



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Development Control Committee

**Date:** Wednesday, 07 September 2022

**Time:** 18:00

**Venue:** Council Chamber

**Address:** Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

## AGENDA

Open to Public and Press

### 1 **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### 2 **DECLARATIONS OF INTEREST**

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

- 3     **MINUTES**     3 - 10
- To confirm the minutes of the meeting held on the 20 July 2022.
- 4     **APPLICATION 06-22-0197-O - MILL BARN, HEMSBY ROAD, MARTHAM, GREAT YARMOUTH**     11 - 39
- Report attached.
- 5     **APPLICATION 06-22-0415-F - NORTH DRIVE ESPLANADE (ADJ TO NORTH DRIVE CAR PARK), GREAT YARMOUTH**     40 - 56
- Report attached.
- 6     **APPLICATION 06-22-0437-TRE - GREEN SPACE AT JUNCTION OF COAST ROAD AND MANOR GARDENS, HOPTON, GREAT YARMOUTH**     57 - 64
- Report attached.
- 7     **APPLICATION 06-22-0574-TRE - LAND AT KENT SQUARE, GREAT YARMOUTH**     65 - 75
- Report attached.
- 8     **APPLICATION 06-22-0474-TCA - 3 GREYFRIARS WAY, GREAT YARMOUTH**     76 - 81
- Report attached.
- 9     **ANY OTHER BUSINESS**
- To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Development Control Committee

## Minutes

Wednesday, 20 July 2022 at 18:00

### PRESENT:-

Councillor Freeman (in the Chair); Councillors G Carpenter, Fairhead, P Hammond, Hanton, Mogford, Myers, A Wright & B Wright.

Councillor Candon attended as a substitute for Councillor Flaxman-Taylor.

Councillor D Hammond attended as a substitute for Councillor Annison.

Mr M Turner (Head of Planning), Ms C Whatling (Monitoring Officer), Mr R Tate (Planning Officer), Mr M Brett (IT Support) & Mrs C Webb (Democratic Services Officer).

### 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Annison, Flaxman-Taylor, Wainwright & Williamson.

Councillor Candon attended as a substitute for Councillor Flaxman-Taylor.

Councillor D Hammond attended as a substitute for Councillor Annison.

### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

**3 06-22-0197-O MILL BARN HEMSBY ROAD MARTHAM**

The Chairman reported that this item had been deferred.

**4 06-22-0203-F SHERIDAN GROVE, LORDS LANE, BRADWELL**

The Committee received and considered the report from the Planning Officer.

The Planning Officer reported that Sheridan Grove is a detached two storey dwelling accessed via a private drive located to the south of Lords Lane in Bradwell. The dwelling sits on a 0.15ha plot which is similar in size to the neighbouring properties. The private lane is relatively narrow, with planting on both sides it is verdant and tranquil in character. The site is within the development limits.

The annex subject to this application is a detached outbuilding located to the north of the main dwelling. The building was formerly a garage but planning permission was granted in 1991 (06/91/0838/F) to convert this into an annex. Condition 2 of that permission stated the below:

“The granny flat hereby permitted shall only be used by the occupiers of the adjoining dwelling, or their dependants, and shall not be used as a separate dwelling or let separately for holiday purposes”

The reason for the condition is:-

This permission is granted under exceptional circumstances for a form of development not normally permitted by the Local Planning Authority and to enable the Authority to retain control over the use of the site.”

The applicant started using their annex for holiday accommodation during 2021 before being notified in December 2021 that they were operating in breach of condition 2 of 06/91/0838/F. This led to an application (06/22/0001/F) being submitted which was withdrawn due to a lack of information. This application has been submitted with the information that was missing in the previous application.

The application seeks to remove condition 2 of planning permission 06/91/0838/F to allow the annex to be used for holiday accommodation. Information submitted in support of the application describes the annex as “a one-bedroom self-contained bungalow with its own fenced off garden. There is a king size bed, fully fitted kitchen with cooking/eating apparatus, shower room, living/dining room, self-contained garden, and hot tub. The annex is currently advertised on the site Airbnb with a target audience of couples.” No external works are proposed as part of this application.

The Planning Officer reported that the use of the outbuilding as a holiday let will change the character of the use; however, the property is located within the development limits for Bradwell, albeit outside of any defined Holiday Accommodation Areas (protected under LPP2 policy L1). Core Policy CS8 at part (a) supports year-round tourism and at part (e) supports the development of new high quality tourism

accommodation.

The site is located sustainably, being within walking distance to the main facilities within Bradwell. Bradwell is well located and equipped to accommodate an additional holiday let without overwhelming local infrastructure. As such, the application complies with CS08 E encourages holiday accommodation which can be easily accessed and good connectivity with existing attractions.

The Planning Officer informed the Committee that should Members be minded to approve the application then it would be appropriate to impose condition to ensure the use is restricted to holiday use only. Suggested conditions include ensuring use of a log book and a condition ensuring the holiday let remains in the same ownership as the main dwelling.

Members may be aware that sometime holiday uses were historically restricted to seasonal occupation. Whilst there could be many and various reasons for this, it should be noted that the Government's cancelled Circular 11/95 stated that in matters concerning holiday-let or holiday accommodation uses, a condition should simply specify that the permitted accommodation should be used for holiday use only and the convention that a restriction on the period during which a caravan or mobile home may be occupied by reference to a season defined by a date range, to aid enforcement, was only appropriate where a unit is unsuitable for occupation all the year round because of its light construction.

The outbuilding the subject of this application is capable of year round occupancy – as demonstrated by the existing lawful use as a granny annex – as such, a condition restricting occupancy between a date range is not considered appropriate in this case.

The Planning Officer reported that the Parish Council had objected to the application due to the impact on the neighbours. Ward Councillors; Councillors Annison & Hacon had also objected to the application as it went against planning policy CS08, CS09 & Policy L2 of the LPP2 and were covenants on the site which did not allow this to take place. Two letters of objection from local residents have also been received.

The application site is within the development limits of Bradwell and is within walking distance to shops and services. Core Policy CS08 supports tourist accommodation, especially in sustainable locations. Whilst neighbours raise concerns about potential increase in noise and disturbances, as discussed above, the proposed use of the annex as a holiday let is not considered to represent an increase in the intensity of the use compared to the annex use and as such should not give rise to a significantly adverse impact to neighbouring amenity. Furthermore, due to the distance between dwellings and existing level of planting, most disturbances should be adequately mitigated or screened to avoid significant disruption. The applicant has provided the required shadow template HRA and the GIRAMS contribution. As such, the application complies with GSP5 and CS11.

The Planning Officer reported that having considered the details provided, the application is considered to comply with policies CS08, CS09 and CS11 from the adopted Core Strategy, and policies GSP1 and A1 from the adopted Local

Plan Part 2. There are no other material considerations and the application is recommended for approval with the conditions as set out in the report.

Mr Amanat, objector, addressed the Committee and informed them that there was a restrictive covenant on the application site and it was not appropriate to operate a holiday let from this location and he respectfully asked the Committee to refuse the application.

Cllr Hanton asked Mr Amanat what were the adverse effects on the neighbours. Mr Amanat replied that people knocked on his door at all times of the day and night with food deliveries and loud music could often be heard emanating from the property which was disruptive for his family.

Cllr Annison, Ward Councillor, reported that he had huge concerns regarding the application and the removal of condition 2 from the planning permission and asked that Members refuse the application. The change to holiday use would result in many more car movements along a private access road which would impact on the residents quality of life. However, if Members were minded to approve the application, he requested that an additional condition be added that signage to the holiday let be erected in the applicants garden.

Councillor Myers reported that it would be difficult to refuse the application but that he agreed with the additional condition that Ward Councillor Annison had requested.

Councillor A Wright reported that he understood and sympathised with the concerns of the neighbours and local residents and that he too, agreed with the request for an additional condition for signage, but was concerned how this would be policed.

The Head of Planning reported that a management sign would be put in place regarding signage/clear directions to the holiday let. It would be the responsibility of the owner to produce and submit the management plan and to tell the planning department how they intended to manage the situation. However, if this management plan was breached, there was no right of appeal and it would go straight to the Magistrates Court.

Councillor P Hammond informed the Committee that lettings agents were often used who might not enforce the management plan and therefore, the application should remain as it was without the additional condition.

Councillor A Wright suggested that the applicants should be advised to use "what three words" as the postcode was unreliable when entered into a sat nav system as this would take you directly to the holiday let.

Proposer: Councillor Myers  
Seconder: Councillor A Wright.

RESOLVED:-

That application 06/22/0203/F be approved subject to the following conditions; as the application is considered to comply with policies CS08, CS09 and CS11 from the adopted Core Strategy, and policies GSP1 and A1 from the adopted Local Plan Part 2.

1. The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following revised plans received by the Local Planning Authority on the 2nd March 2022:

Site Location Plan: 19-21-GY rev. SLM

And with the revised plan received by the Local Planning Authority on the 19th May 2022:

Existing and proposed block plan - 19-21-GY rev. BP1

The reason for the condition is:-

For the avoidance of doubt

3. The development hereby permitted shall not be occupied at any time other than for use as a single premises of holiday let / rented holiday accommodation, the operation of which shall be ancillary to the use of the dwelling known as Sheridan Grove, Lords Lane Bradwell. At no time shall it be sold, leased or occupied independently from the main dwelling, nor shall the common ownership of the holiday let and main dwelling be severed.

The reason for the condition is :-

To enable the local planning authority to retain control over the development which has been permitted to offer a specific purpose and where the occupation of the premises as a separate dwelling would result in a sub-standard layout of land.

4. The applicant shall maintain a logbook detailing visitors staying at the holiday let and the period of time for which they are staying. The logbook shall be maintained for the duration of the use of the premises as a holiday let, and shall be made available for officers from the Local Planning Authority to view at all times.

The reason for the condition is :-

To ensure the holiday unit is not used as permanent residential accommodation.

5. The applicant shall produce a management plan to promote clear signage and directions to the holiday let.

The reason for the condition is to prevent nuisance to neighbours/local residents. and any other conditions considered appropriate by the Development Manager.



## **5      06-22-0477-A MARINA CENTRE MARINE PARADE GREAT YARMOUTH**

The Committee received and considered the report from the Planning Officer.

This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 13th July 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA (Local Planning Authority) as part of the determination of this application.

The application seeks advertisement consent for 8 signs on and around the new Marina Centre. This includes:

- 1x 1.5m wide by 4.0m high by 0.1m deep free-standing totem
- 1x 1.0m wide by 4.0m high by 0.1m deep free-standing totem
- 2x 1.0m wide by 2.1m high by 0.06m deep free-standing totem
- 1x 13.3m wide by 3.65m high logo sign (south elevation fascia)
- 1x 8.8m wide by 2.4m high logo sign (west elevation fascia)
- 1x 1.8m wide by 7.0m high external branding (west elevation fascia)
- 1x café signage – vinyl applied to glazed facade.

The totem signs are proposed to be located around the car park. These signs will provide basic way finding for visitors and users of the leisure centre. The totems will be fixed to bolt boxes precast in RC concrete footing, and will be formed of aluminium trays and trims, stainless steel skirt and kick plates. The background will be signal blue (RAL 5005) and the text in signal white (RAL 9003).

The logo / letting signs will use the same colour palette as the totem signs, with lettering in signal white. The logo and lettering be in aluminium polyester powder coated finish. Café signs will be vinyl applied to the windows and door of the café, looking out east to the beach.

None of the proposed signs are to be illuminated.

The principal policy for assessing advertisement applications within the Borough is adopted policy A3 from the Local Plan Part 2. This states:

"In assessing advertisement proposals in terms of amenity, regard will be given to the local characteristics of the neighbourhood in terms of potential impact upon the scenic, historic, architectural, landscape or cultural settings, and whether it is in scale and in keeping with these features.

In assessing advertisements in terms of public safety, consideration will be given to the advertisement's potential to become hazardous to users of paths, roads, rail, waterways and aircraft."

The Planning Officer reported that the signs are well positioned and relate to the existing building, utilising the same colour palette and ensuring use of higher quality materials. Having considered the details provided, the application is considered to accord with policies CS09 and CS10 from the adopted Core Strategy, and policies A1, A3, E5 and GY6 from the adopted Local Plan Part 2. It is considered that the application be recommended for approval subject to



conditions as set out in the report.

Proposer: Councillor P Hammond

Seconder: Councillor Hanton.

**RESOLVED:-**

That application 06/22/0477/A be approved as the the application is considered to accord with policies CS09 and CS10 from the adopted Core Strategy, and policies A1, A3, E5 and GY6 from the adopted Local Plan Part 2, subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following revised plans received by the Local Planning Authority on the 19th of May 2022:

Site Plan Sheet 1: GYH&FC-SBA -ZZ -00 -DR-A -0801 Rev.P01

Site Plan Sheet 2: GYH&FC-SBA -ZZ -00 -DR-A -0802 Rev.P01

South/West Elevations: GYH&FC-SBA -ZZ -XX-DR-A -0821 Rev.C02

Sign Type 01: 002 P04

Sign Type 02: 003 P04

Sign Type 03a: 005 P04

Sign Type 03b: 006 P04

Sign Type 04: 007 P04

Sign Type 05: 009 P04

Sign Type 06: 010 P04

Sign Type 07: 011 P04

The reason for the condition is: -

For the avoidance of doubt.

3. No part of the proposed structures (the totems signs, including any posts and foundations) shall overhang or encroach upon highway land.

Reason: In the interests of highway safety.

4. The proposed signs shall be finished and thereafter retained in non-reflective materials.

Reason: To avoid undue distraction to motorists and to avoid possible resemblance to and confusion with bona-fide road signs.

5. No advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land);

6. No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport;

7. Any advertisement must be maintained in a condition that does not impair the

visual amenity of the site;

8. Any advertisement hoarding, or structure is to be kept in a condition which does not endanger the public; and,

9. If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity.

The reason for the above conditions 5 – 9 is: -

To comply with Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Informative Note:

It is the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls, signs, etc., will not be permitted on highway land. The highway boundary may not match the applicant's title plan. For further details please contact the highway research team at [highway.boundaries@norfolk.gov.uk](mailto:highway.boundaries@norfolk.gov.uk); and any other conditions considered appropriate by the Development Manager.

## **6 ANY OTHER BUSINESS**

The Chairman reported that there was no other business being of sufficient urgency to warrant consideration at the meeting.

The meeting ended at: 20:00

## **Schedule of Planning Applications**

**Committee Date: 7<sup>th</sup> September 2022**

Application No: 06/22/0197/O - [Click here to see application webpage](#)

Site Location: Mill Barn, Hemsby Road, Martham, Great Yarmouth, NR29 4QQ

Site Location Plan: See Appendix 1

Proposal: **Outline application (with full details of access only) for the demolition of an existing barn and the construction of a new dwelling and new vehicular access/highway improvements.**

Applicant: Mr H Alston, Billockby Hall, Billockby, Great Yarmouth NR29 3BE

Case Officer: Mr R Tate

Parish & Ward: Martham Parish

Date Valid: 28-02-22

Expiry / EOT date: 15-09-22

Committee referral: At the discretion of the Head of Planning Services

## **RECOMMENDATION: REFUSE**

## **REPORT**

### **1. The Site**

- 1.1 The site comprises an unused pasture field with a single structure, a disused agricultural barn, adjacent Hemsby Road at its eastern end. The site measures an area of 0.77ha.
- 1.2 Mill Barn is an early 19<sup>th</sup> century red brick barn located on the west of Martham Road in Hemsby. The brick barn is situated at the frontage of the site adjacent to the highway edge and immediately abutting a bend in Hemsby Road.
- 1.3 Whilst inside the Parish of Martham, the barn lies outside of the village development limits and is within the open countryside. The site is approximately 1km from the village centre. To the south of the barn is Mill Farm House, and to the north is a small cluster of dwellings with a mix of circa 1930s semidetached dwellings to the west and a smattering of bungalows closer to the barn.

## **2. The Proposal**

- 2.1 The application is an outline application (with full details of access only) for the demolition of the existing barn on the site and for the erection of a new dwelling. The application also proposes to create a new access to the north of the existing barn, to serve the new dwelling, and associated realigning of the carriageway. The existing access to the south of the barn would be used only for access to the existing dwelling neighbour to the south (notwithstanding that there is an existing access serving that dwelling already).
- 2.2 Being an outline application with full details of access only, the details of landscaping, design, scale and layout are not being assessed as part of this application and would remain as reserved matters.

## **3. Site Constraints**

- 3.1 Outside Development Limits as defined by GSP1.
- 3.2 Within the 'Nutrient Neutrality' Catchment Area of the Trinity Broads SAC network.
- 3.3 Within the Orange 400m to 2.5km Indicative Habitat Impact Zone for purposes of GIRAMS.

## **4. Relevant Planning History**

- 4.1 The table below shows the planning history for the barn over the last 16 years:

Application	Description	Decision	Decision Date
06/20/0605/O	Outline application to relocate existing barn conversion with replacement dwelling, set back and including new access	REFUSED	05-03-21
06/15/0777/F	New dwelling with cart style garage	REFUSED DISMISSED ON APPEAL	16-02-16

			18-11-16
06/14/0572/F	Proposed new dwelling	REFUSED	31-12-14
06/11/0495/CD	Conversion of barn to dwelling, relocation of entrance & formation of paddock - Discharge Condition No's: 3,4,5,6&7 PP 06/08/0136/F	Conditions approved	09-08-11
06/08/0136/F	Conversion of barn into a dwelling, relocation of main vehicle entrance and formation of paddock	APPROVED	12-08-08
06/06/0099/F	Change of use of rural building to residential	REFUSED	04-04-06

- 4.2 Planning permission 06/08/0136/F approved the conversion of the existing barn into a single dwelling. All pre-commencement conditions were discharged within the 3 year time limit as part of discharge of conditions application 06/11/0495/CD.
- 4.3 The applicant has made reference to the implementation of the permission for the conversion of the barn (not the demolition and replacement) which was granted on 12 August 2008). The applicant has the opportunity to apply for a Certificate of Lawfulness if he wishes to establish whether this permission has been lawfully implemented. He has not done so and the Authority is not in a position to make comment regarding the implementation of the planning permission. It is considered that the relevance of this previous permission is limited, however, as it related to a conversion (which could still be policy compliant) and not the demolition.
- 4.4 Since the barn conversion was approved in 2008, there have been three applications to demolish the barn and construct a new dwelling on the site. Application 06/15/0777/F was a delegated refusal which was appealed, the appeal was dismissed by the Planning Inspectorate with the Inspector concluding that a new dwelling on the site would have a harmful urbanising impact, more-so than retaining the existing barn or converting it. The Development Plan has changed since that time, although the principle is considered to remain the same.

4.5 The application refused in 2021 (06/20/0605/O) was refused for the below summarised reasons:

1. The barn is not in a habitable condition so the application cannot be considered as a replacement (contrary to saved 2001 local plan policy HOU20 A).
2. The proposal would be for a net new dwelling in the countryside, within an unsustainable location (contrary to saved 2001 local plan policies HOU07 and HOU10 and 2015 Core Strategy policies CS1 (e) and CS2).
3. The loss of the barn would result in the loss of local historic and architectural value and result in the loss of a prominent feature in the landscape (Core Policy CS09 G).
4. It had not been demonstrated that the applicant has control over sufficient land to provide adequate visibility splays at the site access (Contrary to Core Policy CS16).
5. Inadequate information was provided with the application to demonstrate whether or not the development would have an adverse effect on species protected by law, i.e. bats and nesting birds (contrary to Core Policy CS11); and,
6. No Habitat Monitoring and Mitigation Strategy (HMMS) payment was received (Contrary to Core Policy CS11).

4.6 Since then of course the local development plan context has changed through the replacement of the 2001 Local Plan with the Local Plan Part 2, adopted December 2021. The concerns about the principle of development and impact on historic character remain, as will be assessed later in the report.

## **5. Consultations**

### **Statutory Consultees**

<b>Consultee: Local Highways Authority (Norfolk County Council)</b>	<b>Response: no objection subject to conditions</b>
<p>Comments:</p> <p>Subsequent to the previous application (refused), the LHA have discussed highway matters and access with the applicant, the results of which have been encompassed in the current application.</p> <p>The application refers to an extant planning consent for residential use of the barn, although possibly there is a clarification in planning terms as to what actually constitutes residential use. Accordingly, I am minded that in highway terms any trip generation from the barn at present, [would be] ancillary to the main use and unlikely to be akin to full residential use, albeit I have to take into consideration current approved use(s).</p> <p>As I advised the applicant, I do have reservations in terms of not providing visibility fully in accordance with current guidance as clearly it is an important factor in terms of highway safety. However, clearly the visibility to the critical traffic direction (south-east of the proposed access) has been demonstrated in accordance with current guidance.</p> <p>In terms of the visibility to the non-critical direction, I understand there is no possibility of securing a S106 Agreement with the landowner to secure the visibility and that is clearly a matter of fact. However, at present, the absence of any hedge or boundary feature along the field boundary does afford visibility and in the absence of any boundary feature there is a realistic expectation that visibility is achieved and would be maintained..</p> <p>I am also minded that the proposals include highway improvements in terms of the widening of the carriageway and clearly this does provide betterment and will ease a pinch point that could presently lead to conflicts. I also consider that the [existing] road environment does help to constrain vehicle speeds and that the improvements proposed to widen the road are unlikely to significantly alter vehicle speeds due to the gradient and location of the speed limit terminal signs. Therefore, given the critical visibility is achieved, I am prepared (in this case) to consider a relaxation in the non-critical direction.</p> <p>Whilst minded not to offset one highway safety improvement and create another, having regard to the above and the fact that the proposal is for only one property, on balance I consider that the proposals in this case would not have a severe detrimental effect on the highway network or highway safety, and as such it would be difficult to sustain an objection in that respect or to defend an objection at Appeal.</p>	
<b>Officer comment / response:</b>	The Highways Officer's comments are noted.



	<p>The visibility splay cannot be maintained in perpetuity because the land in question falls outside of the applicant's control and no S106 Agreement has been proposed by the applicant (which would require the second land owner's agreement).</p> <p>It is of note that the Appeal Inspector reflected on the suggestion of highway safety in his decision and stated –</p> <p>“there is little substantive evidence before me that the barn has been struck by passing traffic and the Local Highway Authority has not suggested it is essential to demolish the barn in the interests of local highway safety. This is even though such a cause of action may be supported locally given perceived concerns with the bend and the findings of the road safety audit. “</p> <p>The Inspector and the Local Highway Authority appear to agree that the existing barn and the road environment limit speeds and do not cause an unsafe highway environment. There is little to suggest that the visibility splays in either direction outside the site can be secured in perpetuity. Therefore the matter of whether the small extent of widening the carriageway as proposed in this development offers genuine highway safety improvement seems to be very limited although it must be taken to be a material consideration in favour of the proposal, albeit the weight afforded to such a consideration is equally and significantly limited.</p>
Any relevant Condition / Informative note?	Should members wish to approve the application contrary to the Planning Officer recommendation then the conditions suggested by the Highways Officer should be imposed on the grant of any permission.

<b>Consultee: Public Rights of Way</b>	<b>Response: No objection</b>
<p>Comments:</p> <p>Based on the information currently available this application is unlikely to result in an objection as although Martham footpath 20 is in the vicinity, it does not appear to be affected by the proposals.</p>	

<b>Officer comment / response:</b>	n/a
Any relevant Condition / Informative note?	n/a

<b>Consultee: County Ecologist</b>	<b>Response: No objection</b>
<p>Comments:</p> <p>The sHRA (shadow HRA) uses the current GIRAMS fee of £185.93 per dwelling as laid out in Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy 2021.</p> <p>sHRA has confirmed that there are no concerns about Nutrient Neutrality as wastewater will be joined to mains that discharge outside of area of concern and that rainwater drainage is absorbed using soakaways.</p> <p>Recommended biodiversity conditions should the application have been recommended for approval</p>	
<b>Officer comment / response:</b>	These issues are explored further in sections 16, 17 and 18 of the committee report
Any relevant Condition / Informative note?	n/a

## Internal Consultees

<b>Conservation Officer</b>	<b>Response: OBJECTION</b>
<p>Comments:</p> <p>The current application is supported by a Heritage Statement which concludes that 'Mill Barn is not considered to be of sufficient importance in itself, or to make a level of contribution to the wider historic landscape that would preclude it's demolition to facilitate development of the study site.' (10.3, page 18)</p> <p>The report suggests that by preserving the footprint, scale and massing of the barn, the proposed design would refer to the former use and history of the existing building.</p>	

The barn has a historic and evidential value - its location, positioning, historic materials, and vernacular design contribute to the local character and distinctiveness. The date stone further speaks of the local history referring to former activities and owners. The building has been altered and the original thatched roof has been replaced with corrugated asbestos sheets, however, its traditional architectural features are still evident and refer to the history and vernacular tradition of the area.

The proposed demolition would erase the authentic qualities of the barn and diminish its historic integrity. The Conservation section considers that the contribution this building makes to the local character and history should be taken into account. The barn has distinctive traditional features, and it is recommended that the building is preserved and further enhanced, rather than demolished.

There aren't any substantial construction issues specified in the Heritage Statement and supported by a structural engineer [to suggest conversion should be precluded]. (NPPF, Paragraph 203)

For the reasons mentioned above, Conservation Officers cannot support the proposed demolition. We recommend that other options are reviewed, such as the conversion of the barn and its reuse which would aim to sustain and enhance its historic significance and contribution (NPPF, Paragraph 197) (NPPF, Paragraph 203).

**Officer comment / response:**

The barn can be considered as a non-designated heritage asset. NPPF Paragraph 203 requires that when determining applications that affect "non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." In agreement with Conservation Officers, it is considered the loss of the barn would result in the loss of a non-designated heritage asset and this harm would not be sufficiently off-set by the very limited nature of the public benefits of the development, which are considered to consist only of the very limited extent and effect of the highway works.

Any relevant Condition / Informative note?

n/a

**Strategic Planning**

**Response: General Comments in relation to Public Open Space**

Comments:

**Policy H4**

This LPP2 policy requires new residential development to make provision for publicly accessible recreational open space where there is an identified deficit in local provision (defined by ward). As the development is under 20 dwellings, such provision will only feasibly be met off-site. An assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the West Flegg Ward has been carried out based on the Open Spaces Needs Assessment (2013) and Sport, Play and Leisure Strategy (2015) improvements to the provision of the following types of open space are required to support the development:

- Outdoor Sport
- Play space
- Parks and Gardens
- Accessible Natural Greenspace

There are no local deficiencies of informal amenity space and Allotments, therefore improvements to the provision of these spaces are not required to support this development.

Therefore, on the basis of the above the Borough Council would expect a full off-site financial contribution of at least £1,523.10.

<b>Officer comment / response:</b>	The contribution of £1,523.10 has now been paid to address policy H4.
Any relevant Condition / Informative note?	n/a

## 6. Publicity & Representations received

Consultations undertaken: Letters to neighbours and Site notices

### Ward Member – Cllr Andy Grant

Representation	Officer Comment	Relevant Condition /Informative
For the record I and virtually the entire population of Martham are in favour of this so unless its recommended for approval then I'd like it called to the next appropriate development control meeting please.	No planning reasons or justifications have been given by Cllr Grant in support of the application.	n/a

## Parish Council

Representation	Officer Comment	Relevant Condition /Informative
No objection	n/a	

## Public Representations

At the time of writing, 1 public comment has been received from a neighbouring resident.

### Comment / observations:

Representation	Officer Comment	Relevant Condition /Informative
We live in the property adjoining the site. We do not object to the proposal to relocate the barn, subject to satisfactory treatment of the boundary between the site and our property. We would want the existing hedgerow retained. Also, we would want an opportunity to comment on the details of the development before they are considered for approval so that we can avoid overlooking/privacy problems; or access problems. If the barn is to be converted to residential use, then moving it further back into the site seems a sensible proposal as it should improve visibility on the road.	The application is outline with full details of access only, but should it be approved then the statutory consultations would have to be carried out on any reserved matters application(s).  The hedge between the barn and the neighbouring property – which is not of high amenity value - does not require removal in order for the visibility splays to be met. The hedge could be retained by virtue of planning condition on any permission granted.	n/a

## 7. Relevant Planning Policies

### The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future

- Policy CS2: Achieving sustainable growth
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets
- Policy CS11: Enhancing the natural environment
- Policy CS16: Improving accessibility and transport

### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

- Policy GSP1: Development Limits
- Policy GSP5: National Site Network designated habitat sites and species impact avoidance and mitigation
- Policy GSP8: Planning obligations
- Policy A1: Amenity
- Policy A2: Housing design principles
- Policy H3: Housing density
- Policy H4: Open space provision for new housing development
- Policy H5: Rural worker dwellings
- Policy H8: Replacement dwellings outside of the development limits
- Policy E4: Trees and landscape
- Policy E5: Historic environment and heritage
- Policy E7: Water conservation in new dwellings and holiday accommodation
- Policy I1: Vehicle parking for developments
- Policy I3: Foul Drainage

## **8. Other Material Planning Considerations**

### **National Planning Policy Framework (July 2021)**

- Section 2: Achieving sustainable development
- Section 4: Decision Making
- Section 5: Delivering a sufficient supply of homes
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

## **9. Planning Analysis**

1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that

applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to—*
  - (a) the provisions of the development plan, so far as material to the application,*
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
  - (b) any local finance considerations, so far as material to the application, and*
  - (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

### Main Issues

The main planning issues for consideration include:

- Principle of development
- Landscape Impact
- Heritage
- Highways
- Amenity
- Biodiversity
- Impact on Designated Sites
- Nutrient Neutrality

### **Assessment:**

#### **10. Principle of Development**

- 10.1 The application site is located outside of the development limits, and policy GSP1 states that development will not be supported outside of the development limits except where:



- a. it comprises agricultural or forestry development;
  - b. it comprises the provision of utilities and highway infrastructure; or
  - c. specific policies in the Local Plan indicate otherwise.
- 10.2 Core Policy CS02 supports conversions/replacement dwellings/buildings and schemes that help to meet rural needs. Policy H7 expands upon this and identifies when the residential conversion of buildings of heritage or landscape value outside the Development Limits would be supported. As such, the question of whether the 2008 permission is extant is irrelevant as the conversion of the existing barn would likely be supported by current policies in principle. What is not supported, is the demolition of a building of landscape/heritage value and the erection of a new dwelling.
- 10.3 Regardless of whether the proposal is assessed as a 'replacement' dwelling or as a new dwelling it would not be supported by policy. Indeed, this is acknowledged by the applicant's agent, as in the supporting statement they write: "consequently, the applicants acknowledge that the application proposals do not accord with the development plan". Instead, they argue that material considerations – i.e. the highways works – outweigh the conflict with the development plan. This will be assessed in section 11 of this report.
- 10.4 For the avoidance of doubt and for clarity, the principle of both a 'replacement' dwelling and a new dwelling will be assessed below:

#### Principle of a replacement dwelling

- 10.5 The agent has argued that this application should be considered as a replacement dwelling on the basis that the barn should be considered a current dwelling. As noted earlier on in the report, the LPA has not taken a position on whether the 2008 permission has been implemented / whether permission remains extant for conversion of the barn.
- 10.6 Members are reminded that unless a dwelling has been used for residential occupation, then it cannot be taken to be a dwelling and therefore this application cannot be considered to be a "replacement dwelling", as there is no dwelling to be replaced.

- 10.7 Given the foregoing, Officers do not consider that the application can be considered against the Local Plan Part 2 policy H8 on 'replacement dwellings in the countryside'.

Furthermore, policy H8 from the Local Plan Part 2 only supports replacement dwellings in the countryside where the following strict criteria all apply:

- a. *The existing dwelling is not a building of architectural or historical value which makes a positive contribution to the locality;*
- b. *The dwelling being replaced has a current lawful permanent residential use and has not been abandoned;*
- c. *The replacement dwelling's scale, siting and design, and any extension of its curtilage:*
  - *would not harm the character of the surrounding area or any protected landscape, habitat, species or heritage assets; and*
  - *would not have a significant adverse effect on the amenities of neighbouring occupiers or the effective operation of nearby businesses; and*
- d. *Any increase in bedrooms would not have an adverse impact on road safety or the free movement of traffic on any road of strategic network significance.*

- 10.8 Policy H8 requires all the above criteria (a)-(d) to be satisfied to be compliant in principle with the policy. Notwithstanding Officer's position that policy H8 is not engaged by this proposal, if comparing the application against the policy H8 criteria were necessary, the following commentary may prove helpful:

- The application would not comply with policy criteria H8(a) for reasons discussed later in this report as the barn is of historic value and should be considered a non-designated heritage asset.
- Nor would it not comply with H8(b) because there is no dwelling at the site which would be replaced, and no confirmed lawful residential use at the site. The existing barn is overgrown with vegetation and clearly it is not occupied and nor is it in a state to be occupied.
- Being an outline application with no matters other than access proposed, it cannot be considered to address criteria H8(c).

Notwithstanding the 'neutral' highways authority position in respect of criteria H8(d) it is considered clearly unreasonable to consider this application a 'replacement' dwelling as the barn has not been converted yet and policy H8 cannot be considered to be engaged. Accordingly so, the application must be treated as a net new dwelling.

## Principle of a new dwelling

### *Type of Residential Development*

- 10.9 Martham is a well served village and is the largest Primary Village in the Borough. It has seen extensive development in recent years and continues to play an important role in housing supply within the Borough, with Policy MA1: Land north of Hemsby Road, Martham, designating land for approximately 95 homes, for example.
- 10.10 The development limits defined by policy GSP1 have been drawn tightly around the existing settlement and the sites designated for development. This is to ensure that all new dwellings are as sustainably located as possible, with access to shops, services and employment through public transport, and safe and convenient cycle and walking routes.
- 10.11 The site is outside of the defined development limits. Both the Core Strategy and Local Plan Part 2 make it clear that land outside of the defined Development Limits is 'countryside', where development will be limited to conversions, replacement dwellings and schemes that help to meet rural needs (such as those permissible under adopted Local Plan Part 2 policy H5).
- 10.12 This approach to enabling sustainable development whilst maintaining limited but advantageous growth in Countryside locations is set out in Core Strategy policies CS1(a) and CS1(e), CS2 and Local Plan Part 2 policies GSP1 and H5. Policy GSP1 makes clear that new housing growth in inaccessible locations with no facilities is not sustainable nor consistent with Core Strategy policy, and should not be permitted. It states:
- "Development will not be permitted on land outside of Development Limits except where:*
- a. it comprises the use and development of land associated with agriculture or forestry;*
  - b. it comprises the provision of utilities and highway infrastructure; or*
  - c. specific policies in the Local Plan indicate otherwise."*

- 10.13 Those specific policies for the use of land in countryside locations are set out in Local Plan Part 2 policy H5, which states: *"New permanent dwellings outside of the Development Limits for full-time rural workers in agriculture, forestry, or other land-based rural business will be permitted"*. None of these criteria are met by this proposal.
- 10.14 Policy CS2 sets out the principles for the location of new residential development in the Borough so that strategic issues such as infrastructure needs can be considered at an early stage - and provides its definition of the settlement hierarchy and describes its role in supporting text paragraphs 4.2.10 and 4.2.14. No information has been provided to suggest that the proposal should be assessed against policy H5.

#### *Accessibility And Suitability of Location*

- 10.15 The nearest footpath is located 145 metres to the north-west of the site. This footpath leads into the village proper although it is not lit. As such, future residents would have to walk for 145 metres along a relatively busy C road. This would likely be unwelcoming and unattractive for pedestrians and likely lead to journeys by car into the village. It should also be noted that apart from the medical centre, most facilities in Martham are located in the village core, as such it is likely that people would have to walk for a kilometre to get to the nearest shop. The nearest bus stop is 600+ metres away, notably further than the recommended maximum distance of 400m.
- 10.16 The LPA does not consider the application site to be isolated in terms of the definition adopted by NPPF paragraph 80, as it is in close proximity to a cluster of other dwellings and buildings. However, it is located within the countryside and is distant to services and inaccessible by means other than the private car.
- 10.17 It is recognised that Paragraph 105 of the NPPF acknowledges that there are differences between sustainable transport options in rural and urban locations; however, the site is distant from key services and facilities and disconnected from those. Further dwellings in this location would not support the aims of CS01 regarding sustainable development.

- 10.18 As such, the principle of a new dwelling in this location would not be supported. Given that, regardless of whether the proposal is viewed as a new dwelling or a replacement, the application is not supported by policy.

### Self-Build

- 10.19 The supporting statement claims that “the proposal could provide the benefit of a self-build opportunity” without demonstrating whether the applicant was on the self-building register or any other evidence to indicate that this would indeed be a self-build, nor offering any mechanism to confirm that it would be developed only as a self-build dwelling (such as proposing a section 106 agreement charge on the land for example). Even if this were the case, however, it should be noted that the Borough Council has met its self-build and custom housebuilding needs from the last four years through existing permitted sites. This represents 35 entries on Part 1 of the Register. A further 6 have been entered for year 7 (to date). The Borough Council, therefore, has evidence of a relatively low need for this type of housing and that it can easily satisfy its duty to meet this level of demand. Moreover, appearance on the self-build register does not mean that development should take place in unsustainable locations contrary to the aims of the development plan.
- 10.20 A recent appeal from Threeways, Burgh Castle (APP/U2615/W/20/3253503) is highly relevant to this; at Paragraph 11 the Inspector concluded that *“the benefits of a self-build property do not override the locational concerns.”* The same is considered relevant in this case.

## **11. Access, Traffic and Highways impacts**

- 11.1 The conclusion of the supporting statement agrees with the assessment that the development is contrary to the Development Plan stating “consequently, the applicants acknowledge that the application proposals do not accord with the Development Plan”. As members will be aware, proposals should be assessed against the Development Plan unless material considerations deem otherwise. In this instance, the argument has been put forward by the applicant that the highways works represent a public benefit that would outweigh the conflict with the development plan.

- 11.2 The application is in outline and the only detail herein is for the means of vehicular access (together with local highways improvements). The application includes: visibility improvement works plan; Small Highway Works plan; and a Stage 1 Road Safety Audit-report. These demonstrate that the site/proposed development can be safely accessed, and thus address the previous reason for refusal in 06/20/0605/O.
- 11.3 The Local Highways Authority (Norfolk County Council) whilst raising no objection, did note that they had “reservations in terms on not providing visibility fully in accordance with current guidance” although were happy to allow a relaxation in this case as the road environment does help to constrain vehicle speeds and that the improvements proposed to widen the road are unlikely to significantly alter vehicle speeds due to the gradient and location of the speed limit terminal signs. As such, the proposed positioning of the new access is not considered to be unacceptable.
- 11.4 The primary justification for the demolition of the existing barn is that it would provide a public benefit through removing a pinch point in Hemsby Road, and therefore reduce the potential for vehicle conflict. The proposal also intends to realign the carriageway edge to ‘smooth’ the inside corner.
- 11.5 The Local Highway Authority has not suggested it is essential to demolish the barn in the interests of local highway safety. The Planning Inspectorate also noted the barn does not present a highway safety hazard.
- 11.6 Whilst the realigning of Hemsby Road may provide some minor benefits in reducing the potential for vehicle conflicts by widening the road, the highway officer notes that those benefits may not have any noticeable overall effect, stating: “that the improvements proposed to widen the road are unlikely to significantly alter vehicle speeds”.
- 11.7 A similar justification for demolishing the barn was given in the 2015 application which was then dismissed on appeal (APP/U2615/W/16/3155815). In the Inspector’s decision, he finds that *“Furthermore, there is little substantive evidence before me that the barn has been struck by passing traffic and the Local Highway Authority has not suggested it is essential to demolish the barn in the interests of*

*local highway safety. This is even though such a cause of action may be supported locally given perceived concerns with the bend and the findings of the road safety audit” before going on to conclude that “the circumstances advanced by the appellant would not amount to special circumstances that would otherwise justify an isolated dwelling in the countryside.”*

- 11.8 There is nothing to justify why the works which the Inspector concluded were not sufficient enough to justify the loss of the barn previously would now outweigh the policy conflict. The highway works proposed through road widening and improved visibility, are not considered to offer significant enough public benefit to justify demolition of the barn and the associated heritage harm that causes, nor is it a material consideration significant enough to justify the conflict with adopted development plan policy vis a vis creating a new dwelling in the countryside.

## **12. Landscape Impact**

- 12.1 Concerns were raised in the previous refused application about the impact that the demolition of the barn would have on the surrounding landscape due to its prominent position in the street scene and appearance in key views. The reason for refusal on 06/20/0605/O referenced that a Landscape Impact Assessment had not been provided as part of the application.
- 12.2 The Barn is located within the Landscape Character Area identified as the East Flegg Settled Farmland. This area occupies the north eastern part of Great Yarmouth Borough, abutting the Broads Authority Executive Area Boundary to the north and to the south. Ormesby Broad and associated carr woodland create the southern backdrop to the character area. The area forms part of the landscape setting of the Broads. The character area includes the settlement of Martham to the west and is contained to the east by Winterton-on Sea. The boundaries of the area are defined primarily by drift geology and by the extent of arable cultivation, with farms associated with former landed estates.
- 12.3 A Landscape Impact Assessment has been provided as part of this application. This summarises that in landscape and visual terms, the barn does not constitute a significant landscape feature, and the proposed development would thus cause no harm to local distinctiveness, nor be detrimental to the character of the area.



- 12.4 This view is noted but is not accepted by Officers. The barn may not be the most prominent feature in the landscape but it does play an important role as a traditional form of building in the landscape that is common for this part of Norfolk. The glimpses and views of the barn from the approach from Hemsby reinforce the rural setting and off-set the creeping urbanisation of Martham in the countryside. The previously-dismissed appeal in 2016 noted that a new dwelling and demolition of the barn would create an increased urbanising effect as well.
- 12.5 The loss of the barn and a new dwelling set back further on the site would remove this vernacular barn from the landscape, increase the intensity of the built environment, and would be contrary to adopted policy CS09 G.

### **13. Heritage**

- 13.1 The barn dates from the early 19<sup>th</sup> century, most likely constructed between 1812 and 1841, and is built from vernacular materials. Whilst the (most likely) original thatched roof has been replaced by corrugated sheeting and more modern fenestration on the east facing wall, the barn is still of its time and is considered to be a non-designated heritage asset.
- 13.2 The Heritage Statement submitted in support of the application describes the barn as:
- “aligned NNW-SSE with its eastern elevation fronting directly onto Hemsby Road. The barn is of brick construction. Both gable ends of the building utilise English bond brickwork with elements of tumbling in. The western elevation uses a mix of English bond and English garden wall bond (there are two areas, one near the top and one near the base of the wall, where three rows of stretchers are utilised). The original roof covering has been lost and is now covered with corrugated asbestos, however, the original timberwork roof structure appears to survive largely intact with nailed knee braces supporting the tie-beam.”
- 13.3 The barn has a historic and evidential value - its location, positioning, historic materials, and vernacular design contribute to the local character and distinctiveness. The date stone further speaks of the local history referring to former activities and owners. The building has been altered and the (likely) original thatched roof has been replaced with corrugated asbestos sheets, however, its

traditional architectural features are still evident and refer to the history and vernacular tradition of the area. The proposed demolition would erase the authentic qualities of the barn and diminish its historic integrity.

- 13.4 The Heritage Statement concludes that the barn is of limited historic significance, noting “in terms of the values that make up the significance of Mill Barn, the loss of internal arrangements and the loss of fixtures and fittings severely limit the evidential value of the surviving building as, other than basic plan form, there is nothing surviving which makes any contribution to the understanding of the development and function of the building. The building does not display any aesthetic value, either in terms of architectural embellishment, purposeful design or fortuitous experience.”
- 13.5 It is agreed that the barn is not the finest example of a red-brick barn but that is not to say that it does not retain a degree of local historic significance; its historic value need not come only from architectural embellishment but also equally important is the role it played in the local area and the traditional use of materials, forms and techniques. The brick work and timber roof structure are in relatively good condition.
- 13.6 In the Inspector’s decision (Appeal Decision APP/U2615/W/16/3155815) he noted that:

“Nevertheless, the demolition of the barn would harm the historic and architectural significance of this structure as it would be reconstructed in a new location. This would dilute the policies for the effective re-use of rural buildings. Recycling the existing materials and detailing would not mitigate for this inherent failing and there is nothing to suggest the existing building could not be converted with a robust landscaping scheme.”

The application is for outline permission only so the layout, scale and design of the proposed new dwelling is not being assessed as part of this application. The site plans make reference to the barn being of the same footprint and set back 14 metres – but this is not able to be secured by this permission. Regardless, as established by the Inspector in 2016, the loss of the historic fabric would not be mitigated through any potential reuse of existing materials in the new dwelling.

- 13.7 Adopted policy E5 states:

*“Proposals which involve the loss of non-listed buildings/structures which either make a positive contribution to the significance of a conservation area or are non-designated heritage assets will only be permitted where:*

- a. the building/structure is structurally unsound and beyond feasible and viable repair for reasons other than deliberate damage or neglect; or*
- b. all measures to sustain the existing use or find an alternative use/user have been exhausted and the building risks falling into dereliction.”*

No structural survey has been submitted to demonstrate that the barn is incapable for conversion, either for financial or structural reasons. Moreover, there is no evidence of the applicant attempting to prevent the barn from falling into disrepair, with the only apparent action being repeated applications over the last 8 years to demolish it.

- 13.8 NPPF Paragraph 203 requires that *“when determining applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

In this instance, the proposal would represent the total loss of the heritage asset, which has significance through its traditional features and form.

- 13.9 As such, the application is contrary to policies E5, CS10 and paragraph 203 from the NPPF.

## **14. Amenity**

- 14.1 The supporting statement notes that the existing barn has “not proved as attractive to the market in the intervening period as had been envisaged, principally because of the offputting situation of an otherwise most attractive home being hard against the adjacent road (on a sharp bend), and the constraints presented by the proximity of the adjacent highway.” However, this is not a Planning reason to approve an application.

- 14.2 Adopted policy A1 expands on CS09 F to ensure that no significantly harmful amenity issues occur, including: *overlooking and loss of privacy; loss of light and overshadowing and flickering shadow; building and structures which are overbearing; nuisance, disturbance and loss of tranquillity from waste and clutter,*

*intrusive lighting, visual movement, noise, poor air quality (including odours and dust); and vibration.* The application is in outline and these matters would be considered at the Reserved Matters stage. However, the proposal has the ability to comply with this policy.

## **15. Public Open Space**

15.1 LPP2 policy H4 requires new residential development to make provision for publicly accessible recreational open space where there is an identified deficit in local provision (defined by ward). As the development is under 20 dwellings, such provision will only feasibly be met off-site. An assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the West Flegg Ward has been carried out based on the Open Spaces Needs Assessment (2013) and Sport, Play and Leisure Strategy (2015) improvements to the provision of the following types of open space are required to support the development:

- Outdoor Sport
- Play space
- Parks and Gardens
- Accessible Natural Greenspace

There are no local deficiencies of informal amenity space and Allotments, therefore improvements to the provision of these spaces are not required to support this development. Therefore, on the basis of the above the Borough Council would expect a full off-site financial contribution of £1,523.10 to address the public open space requirements and impacts of the development in line with policy H4.

15.2 The applicant has now provided the financial contribution to ensure compliance with policy H4.

## **16. Habitats Regulations Assessment (HRA)**

- 16.1 The application site is within the Orange 400m to 2.5km Indicative Habitat Impact Zone and proposes the introduction of one net new dwelling. As such, a shadow template HRA and a contribution to the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) of £185.93 is needed.
- 16.2 The applicant has provided the financial contribution to ensure compliance with policy GSP5, and are able to address the habitat regulations mitigation requirements, in respect of the GIRAMS recreation impacts on designated sites. This is deemed suitable and confirmed as such by the County Ecologist.

## **17. Ecology and Biodiversity**

- 17.1 The barn by the very nature of its condition, age and form is a prime candidate for nesting species. A reason for refusal on the previous outline application was that there was insufficient information submitted with the application to assess the impact of the development on protected species.
- 17.2 An ecology report has been submitted alongside the application. This found that the barn provides several potential roosting features for bats (e.g. gaps and cracks in the external masonry) and behind a water tank inside the barn. An old bird's nest was discovered inside and evidence of recently nesting stock dove were observed. Two nocturnal surveys were carried out during June and July 2021. A day roost of brown long-eared bats was observed during the second survey on 21/07/21 where four bats were observed flying internally within the barn and crawling behind the water tank. The surrounding site was used by low numbers of foraging common pipistrelles and noctule bats.
- 17.3 The report concludes that should the application be approved then the works to demolish Mill Barn will result in the loss of a brown long-eared bat day roost therefore, will need to be completed under an EPS mitigation licence. The biodiversity enhancement for the site should include: the installation of at least two starling boxes. The mitigation provision for bats will be determined as part of the licence. Recommendations have also been made in regards to gapping-up the northern boundary hedgerow with native species to enhance the exiting defunct hedgerow.

- 17.4 As such, the previous reason for refusal has been overcome in that the appropriate protected species reports have been undertaken, and the impacts could be addressed by planning conditions if needs be, and so the previous reason for refusal need not be repeated.

**18. Drainage and Nutrient Neutrality**

- 18.1 The proposed site is located within the catchment area of the Trinity Broad (Broad SAC). Alongside all other local planning authorities in Norfolk, the Council has received a letter from Natural England on nutrient pollution in the protected habitats of the Broad Special Area of Conservation and Ramsar site. The letter advised that new development comprising overnight accommodation such as new housing development within the catchment of these habitats has the potential to cause adverse impacts with regard to nutrient pollution. The only way to avoid these impacts in Great Yarmouth is to ensure new development connects to the mains sewer system which is connected to Caister pumping station, so an application would have to demonstrate that the site can be linked to the Anglian Water mains sewer and that the sewer does in turn discharge via Caister.
- 18.2 A drainage strategy has been submitted which confirms that there is an Anglian Water (AW) foul water sewer in Hembsy Road just north of the proposed development site. This provides an obvious connection location for the proposed residential dwelling's foul drainage system. The closest manhole to the development is AW MH 5902 which has a cover level of 15.43mAOD (from the topo. survey) and an invert level of 13.57mAOD (from the AW records). The invert level is deep enough to allow a gravity connection into this manhole.
- 18.3 The submitted HRA assesses the impact of the proposal on the nutrient loads of the Broad SAC and concludes that as foul drainage will be via Caister pumping station there will not be a significant adverse effect. This HRA is deemed suitable and has been confirmed as such by the County Ecologist.
- 18.4 If the application were to be considered favourably, any permission would need to be subject to conditions requiring connection to the public sewer to address the possible nutrient neutrality impact.

**Local Finance Considerations**

- 18.5 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

## **19. The Planning Balance**

- 19.1 The removal of the barn and minor widening of the road would open up the corner in the road, reducing the potential for direct vehicle conflict. This would provide a minor public benefit although the Local Highways Authority have not suggested that the removal of the barn is necessary and nor has evidence been provided to suggest that the barn is regularly struck by passing traffic.
- 19.2 The effect of the widening could be very small, and vehicle speeds would be unlikely to be reduced. The proposed highways works are therefore considered a very negligible public benefit.
- 19.3 The loss of the barn would have a harmful effect on the landscape as the barn is a traditional feature and the glimpses offered on the approach from Hemsby play an important role in reiterating the character of the West Flegg countryside.
- 19.4 The loss of the barn would also cause significant harm to the local historic environment given there is value in the existing barn and the loss of historic fabric would be detrimental due to its existing display of traditional materials and building techniques which would not be suitably replaced in the new dwelling.

- 19.5 The proposal does not constitute a replacement dwelling as the existing barn is not in residential use nor is it in a state that is fit for habitation. The proposal represents a new dwelling in an unsustainable, countryside location, with poor accessibility by means other than the private car, being contrary to policies CS01, CS02, and GSP1.

## **20. Conclusion and Recommendation**

- 20.1 Having considered the details provided, the application is considered to fail to comply with policies CS01, CS02, CS09, CS10 and CS11 from the adopted Core Strategy, and policies GSP1, H8, E4 and E5 from the adopted Local Plan Part 2. This is not disputed by the applicant's agent.
- 20.2 The highways works proposed are considered to be negligible and not a public benefit which would be sufficient to outweigh the conflict with policy and harm to the landscape and historic environment. There are no other material considerations to suggest the application should be recommended for approval contrary to the provisions of the adopted development plan and national guidance and the expectations of the national planning policy framework.

### **RECOMMENDATION:**

It is recommended that application 06/22/0197/O should be REFUSED, for the following reasons:

- 1) The application has been submitted as a replacement dwelling. The existing barn has not been converted to a residential dwelling and is not in a habitable condition. As a result, the proposal cannot be considered as a replacement dwelling and thus fails to comply with Policy H8 of the Great Yarmouth Local Plan Part 2 (2021).
- 2) The site is located in an unsustainable location remote from schooling, town centre shopping, health provision, and has restricted employment opportunities with limited scope for improving access by foot and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport. The site has a lack of safe pedestrian access to the local amenities within the



village and therefore it is considered that there would be a reliance on the private car for future occupants of the proposed development. The site is not, therefore located to minimise the need to travel and is not in a sustainable location for new development. As a result, the proposed development is contrary to policy, conflicts with the aims of sustainable development and does not satisfy the requirements of Policies CS1 and CS2 of the Great Yarmouth Local Plan Core Strategy (2015) and Policy GSP1 of the Great Yarmouth Local Plan Part 2 (2021).

- 3) The barn is of local historic and architectural value and is a prominent feature in the landscape; its location, positioning, historic materials, and vernacular design contribute to the local character and distinctiveness, and it can be considered as a non-designated heritage asset. The loss of the barn would contribute to eroding the rural character, and a new dwelling would be out of keeping with the character and appearance of the surrounding rural area, and would represent an unacceptable intrusion of built form in this countryside location. It would not make a positive contribution to the local character and distinctiveness of the area. Its removal therefore would result in the loss of this historic value which would not be mitigated by the recycling of the existing materials in a new dwelling on the site. The minor highways improvements proposed in the application do not outweigh the level of harm cause to the non-designated heritage asset. The proposal is, therefore, contrary to Policies CS9 and CS10 of the Great Yarmouth Local Plan Core Strategy (2015) and Policies E4 and E5 of the Great Yarmouth Local Plan Part 2 (2021).
- 4) The site is located outside of any defined settlement boundary, is not allocated and is not supported by any specific Development Management policy which allows for development outside of the development boundary. As such, the application is contrary to the adopted development plan and the proposal does not offer overriding benefits or other material considerations to suggest that the application should be determined positively contrary to the conflict with the development plan.

## **Appendix:**

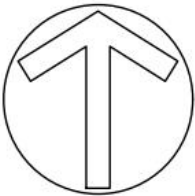
### **1. Site Location Plan**



LEGEND

APPLICATION SITE BOUNDARY

ADDITIONAL LAND OWNED BY APPLICANT



**PRELIMINARY DRAWING:**  
This drawing is for preliminary purposes only and must not be read as a construction issue. the design is not fixed and design changes are likely

P1	01/10/20	ISSUED FOR PLANNING	PW	PP
Rev	Date	Description	By	Check

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All dimensions are in metres unless stated otherwise.  
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Do not thaw layers that have been frozen.

Client	BILLOCKBY FARMS LTD.
Project	MILL BARN HEMSBY ROAD MARTHAM
Title	LOCATION PLAN

Scale @ A3 1:1250	Status FOR PLANNING
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Date 28/09/2020	Job Number 0101	By PW	Checked By PP
Drawing No. C-100		Revision P1	

## **Schedule of Planning Applications**

**Committee Date: 7<sup>th</sup> September 2022**

Application Number: 06/22/0415/F - [Click here to see application webpage](#)

Site Location: North Drive Esplanade (adj to North Drive Car Park), Great Yarmouth

Site Location Plan: See Appendix 1

Proposal: **Construct 43 no. beach huts with associated supporting foundations, retaining wall and new 1.1m hairpin fencing; change of use, conversion and alterations to eastern side of Pavilion into an amenity block for beach huts; removal of existing vegetation and 7 concrete/timber benches**

Applicant: Great Yarmouth Borough Council

Case Officer: Mr R Tate

Parish & Ward: GY Central/Northgate Ward

Date Valid: 21-06-22

Expiry / EOT date: 15-09-22

Committee referral: This is a 'connected application', where the Borough Council is applicant.

Procedural note: This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 13<sup>th</sup> July 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

**RECOMMENDATION: APPROVE subject to conditions.**

## **REPORT**

### **1. The Site**

- 1.1 The application site is located off North Drive in Great Yarmouth and includes ~190 metre part of The Esplanade behind the basketball courts and North Drive Car Park. Also included in the site is the North Drive Pavilion building and the footpath linking The Esplanade to North Drive.

- 1.2 Whilst still part of the Great Yarmouth Sea Front area, as defined by policy GY6, this part of the sea front is outside of the Golden Mile and has a quieter and less commercial feel. To the western side of North Drive sit the historic hotels and this part of the sea front also includes the Venetian Waterways.
- 1.3 The Esplanade is approximately 7 metres wide and apart from the regular benches is unobstructed. The Esplanade is separated from the carpark and basketball courts by a concrete plank fence, planting (including shrubbery and palm trees) and a grassed strip. This planting helps to soften the edge of the car park and distracts from the expanse of paved surfaces.
- 1.4 The site is within the Seafront Conservation Area No. 16
- 1.5 The beach is approximately 230 metres wide at this point so the beach huts will be outside of any defined coastal erosion epoch.

## **2. The Proposal**

- 2.1 The proposal seeks to remove the existing concrete plank fencing, 7 benches and planting, to install a concrete pad of 4.2m width and then install 43 no. beach huts. The concrete pad will be retained behind a wall constructed of facing brickwork and a hairpin top fence 1.1m high is proposed to be installed on top of the brick wall, behind the beach huts.
- 2.2 The beach huts are separated to form five blocks (1 block of 7 huts and 4 blocks of 9 huts), with the existing footways between The Esplanade and the car park retained. The Beach Huts will have 2 x 3 metre footprints and be constructed out of timber. There will be glazing to the doors. The beach huts will be of traditional form with a pitched roof and a variety of colours.
- 2.3 The Beach Huts would be available for sale on a long lease with an annual ground rent, with the Council to build and dispose of individual huts. This will allow the Council to have control over the design and colour of the huts.

- 2.4 The application also includes converting the eastern side of the North Drive Pavilion into an amenity block purely for the use of hirers or owners of these beach huts. This would include a WC, disabled WC, hand wash and baby change facilities together some small storage areas for items needed for the day to day running of this facility. The external alterations would include bricking up existing door openings and creating a new door.

### 3. Site Constraints

- 3.1 No.16 Sea Front Conservation Area.
- 3.2 Great Yarmouth Sea Front as defined by policy GY6.
- 3.3 Flood Zone 3.

### 4. Relevant Planning History

- 4.1 No relevant planning history.

### 5. Consultations

#### Statutory Consultees

Consultee: Environment Agency		Response: NO OBJECTION
Thank you for your consultation which was received 22 July 2022. We have reviewed the documents submitted and can confirm we are removing our holding objection.		
Officer comment / response:	A holding objection was initially raised because due to lack of a Flood Risk Assessment which was subsequently addressed by the applicant  A Flood Response Plan has been submitted to identify what actions need to be taken in the event of a flood event. This should be made available to people using the beach huts before they begin using them.	
Any relevant Condition / Informative note?	<ul style="list-style-type: none"><li>• No use of the site for overnight accommodation.</li><li>• The flood advice and emergency procedures should be provided to all users prior to use.</li></ul>	

<b>Consultee: Local Highways Authority (Norfolk County Council)</b>	<b>Response: No objection</b>
Comments: The proposals do not have any highway implications, and no objection is raised.	
<b>Officer comment / response:</b>	n/a
Any relevant Condition / Informative note?	n/a

### **Internal Consultees**

<b>Consultee: Environmental Services</b>	<b>Response: “No comment”</b>
<b>Officer comment / response:</b>	n/a
Any relevant Condition / Informative note?	n/a

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<b>Consultee: Strategic Planning Officer</b>	<b>General Comments</b>
<p><b>Location and principle of development</b></p> <p>The proposed beach huts are to be located along a stretch of the North Drive Esplanade, immediately adjacent the North Drive Car Park. The location of the existing Pavilion buildings, which is to be partly altered, is set behind the proposed beach huts, south of the aforementioned car park. The site area is situated within the Development Limits (GSP1), Great Yarmouth Seafront Area (GY6) and Seafront Conservation Area (CS10, E5).</p> <p>The proposal should be considered in the context of Policies CS8 and GY6 which seek to encourage new, high quality tourist facilities/attractions which help to encourage year-round tourism. The proposal is within close walking distance of existing attractions, including the Winter Gardens, restaurant and dining opportunities along North Drive and many others along the ‘Golden Mile’ a short distance away. With no other beach huts in the vicinity, the proposal would likely provide a complimentary ‘draw’ for the existing attractions, helping to enhance the overall tourism offer across the year.</p>	

The formation of the amenity block within the existing Pavilion building provide a complimentary facility for the beach huts and would bring back toilet facilities, albeit for restricted public use, within the area.

The proposal is in an area of high (tidal) flood risk. Whilst 'beach huts' are not classified under the Planning Practice Guidance's Flood Risk vulnerability classification,. Their use (which excludes sleeping accommodation) and intended functional design (i.e. near to the beach) would be classified under 'water-compatible development'. Such development is considered appropriate within areas of high flood risk, and would not require sequential or exception testing under Policy E1.

<b>Officer comment / response:</b>	The principle of beach huts in this location is supported as they will contribute to the tourist attraction facilities and the economic investment created both directly and indirectly are considered to outweigh the relatively low level of 'less than significant harm' caused to the Conservation Area and other nearby heritage asset settings.
Any relevant Condition / Informative note?	n/a

<b>Consultee: Conservation Officer</b>	<b>Response: Requires further details</b>
Comments: We request specifications for the new door and railings to be installed at the south elevation of the existing pavilion.	
<b>Officer comment / response:</b>	Property & Asset Management have confirmed that "Both the door and railings to the pavilion will match the existing ones in style and finish which were fitted to the west side building of the building in 2013". Planning Officers consider this to be appropriate.
Any relevant Condition / Informative note?	n/a

<b>Consultee: Coastal Protection Officer</b>		<b>Response: No objection</b>
<b>Officer comment / response:</b>	Please see Officer Report section 14.	
Any relevant Condition / Informative note?	n/a	

## 6. Publicity & Representations received

Consultations undertaken: Site notice and Press advert

Reasons for consultation: Development is within a Conservation Area

## 7. Public Representations - At the time of writing 2 public comments have been received:

**Objections / Concerns: None**

**Support:**

Representation	Officer Comment	Relevant Condition /Informative
I am delighted to support this application as I think if these Beach huts are carefully managed and maintained they will be a great enhancement to the seafront and will help to improve the image of Great Yarmouth seafront similarly to what has happened in Gorleston	n/a	n/a

## Objecting

Representation	Officer Comment	Relevant Condition /Informative
<p>I am aware that beach huts are to be built on the promenade on North Drive.</p> <p>I would like to register my concerns about how this would constrict the size of the walk way to users particularly many who use mobility scooters. I fear</p>	The beach huts will be located on a new concrete pad sited on the position of the existing planter features at the	n/a



<p>that an accident may occur resulting in someone going off the wall.</p> <p>As you will see in the photo I am forwarding showing the huts at Gorleston, people place chairs etc in front of the huts which creates, in my view, a hazard for other members of the public.</p> <p>Please also think about the scooters that are available to the public as they too regularly use the promenade along with cyclists. Maybe restrictions should be put in place and at least warning signs should be shown.</p> <p>It would be a good idea for the council to monitor the area for a short while to be sure on the safety aspect of the proposed huts.</p> <p>Would it not be possible to put them on the sand below the wall?</p>	<p>back of the current promenade, so will not in themselves obstruct the existing area used as a promenade footway.</p> <p>There are no planning control mechanisms available to restrict chairs on the promenade, although it should be noted that the removal of the benches does free up some width. Use of the promenade footway is a licensing matter.</p>	
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## 8. Relevant Planning Policies

### **The Great Yarmouth Core Strategy (adopted 2015)**

- Policy CS08: – Promoting tourism, leisure and culture
- Policy CS09: – Encouraging well-designed, distinctive places
- Policy CS10: – Safeguarding local heritage assets
- Policy CS11: – Enhancing the natural environment

### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

- Policy GSP1: Development Limits
- Policy L2: New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas
- Policy E3: Protection of open spaces
- Policy E4: Trees and landscape
- Policy E5: Historic environment and heritage

## Other Material Planning Considerations

## National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- NPPF Paragraph 8
- NPPF Paragraph 111
- NPPF Paragraph 130
- NPPF Paragraphs 159-167
- NPPF Paragraph 195
- NPPF Paragraph 197
- NPPF Paragraph 199
- NPPF Paragraph 200
- NPPF Paragraph 201
- NPPF Paragraph 202

## **9 . Planning Analysis**

1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
  - (a) the provisions of the development plan, so far as material to the application,*
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
  - (b) any local finance considerations, so far as material to the application, and*
  - (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

## Main Issues

The main planning issues for consideration include:

- Principle of development
- Heritage and Character
- Amenity
- Landscaping
- Coastal erosion risk
- Tidal Flood Risk

## **Assessment:**

### **10. Principle of Development**

- 10.1 Core Strategy Policy CS8, parts d), e) and j), in particular, seek to enhance the tourist offer in terms of facilities and its relationship to the surrounding area. This proposal has the potential to offer facilities increasing the quality and variety of facilities to Great Yarmouth as a coastal resort. This approach is reiterated in Local Plan Part 2 (LPP2) policy L2. The proposed beach huts would sit outside of the Golden Mile but within an area of a quieter type of attraction – such as the Venetian Waterways.
- 10.2 The Esplanade provides an area of open space that is well used for recreation, including by runners, walkers and families. Adopted LPP2 Policy E3 seeks to protect such open-spaces, only allowing development where the proposal is ancillary to the space and will add to the value and function of the local open space to the benefit of amenity or the local community. In this case, the beach huts will be sat off The Esplanade itself behind where the existing concrete fence is, as such allowing for the full width of the Esplanade to be used.
- 10.3 The huts have been designed without a veranda at the front. However, any impact on The Esplanade is likely to be negligible and as such, the loss of a small proportion of the defined open space is acceptable in this location.
- 10.4 The changes to form the amenity block within the Pavilion do not raise any policy concerns.

### **11. Heritage and Character**

- 11.1 The site is located within the No 16 Sea Front Conservation Area. The decision maker has a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure there is special attention paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Furthermore, NPPF paragraph 202 states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.* It is considered that the level of harm to the conservation area and any other designated heritage assets would be less than substantial, and so any favourable decision on this application would need to be satisfied that the level of public benefit provided is sufficient to outweigh the level of harms caused.

- 11.2 Beach huts are a traditional seaside attraction and providing the design and materials are satisfactory, they are an appropriate form of development in the area. The beach huts add vibrancy and have a positive contribution to the character of the area, but it is not considered necessary to condition the final colour scheme of the beach huts as variety in the final appearance will ensure that the beach huts contribute to the seaside character of the Conservation Area.
- 11.3 The five sections of beach huts are not aligned centrally to the section of the Esplanade adjacent the car park; whilst this may look undesirable in plan view, in person / ‘on the ground’ it is considered that this would not have an adverse effect on the Conservation Area.
- 11.4 The existing concrete fencing runs the entire length of the North Drive Esplanade. This is utilitarian and unattractive. The proposed replacement black hairpin fencing which will sit ~4.2 metres further west than the existing fencing, behind the proposed beach huts, will be an improvement and a more sympathetic fencing treatment.
- 11.5 The changes to the North Drive Pavilion building are relatively minor and only relate to the installation/removal of windows and doors and the installation of a disabled ramp. These changes will not materially change the appearance of the building or adversely impact the wider character of the Conservation Area. As confirmed with the agent, the new door(s) will match the existing.

- 11.6 Subject to conditions, the proposal is considered able to be compliant with policies CS09 A and CS10 and the additional beach huts will have a positive contribution to the Conservation Area and wider beach setting.

## **12. Amenity**

- 12.1 Adopted LPP2 policy A1 expands on policy CS09 F to ensure that no significantly harmful amenity issues occur, including *overlooking and loss of privacy; loss of light and overshadowing and flickering shadow; building and structures which are overbearing; nuisance, disturbance and loss of tranquillity from waste and clutter, intrusive lighting, visual movement, noise, poor air quality (including odours and dust); and vibration*. Given the distance to dwellings, none of these are expected to occur, and the potential for impacts between beach huts or with other users of the Esplanade are considered limited.
- 12.2 It is recommended that a condition is imposed to prevent overnight accommodation use, to ensure that the huts are not used as living accommodation in the future. This is also required as the application has been assessed on the basis that the proposal would generate no overnight accommodation and therefore no Habitats Regulations Assessment (HRA) or contribution to the county-wide mitigation (GIRAMS) scheme has been submitted as part of this application.
- 12.3 A condition is also required to ensure the amenity block is made available to serve these new huts prior to their first use. This is to ensure that users will have adequate facilities available to them whilst visiting.

## **13. Landscaping**

- 13.1 Behind the existing concrete fencing there is a line of planting, mostly consisting of shrubs and palm trees. Whilst not being particularly visible from the beach side of the concrete fence, they do soften the edge of the car park and concrete basketball courts, something that grass alone would not achieve.
- 13.2 The loss of the concrete wall and replacement with a hairpin fence and colourful beach huts will improve somewhat the situation but would still represent a 'hard' edge to the car park and the loss of visual amenity and some albeit limited biodiversity.

- 13.3 A landscaping plan has been submitted which includes some limited tree planting ( 4no. Acer pseudoplatanus 'Spaethii) as well as planting beds 2m wide behind each block of beach huts. A variety of planting is proposed and this should help to soften the edge of the car park and provide sufficient amenity value. The application would comply with LPP2 policy E4.

#### **14. Coastal erosion and coastal change**

- 14.1 Survey data is available from the Anglian Coastal Monitoring Programme for the time period from 2011 to 2021, for a beach profile towards the northern extent of the proposed beach hut frontage. This shows that the sandy foreshore fronting the site of the proposed beach huts is extremely wide, being a width of approximately 260-270 metres including low-level sand dunes showing relative stability up to approximately 180 metres seawards from the promenade. A more active zone of beach movement has been recorded seawards of this point, including a zone which sits within the range of predicted low and high tides at this location. The profile also shows that the height of the sandy and low-level sand dune foreshore is above the predicted highest astronomical tide, up to a point approximately 230-240 metres seawards of the promenade.
- 14.2 Given the above information, combined with the nature of the proposed development, no objection is being raised to this planning application on coastal erosion grounds, as on a normal, day-to-day basis sea water does not come near or reach the promenade due to the presence of the extremely wide foreshore comprised of a sandy beach and low-level sand dunes. In extreme, rarer, storm surge events it may be possible for sea water to reach the promenade, initially from the northern and southern extremities of the proposed beach hut frontage, where the beach is still extremely wide but there are areas of foreshore which whilst being sandy have no low-level sand dunes.
- 14.3 As such there is considered to be minimal risk and the conditions requiring no overnight accommodation will further reduce the risk of being exposed to extreme weather events and/or flooding.

#### **15. Coastal Flood Risk**

- 15.1 A Flood Risk Assessment has been submitted due to the location of the site within Flood Zone 3. The Environment Agency have been consulted on the application and raised no objection – removing their previous holding objection.

- 15.2 The flood risk can be mitigated by use of appropriate planning conditions requiring no overnight accommodation, which reduces the vulnerability of the use. A condition should be imposed to ensure that the beach huts are securely fastened to their bases to ensure they remain in place during a flood event.
- 15.3 A Flood Response Plan has been provided by the agent. The Flood Response Plan demonstrates what appropriate measures will be in place during a flood event and ensure that occupants are aware of the EA early warning system.

### **Local Finance Considerations**

- 15.4 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

## **16. Conclusion and Recommendation**

- 16.1 It is considered that whilst there is a small level of 'less than substantial' harm to the conservation area, the public benefits provided through the improved tourist offer is sufficient to outweigh the level of harms caused. There are no other material considerations to suggest the application should not be recommended for approval, and planning conditions can be used to ensure the satisfactory operation and appearance of the proposed beach huts.
- 16.2 It is considered therefore that the proposal complies with the aims of Policies CS8, CS09 and CS10 of the Great Yarmouth Local Plan: Core Strategy and adopted policies L2, E3 and E5 from the adopted Local Plan Part 2. Subject to securing a

suitable landscape planting scheme, the application would also comply with adopted Local Plan Part 2 policy E4.

### **RECOMMENDATION:**

It is therefore recommended that application 06/22/0415/F should be APPROVED subject to the following Conditions:

Proposed conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details contained in the planning application forms and following drawings received by the Local Planning Authority – *subject to being revised in accordance with satisfying the Environment Agency concerns and including landscaping areas within the proposal:*

- Location Plan: 003A, received on 21 June 2022
- Proposed Plan and Location: 001A, received on 18 August
- Beach hut East and West elevations: 002, received on 21 June 2022
- Beach hut side elevation: 004, received on 21 June 2022
- Beach hut side section: 005, received on 21 June 2022
- Beach hut front elevation: 006, received on 21 June 2022
- Beach hut door section: 007, received on 21 June 2022
- Beach hut front elevation section: 008, received on 21 June 2022



- Beach hut floor plan: 009, received on 21 June 2022
- Pavilion Proposed Elevations: 012, received on 21 June 2022
- Pavilion Proposed floor plan: 013, , received on 21 June 2022
- Proposed Landscaping Plan: 014, received on 18 August 2022.

The reason for the condition is:-

For the avoidance of doubt.

3. No use of the beach huts hereby approved shall take place until the amenity block within the Pavilion Building has first been made available to users of the beach huts approved as part of this permission, and such facilities to be available for use at all times that the huts are in use.

The reason for the condition is :-

In order to ensure permanent availability of the amenity block to users of all of the beach huts on The Esplanade.

4. The beach huts shall be securely anchored to their bases.

The reason for the condition is :-

To ensure they remain in-situ should there be a flood event. To prevent damage to property and the wider environment.

5. The approved planting scheme as shown on plan 014 (received by the Local Planning Authority on the 18<sup>th</sup> August 2022) shall be carried out in its entirety within the first planting and growing season following the first use of the beach huts hereby permitted. For the duration of a period of 10 years from the first use of the beach huts, any trees, shrubs or hedges planted in accordance with the planting scheme which die, are removed or become seriously damaged or diseased shall be replaced in the next immediate planting season with others of similar size and species, unless the Local Planning Authority gives its first written consent to any variation thereof.

The reason for the condition is :-

To ensure a high quality form of development and in the interests of ensuring appropriate visual amenity for the local area and to enhance biodiversity.

6. The beach huts hereby permitted shall not be used for any form of overnight accommodation.

The reason for the condition is :-

In order to allow the Local Planning Authority to retain control over the use of the huts and to minimise the flood risk vulnerability of users of the huts.

7. There shall be no use of any beach hut until a copy of the Flood Response Plan dated 25th July 2022 and received by the Local Planning Authority on the 18<sup>th</sup> August 2022 has first been circulated to and made available to the prospective users of that beach hut, and also displayed within the beach hut. The evacuation response plan shall thereafter remain available in each beach hut and the operation of the beach huts shall thereafter be in accordance with the details of the approved Flood Evacuation Response Plan.

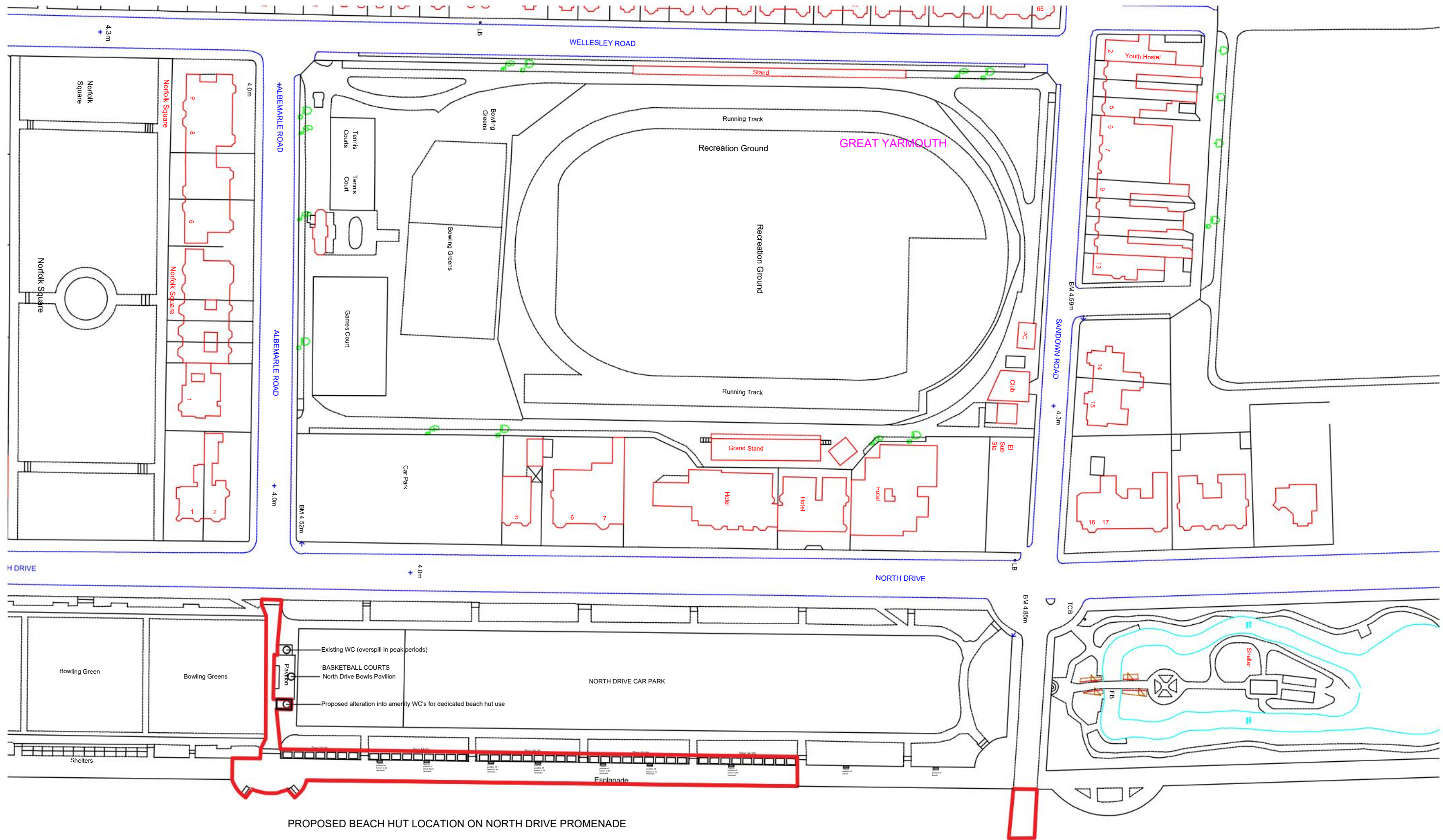
The reason for the condition is :-

To ensure appropriate flood protection measures are in place in order to minimise the flood risk vulnerability of users of the huts.

And any other conditions considered appropriate by the Development Manager.

**Appendices:**

1. Site Location Plan



Project Name: Phase 1 Great Yarmouth Beach Huts

Scale: 1:1250 @ A3

Drawing Title: Location Plan

Date: April 2022

Revisions		Date
A	Site boundary amended	June 2022

Page 56 of 81

Project Number

Drawing Number: 003A

BOROUGH OF GREAT YARMOUTH  
Great Yarmouth Borough Council  
Construction Services  
Greyfriars House  
Greyfriars Way  
Great Yarmouth, NR30 2QE



## **Schedule of Planning Applications**

**Committee Date: 7<sup>th</sup> September 2022**

Application Number: 06/22/0437/TRE - [Click here to see application webpage](#)

Site Location: Green space at junction of Coast Road and Manor Gardens,  
Hopton Great Yarmouth NR31 9SN

Site Location Plan: See Appendix 1

Proposal: T1 - Monterrey Cypress - crown lift by removal of lower branches to 3-4m; T2 - Oak - reduce heavily to reduce further impact on property; T3 - Holly - reduce property side limbs by 15% and crown lift to 3m to minimise further impact on property.

Applicant: Great Yarmouth Borough Services (GYBS)

Case Officer: Mr R Tate

Parish & Ward: Hopton Parish

Date Valid: 13-05-22

Expiry / EOT date: 08-07-22

Committee referral: This is a 'connected application', where the Borough Council is applicant.

Procedural note: This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 30<sup>th</sup> August 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

**RECOMMENDATION: APPROVE tree works as applied for**

## **REPORT**

### **1. The Site and Context**

- 1.1 The trees are located on public space owned by GYBC on the corner of Coast Road and Manor Gardens in Hopton. The trees are prominent in the street scene, being at raised level compared to the adjacent highway.

- 1.1 The trees are located in a residential area and the public space backs on the properties which are accessed off of Sea View Rise. Some trees are overhanging into neighbouring properties.
- 1.2 The trees are protected by group TPO No.2 1979. Consent of the LPA is required for nearly all works to protected trees, exceptions however include work to dead trees/branches and trees which pose an immediate threat of significant harm.

## 2. The Proposal

2.1 The proposed tree works include:

- i) T1 - Monterrey Cypress - crown lift up to 4m by removal of lower branches;
- ii) T2 - Oak – reduce canopy heavily to lessen further impact on property (reduction of branches by up to 2m);
- iii) T3 - Holly - reduce property side limbs by 15% and crown lift to 3m to minimise further impact on property (reduction of branches by up to 2m).

## 3. Consultations

### Statutory Consultees

<b>Consultee: Local Highways Authority (Norfolk County council)</b>	<b>Response: No objection</b>
<p>Comments:</p> <p>Thank you for your recent consultation with respect to the above to which the Highway Authority raise no objection but would recommend the following informative note be appended to any grant of permission your Authority is minded to make.</p> <p><i>Inf 4V This proposal involves works that could affect the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: <a href="mailto:streetworks.north@norfolk.gov.uk">streetworks.north@norfolk.gov.uk</a></i></p>	
<b>Officer comment / response:</b>	n/a
Any relevant Condition / Informative note?	Include informative on decision notice.



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### Internal Consultees

<b>Consultee: Tree Officer</b>		<b>Response: Support</b>
Comments:  The Monterrey cypress is impacting upon the roof of the property's garage with works lessening the impact – Arboriculturally speaking however the tree is of good condition. The Oak is of poor form and these works will not only benefit the tree by increasing life span but also clear the adjacent property (which it is currently overhanging), and the same can be said for the Holly tree. No objection for the works to go ahead, this work spec is what I would class as good tree management.		
<b>Officer comment / response:</b>	n/a	
Any relevant Condition / Informative note?	n/a	

### Publicity & Representations

Consultations undertaken: Site notices

### Ward Member – Cllr Annison

Representation	Officer Comment	Relevant Condition/Informative
No objection	n/a	n/a

### Parish Council

Representation	Officer Comment	Relevant Condition/Informative
No objection	n/a	n/a

### Public Representations

At the time of writing no public comments have been received.

#### **4. Relevant Planning Policies**

##### **The Great Yarmouth Core Strategy (adopted 2015)**

Policy CS9: Encouraging well-designed, distinctive places

Policy CS10: Safeguarding heritage assets

Policy CS11: Enhancing the natural environment

##### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

Policy E4: Trees and landscape

#### **5. Other Material Planning Considerations**

##### **National Planning Policy Framework**

- Section 12: Achieving well designed places (inc. paragraph 131)
- Section 15: Conserving and enhancing the natural environment (inc. para 174),

##### **NERC Act 2006**

##### **Planning (Listed Buildings and Conservation Areas) Act 1990: s.72**

#### **6. Planning Analysis**

- 6.1 Part VIII, Chapter 1 of the Town and Country Planning Act (1990) (as amended) sets out the procedure for Tree Preservation Orders and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows applications to seek consent for specified works to be carried out to protected trees.
- 6.2 Local planning authorities should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. The authority must be clear about what work it will allow and any associated conditions.
- 6.3 When considering an application for works to protected trees the authority should consider:
  - the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
  - whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
  - whether any requirements apply in regard to protected species;

- other material considerations, including development plan policies where relevant.

6.4 In general terms, it follows that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is lower and the impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need for the work.

## **7. Assessment**

7.1 As guided by the advice of the Council's Tree Officer, the works are not considered be likely to have a significant impact on the appearance of the trees, and the works will enable the trees to remain in good health and help to increase their lifespan.

7.2 It is considered that the trees are prominent features in the street scene, and due to their visibility they provide a positive contribution to the local environment and its enjoyment by the public. The works will ensure that the trees continue to contribute to visual amenity whilst reducing the impact on neighbouring properties.

7.3 The application would ensure the trees will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, and CS11.

## **8. RECOMMENDATION:-**

It is recommended to Approve the application.

Approval is recommended to be subject to the conditions and informatives suggested below:

Conditions:



- 1) The work must be carried out within two years of the date of this consent notice and may only be carried out once.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

- 2) The work is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

The reason for the condition is: -

To ensure an acceptable standard of work, thereby minimising possible damage and decay/disease in the future.

- 3) INFORMATIVE:

Standard of work:

Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 3998 Recommendations for Tree Work

- 4) INFORMATIVE

Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.

- 5) INFORMATIVE:

#### Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

#### 6) INFORMATIVE:

##### Property Rights:

The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land or entering land outside his/her control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before the work starts.

#### 7) INFORMATIVE:

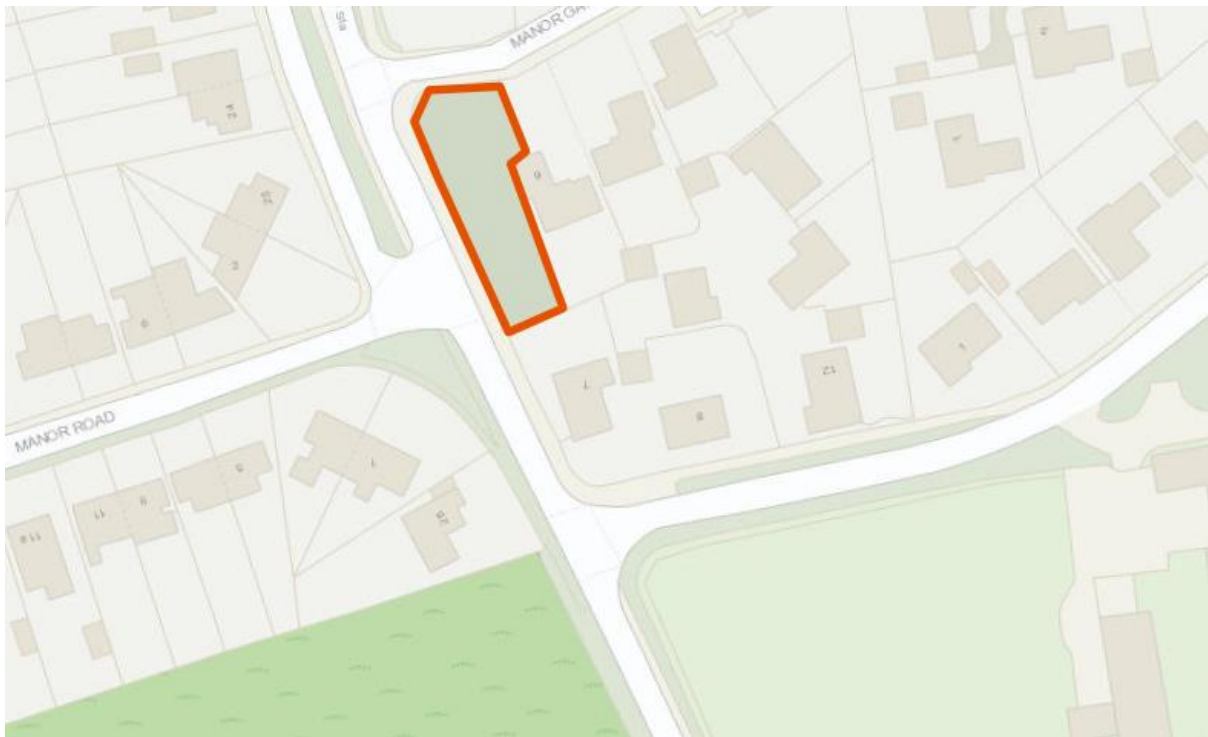
##### Highways works:

This proposal involves works that could affect the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: [streetworks.north@norfolk.gov.uk](mailto:streetworks.north@norfolk.gov.uk)

#### **Appendix:**

##### 1. Site Location Plan

**06 22 0437 TRE – Site Location Plan**



## **Schedule of Planning Applications**

**Committee Date: 7th September 2022**

Application Number: 06/22/0547/TRE - [Click here to see application webpage](#)

Site Location: Land at Kent Square, Great Yarmouth, Norfolk NR30 2EX

Site Location Plan: See Appendix 1

Proposal: Proposed works to trees; T1 - T5 Holm Oak - Reduce canopies by 2m, reduce back to suitable growth, thin canopies by a maximum of 20% and crown lift to a maximum of 5m

Applicant: Great Yarmouth Borough Services (GYBS)

Case Officer: Mr R Tate

Parish & Ward: GY Nelson Ward

Date Valid: 22-06-22

Expiry / EOT date: 17-08-22

Committee referral: This is a 'connected application', where the Borough Council is applicant

Procedural note: This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 30<sup>th</sup> August 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

**RECOMMENDATION: APPROVE tree works as applied for**

### **1. Background / History:-**

1.1 The application is for works to 5 protected Holme Oak trees on an area of green space at Kent Square in Great Yarmouth. The trees are protected by TPO No.16 2018 which was confirmed on the 2nd April 2019. The trees are also located within the No16 Seafront Conservation Area. Consent of the LPA is required for nearly all works to

Application Reference:  
06/22/0547/TRE

Committee Date: 7 September  
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protected trees, exceptions however include work to dead trees/branches and trees which pose an immediate threat of significant harm.

- 1.2 An application was approved earlier this year for *“T1, T2, T3, T4 and T5 Holm Oak trees - Crown lift up to 5m and reduction of remaining lateral branches by up to 2m”* (ref 06/22/0094/TRE).
- 1.3 However, the applicant has since decided that if these works were to take place then the tree canopies would still provide a desirable roosting site for the starlings due to the dense cover afforded by the evergreen trees and this would have a detrimental impact on the health of the trees. In addition to the previously consented works (i.e. the crown lift of 5m and the canopy reduction of 2m) the current application seeks to add canopy thinning of 20% as this will thin out the canopy and make it more open. For the avoidance of doubt, this application is requested, to supersede the previous (ref 06/22/0094/TRE).
- 1.4 The 5 Holme Oak trees play a significant role in the street scene, softening what is otherwise an area of town with little other soft landscaping, tree or vegetation presence. The trees are mature, and their stature contributes to the historic value of the Conservation Area.
- 1.5 The proposal is for (i) a crown lift of the trees up to 5 metres, which means removing all branches that exist up to 5m from the ground level, (ii) to cut back any remaining limbs above 5m height by up to 2 metres from their tips, to ensure the trees do not encroach over the highway, and (iii) thin canopies by a maximum of 20%.
- 1.6 There is currently some overhanging of the trees over the highway – the rationale for the works originally was that they will mitigate encroachment on the highway, preventing the trees from being damaged by taller vehicles. These works have already been approved under 06/22/0094/TRE but are not yet undertaken.
- 1.7 The trees are currently a roost for nesting starlings which has resulted in the grass beneath the trees dying – having a negative impact on the surrounding visual amenity.
- 1.8 The land is owned by GYBC under King Johns Charter.

## 2. Consultations :-

### 2.1 Public / Neighbour comments:

At the time of writing the report, 12 letters of **support / no objection** have been received. The below reasons in support were given:

- Will help with the starlings issue
- Will ensure the trees are healthy
- Trees are currently blocking light
- Will help to clean up the area

### 2.2 Consultees -

Arboricultural Officer	Response: No objection
<p>Comments:</p> <p>The previous tree works spec upon App ref 06/22/0094/TRE will not have the desired effect – the sole reason for working upon the trees.</p> <p>Even following the consented works completion, the tree canopies would still provide a desirable roosting site for the starlings due to the dense cover afforded by the evergreen trees.</p> <p>The previous application did not carry out any works upon the height and upper canopy of the trees – it only included works upon the lateral lower branches. This is why the reduction of the entire tree canopies rather than solely the lateral branches is being applied for in the new application.</p> <p>The same can be said for the addition of a canopy thin of 20% - this again will deter starlings roosting within the trees canopies making it less shrouded/thick and more open.</p> <p>Overall, the new application's work spec detailed within application ref 06/22/0547/TRE will remove enough of the tree's dense canopies to hopefully reduce the likelihood of starlings roosting within the tree canopies and lessen the impact of this behaviour has upon the surrounding area.</p>	

<p>However, [the works will still have the effect of] allowing the evergreen oaks to continue to contribute significantly to the character and appearance of the Conservation area and further enhance the setting of the historic Kent Square.</p> <p>The tree's regrowth following the works will require management within 2-3yrs to continue to deter the starlings however this is a much more desirable outcome than the tree's removal.</p>	
Officer Response	The works are not significantly different compared to the existing consent. The thinned canopy will have a minor impact on the trees appearance but allow them to remain healthy and prolong their lifespan.
Required conditions	n/a

Conservation Officer	Response: General Comments
<p>Comments:</p> <p>The trees contribute significantly to the character and appearance of the Conservation area and further enhance the setting of the historic Kent Square. Careful approach to any works is recommended to ensure that the interventions won't cause any harm to the character of the Conservation area or the integrity of the trees.</p>	
Officer Response	The trees play an important role within the street scene and play an important role in visual amenity and the contribution towards the character of the Conservation Area. The works proposed are proportionate and will ensure that they continue to have an important contribution and remain healthy.
Required conditions	n/a

Local Highways Authority (NCC)	Response: No Objection
Officer Response	n/a
Required conditions	n/a

### **3. Relevant Policies:**

#### **3.1 The principal policies are:**

##### **The Great Yarmouth Core Strategy (adopted 2015)**

Policy CS9: Encouraging well-designed, distinctive places

Policy CS10: Safeguarding heritage assets

Policy CS11: Enhancing the natural environment

##### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

Policy E4: Trees and landscape

#### **3.2 Other material considerations:**

##### **National Planning Policy Framework**

- Section 12: Achieving well designed places (inc. paragraph 131)
- Section 15: Conserving and enhancing the natural environment (inc. para 174),

##### **NERC Act 2006**

##### **Planning (Listed Buildings and Conservation Areas) Act 1990: s.72**

### **4. Planning Analysis:**

4.1 Part VIII, Chapter 1 of the Town and Country Planning Act (1990) (as amended) sets out the procedure for Tree Preservation Orders and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows applications to seek consent for specified works to be carried out to protected trees.

4.2 Local planning authorities should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. The authority must be clear about what work it will allow and any associated conditions.



- 4.3 When considering an application for works to protected trees the authority should consider:
- the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
  - whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
  - whether any requirements apply in regard to protected species;
  - other material considerations, including development plan policies where relevant.
- 4.4 In general terms, it follows that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is lower and the impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need for the work.

## **5. Assessment: -**

- 5.1 The tree works as proposed are potentially extensive but are designed to retain the majority of the crown and ensure they remain significant in the townscape. A consequence of the works is that it will also remove some roosting space within the crown as well as on exposed lower branches.
- 5.2 The works are not considered be likely to have a significant impact on the appearance of the trees and will ensure that they remain healthy, including by minimising the risk of vehicles striking the trees. The Local Highways Authority have requested an informative reminding the applicant that the proposal involves works which could affect the public highway.
- 5.3 These trees contribute to the local environment and its enjoyment by the public as they are highly visible, but the tree works will not reduce this visibility significantly and this maintenance will help improve visual appearance of the trees. The

additional works proposed over those already given consent are not considered to change this assessment.

- 5.4 Securing the long-term health of the trees will ensure that they continue to contribute positively to the character of the Conservation Area.
- 5.5 The trees provide habitat to starlings – and the starlings are a ‘red list’ species in decline so there is a national interest in their preservation and enhancement. However, their roosting in Kent Square has in turn resulted in adverse impacts to local residents. The works proposed to the trees will restrict the opportunities for nesting as well as allow more air to move under the trees’ canopies – helping to improve their health.
- 5.6 An informative should be included reminding the applicant that it is an offence to disturb nesting birds under the terms of the Wildlife and Countryside Act 1981, offering additional protection.
- 5.7 The application would ensure the trees will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, CS10 and CS11.

## 6. RECOMMENDATION:-

It is recommended to **Approve** the application.

Approval is recommended to be subject to the conditions and informatives suggested below:

### Conditions:

Application Reference:  
06/22/0547/TRE

Committee Date: 7 September  
2022

- 1) The work must be carried out within two years of the date of this consent notice and may only be carried out once.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

- 2) The work is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

The reason for the condition is: -

To ensure an acceptable standard of work, thereby minimising possible damage and decay/disease in the future.

- 3) INFORMATIVE:

Standard of work:

Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 3998 Recommendations for Tree Work

- 4) INFORMATIVE:

Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

5) INFORMATIVE:

Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.

6) INFORMATIVE:

Property Rights:

The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land or entering land outside his/her control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before the work starts.

7) INFORMATIVE:

Highways works:

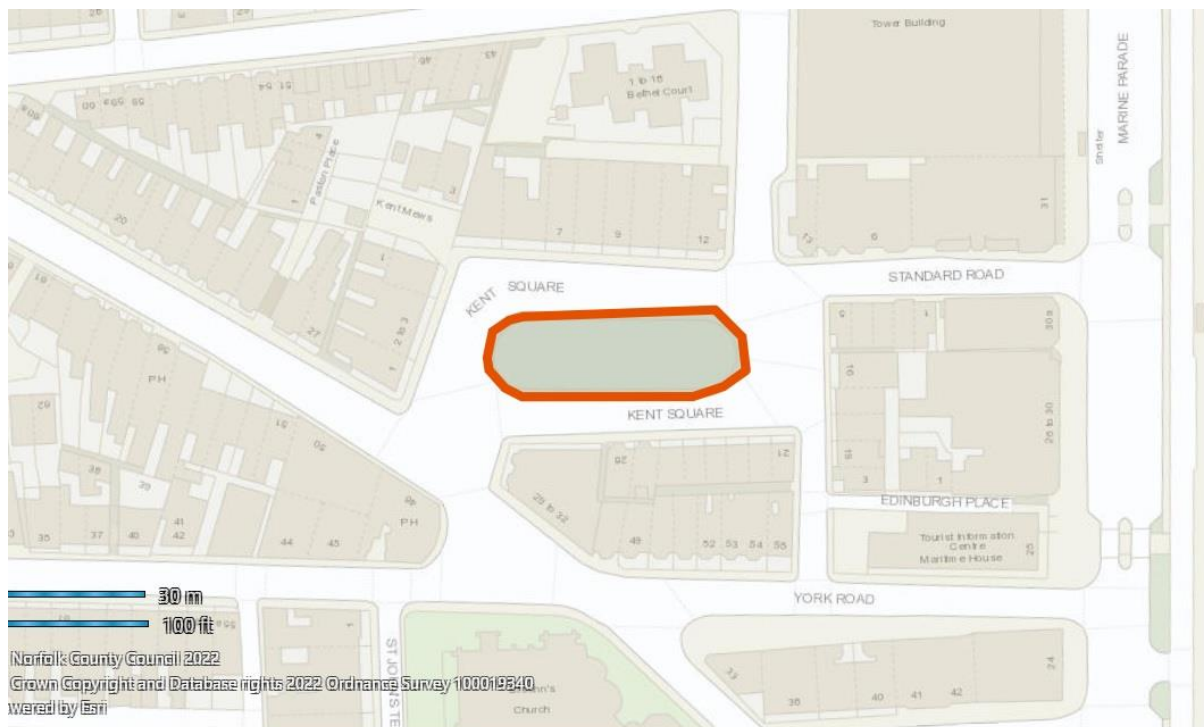
This proposal involves works that could affect the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: [streetworks.north@norfolk.gov.uk](mailto:streetworks.north@norfolk.gov.uk)

**Appendix:**

1. Site Location Plan



## **06 22 0547 TRE – Site Location Plan**



## **Schedule of Planning Applications**

**Committee Date: 7<sup>th</sup> September 2022**

Application Number:	06/22/0474/TCA - <a href="#">Click here to see application webpage</a>
Site Location:	3 Greyfriars Way, Great Yarmouth
Site Location Plan:	See Appendix 1
Proposal:	<b>Reduce trees to suitable growth points/or branches to be reduced - T1 - T8 Malus</b>
Applicant:	Great Yarmouth Borough Services (GYBS)
Case Officer:	Mrs N Jarmey
Parish & Ward:	Great Yarmouth Nelson
Date Valid:	01-06-2022
Expiry / EOT date:	27-07-22
Committee referral:	This is a 'connected application', where the Borough Council is applicant.
Procedural note:	This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 30 <sup>th</sup> August, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

**RECOMMENDATION: APPROVE tree works as applied for**

## **REPORT**

### **1. The Site and Context**

1. The trees are located on Greyfriars Car Park which is owned by GYBC.
2. The trees are located in Conservation Area No. 3 Hall Quay/South Quay.

3. Consent of the LPA is required for nearly all works to trees in a Conservation Area, exceptions however include work to dead trees/branches and trees which pose an immediate threat of significant harm.

## 2. The Proposal

- 2.1 The proposed tree work is to reduce the size of the 8no. 'malus' trees (a genus which includes apples, crabapples etc) to suitable growth points/or branches to be reduced

## 3. Consultations

### Statutory Consultees

<b>Local Highways Authority (Norfolk County council)</b>	<b>Response: No comments &amp; no objection</b>
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### Internal Consultees

<b>Consultee: Tree Officer</b>	<b>Response: No Objection</b>
<p>Comments:</p> <p>I have no objection to the proposed tree works.</p> <p>There are no stipulated meterage's for the reduction works upon the application, however this is due to each tree being of a different overall size.</p> <p>The 'amount/length of branch' being reduced upon each tree/canopy is covered by the phrase "to suitable growth points" and "as per BS3998 recommendations".</p> <p>This will ensure that the trees' future growth will be structurally sound and the works will only benefit the tree in maturity (also allow for future works if required).</p> <p>The tree works will elongate the retention span of the trees and lessen the impact they are currently having upon the car park below the canopies.</p> <p>The tree species will respond well to the reduction works and allow them to remain in the prominent location and continue to contribute amenity value to the local area.</p>	
<b>Officer comment / response:</b>	n/a
<b>Any relevant Condition / Informative note?</b>	n/a



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#### 4. **Publicity & Representations received**

Consultations undertaken: Site notices

##### **Ward Members –**

- **Cllr Robinson-Payne** - No response at time of writing
- **Cllr Jeal** - No response at time of writing
- **Cllr Wright** - No response at time of writing

##### **Public Representations**

At the time of writing no public comments have been received.

#### 5. **Relevant Planning Policies**

##### **The Great Yarmouth Core Strategy (adopted 2015)**

Policy CS9: Encouraging well-designed, distinctive places

Policy CS10: Safeguarding local heritage assets

Policy CS11: Enhancing the natural environment

##### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

Policy E4: Trees and landscape

#### 6. **Other Material Planning Considerations**

##### **National Planning Policy Framework**

Section 12: Achieving well designed places (inc. paragraph 131)

Section 15: Conserving and enhancing the natural environment (inc. para 174),

##### **NERC Act 2006**

##### **Planning (Listed Buildings and Conservation Areas) Act 1990: s.72**

#### 7. **Planning Analysis**

- 7.1 Section 211 of the Town and Country Planning Act (1990) (as amended) sets out the legal requirements that need to be followed before any tree works can be carried out.

- 7.2 Section 211 affords the Local Planning Authority (LPA) an opportunity to decide whether or not the trees are worthy of imposing a Tree Preservation Order (TPO) for specific and long-term protection. The LPA would need to take into account any representations made against an application under section 211, but can only decide to refuse an application under section 211 if the LPA considers the works are inappropriate and the tree(s) are suitable and necessary to be specifically protected by a Tree Preservation Order (TPO).
- 7.3 The criteria for nominating a tree within a conservation area to be protected by TPO are largely based on the amenity value of the tree(s), as well as the legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

## **8. Assessment**

- 8.1 The works are not considered be likely to have a significant impact on the appearance of the trees, and the works will enable the trees to remain in good health and help to increase their lifespan.
- 8.2 The trees are prominent features in the street scene, due to their visibility they provide a positive contribution to the local environment and its enjoyment by the public. The works will ensure that the trees continue to contribute to visual amenity.
- 8.3 The application would ensure the trees will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, CS10 and CS11.
- 8.4 At present, it is not considered that the trees need to be specifically protected by a Tree Preservation Order (TPO) so the application should not be refused, and can be approved but bespoke conditions cannot be appended to approvals.

## **9. RECOMMENDATION:-**

It is recommended to Approve the application.

Approval is recommended to be subject to the conditions and informatives suggested below:

Conditions:

- 1) The work must be carried out within two years of the date of this consent notice and may only be carried out once.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

- 2) The work is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work). The work shall be as specified below:

T1 – T8 (Malus) - Reduce trees to suitable growth points/or branches to be reduced.

The reason for the condition is: -

For the avoidance of doubt.

- 3) INFORMATIVE:

Standard of work:

Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 3998 Recommendations for Tree Work

- 4) INFORMATIVE:

Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

- 5) INFORMATIVE:

Property Rights:

The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land or entering land outside his/her control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before the work starts.

## **Appendix:**

1. Site Location Plan



