



To be submitted to the Council at its meeting on 20<sup>th</sup> March 2024

## **PLANNING COMMITTEE**

**29<sup>th</sup> January 2024 at 9.30 a.m.**

### **Present:**

Councillor Hasthorpe (in the Chair)

Councillors Bright, Emmerson, Goodwin, Hudson, Kaczmarek, Lindley, Patrick, Pettigrew and Shutt.

### **Officers in attendance:**

- Adam Brockbank (Highway Development Control Officer)
- Paul Chaplin (Trees and Woodlands Officer)
- Martin Dixon (Planning Manager)
- Lara Hattle Fitzgerald (Senior Highway Development Control Officer)
- Bethany Loring (Senior Town Planner)
- Sophie Pickerden (Committee Support Officer)
- Keith Thompson (Lead Solicitor)

### **Others in attendance:**

There were 7 members of the public present and one member of the press.

## **P.59 APOLOGIES FOR ABSENCE**

Apologies for absence were received for this meeting from Councillor Parkinson.

## **P.60 DECLARATIONS OF INTEREST**

There were no declarations of interests made from members with regard to items on the agenda for this meeting.

## **P.61 DEPOSITED PLANS AND APPLICATIONS**

**Item 1 - DM/0803/24/FUL - 21 Signhills Avenue,  
Cleethorpes**

Mr Dixon introduced the application and explained that it sought retrospective planning permission to erect a single storey rear extension with roof lantern and to infill an existing side window with associated works. Mr Dixon explained that the application had previously been brought before the Planning Committee due to a call in from Councillor Parkinson, and at that meeting it was deferred by the committee in order to allow for a site visit to take place. Mr Dixon said that the application site was located within the development boundary of Cleethorpes and policy 5 of the local plan allowed for the proposed works as long as the works would not have a detrimental impact. He said that the extension was considered to be of a reasonable scale and appearance, and extensions were common features in residential areas. Mr Dixon said that the extension could not be viewed from the street and therefore there was no impact to the street scene or the character of the area. He said that objections to the application had been considered and lots of work had been done with the applicant. Mr Dixon said that there would be no undue massing as a result of the development and the impacts of any overshadowing were considered to be minimal. He said that an informative regarding sustainable drainage methods for the managing of the surface water runoff from the extension had been included as part of the application. Mr Dixon stated that the works would not cause an adverse impact to the amenity of neighbouring properties. He said that the application was a retrospective application with most of the works completed. Mr Dixon explained that the planning system allowed for retrospective applications, and such applications need to be determined on their planning merits whether retrospective or not. He said that the application was in accordance with policies 5, 22 and 34 of the North East Lincolnshire Local Plan and was therefore recommended for approval with conditions.

Mr Moorcroft spoke as the applicant for the application. He outlined the timeline of events that had occurred which had led to the planning application being submitted retrospectively. Mr Moorcroft stated that had he known he didn't initially have planning permission, he wouldn't have started the works. He said that if the application were granted by the Planning Committee, he would finish the rendering and guttering. Mr Moorcroft apologised to the Planning Committee and reiterated that he wouldn't have submitted the planning application retrospectively had he known that he didn't have planning permission initially.

Councillor Lindley said that he was pleased members went on a site visit as you didn't always see everything in photos. He said that when visiting the site, he saw how far the extension came out, and that the extension was quite large and dwarfed other extensions by quite some way. Councillor Lindley said that the extension was done to a high standard but was very large. He said that he had concerns regarding the gap between the two properties and that there was no rendering, and he did not think it would be possible to render the right side of the wall. Councillor Lindley said that there was some PVC in the roof to stop the water, but when looking up, you were able to see daylight which showed that there were

gaps. He stated that he was not convinced that water wouldn't be able to run down. Councillor Lindley said that he was not a fan of retrospective applications and whilst there had been a mix up between the applicant and the builder, that was not a consideration for the Planning Committee. He said that he didn't think the development was in keeping with the immediate area and the development was huge when compared to other properties. Councillor Lindley said that were the house to be detached, he might have thought differently but as it was, it didn't fit well. He said that he had been minded to refuse the application at the last meeting, and that in his opinion nothing had changed. Councillor Lindley said that he would not propose a motion yet and would listen to the debate. He said that it would be unfortunate if the application were to be refused as there would be costs involved, but the Planning Committee had to do the right thing and follow the rules. Councillor Lindley said that he did appreciate the circumstances of the situation, as explained by the applicant.

Councillor Bright queried how it was determined whether any overshadowing was acceptable or not acceptable and whether that was a subjective determination.

Mr Dixon responded that the issue of overshadowing was subjective. He said that right to light was a legal right. Mr Dixon said that it had been determined that the development would not affect light even though the development would be higher than the neighbouring conservatory.

Councillor Bright said that he had sympathy for the objector. He said that when he viewed the area on Google Maps, he could see other extensions. Councillor Bright said that extensions were not unusual for the street. He stated that planning officers had also said that there were no issues with the development. Councillor Bright said that he appreciated the objector's concerns, but householders did extend their properties. He said that he saw no issue with the application but would listen to the rest of the debate.

Councillor Hudson said that the development was single storey and the building was almost on the existing line. He said that people often extend their properties, and he was struggling to understand the issue. Councillor Hudson said he believed had there been an application prior to the works commencing, it would have been approved. He stated that there were no issues regarding loss of light, and that the development would look better when rendered. Councillor Hudson said that the development fitted in nicely. He proposed that the application be approved.

Councillor Patrick said that the site visit was very useful. He said that he didn't feel the development would affect anyone's quality of life. Councillor Patrick said that in terms of keeping with the area, he didn't think the development would be detrimental to the street scene. He said that over time, there had been extensions built, and it was not unknown to the area. Councillor Patrick said that he didn't think the development would have a long-term impact and he wasn't convinced that it would affect neighbours. He stated that he did have concerns regarding the gap, but that was not

enough to justify voting against the application. Councillor Patrick said that he was minded to support the proposal of approving the application.

Councillor Shutt said that the reason for the planning process was to avoid such issues. He said that whilst he understood there had been some confusion, the applicant was ultimately responsible. Councillor Shutt said that the site visit had been worthwhile, and he understood Councillor Lindley's point and he wished there was more space for rendering to be done properly. He stated that an application being submitted retrospectively was not a material reason to object. Councillor Shutt said that he had been slightly against the application at first, and had spoken to the neighbour and could sense her frustrations. He said that he now was slightly edging towards supporting the proposal to approve the application. Councillor Shutt said that the extension was not out of character with the area as there were other extensions in the area too.

Councillor Goodwin said that she hadn't been able to attend the site visit, and she was only seeing the officer's photos for the first time. She said that when she looked at the extension, she couldn't see what was wrong with it and it reminded her of a previous application which had been approved. Councillor Goodwin said that she couldn't understand why the application had been brought before the Planning Committee. She stated that the applicant had also tried to work with the neighbours. Councillor Goodwin seconded the proposal to approve the application.

RESOLVED - That the application be approved with conditions

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

## **Item 2 - DM/0991/24/FULA - 99 Humberston Avenue, Humberston**

Ms Loring introduced the application and explained that it sought planning permission to erect two storey and single storey extensions to the rear and to erect a detached garage and garden store. She said that the application also sought planning permission to erect a detached self-contained annexe in the rear garden. Ms Loring stated that the application had been brought before the Planning Committee due an objection from Humberston Village Council. She said that the application site was located within the development area of Humberston and policy 5 of the local plan allowed for the proposed development as long as it would not have a detrimental impact. Ms Loring said that the design of the development was considered acceptable, and that the nature of the development along with the positions proposed were not unusual in a residential setting. She said that the existing property had significant grounds which could accommodate the level of the development proposed without harm. Ms Loring said that the majority of the proposed development would also be screened from the street and would therefore not be detrimental to the street scene or the character of the area. She said that some neighbours had objected to the application. Ms Loring

said that due to the separation distances, screening, nature of the works and the attached conditions it was considered that the proposed development would not result in any negative impacts to the neighbour's residential amenity in relation to massing, overshadowing or overlooking. She stated that a condition had also been included as part of the application regarding construction hours and this would protect neighbours during the construction phase. Ms Loring said that the issue regarding commercial use of the annexe had been raised but the annexe was only to be used for domestic purposes and a condition had been included as part of the application ensuring that. Ms Loring said that the council's drainage officer had reviewed the application, and a sustainable drainage condition had been added. She said that there were Tree Preservation Orders on the application site, but these would not be affected as a result of the proposed development and an informative had been included as part of the application at the request of the council's trees and woodlands officer suggesting that there be some planting to the rear boundary. Ms Loring said that there would be no changes to the access of the application site and the council's highways officer had raised no objections to the application. She stated that the application was in accordance with policies 5, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan and sections 12, 14 and 15 of the National Planning Policy Framework. Ms Loring said that the application was therefore recommended for approval with conditions.

Mr Snowden spoke as the agent for the application. He said that the host property had large gardens, and the application sought to modernise the property. Mr Snowden said that some neighbours had raised concerns about overlooking, but the application drawings had been amended and the window could be obscured. Mr Snowden stated that a condition regarding drainage had been agreed. He said that there were no objections from any technical consultees.

Councillor Hudson said that the proposed development would clearly be an improvement to the current building. He said that the garage would be nicely screened, and he had no issues with the annexe. Councillor Hudson said that he was pleased there would be obscured glass in the window. He proposed that the application be approved.

Councillor Bright said that he was pleased that the application was not for another backland development. He said that the proposed development would be significant but not excessive. Councillor Bright said that the existing house was one of the smaller ones in that ward. He stated that he was happy with the responses to issues such as overlooking and drainage. Councillor Bright seconded the proposal to approve the application.

Councillor Pettigrew queried whether the fire service had been consulted regarding the highways.

Ms Loring said that the annexe would be used for ancillary domestic purposes, and whilst there was a distance between the annexe and the house, the annexe was not a separate house.

Councillor Pettigrew said that if the annexe was not covered by conditions, surely people shouldn't be sleeping in there.

Mr Dixon responded that building regulations would apply but the issue was that granting approval for an annexe was not the same as granting approval for a separate residential unit. He said that an informative could be included with the application.

Councillor Pettigrew stated that he wanted the informative added to the application as sometimes elderly people used annexes and he wanted the issue of fire safety addressed.

Councillor Shutt said that he agreed with Councillor Pettigrew and he had raised a very important point. He said that he had no other issues with the application and would support the proposal of approving the application.

Councillor Hudson and Councillor Bright agreed to the informative being added to the application.

RESOLVED – That the application be approved with conditions

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

### **Item 3 – DM/0988/24/FUL - Plot To The Rear Of 18 Brigsley Road, Waltham**

Ms Loring introduced the application and explained that it sought planning permission for the erection of a detached bungalow and the creation of vehicular access from Laburnum Close. She said that the application was a resubmission of a previously approved application under DM/0851/22/REM, in which that approval expired in November 2024. Ms Loring said that the application had been brought before the Planning Committee due to an objection from Waltham Parish Council. She stated that there had also been an objection to the application from a neighbour. Ms Loring said that the application site was located within the development boundary of Waltham and policy 5 of the local plan allowed for the proposed development as long as it would not have a detrimental impact. She said that the application site was also not located in an area at risk of flooding. Ms Loring explained that the principle of the development had been established through the initial planning application DM/0704/19/OUT and through the subsequent reserved matters application DM/0851/22/REM, which both had now lapsed. She said that the design of the proposed bungalow was considered to be acceptable and would reflect the area. Ms Loring said that the detached bungalow would be positioned behind an existing

property but would be accessed from Laburnum Close and would therefore form part of that street scene. She explained that the scale of the proposed development would not be out of character with the area and there were no issues regarding design. Ms Loring said that a new driveway would be created and would provide off street parking provision and a sufficient turning area. She stated that the council's highways officer had raised no objections to the application. Ms Loring said that a condition had been included with the application requiring that a Construction Traffic Management Plan be agreed. She said that the council's drainage officer had raised no objections to the application. Ms Loring said that the properties surrounding the site were well separated from the site and the proposed development could be achieved without there being a detriment to neighbouring properties or the host property. She stated that the application was in accordance with policies 5, 22, 33, 34 and 42 of the North East Lincolnshire Local Plan and sections 5 and 12 of the National Planning Policy Framework. Ms Loring said that the application was therefore recommended for approval with conditions.

Mr Nelson spoke as the agent for the application. He said that the previous reserved matters application had expired in 2024. Mr Nelson said that the application had been brought before the Planning Committee due to an objection from the parish council. He said that the principle of development at the site had been established. Mr Nelson said that nothing had materially changed in terms of layout and that the application was for a modest bungalow, with a turning area and there would be two off-street car parking spaces. He asked the Planning Committee to approve the application.

Councillor Shutt said that the site had previous approval and he didn't see a reason not to like the application. He said that an objection had been raised regarding traffic, but there would be direct sight, and he didn't see an issue regarding traffic. Councillor Shutt proposed that the application be approved.

Councillor Hudson said that the proposed development would be a nice end to the cul de sac. He seconded the proposal to approve the application.

Councillor Lindley said that it was a nice proposal and there was a turning area there that was already utilised. He said that he didn't think the proposed development would have an impact as it was only for one bungalow. Councillor Lindley said that as the proposed dwelling was at the end of the street, he thought the likelihood of those living there using the turning area would be minimal. He stated that it was a small plot and the proposed bungalow would fit in nicely. Councillor Lindley said that he was happy to support the proposal of approving the application.

Councillor Kaczmarek queried whether condition seven would include making sure that all materials or waste would be stored away, as he didn't want anything to be blocking or impeding those wanting to get past.

Mr Dixon responded that details regarding storage were covered under condition seven.

Councillor Bright said that he agreed with what had been said, and he liked that there would be off street parking and a turning point.

Councillor Pettigrew said that the proposed development would be located on a narrow street but that he hoped condition seven would allay any fears. Councillor Pettigrew stated that he saw no reason to object to the application.

**RESOLVED** – That the application be approved with conditions

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

#### **Item 4 – DM/0772/24/TPO – 4 Queens Parade, Cleethorpes**

Mr Dixon introduced the Tree Preservation Order application and explained that it sought permission to cut back a Sycamore Tree. He said that the application proposed to reduce the lateral spread of the east side of the tree but maintain a minimum of a 4m radical arc over the car park of the Waterfront residential complex, from the main stem, cutting back to viable secondary growth points. Mr Dixon stated that the tree was not owned by the applicant but that was not an uncommon situation. He referred committee members to the Supplementary Agenda, which outlined that the owner of the tree had also submitted an application regarding the tree. Mr Dixon said that the application had previously been brought before the Planning Committee due to the number of objections received. He explained that the Planning Committee had subsequently deferred the application in order to allow all parties to have further discussions. Mr Dixon said that whilst discussions had taken place, no solution was agreed and therefore the application needed to be brought back to Planning Committee for determination. He explained that the tree work had been proposed in order to address the bird droppings and amenity issues being caused in the car parking area. Mr Dixon said that previous work had been undertaken to the tree to reduce the canopy. Mr Dixon stated that the visual amenity of the tree and its structure would be maintained and there would be no adverse impact on the wider amenity of the street scene.

Mr Chaplin stated that it was important to note that the canopy spread would not specifically be cut back to 4m from the boundary wall. He said that that was the minimum and the wording of the work specification was clear that it would be cut back to viable secondary growth points. Mr Chaplin said that the proposed works were reasonable.

Mr Dixon stated that the application was recommended for approval with conditions.



Mr Collett spoke in objection to the application. He said that the tree report did outline that the proposed works could harm the tree and lead to damage. Mr Collett said that the extent of the reduction would unbalance the tree and leave it exposed to wind. He said that Tree Preservation Orders were a matter for the Council. Mr Collett stated that the tree was healthy and that bird droppings were not a reason to undertake the proposed works. He said that his proposal would be to maintain the symmetry of the tree which was important with regard to wind. Mr Collett said that if the tree were to be pruned, it would grow back again and again.

Councillor Lindley said that the tree was located within a residential area, and if it was on the public highway, he believed there would be a scheme of maintenance. He said that he thought if the tree was located within the countryside, it wouldn't be as much of an issue, but it was located in a residential area as well as nearby to a busy road in Cleethorpes and the officer's photos showed that there was an overhang onto Queens Parade. Councillor Lindley stated that it appeared in the officer's photos that the tree was covering two thirds of the highway. He said that safety was paramount, and he would like to have seen tree pollarding done to the tree at regular times. Councillor Lindley said that he saw the impact to the highway as an issue. He said that he had concerns about the tree falling particularly when you consider how the weather had been recently. Councillor Lindley stated that the tree needed urgent attention and whilst he didn't like to see trees chopped down, the proposed works were sympathetic to the tree and the council had a duty of care to make sure people were safe and that the tree didn't encroach. He said that he was happy to support the application but would listen to the debate. Councillor Lindley said that something had to be done, and it was a shame that the situation had been allowed to get to the current point

Councillor Kaczmarek queried whether the application was just to deal with the side of the tree in the car park, not the side that was overhanging onto the public highway. He further queried whether the owner's application covered the entire tree.

Mr Chaplin responded that it was true that the current application would only deal with the side of the tree in the car park. He said that the owner of the tree had submitted an application to tackle extended branches. Mr Chaplin said that he would amend wording in order to protect the canopy.

Councillor Kaczmarek proposed that the application be approved.

Councillor Bright sought clarification as to whether the current application was in regard to just one side of the tree or the entire tree.

Mr Chaplin said that the application was not for works to the entire tree.

Councillor Bright said that he was disappointed that no agreed solution had been reached. He said that the tree strategy stated that works to a tree should not be done in order to deal with bird droppings.

Mr Chaplin responded that the tree strategy was a document that outlined how the council should manage their trees and influence private owners of trees. He said that the section regarding bird droppings was in relation to council trees and managing resources. Mr Chaplin said that Tree Preservation Order legislation was about visual amenity and that is what the Planning Committee were considering and whether the proposed works would be detrimental to that amenity. He stated that the proposed works would not be detrimental to the visual amenity.

Councillor Pettigrew sought clarification that there were two applications, one proposing to prune half the tree and the other to prune all of the tree.

Mr Dixon said that the Planning Committee needed to consider the current application. He said that any other applications had to go through due process.

Councillor Pettigrew said that he thought it would be better to consider the entirety of the tree, not just half of the tree.

Mr Chaplin responded that the proposed works would affect less than half of the tree.

Councillor Pettigrew reiterated that he thought it would be better to have an approach to deal with the whole tree. He said that he thought the application should be refused and that the owner of the tree should sort the tree out.

Councillor Shutt said that the application had been deferred so that a solution could be reached that everyone was happy with but that had not happened. He said that the owner of the tree had also now submitted an application. Councillor Shutt said that he was not a tree surgeon but wanted to do the right thing and the tree needed maintenance. He stated that he agreed with Councillor Pettigrew and thought it might be better to refuse the application and allow all parties to look at the situation again.

Councillor Pettigrew proposed that the application be refused.

Councillor Shutt seconded the proposal to refuse the application.

Councillor Goodwin said that she was against the application and had spoken last time when the application was being considered about the possibility of the bins being moved, but that idea seemed to have gone by the wayside. She said that the tree was beautiful and had a Tree Protection Order. Councillor Goodwin said she didn't understand why it needed to be hacked at. She said that she liked Councillor Pettigrew's idea, and thought it was important that officers spoke with the owner of the tree. Councillor Goodwin said that she was concerned that by getting

a tree surgeon in, it could negatively impact the tree. She stated that she would be supporting the proposal of refusal.

Councillor Patrick said that he thought the Planning Committee should focus on the current application and that applications shouldn't be refused to allow other applications to be considered first.

Councillor Pettigrew stated that he wasn't proposing refusal due to their being a new application submitted, but instead due to the impact on the visual amenity.

Mr Thompson said that the Planning Committee had to consider reasons of refusal, and it was questionable to refuse an application in order to give regard to a different application. He said that the Planning Committee had to consider the impact the proposed works would have on the visual amenity and officers had stated that they had no concerns.

Councillor Patrick said that he had previously proposed deferment of the application as he thought that it would allow time for further discussions and for a solution to be agreed. He stated that he had not proposed deferment in order to allow for another application to come through. Councillor Patrick said that he thought the proposed works outlined in the current application were the most sensible approach and he didn't think any other application should be considered during the consideration of a separate application.

Councillor Bright said that it seemed that the tree would have to be cut back a lot to stop the bird droppings. He said that the proposed works didn't seem to solve the problem and if only one side of the tree was being cut back, it would affect the visual amenity of the area.

Mr Dixon said that Tree Preservation Orders mention management. He said that the proposed works wouldn't undermine the tree or the visual amenity of the area and that was the expert advice that had been provided.

Councillor Lindley said that the Planning Committee was sometimes tasked with making difficult decisions. He said that it was a serious issue and people did get concerned about what trees would look like once work was undertaken. He said that trees were maintained in the borough and did grow back. Councillor Lindley said that people shouldn't get too concerned about maintenance work and the tree desperately needed maintenance. He said that the council's tree officer had provided valuable advice, and he would support the application.

Councillor Bright said that the works proposed were not for the whole tree, and what was proposed was not a full tree strategy. He said that council trees get trimmed on all sides and that seemed to be a better solution than just pruning one side of the tree. Councillor Bright said that he agreed with Councillor Pettigrew that a whole tree strategy would be better now and in the long term.

Councillor Shutt queried whether if the current application was approved to deal with the issues in the car park, but then another application was considered and approved, would the proposed works of both applications work together.

Mr Chaplin said that they would work together based on the wording of work specifications. He said that were the current application which was submitted to address certain issues refused so there could instead be a full tree strategy, was he then to refuse other works that were requested to address certain issues.

Councillor Shutt said that he thought a whole tree strategy would make sense, but he took on board officers' advice. He stated that he wanted to remove his second of Councillor Pettigrew's proposal.

Councillor Lindley seconded the proposal to approve the application.

Councillor Pettigrew said that he understood that the Planning Committee had to focus on the current application and that the works proposed were similar to works carried out before. He said that he understood refusing the application might put officers in an awkward position, but it made sense to him to refuse the application based on visual amenity concerns and wait for the other application.

The Chair said that the Planning Committee had to focus on the current application and if the other application was approved, the tree would be lopsided from the other side.

Councillor Goodwin said that she agreed with Councillor Bright and Councillor Pettigrew. She queried whether a condition could be added to the application that the tree surgeon be the same surgeon for the works proposed for current application and the other application.

Mr Chaplin stated that could not be added as a condition.

Councillor Emmerson said that he agreed with Councillor Goodwin, and he thought it would be good to have the same tree surgeon.

Councillor Patrick said that he would prefer to have the tree sorted all at once, but that was not what was proposed. He said that he didn't know why the Planning Committee was debating a different application as that was not relevant for the current meeting.

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

(Note - the committee voted 6 for 4 against for the application to be approved with conditions)

**P.62 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 19<sup>th</sup> December 2024 – 14<sup>th</sup> January 2025

RESOLVED – That the report be noted.

**P.63 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.64 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.65 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 11.39am.