



To be submitted to the Council at its meeting on 12<sup>th</sup> December 2024

## **PLANNING COMMITTEE**

**4<sup>th</sup> September 2024 at 9.30 a.m.**

### **Present:**

Councillor Hasthorpe (in the Chair)

Councillors Bright, Dawkins (substitute for Parkinson), Emmerson, Goodwin, Hudson, Kaczmarek, Lindley, Patrick, Pettigrew and Shutt

### **Officers in attendance:**

- Keith Thompson (Solicitor)
- Sophie Pickerden (Committee Support Officer)
- Lara Hattle Fitzgerald (Senior Highway Development Control Officer)
- Adam Brockbank (Highway Development Control Officer)
- John Mallet (Road Safety Officer)
- Martin Dixon (Planning Manager)
- Richard Limmer (Senior Town Planner)
- Jonathan Cadd (Senior Town Planner)

### **Others in attendance:**

- Councillor Crofts (Immingham Ward Councillor)

There were 32 members of the public present and one member of the press.

## **P.24 APOLOGIES FOR ABSENCE**

Apologies were received for this meeting from Councillor Parkinson.

## **P.25 DECLARATIONS OF INTEREST**

Councillor Bright declared a disclosable pecuniary interest in P.26 Item 6 DM/0134/23/FUL as he is a representative of the Humberston Fitties Tenancy Group and was friends with the applicant.

Mr Dixon stated that he was friends with one of the speakers for P.26 Item 4 DM/0347/24/FUL and would therefore leave the room when the application was being considered.

## **P.26**

## **DEPOSITED PLANS AND APPLICATIONS**

### **Item 1 - DM/0408/24/FUL – 43 Weelsby Road, Grimsby**

Mr Dixon introduced the application and explained that it sought retrospective planning permission to vary condition two attached to DM/0647/23/FUL. He explained that the variation related to an increase in the eaves height, the overall height of an extension, alterations to roof lights and the removal of a side door. Mr Dixon stated that the application had been considered at a previous meeting of the Planning Committee where it was decided that it be deferred to allow committee members the opportunity to visit the site. He said that the site visit had taken place and committee members were given the opportunity to see the development from both the applicant's property and the neighbour's property. Mr Dixon said that the neighbour did object to the application. He explained that the development was acceptable in principle, and this had been established under the original planning permission. Mr Dixon said that the revisions to the height of the eaves meant an increase of 30cm, and the overall height was also increased by 20cm. He explained that the roof was now a hipped roof with three roof lights and a side door had also been removed. Mr Dixon said that the development was set back in the street scene and there were no adverse impacts in relation to the visual amenity of the area. Mr Dixon said that since the previous meeting, the applicant had had discussions with the neighbour about covering the breeze blocks in either render, cladding or paint. Mr Dixon stated that the neighbour's objection to the application remained. He said that the increase to the height of the extension was not considered to be detrimental and would not cause overlooking. Mr Dixon stated that neither the council's highways officer nor drainage officer had objected to the application. Mr Dixon stated that the application was recommended for approval with conditions.

Mr Ellis spoke in objection to the application. He said that he had notified the council of the issues on the 12<sup>th</sup> February 2024. Mr Ellis said that his neighbour had said he wanted to change the pipe and guttering but instead brackets were put in and everything was replaced. Mr Ellis said that had he been made aware of what the height of the extension would end up being, he would have objected initially. Mr Ellis said that he was not happy with the extension when it was first proposed but he wanted to be supportive and be a good neighbour. He said that the height was then immediately built to a higher height, and he told them of his concerns, but they did not stop. Mr Ellis said that even when it had been decided that a site visit would take place, his neighbour had continued to put the roof on. Mr Ellis had raised concerns with the council about the use of breeze blocks and the breaching of conditions but none of that information had been forwarded onto his neighbour in the last four months. Mr Ellis had contacted the council to ask them to clarify the height of the extension and the officers did visit. Mr Ellis didn't contact the council in order to complain

about his neighbour. Mr Ellis stated that there had been a breach of the conditions, and the wrong materials had been used. He said that there were various issues regarding the height, the slope not being where it should be, and tiles not put on the way they should be.

Mr Ramsden spoke as the applicant for the application. He hoped members had seen what they needed to see during the site visit. Mr Ramsden had previously explained about the mistake that had happened regarding the height. He said that he had come to an agreement with his neighbour about how to deal with the issue of the breeze blocks being visible. Mr Ramsden explained that he had spoken to the builders who had looked at ways to cover them and his neighbours had opted for the blocks to be rendered. Mr Ramsden said that in regard to the concerns raised about the guttering, the site was still a live site, and the guttering was a temporary measure which would be moved now the tiles were in place. He said that the builders would make sure that the water falls in the right place. Mr Ramsden said that he hoped his application would be approved along with the condition regarding the rendering of the breeze blocks.

Councillor Hudson thought it was one of the most difficult decisions the Planning Committee had been faced with in a long time. He said that part of the problem was the lack of enforcement. Councillor Hudson queried why a stop notice had not been issued initially when concerns were raised. He believed the applicant had been told he could carry on but at his own risk and this had now led to the current situation. Councillor Hudson was pleased that the applicant had offered the solution of rendering the breeze blocks, but he was not sure how that could be done. He said that the issues appeared to lie with the builders and enforcement. Councillor Hudson had supported deferring the application so the Planning Committee could view the development, but he had also hoped that by the application being deferred it would allow for mitigation to take place. He said that now having seen the extension, the height would have probably been approved. Councillor Hudson hoped that the applicant and the objector would have resolved the issues. Councillor Hudson stated that he was torn and was unsure as to what the objector wanted the result to be as he didn't want to put financial constraints on his neighbour, but he was unhappy with the development.

Councillor Lindley said that he agreed with Councillor Hudson about how difficult the decision was. Following the site visit, he had viewed all the documents including the initial planning application and the conditions attached to that. Councillor Lindley said that one of the conditions was that the extension be built in red facing brickwork but breeze blocks had been used instead. Councillor Lindley stated that he felt let down by enforcement as a stop notice should have been issued regarding that. He said that when the wall was being built up with breeze blocks, it should have been rendered at that point. Councillor Lindley said that he did not see how the breeze blocks could be rendered now due to the wall being there. He stated that the breeze blocks were visible from the neighbour's property and were not that durable. Councillor Lindley said that it was a difficult position for the Planning Committee to be in and he was stuck as

to what was the best solution. He stated that he thought the Planning Committee would have accepted the increase in the height but the materials that had been used went against what was outlined in the conditions of the original application. Councillor Lindley said that he would listen to the rest of the debate.

Councillor Dawkins said that the neighbour had made contact with enforcement many months ago and the builders were warned. He queried why Building Control had not visited the site and picked up on the issues. Councillor Dawkins stated that the photo that had been provided of the roof was concerning and he didn't think rendering the breeze blocks would be possible. He said that he could not see why there had been an increase in the height. Councillor Dawkins proposed that the application be refused.

Mr Dixon said that Building Control oversight was originally undertaken by a private inspector who was independent of the local authority, and that in any case it was a separate process to the planning process. He reminded committee members that they had to determine the application based on material planning considerations. Mr Dixon stated that retrospective planning applications were not uncommon and were allowed under the planning system. He said that the involvement of planning enforcement should not affect the determination of an application. Mr Dixon explained that stop notices were very rarely used in these types of situations.

Councillor Bright said that he agreed with a lot of what other committee members had said but also agreed with what Mr Dixon had said. He said that he thought that rendering would be possible, and the applicant had agreed to do it. Councillor Bright said that nobody had a right to a view and that was not a material planning consideration. He stated that planning officers had raised no issues with the design, and he therefore thought the application should be approved. Councillor Bright said that he hoped the applicant and the neighbour could come to an agreement about the rendering.

Councillor Goodwin said that she agreed with the ward councillor in calling in the application. She said that she thought the development was not fair on the neighbour. Councillor Goodwin queried why the steel was not reordered. She stated that the neighbour's view had been altered due to the increase in the height of the extension. Councillor Goodwin seconded the proposal to refuse the application.

Councillor Patrick said that he broadly agreed with the different points that had been made by committee members. He said that he was not sure that a stop notice would have been appropriate but there could have been opportunities for planning enforcement to help to de-escalate the situation. Councillor Patrick said that whilst he had sympathy for both the applicant and the neighbour, he was unsure as to what the reasons were for proposing to refuse the application and whether they were material planning considerations.

Councillor Shutt understood people's frustrations with retrospective planning applications. Councillor Shutt said that planning officers had taken the view that the development was of an acceptable scale and the Planning Committee had to take advice from planning officers. He said that it was a hard decision, but he did not agree with refusing the application as all of the development would have to come down and he did not believe that should be done. Councillor Shutt said that whilst he had sympathy for the neighbour and there was a difference with the height of the extension, 30cm was not a great deal of difference.

Councillor Lindley said that in the original application, it stated that the external materials should be red faced brickwork to match the existing property. He stated that breeze blocks were not mentioned in the original application as applicable materials. Councillor Lindley said that as a solution, the boundary wall could be taken down so the rendering could be done, and then reconstruct the wall or agree to use the wall of the new building as the boundary wall. He said that common sense must prevail, and a solution decided upon, which hopefully both parties would be in agreement with. Councillor Lindley said that the neighbour might not mind about the height if the issue of the breeze blocks was dealt with.

Councillor Bright said that the Planning Committee had to judge planning applications based on material planning considerations, not on fairness. He said that the applicant was happy for the condition about rendering being added. Councillor Bright said that the Planning Committee left itself open to challenge if it did not make decisions based on material planning considerations.

Councillor Dawkins said that when the original application was considered, the applicant was happy to build the development with the conditions included, but then didn't. He said that the applicant was warned by planning enforcement that if they continued, they did so at their own risk. Councillor Dawkins said that maybe the development should be taken down so it could be rebuilt as it was supposed to be. He stated that he was sticking with his original proposal, to refuse the application.

Councillor Goodwin said that the rendering could end up being one of those snagging jobs and could get overlooked and then the neighbour would be left with the situation. Councillor Goodwin said that if that was the case, then the Planning Committee would have let the neighbour down.

Councillor Pettigrew said that the work had been done and had had a negative effect on the neighbour. He said that the planning conditions had not been followed and the builders had done that at their own risk. Councillor Pettigrew said that he could not see how the issues could be mitigated against, and he would therefore support the proposal of refusal.

Councillor Shutt said that it was not appropriate for the Planning Committee to refuse the application due to the fact that it was a retrospective application as then other people would query why the

committee hadn't refused all previous retrospective planning applications. Councillor Shutt stated that committee members shouldn't make emotional decisions.

Councillor Bright said that the applicant had offered for a planning condition to be added, regarding the rendering. He said that planning officers had considered the application and found it to be acceptable. Councillor Bright said that if the application were refused, then the Planning Committee would not be doing their job.

The Chair sought clarification on the reasons for the application being proposed to be refused.

Mr Dixon stated that an application could not be refused due to breaches of conditions in a previous planning application.

Councillor Dawkins said that he thought that was a consideration that the planning conditions had not been followed. He said that loss of amenity was also the reason he had proposed that the application be refused.

Mr Dixon queried whether the increase in the height of the extension was a reason.

Councillor Dawkins and Councillor Goodwin stated it was.

Councillor Goodwin said that another reason was the shadowing in the neighbour's garden as a result of the development.

Councillor Patrick stated that he was very concerned with the proposal and the reasons for it. He said that the reasons were weak, and the Planning Committee should not step into a planning enforcement role. Councillor Patrick said that whilst he understood the emotions around the application, they were not material planning considerations.

The committee took a vote on the proposal to refuse the application, and voted 3 for and 7 against.

Councillor Shutt proposed that the application be approved.

Councillor Patrick seconded the proposal that the application be approved and with the additional condition regarding rendering.

Councillor Shutt agreed to the additional condition.

Councillor Hudson asked whether a condition could be added regarding the levelling of the ground in relation to drainage.

Mr Dixon stated that it could be.

Councillor Shutt and Councillor Patrick agreed to this.

RESOLVED – That the application be approved with conditions.

(Note - the committee voted 8 for and 3 against for the application to be approved with conditions.)

## **Item 2 - DM/0361/24/REM - Land at Bradley Road, Barnoldby Le Beck**

Mr Limmer introduced the application and explained that it sought retrospective planning permission for the variation of condition one attached to DM/0187/23/REM. He explained that the variation was for the amendment of the house type, amended design and the amended position of the garage for plot one. Mr Limmer highlighted the objections that had been received from neighbours. He said that the amendments would not have a detrimental impact on neighbouring amenity due to the rear extension being single storey and the garage being of an acceptable scale and well separated from neighbouring properties. Mr Limmer said that the application had been considered at a previous meeting of the Planning Committee where it was subsequently deferred in order for clarity to be sought regarding the position of the northern boundary of plot one and the ownership of the hedge. Mr Limmer said that following the meeting, the applicant had provided information that the hedge was within their ownership and boundary. He said that the hedge was suitable to act as a boundary treatment and was not uncommon. Mr Limmer stated that the application was in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan and was therefore recommended for approval with conditions.

Mr Wishart spoke in objection to the application. He said that as long as the paperwork that had been provided was correct then there was no reason for him to be present at the meeting. Mr Wishart said that he would accept that the hedges were boundaries but would like the applicant to accept that he could cut his side of the hedge, and they cut theirs. He said that he had previously been verbally abused for doing so. Mr Wishart said that he had cut the hedge for thirty years and would like to continue to do so. Mr Wishart stated that he would not submit any more comments regarding the application.

Mr Tutill spoke as the architect for the application. He said that the application had previously been deferred due to a lack of clarity in relation to the boundary. Mr Tutill referred committee members to the supplementary agenda which contained documents showing the hedge was under the ownership of the new plot. He said that Snape Homes and the owner wanted to keep the hedge as the boundary but had no objection if the neighbour wanted to add in a fence on their side.

Councillor Hudson said that he was pleased the applicant had clarified the issue of ownership of the hedge. He said that he hoped in future that the neighbours could all get along. Councillor Hudson proposed that the application be approved.

Councillor Patrick seconded the proposal to approve the application.

Councillor Kaczmarek said that there had been uncertainty about the hedge being removed and he was pleased that it would be staying. He said that he would be supporting the proposal to approve the application.

Councillor Bright said that he would prefer to see a hedge to a fence. He queried whether the neighbour had the right to cut the side of the hedge on his side.

Mr Limmer responded that that was not a planning issue.

Councillor Hudson said that he was sure you could cut the side of a hedge that was on your side, and he was aware that the owner was happy with that.

Councillor Emmerson said that it showed neighbour goodwill to allow the neighbour to cut the hedge on his side.

The Chair stated that it was a civil matter.

RESOLVED – That the application be approved with conditions.

(Note - the committee voted 10 for with 1 abstention for the application to be approved with conditions.)

### **Item 3 – DM/0417/24/FUL – The Limes, Grimsby Road, Laceby**

Mr Cadd introduced the application and explained that it sought retrospective planning permission for the erection of an outbuilding with air conditioning units and for the use to be a chocolate making facility with educational and public chocolate making workshops. Mr Cadd stated that the application also sought planning permission for ancillary access, car parking and a traffic mirror. He said that the application was a resubmission of a similar application which was refused by the Planning Committee in July 2023. Mr Cadd explained that the application had been brought before the Planning Committee due to a call in from Councillor Hudson. Mr Cadd said that no physical amendments were proposed to the carriageway, but signage was proposed as well as a traffic mirror. Mr Cadd said that the building was now externally clad in black timber. As the application site was located outside of the development boundary of Laceby and was located within the open countryside, exceptional circumstances were needed in order for the development to be acceptable in principle. Mr Cadd said that the development did not meet any of the exceptional circumstances criteria under policy 5 of the North East Lincolnshire Local Plan and it was considered that there were other sites within the development area that could provide similar facilities. He stated that the application site was in an unsuitable location off the 50mph A46 dual carriageway. He said that serious safety concerns had been raised by the council's highways



officers which the applicant had sought to allay by reducing the number of certain events and the numbers of participants attending. Mr Cadd said that, whilst that was welcomed it was not something that could be enforced and that once a change of use application was granted it would not be possible to enforce the number or type of workshops taking place nor the numbers attending. He said that planning permission as such was a relatively blunt tool and was also granted to the site, not the specific enterprise or the applicant. Mr Cadd said that the applicant had informed planning officers that those visiting the site were asked to car share, but this was not something that could be controlled and therefore there was potential for significant additional traffic using the access. Mr Cadd said that the council's highways officer had concerns that due to the limitations of the access, this could lead to drivers being unsure where the junction was, indicating and/or breaking late to turn into the driveway creating a potential for a collision. He said that this was made worse by the lack of a deceleration lane, keeping traffic on the main highway until close to the access. Mr Cadd said that there were also concerns with vehicles entering back onto the dual carriageway due to the fast moving traffic. He said that there were further concerns that drivers would cut directly across the carriageway into Laceby or U turn towards Grimsby which would create further slower moving and conflicting vehicle movements. He stated that the council's highways safety team had visited the site and had considered the applicant's suggestions of a traffic mirror and additional signage but had concluded that this would not be sufficient enough to satisfy their concerns. Mr Cadd said that since the previous application was considered, more parking spaces had been proposed which indicated the potential levels of vehicular traffic which could be generated. Mr Cadd explained that there was also a public footpath which was in close proximity to the access. The council's highways officer's had determined that the application would lead to an increase in traffic at the location and exacerbate conflicting movements on and off the A46 which was a busy junction location with fast-moving traffic and already had conflicting movements and would therefore unacceptably impact on highway safety. Mr Cadd said that the council's drainage officer had raised no objection to the application but had requested conditions. He said that the use of the development was fantastic and something that officers wanted to support but the concerns regarding the location and highway safety remained. Mr Cadd stated that the application was not in accordance with policies 3, 5, 22, 36 and 40 of the North East Lincolnshire Local Plan and was therefore recommended for refusal.

Ms Clay spoke as the applicant for the application. She said that over the last thirty years, she had worked and supported lots of children's organisations. Ms Clay said that the Chocolat Story delivered workshops to the community and also delivered private workshops to children with special educational needs. She said that the studio was 55m away from the BMW garage and had wheelchair access and provided a safe and calm environment. Ms Clay said that in the last fourteen months, the workshops had evolved, she had listened to the Planning Committee's original concerns and she now delivered small workshops that brought

people together and provided equal opportunities. She said that there were now no retail collections from the site and directions and guidelines were given when bookings were confirmed. Ms Clay stated that the main car park had been relocated closer to the main entrance. She explained that over the last fourteen months, the business plan had worked and the Chocolat Story was in the right location. Ms Clay said that the workshops were delivered for between one to nine people which allowed her to have a wider understanding of the cars to expect. She said that limiting cars had not been an issue, and that car sharing took place. Ms Clay said that many of the participants car shared as the site only used to have three car parking spaces. Ms Clay said that without planning permission, she may have to look at relocating out of region. Ms Clay said that she had suggested a business sign be put up, so customers and other users know there was a turning and had also suggested a mirror be used. Ms Clay said that there were various letters of support for the development on the planning portal from the community.

Councillor Lindley said that he was astounded that highways officers were flagging issues regarding safety on Laceby Bypass. He said that Laceby Bypass had a checkered history, but the speed limit had been lowered to 50mph and providing that the grass was kept at a low level, there was pretty good sight lines. Councillor Lindley said that there had not been a massive increase in incidents when people were walking in the area during the pandemic. Councillor Lindley said that highways officers had said that the lane was short and inadequate but there were residential houses along there, that used the lane every day without issue. Councillor Lindley stated that signage had been proposed by the applicant as well as a traffic mirror. He said that the applicant should be applauded for the fantastic work they did and the services they provided to the community. He said that the council should be supporting children's facilities and not tying the applicant up in red tape. Councillor Lindley said that there was also a BMW garage across the road which was accessed by a far greater number of vehicles than you would see at the application site. He thought the location was perfect for children with educational needs due to it being a more secluded area. Councillor Lindley proposed that the application be approved.

Ms Hattle-Fitzgerald said that highways officers agreed that the use was fantastic, however, their job was to consider road safety. She explained that in recent months, there had been a fatality on the specific road. Ms Hattle Fitzgerald clarified that the BMW garage was accessed from Grimsby Road.

Mr Mallet said that he had been asked to consider the application and whilst he agreed that the work the applicant did was superb, he had concerns about road safety. Mr Mallet explained that he had considered the aspiration the Chocolat Story had, and it was likely that minibuses would be accessing the site, and the deceleration and acceleration lanes were poor. He stated that major engineering work would be needed. Mr Mallet said that this was the first time, where he had considered an application where he had not been able to find a solution to make it safe.

He said that whilst there were residential premises nearby, their use was considered to be low volume. Mr Mallet said that he had concerns regarding the carriageway and people driving straight across it. That concern could be mitigated against with engineering intervention, which had previously been suggested in 2007, but was decided against due to the cost involved. Mr Mallet explained that no matter how the committee legislate, people would choose the easiest exit. Mr Mallet said that if the site was accessed by a low volume of vehicles, then it could be made safe and be permitted, but if it became more successful and when considering its aspiration, the engineering infrastructure there was at present, would not be able to cope with the numbers.

Councillor Hudson said that it was a wonderful location with a nice environment. He said that the application site had been used for two years without incident. Councillor Hudson stated that people don't want to crash and did assess situations. He said that there was also a slip road. Councillor Hudson said that the highways department were there to advise the Planning Committee, and they had previously objected to other applications and committee members had gone against them and there haven't been accidents. Councillor Hudson stated that the Chocolat Story had been at the site for two years without incident. He said that the footpath in the area was used and there also used to be stables nearby. He said that if committee members had concerns, an option could be to grant temporary consent.

Councillor Kaczmarek said that he loved the idea of the application. He said that there were not enough facilities designed specifically for special needs children. Councillor Kaczmarek said that people were always saying that we need to diversify from a tourism aspect outside of Grimsby and Cleethorpes. He said that the premises offered a unique experience which was limited in the country. Councillor Kaczmarek stated that applications had been approved before when the application site had been outside of the development boundary. He said that he thought the Chocolat Story would be beneficial to the wider community. Councillor Kaczmarek said that he heard the concerns about highway safety, but he thought we were not looking at a huge number of vehicles and there would be less than twenty parking spaces. He stated that there would not be vehicles moving constantly if the sessions were for a few hours. Councillor Kaczmarek said that the visibility was good, and most drivers were perfectly capable of managing. Councillor Kaczmarek said that he saw no reason to not approve the application.

Councillor Bright said that what the applicant had done was great and she should be supported. He queried whether temporary consent could be permitted.

Mr Cadd responded that temporary consent was possible, but when use was granted, the use could only be limited in minimal ways and therefore the workshop numbers and participants could not be controlled. He said that whilst the Chocolat Story had been at the site for two years already,

that didn't mean there would not be an accident in the future and that would also be true of granting temporary permission.

Ms Hattle Fitzgerald said that the Planning Committee could grant permission with a temporary time limit and there could be no accident during that time, and then the following day there could be. She stated that it was very rare that the Highways Department objected to applications and that they always tried to find a solution, but with this application, they were concerned. Ms Hattle Fitzgerald said that were the application to be granted, there was risk of collision.

Councillor Emmerson said that the applicant was not asking for infrastructure work. He said that there would be traffic at different times of the day. Councillor Emmerson said that the council did have a SEND strategy. He queried whether the council was for local businesses or not. He said that the applicant was a local entrepreneur, and the development was located in a nice and unique setting. Councillor Emmerson said that without this type of quirky development, people would have to travel for something similar. He said that there was other business on the stretch as well as a garden centre. Councillor Emmerson said that there had also previously been plans to build a Starbucks in Morrisons car park.

Councillor Goodwin said that she had supported the application when it had been considered previously. She said that it was a small business, that was trying to keep going and giving joy to the most vulnerable residents in the area. Councillor Goodwin seconded the proposal to approve the application.

Councillor Shutt said that highways officers wanted to make it work as did committee members, but highway safety was very important. He said that officers wanted to make it work but it was dangerous. Councillor Shutt said he could have possibly supported temporary permission of 12 months, but officers have said they wouldn't have control. He said that he did not have confidence in people's driving and saw the dangers highways officers had outlined. Councillor Shutt said that he wanted the enterprise to work but highways safety was imperative, and he therefore could not support the application.

Councillor Patrick said that he thought the services the Chocolat Story provided were fantastic, but that was not a material planning consideration. He said he was not sure that the development needed to necessarily be located in a rural location. Councillor Patrick said that far better venues could have been found. He stated that highways safety was not red tape, but instead a serious issue. Councillor Patrick said that he could not remember a previous application where officers had given such clear advice on the danger that could occur. He said that he could not recall a situation where a traffic mirror was used on a stretch of road like the one being discussed. Councillor Patrick stated that mirrors had limited range, and he did not think it would give drivers a clear idea of how fast another driver was driving. He said that nothing was more

important than safety and if a trial period didn't work, what would be the human cost of that failure.

Councillor Bright said that it appeared that the Highways Department had exhausted all the possibilities. He said that he took on board committee members comments, but also took on board the highways officer's comments regarding the danger.

Councillor Pettigrew said that he wanted to support the application but after hearing the highways officer's objections, he didn't think he could. He stated that he would not be supporting the proposal to approve the application.

Councillor Lindley said that Laceby Bypass had been a nightmare in the past, but he didn't think approving the current application would contribute to accidents. He said that if the Highways Department were that concerned then maybe they should make sure the speed cameras worked. Councillor Lindley said that they were not concerned enough to get them fixed so that people adhered to the speed limit. He stated that he did not accept that if there was an accident, that it would be due to the Chocolat Story. Councillor Lindley said that the Planning Committee should be ashamed of itself if the application was refused due to concerns regarding highways. He said that highways wanted to put an access from the roundabout near Scartho Fork not too long ago. Councillor Lindley said that he would be devastated if the application was refused.

Mr Thompson reminded committee members of their code of conduct and that they should not be criticising individual officers.

Councillor Lindley said that he was not directly criticising an individual officer and appreciated the work highways officers did but if they had concerns then they needed to be doing more.

Ms Hattle Fitzgerald said that the development would mean an increased use at the location and the Highways Department believed it would be unsafe. She said that highways officers do not come to the Planning Committee and say that they have concerns lightly. Ms Hattle Fitzgerald stated that it would be unsafe in her professional opinion.

Mr Mallet said that the site presented all of the dangers of previous incidents. He said that without major development, people would be crossing the carriageway when they come out of the junction. Mr Mallet referred to guidance which outlined that traffic mirrors should not be relied upon. He stated that major infrastructure change was needed to help the situation.

Mr Dixon stated that the Planning Committee must consider material planning considerations and highway safety was one of those. He said that it was rare that the Highways Department objected to an application, and the fact that they had showed the strength of their concerns.

Councillor Dawkins said that he did not think the situation had changed much since the application was last considered. He said that he had concerns regarding the junction and if a minibus was to turn out onto the dual carriageway, make a right turn, it wouldn't build up enough speed to clear the highway. Councillor Dawkins said that there were a lot of motorcycles that went down there and if a vehicle didn't clear the highway, it would be dangerous. He said that it was a difficult decision as he wanted to support the development, but the junction needed to be improved.

Councillor Lindley queried whether it could be that the crossing only allowed for left turn only.

Councillor Dawkins said that once you turn left, you would be free to do what you wanted and could then turn right. He said that he wanted the development to happen but was worried about the junction.

Councillor Hudson said that the increase in traffic happened two years ago. He said that the sight lines were good and didn't think it was right to say we can't support an application in case someone turns right as that was the same at every junction. Councillor Hudson said that the Planning Committee did not always agree with officers and had flexibility in order to help people. He stated that he was more than happy to support the application.

Councillor Patrick said that the road signs were not visible. He said that he wanted the business to be successful but the issue regarding highways remained. Councillor Patrick proposed that the application be deferred in order to allow for the applicant to work with the Highways Department. He suggested that the applicant could speak with an independent highway consultant and see what their professional opinion was. Councillor Patrick stated that as things were, he could not support the application.

The committee took a vote on the proposal that the application be approved with conditions and upon a vote, 4 voted for and 6 voted against with 1 abstention.

Councillor Patrick reiterated that he thought the application should be deferred as it allowed more time for the applicant to engage with the Highways Department and potentially speak with an independent highway's consultant.

Councillor Hudson seconded the proposal of deferment.

Mr Dixon stated that the application was not new, and highways officers had been on the site and done a lot of work. He said that he was unsure what deferment would achieve as lots of work had already been done.

Councillor Patrick stated that it was still a valid proposal.

RESOLVED – That the application be deferred.

(Note - the committee voted 7 for and 4 against for the application to be deferred.)

Mr Cadd left the meeting at this point.

Mr Mallet left the meeting at this point.

#### **Item 4 – DM/0347/24/FUL - 36 Humberston Avenue, Humberston**

Mr Limmer introduced the application and explained that it sought planning permission for the variation of condition two attached to DM/1090/22/FUL. He explained that the variation was to amend the house type and garage for plot eight. Mr Limmer said that the proposed amendments would mean that both the proposed dwelling and garage would be larger in mass and footprint and the roof would be a hipped roof. He said that the application had been brought before the Planning Committee due to a call in from the ward councillors. Mr Limmer said that the principle of the development had been established through the planning history on the site and the amendments would not affect that principle. He explained that due to the increase in the scale and mass of the proposed dwelling, it would cause unacceptable harm to the residential amenity of the occupiers at no.34 Humberston Avenue. Mr Limmer stated that the proposed garage would not cause harm to residential amenity. Mr Limmer explained that, as a result of the proposed development, sixteen percent of the Root Protection Area would be taken up by the development. He said that the council's tree officer had considered the application and had raised no objections. Mr Limmer said that the council's drainage officer had requested a condition be added to the application that would require the drainage scheme be updated in line with the proposed amendments. He stated that the council's highways officer had raised no objection to the application. Mr Limmer said that the issue of the proposed dwelling causing unacceptable harm to residential amenity of the occupiers at no.34 Humberston Avenue remained. He said that the application was not in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan and was therefore recommended for refusal.

Mr Snowden spoke as the agent for the application. He said that the site had previously been granted planning permission in May 2023. Mr Snowden said that the objector was previously the owner who had acquired the original permission. He stated that he had worked with planning officers and changes had been made such as reducing the size of the garage and office. Mr Snowden said that plot eight was the largest plot and the other plots were smaller, but the ratio of the building to the plot was 28 percent and other plots had higher ratios. He stated that the dwelling was not too large, and the outlook would be no different for the

neighbour than what they would have had with the previous permission that was granted. Mr Snowden said that the distance between the dwellings had increased, and the roof height had been maintained. He stated that there were no objections from the council's highways, drainage or trees officers. Mr Snowden said that the parish council had also not objected.

Mr Dhaliwal spoke as the applicant for the application. He said that he had lived in Humberston for 27 years and loved living in the area. Mr Dhaliwal said that he got involved with community and had supported charities in the area. He explained that it was his to dream to build his own home and many obstacles had been in the way to get to where he was now. Mr Dhaliwal said that it would be his forever home and that the dwelling footprint would no bigger than his current home but would allow for more rooms. He said that this was needed so he could look after his mother and also allow space for his sons to work from home. Mr Dhaliwal said that the neighbour was happy with the amended plans.

Miss Pickerden read out a statement on behalf of Councillor Shreeve, Ward Councillor for the Humberston and New Waltham Ward.

Councillor Shreeve wrote that himself and Councillor Harness had visited a resident at his request to discuss the application. He wrote that it was quite a complex issue as the resident concerned sold the land to the developer and was happy with the initial plans for the development which was for six units. Councillor Shreeve wrote that there had now been some modifications to the plan increasing the number to eight, a greater density. He added that the revised plan for the property immediately behind the resident's home had increased in height with a second-floor rear window overlooking the resident. Given that the house in question was in close proximity to the rear perimeter fence of the resident, he felt this was an unreasonable intrusion. Councillor Shreeve was aware that there had been conversations between the resident and the developer to discuss this matter, but so far there had been no accommodation reached. Councillor Shreeve wrote that the resident wished to maintain cordial relationships with the developer, but his misgivings continued.

Councillor Hudson said that the objector knew what was going to happen. He said that what was proposed was not that much different. Councillor Hudson proposed that the application be approved.

Councillor Dawkins said that he thought it was in keeping with the area and did not have any objections. He seconded the proposal to approve the application.

Councillor Bright stated that he thought the distance was quite significant and he saw no reason to not support the application.

Councillor Shutt queried whether the two windows would be glazed.

Mr Limmer responded that a condition could be added.



Councillor Shutt said that he would like to see that condition added.

Councillor Goodwin asked whether everyone was happy with the application.

Mr Limmer said that the neighbours had originally objected and following re-consultation, their original objection still stood.

Mr Limmer outlined the recommended conditions for the application including the glazing of the windows.

Councillor Hudson and Councillor Dawkins agreed to the conditions.

RESOLVED – That the application be approved with conditions.

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

### **Item 5 – DM/0319/24/FULA - 22 South Marsh Road, Stallingborough**

Mr Dixon introduced the application and explained that it sought planning permission for the erection of extensions to the front and rear of the property including raising the roof height to create first floor accommodation and installation of front and rear dormers. Mr Dixon said that the application also included the demolition of an existing garage and front boundary wall and the erection of a new detached garage to the rear. He said that the application also sought retrospective planning permission for a new boundary wall with pillars and gates to the front of the site. Mr Dixon stated that the application had been brought before the Planning Committee due to a call in from the Ward Councillor. Mr Dixon said that the application site was located within the development area of Stallingborough and was acceptable in principle, subject to there being no significant issues. He said that the extensions would be viewable from the street but would be set back and the materials proposed would match the existing dwelling. Mr Dixon said that the proposed garage would not be readily viewable within the street scene, would be single storey and built with materials matching the existing dwelling. He said that the proposed garage was considered appropriate. Mr Dixon stated that the development would not cause an adverse impact on the character and appearance of the area. Mr Dixon said that objections to the development had been received from some neighbours. He explained that whilst there were no issues regarding overshadowing and loss of light as a result of the development, the combination of the proposed extensions and the increase in the roof height would significantly increase the overall size of the existing dwelling. Mr Dixon said that the extension and the raised roof would be directly along and very close to the boundary shared with no.24 South Marsh Road. He felt that would result in dominance and massing and would be detrimental to the residential amenity of no.24 South Marsh Road. Mr Dixon stated that

the council's highways officer had raised no objections to the application. He said that the council's drainage officer had also raised no objection to the application. Mr Dixon said that due to the issue of dominance and massing on the neighbouring property, the application was not in accordance with policy 5 of the North East Lincolnshire Local Plan and was therefore recommended for refusal.

Ms Wiseman spoke in objection to the application. She said that the proposed development would impact greatly on her home. Ms Wiseman said that the two-storey extension would block light going into her home. She stated that raising the roof by two metres would dominate her home and the side elevation windows would directly overlook the grounds and impact her privacy. Ms Wiseman said that the massive extension would only be inches away and her home would almost become semi-detached as a result. She said that the water main for both her property and the neighbour's property was in her garden and the proposed extension would affect the water pressure. Ms Wiseman said that when she had bought her home, she had taken into account the surroundings and had thought her privacy was safe with a bungalow next door. She stated that she was devastated when developers built a larger house at the rear and she didn't want the same thing to happen again. Ms Wiseman said that the massing and dominance would negatively impact her. She added that the plans submitted were incorrect. Ms Wiseman stated that she had two windows which would be obstructed if the proposed extension was built out. Ms Wiseman said that the overdevelopment would impact her home and life. She queried why she should change the way in which she lived in her home to accommodate the proposed extension. Ms Wiseman said that she supported the officer's recommendation of refusing the application.

Mr Singh spoke as the applicant for the application. He said that there were five houses around his bungalow that could all look into his garden. Mr Singh said that the neighbour's house was two storeys, and he wanted the extension so he could accommodate his family if they wanted to stay there. He stated that, at the moment, that was not possible. Mr Singh said that he bought the property in order to be able to do the development. He said that both a light test and shadowing test had been completed and passed.

Councillor Crofts spoke as the Ward Councillor for the Immingham Ward. He said that he was speaking in support of the application. Councillor Crofts said that the neighbouring property was 10 metres high and was also three metres forward on the applicant's bungalow. He said that when that extension was considered, there was no mention of overshadowing, and it was approved. Councillor Crofts said that the proposed development would not cause any more issues in terms of overdevelopment than what had already previously been built in the area. He said that by allowing the proposed development, it would balance out the house sizes on the street. Councillor Crofts said that the proposed development was not an overdevelopment, and no objections had been

received from the parish council. He stated that the plans were neighbour considerate and should be approved.

Councillor Bright said that he went to look at the site and agreed with Councillor Crofts that it was a substantial new build. He said that he thought there would be concerns about the new build causing overshadowing on the bungalow, but it was not mentioned as part of the application. Councillor Bright said that it was a small bungalow sandwiched between two houses. He said that the proposed development would not exceed the height of the neighbour's property on either the left side or the right side. Councillor Bright said that he was leaning towards supporting approval of the application as he could see no issues of overshadowing as a result of the proposed development.

Councillor Shutt said that when looking at photos, it was clear development had gone on in the area. He said that he was not sure how you start developing and then stop. Councillor Shutt said that he was leaning towards supporting approval.

Councillor Hudson said that he was undecided about the application.

Councillor Lindley said that he struggled with the idea of refusing the application on grounds of massing as the development was for a small property in comparison to the surrounding ones. Councillor Lindley stated that he was leaning towards supporting approval of the application.

Mr Dixon clarified that the issue was the impact the proposed development would have on the neighbour and was not an issue of impact on character to the area.

Councillor Dawkins said that he thought the proposed development should be brought forward to be in line with the neighbouring property.

Councillor Pettigrew said that he thought the development was too big for the plot and agreed with the officer's recommendation. He said that he was not against developing the property altogether but thought that what was proposed was too big for the plot.

Councillor Shutt said that he thought it was a difficult application to consider but there had been development in the area. He proposed that the application be approved.

Councillor Dawkins proposed that the application be refused.

Councillor Hudson proposed that the application be deferred to allow for a site visit to take place.

Councillor Lindley seconded the proposal of deferment.

RESOLVED – That the application be deferred.

(Note - the committee voted 8 for and 3 against for the application to be deferred.)

Councillor Bright left the meeting at this point.

## **Item 6 - DM/0134/23/FUL – 121 Humberston Fitties, Humberston**

Mr Dixon introduced the application and explained that it sought planning permission to replace fencing and the installation of new gravel drives to the front of an existing chalet. He said that the application had been brought before the Planning Committee due to the number of objections received and an objection from Humberston Village Council. Mr Dixon said that the chalet was located within an existing holiday park which was within a defined resort area. He said that the application was acceptable in principle if there were no detrimental impacts as a result. Mr Dixon said that the application had been amended following concerns raised by the council's heritage officer. He explained that there would now be picket fencing, no northern gravel drive and the paving stones would be removed. Mr Dixon said that these amendments were considered acceptable and followed the Humberston Fitties Design Guide. He explained that a singular gravel drive would remain, but this would not harm the character of the area. Mr Dixon said that the proposed driveway and boundary treatments would not cause any detrimental impacts to the amenity of neighbouring holiday chalets in terms of massing and overlooking due to their size, nature and scale. He said that the council's highways officer had raised no objections to the application and that the road was not an adopted road. Mr Dixon stated that the council's drainage officer had raised no objection to the application. He said that the application was recommended for approval with conditions.

Mr Moore spoke as the applicant of the application. He said that he had lived on the Humberston Fitties for twelve years. Mr Moore said that both of the side fences at the site had blown down due to wear and tear. He had replaced the fences in 2021 and had put two driveways in for safety purposes as he didn't want people parking on the front. Mr Moore said that he had been speaking with planning officers about the application but kept getting knocked back due to heritage concerns. He said that three chalets had been built recently which had the exact same driveways as his. Mr Moore stated that he would have liked to keep his fences as they were as they were never picket fences to begin with, so was unsure why they had to be now.

Councillor Hudson said that he would like to see the condition regarding the picket fence removed as the fencing looked smart as it was. He queried whether he could propose that the application be approved with the condition removed or whether the application would need to be deferred.

Mr Dixon said that if the committee were wanting to revert to an alternative application, then consultation would need to take place.

Councillor Pettigrew stated that he had no objection to the fence as it was and thought the chalet looked nice.

Councillor Goodwin said that she agreed that the fences should remain as they were. She queried why there was a condition to remove them to allow for picket fencing if picket fencing wasn't there to begin with. Councillor Goodwin stated that she would support the removal of the condition.

Mr Dixon stated that there was a condition attached to the application for picket fencing as that was the preferred fencing for the Humberston Fitties as outlined in the design guide. Mr Dixon said that officers would have to discuss with the applicant on whether he would like to change the application in regard to the fencing.

Councillor Dawkins proposed that the application be deferred.

Councillor Shutt said that he thought the chalet looked great. He seconded the proposal to defer the application.

Councillor Pettigrew stated that he agreed with the idea of deferring the application. He said that it was one of the nicest looking chalets he had seen.

RESOLVED – That the application be deferred.

(Note - the committee voted 9 for and 1 against for the application to be deferred.)

Councillor Bright returned to the meeting at this point.

## **P.27 PLANS AND APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

The committee received plans and applications determined by the Director of Economy, Environment and Infrastructure under delegated powers during the period 25<sup>th</sup> July - 21<sup>st</sup> August 2024

RESOLVED – That the report be noted.

## **P.28 PLANNING APPEALS**

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

RESOLVED – That the report be noted.

**P.29                    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.30                    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 12.45pm.