councillor Lindley stated that he had not seen this level of opposition for a long time and that the majority view was clear. He said that he agreed with Councillor Jackson's statement about the local plan and that the proposed site for the development was not in the local plan. Councillor Lindley stated that he was disappointed that the local developer had not recognised the rural value the site had. Councillor Lindley said that there was ongoing development near to the proposed site and that development needed to be spread around the borough. He said that the design of the site was fine but that the location was wrong. Councillor Lindley stated that anyone who lived in that area knew there were traffic issues. He also said that while a new primary school was being built in the area, that would not solve the problem further development would cause as that was being built to fill an existing gap. He commented that he was concerned that Scartho was losing its identity, he referred to Scartho as a village but he was concerned that it was slowly becoming a suburb of Grimsby. He said he was happy to listen to the rest of the debate as he had yet to hear anyone make a valid reason as to why the application should be approved.

Councillor Croft stated that she agreed with Councillor Jackson and that Scartho was becoming overdeveloped. She said that the number of objections received showed the issues. Councillor Croft commented that she would be voting against the application being approved.

Councillor Hudson stated that from a technical point of view, there was nothing wrong with the application and said he could see why officers had recommended the application for approval. While he understood the recommendation officers had made, the proposed site was not in the local plan, and we had to stick with that in order to prevent building happening where we don't want it to. He stated that he thought it was a good development but was in the wrong place. Councillor Hudson commented that he would be voting against the application being approved.

Mr Dixon stated that due to the Council not being able to reach their five year supply target for providing housing, then the tilted balance did come into effect. He reiterated that the proposed site being outside the local plan was not a reason to refuse the application.

The Chair asked Councillor Hasthorpe to confirm his reasons for motioning refusal of the application.

Councillor Hasthorpe stated that it was due to loss of green space, loss of the strategic gap and the application being outside the local plan. He said that were we not to have the supply issue, the application would have been refused straight away. Councillor Hasthorpe stated that he was also motioning to refuse the application due to concerns about congested roads and loss of local identity.

Councillor Mickleburgh seconded the motion of refusal.

RESOLVED – That the application be refused.

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

Item 2 – DM/1195/21/FUL – LAND AT CHURCH LANE, HUMBERSTON

Mr Dixon introduced the application and explained it sought to vary the approved plans from DM/0036/19/FUL for the erection of five dwellings. The proposed changes relate to plot 1 and the site drainage system. Mr Dixon stated that the application had been brought before committee due to the number of objections received from neighbours. Mr Dixon stated that the dwellings had been built and that the proposed changes were minor and did not affect the principle of the development which was previously approved. He said that the proposed changes were set well away from neighbours and would not affect their amenities. Mr Dixon explained that concerns had been raised by neighbours regarding drainage. Mr Smith explained to the committee that the Drainage Team had investigated the work undertaken and had no objections but had asked for a condition to be included in the plans. He said that the work undertaken would reduce flood risk and that the run rate would be less. Mr Dixon stated that the application was in accordance with Policies 5, 22 and 33 of the NELLP and was therefore recommended for approval.

Mr White spoke as the applicant. He stated that the changes outlined in the application were minor and that the objectors to the application lived 50-60 metres away from the houses. He said the houses had been built and were being lived in. Mr White commented that the application was one of three applications he had before the committee but that he would only address the committee once. He said that drainage seemed to be the main issue and the other changes included having a slightly larger garage and removing a chimney.

Councillor Hudson stated that the main concern he had was the drainage and that the other changes were minor. He said he was happy to see a reduced run off and moved for approval of the application.

Councillor Hasthorpe seconded the motion to approve the application.

Councillor Lindley stated that the development was fairly private and he was not concerned by the changes.

Councillor Dawkins stated that he had concerns regarding the runoff and the impact on the nearby fields.

Mr Smith reiterated that he was happy with how the drainage system worked but if there was any specific concern, he was happy to investigate.

RESOLVED – That the application be approved with conditions.

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

Item 3 - DM/0964/21/FUL - LAND AT CHURCH LANE, HUMBERSTON

Mr Dixon introduced the application and explained it sought a variation of condition 2 (approved plans) pursuant to DM/0036/19/FUL to remove second floor dormers; amend roof lights and add roof lantern to plot 4; amend roof lights and add roof lantern to plot 5; and alterations to proposed garages for plots 4 and 5 with amended drainage information. Mr Dixon stated that the changes were minor. He said that the application followed on from Item 2 DM/1195/21/FUL and that Item 3 now amended Item 2. Mr Dixon stated that the proposed changes did not cause any significant harm regarding neighbouring properties amenities, visual character of the area, drainage or flood risk. He said 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 moved for the application to be approved.

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

RESOLVED - That the application be approved with conditions.

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

Item 4 - DM/1042/21/FUL – LAND AT CHURCH LANE, HUMBERSTON

Mr Dixon introduced the application and explained it sought a variation of Condition 2 (Approved plans) as granted on planning application DM/0036/19/FUL -Alterations to Plot 3; amended roof plan; remove second floor windows to the gable ends; dormer windows increased in size to south-east roof, bi-fold doors added to kitchen/diner on south-east elevation; and amended drainage information. Mr Dixon stated that the changes were minor. He said that the application followed on from Item 3 DM/0964/21/FUL and that Item 4 now amended Item 3. Mr Dixon stated that the proposed changes did not cause any significant harm regarding neighbouring properties amenities, visual character of the area, drainage or flood risk. He said 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 moved for the application to be approved.

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

RESOLVED - That the application be approved with conditions.

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

Item 5 - DM/0707/22/FULA – 18 STALLINGBOROUGH ROAD, HEALING

Ms Jarvis introduced the application and explained it sought to demolish the existing detached garage, erect a detached garage with storage to the first floor with roof lights and associated works. Ms Jarvis stated that the application had been brought before committee due to a call in from Councillor Hasthorpe. Ms Jarvis informed committee members that the parish council had abstained from providing a view on the application. Ms Jarvis explained that the site was located within the development boundary and that policy 5 did not preclude works of this nature in principle if it was located within the development boundary. She said that the application was therefore acceptable in principle. Ms Jarvis stated that the proposed garage would be situated in the same place as the current one and was substantially set back. Ms Jarvis stated that the main impact the proposed garage would have would be its physical presence and that an objection had been received due to concerns over massing and overshadowing. Ms Jarvis explained that the proposed garage would be higher than the current garage due to it having a first floor but that the garden of the applicant and the objector were both large along with screening forming the dividing boundary. Ms Jarvis stated that the proposed garage would also be located to the west which would reduce overshadowing. Ms Jarvis stated that the Drainage Officer had recommended a condition to address surface water. Ms Jarvis stated that the development would not unduly harm the amenity of the neighbouring properties or the character of the area. She stated that the application was in accordance with policies 5, 22 and 34 of the NELLP 2018 and was therefore recommended for approval.

Mr Wood spoke in objection to the application. He stated that he objected due to the massing that would occur and the overshadowing. He said that an alternative solution which would mitigate the issues had not been considered. Mr Wood said that he was also concerned about noise as the applicant wanted to use the outbuilding for fitness equipment. Mr Wood stated that he was also concerned about the drainage plan. He said that the garage would be of a substantial size and that 5.8-metre-high garage on his border would not be enjoyable and was not in keeping with the other outbuildings in the area. Mr Wood commented that access to natural light for both physical and mental wellbeing was important and that if the outbuilding was allowed to be built, he would not be able to benefit from any evening sunshine. He said the overshadowing that would occur would remove the use of the bottom of his garden away. Mr Wood stated that the outbuilding could be built on another area to mitigate against these problems. Mr Wood asked the committee to refuse the application.

Mr Smith spoke as the agent for the application. He stated that his clients brief was to demolish the existing garage and replace with a new one. He said that the current garage was 40 years old and the floor didn't appear to be built with a membrane. Mr Smith reiterated that it would be a replacement garage and said that there would be no change in vehicle movements. He said that while the neighbour had said the garage would be overbearing, the garage would be 40m away and would not impact on the neighbour. Mr Smith said overshadowing was already occurring and was caused by nearby properties. Mr Smith stated that they would install solar panels. He said that three neighbours had taken time to show their support for the application. Mr Smith asked committee members to support the planning officer's recommendation and approve the application.

Councillor Hasthorpe stated that there was a difference in the size of the current garage to the proposed one. He said that it was a large structure. Councillor Hasthorpe queried whether a condition could be added regarding occupation and whether noise mitigation could be addressed.

Mr Dixon stated that a condition regarding occupation could be included. He said using the garage as a gym was not a bad thing and if there were issues with noise, these were covered under statutory noise regulations.

Councillor Hasthorpe moved for the approval of the application.

Councillor Dawkins stated that he originally thought the application would be straightforward but that he did not agree with the neighbours' concerns regarding losing light. He said he would be voting to refuse the application.

Councillor Mickleburgh stated that he did rely on the comments from the parish council as he did not live in the specific area. He said he thought it was a pity that there was a disagreement between neighbours but agreed with Councillor Hasthorpe regarding an occupation condition being added to the plans. He also stated that he would like to see a further condition added so the garage could not be used as an enterprise.

Mrs Jarvis clarified that conditions could be added to restrict the use of the building if members were minded to approve the application.

Councillor Goodwin stated that she understood the neighbours' concerns. She commented that the garage was of a considerable height. Councillor Goodwin queried as to why the parish council had abstained from expressing an opinion. She stated that she would be voting against the application.

Councillor Lindley stated that he was astounded the parish council had not expressed their opinion. He said that the proposed garage was a significant building and said we wouldn't entertain the application if it was

a small bungalow. Councillor Lindley stated that he sided with the objector. He said there was already significant overshadowing. Councillor Lindley commented that he would rather have seen the garage extended outwards. He said that the proposed garage was not within keeping with the area and that he would be voting against the proposal to approve the application.

Councillor Hudson stated that he wished that he had visited the area to view it for himself. He said that he was on the fence and would have liked to have had a site visit.

Councillor Goodwin queried whether it was too late for a site visit to take place.

The Chair stated that the committee must deal with the proposal for approval first, then if the proposal doesn't go through, members can discuss other options.

Councillor Lindley stated that the committee didn't do many site visits and while he understood what Councillor Hudson was saying, he didn't think a site visit would help in reaching a decision. He said he would support a site visit if that was the will of the committee. Councillor Lindley stated that he would be opposing the application.

Councillor Croft stated that she was considering opposing the application as she thought it was too high.

The committee voted 2 for and 8 against the application being approved.

Councillor Mickleburgh proposed that a site visit be arranged.

Councillor Hasthorpe queried when a site would take place and at what time of the year would be appropriate to go.

Councillor Lindley stated that during November, you would not see the full impact of the overshadowing that could occur. He reiterated that he didn't believe a site visit would help members reach a decision.

Councillor Mickleburgh withdrew the proposal of a site visit.

Councillor Goodwin moved for the application to be refused.

Councillor Lindley seconded the motion of refusal.

RESOLVED - That the application be refused.

(Note - the committee voted 8 for and 2 against for the application to be refused.)

Item 6 - DM/0627/22/FUL - 18 HUMBERSTON AVENUE HUMBERSTON

Mr Dixon introduced the application and explained it sought to demolish the existing dwelling and erect two detached dwellings with garages and associated works. Mr Dixon stated that the application had been brought before the committee due to an objection from Humberston Village Council regarding back land development. Mr Dixon stated that the proposed development was located within the development area of Humberston and was acceptable in principle. He said that the dwellings would be two storey and that the dwellings would not be out of character for the area as dwellings close by had a similar design and had used similar materials. Mr Dixon explained that the site would be accessed from Humberston Avenue by using the existing access point. Mr Dixon stated that the Highways Officer had requested further details and for conditions to be added to the application. Mr Dixon said that the Drainage Officer had raised no objections but had requested conditions to be added to the application. Mr Dixon stated that lots of work had been undertaken regarding landscaping and protecting the trees on the site and that the Trees Officer found the amendments acceptable. Mr Dixon stated that there had been concerns raised regarding overlooking and privacy. He said that this had now been mitigated as the proposed dwellings would be moved back to allow for more separation. Mr Dixon said that the application was in accordance with policies 5, 22, 33, 34, 41 and 42 of the NELLP and was therefore recommended for approval.

Mr Snowden spoke as the agent for the application. He said that the site already had permission to build four dwellings but that during the process, they decided to reduce the number of dwellings for the site. He said that the current dwelling would be demolished. Mr Snowden said that the land was within the development boundary and that the application was supported by the highways officer and that the trees officer was also supportive due to amendments being made. Mr Snowden stated that the application had been considered thoroughly along with council officers and he asked committee members to approve the application.

Councillor Dawkins stated that he supported the application and moved for approval.

Councillor Mickleburgh said that the proposed number of dwellings was less than what was originally approved, and he seconded the motion of approval.

Councillor Lindley stated that he was happy with the application.

RESOLVED - That the application be approved with conditions.

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

TREE PRESERVATION ORDER APPLICATION

Mr Dixon introduced the application for a Tree Preservation Order seeking permission to remove a sycamore tree at 22 Cooks Lane, Great Coates. Mr Dixon stated that the application had been called in by Councillor Holland. Mr Dixon stated that a previous application to fell the tree had been submitted and that following a site visit, the applicant was informed the application would not be supported due to a loss of amenity. Mr Dixon said that the applicant was advised that they could apply to reduce the canopy and that this would likely be supported. Mr Dixon stated that the previous application to fell the tree was then withdrawn but no subsequent application to reduce the canopy was ever submitted. Mr Dixon said that the applicant had submitted the current application citing damage to the driveway and property, however, he said that based on the evidence provided, it was the Trees Officer view that the tree could be managed, and that removal of the tree was not justified at the current stage. Mr Dixon stated that the application was recommended for refusal.

Mrs Prest spoke as the applicant. She said that the images the officer had shown didn't show the damage that the tree was causing. She said that she had been quoted as being morally wrong for wanting to remove the tree but that could not be further from the truth. Mrs Prest explained to committee members that she had lived in her property for 31 years and that the tree had always presented issues such as blocking the gutters. She said that the tree was breaking the surface of the tarmac. Mrs Prest stated that her father had submitted the original application but had withdrawn it following discussions. She said that since then her father had passed away. Mrs Prest said that the house had become unsellable, and that the driveway could not be used. Mrs Prest stated that it was her intention, where her application to be successful, to plant more trees as she had the sufficient grounds to do so. Mrs Prest informed committee members that her main priority was to maintain a grade 2 property which required roofing work, but that her efforts would be futile if the tree remained and caused further damage.

Councillor Holland spoke as Ward Councillor for the Freshney Ward. He said that when he first heard about the issues with the tree, he was sceptical. He also said that when he visited the site, he asked himself if he would buy the grade 2 listed building with a tree which was causing damage to the property and said that he concluded that he wouldn't. Councillor Holland stated that he believed that many people would have the same attitude. He said the tree was more than twice the height of the house. Councillor Holland said that while nobody wanted to see a healthy tree removed, he was assured by the applicant that she would plant more. Councillor Holland stated that he was sceptical that the methods outlined in the officers' report would work. Councillor Holland said that while it was a beautiful tree, it was in the wrong place. Councillor Holland commented that if the tree was in his garden and he couldn't do anything else to solve the issues, then

the common-sense approach would be to remove the tree. Councillor Holland said that in the tree's current state you would have to be cleaning the roof and gutters every week. Councillor Holland stated that he loved trees but could not see another solution.

Councillor Hasthorpe stated that the application was a difficult one as the tree was fantastic but that none of the methods outlined in the report had been tried yet and that no application to reduce the canopy had been submitted. He moved for the application to be refused.

Councillor Mickleburgh commented that he was very sorry that the applicant had received abuse regarding the application. He said it was important to focus on the issues and to not attack people. Councillor Mickleburgh stated that the argument seemed to be whether it affected the house or the garage. He said that the report stated that there was no evidence of this provided. Councillor Mickleburgh said that we need to consider mitigation first. He seconded the motion to refuse the application.

Mr Dixon clarified that there had been damage caused by the tree to the driveway.

Councillor Dawkins stated that he would be supporting refusal of the application. He said he believed it could be cut back. He commented that problems sometimes occur when a tree is killed.

Councillor Lindley stated that a similar application had been brought before the committee recently. He said that the issue of bird droppings was part of having a tree, however, he said structural damage was a different issue. Councillor Lindley stated that while the committee judged each application on its own merit, he said that a precedent had been set. He said that he wanted to keep the tree and agreed with the sentiments raised by members, but that the issue of structural damage needed to be addressed. Councillor Lindley commented that the tree would not get smaller, and he thought that it was a reasonable request to have it removed. Councillor Lindley stated that he would not be supporting the recommendation and that he believed the tree should be removed. He said that the application was not that different to the previous application from a few months ago.

Mr Chaplin stated that the tree had caused damage to the driveway but that there had been no evidence provided that the tree was causing damage to the property. He said that root pruning was feasible and that reducing the canopy was viable but not ideal. Mr Chapin said that if in the future it was not proving to be viable and further evidence of damage was provided, then the recommendation could be different.

Councillor Goodwin left the meeting at this point.

The Chair stated to committee members that they had to look at each application on its own merit.

Councillor Croft stated that she agreed with Councillor Lindley. She said that it was nice to see that more trees would be planted where the application to be successful. She said that she hoped the trees would be of a good size.

Mr Chaplin informed committee members that you could only add a condition of planting one tree.

Councillor Hudson stated that there were benefits to a sycamore tree and that he believed the Trees Officer had presented a reasonable course of action and that if it where to fail, then it would need to be looked at again.

Councillor Hasthorpe commented that he had had a 60ft tree outside of his property and had removed the tree and due to that the house was now sinking. He said that the roots could rot if the tree was removed.

RESOLVED – That the application be refused.

(Note - the committee voted 7 for and 2 against for the application to be refused.)

P.45 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 23rd September 2022 – 19th October 2022

RESOLVED – That the report be noted.

P.46 PLANNING APPEALS

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

Mr Dixon stated that there would be an appeal hearing into application DM/0068/22/OUT Land South Of Church Lane Humberston. The appeal was in relation to the non determination of the planning application. He informed committee members that there were a number of planning concerns to the development on the grounds of highway safety and amenity, adverse impact on the visual and historic character of the area, adverse impact on underground archaeology and potential adverse ecological impact. Whilst the applicant was trying to resolve some

matters through a statement of common ground, the substantive concerns as to adverse impact on the character of the area and highway safety and amenity would remain.

Councillor Hudson queried why there would need to be an informal inquiry.

Mr Dixon stated that officers had raised issues which the applicant had not addressed and could not be addressed in the view of the Local Planning Authority. Hence the applicant chose to appeal against the non determination of the planning application and the type of appeal process is determined by the Planning Inspectorate.

Councillor Dawkins queried whether it would be a public hearing into the appeal

Mr Dixon confirmed the appeal would be subject to a hearing and would be public.

RESOLVED – That the report be noted.

Councillor Silvester left the meeting at this point.

P.47 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.48 ENFORCEMENT ISSUES

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

RESOLVED – That the report be noted.

There being no further business, the Chair closed the meeting at 12.08 p.m.