



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Development Control Committee

## Minutes

Wednesday, 07 December 2022 at 18:00

**PRESENT: -**

Councillor Annison (in the Chair); Councillors G Carpenter, Fairhead, Freeman, Flaxman-Taylor, P Hammond, Hanton, Mogford, Myers, Wainwright, Williamson and B Wright. Councillor Jeal attended as a substitute for Councillor T Wright.

Mr M Turner (Head of Planning), Mr R Parkinson (Development Manager), Ms C Whatling (Monitoring Officer), Mrs A Krout (Democratic Services Officer), Mr D Zimmerling (IT Support) and Ms T Koomson (Senior Democratic Services Officer).

**01 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor T Wright. Councillor Jeal attended as a substitute for Councillor T Wright.

**02 DECLARATIONS OF INTEREST**

There were no declarations of interests.

### **03 MINUTES**

The minutes of the meeting held on 9 November 2022 were confirmed.

### **04 APPLICATION 06-22-0845-CU 74 RODNEY ROAD GREAT YARMOUTH**

The Committee received and considered the report set out on the agenda, which was prepared by the Planning Officer and presented by the Development Manager Mr R Parkinson. The application was a retrospective change of use from C3 dwelling house to C4 House of Multiple Occupation (HMO) and was brought before the Committee because of concerns raised by the Ward Councillor T Wright and in light of public concerns raised principally concerning impacts on amenity and the local highway network.

The Development Manager further reported that having considered the details provided, the application is considered to comply with policies CS01, CS02, CS03, CS09, CS11 and CS16 from the adopted Core Strategy, and policies GSP1, H12 and A1 from the adopted Local Plan Part 2 and that there were no other material considerations to suggest the application should not be recommended for approval. It was therefore recommended that application 06/22/0845/CU should be approved subject to the conditions as set out in the agenda report.

The Chair invited the ward Councillor T Wright to address the Committee.

Cllr T Wright confirmed he had submitted a written objection to this application. He outlined his main concern to be that the area is already crowded with number of properties many of which are flats. He accepted that there might not be an applicable planning law to refuse the application, but highlighted the need to consider policy H12 and specifically the impact for both the future occupants of the property and already existing residents in the neighbourhood. He confirmed that the area already has some anti-social behaviour issues and there is a concern that having a HMO in the already crowded neighbourhood will increase such nuisance. He gave an example of the bins facility and confirmed that when he has visited the location, the bins were already misused and had warning signs placed on them by the environmental services due to improper use. He further highlighted that the property is overlooking other properties in the area and a HMO will further decrease the privacy for the residents at the immediate vicinity. Finally Cllr Wright highlighted the concerns over the restricted limited parking facilities in the area (Zone A) and the potential negative impact a HMO would have for available parking.

There were no additional questions put to the objector ward Cllr Wright.

Cllr Myers asked for clarity why this was a retrospective application. The Development Manager explained that the change of use of a property from C3

residential use to C4 HMO use is usually considered to be permitted development under Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended). However, this permitted development right is removed as there is a Borough-wide Article 4 direction in place preventing the change from C3 to C4 being possible as permitted development. As such, this requires express planning permission. The property has already been previously used as a HMO, hence the application is retrospective following the implementation of Article 4 direction.

Cllr Jeal commented that the area is indeed crowded and there are two further properties at the back overlooking the property in question. He also emphasised that Nelson is one of the most deprived wards in the country. He further confirmed that although he is not generally against well run HMOs, considerations should be given to the concerns raised including the parking in the area.

Cllr Freeman asked if there were any restrictions to number of people that could be occupying the property if it was used as C3 residential property by one household instead of proposed C4 HMO limited to five people. The Head of Planning confirmed that there are no such restrictions and that in theory a C3 property could have a very large single household (more than five people) in occupation.

Cllr Freeman proposed that the officer recommendation together with the conditions as laid out in the agenda report be approved. This was seconded by Cllr G Carpenter.

Following a vote, it was RESOLVED:-

That the application number 06/22/0845/CU be approved 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 application form and the following plans received by the Local Planning Authority on the 22nd September 2022:

- Site Location Plan

- Floor Plan

The reason for the condition is:-

For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (Use

Classes) Order 1987, or any order revoking or re-enacting that Order, the premises shall only be used as a House of Multiple Occupation (Class C4) with a maximum of five bedrooms only. Only the rooms labelled as Bedrooms 1, 2, 3, 4, and 5 on the approved floor plan (labelled as 74 Rodney Road) shall be used for bedroom accommodation, and all other rooms shall remain available for use as communal facilities.

The reason for the condition is:-

In accordance with what was applied for and to ensure suitable living accommodation for all occupiers.

4. The House of Multiple Occupation hereby approved shall not be permanently occupied by any more than 5 people at any one time.

The reason for the condition is:-

To mitigate the impact on neighbours and parking pressures resulting from any intensification of the use.

And any other conditions considered appropriate by the Development Manager.

## **05 APPLICATION 06-22-0863-TRE HOLLY FARM LOW ROAD ROLLESBY GREAT YARMOUTH**

The Committee received and considered the report set out on the agenda, prepared by the Strategic Planner and presented by the Development Manager Mr R Parkinson. This was a connected application where by the Council was both the landowner and the applicant. The proposal was works to tree - T1 Oak: and involve the reduction of over-extended lower lateral branches by a maximum of 2m to reduce end weight and minimise failure; the removal of a lateral branch with a large split/hazard beam; and the reduction and reshaping of lateral branches over-hanging the neighbouring property by a maximum of 2m.

The Development Manager reported that having considered the proposal, the application is considered to comply with Core Strategy policies CS9 and CS11, and Local Plan Part 2 policy E4 and there are no material considerations to suggest the development should not be approved where it is consistent with these policies. It is therefore recommended that application 06/22/0863/TRE should be approved, subject to the conditions and informative notes set out in the agenda report.

Cllr Jeal noted that the oaks are very valuable and raised a concern of unrepairable damage to the tree if the tree works did not go as planned. Development Manager confirmed that there is always a possibility but the work would be carried out by GY Borough Services.

Cllr P Hammond proposed that the officer recommendations together with the conditions as laid out in the agenda report be approved. This was seconded by Cllr Flaxman-Taylor.

Following a vote, it was RESOLVED: -

That application number 06/22/0863/TRE be approved subject to following conditions and informative notes:

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.

Informative Notes:

1. 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

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

3. 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.

4. 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.

## **06 APPLICATION 06-22-0868-TRE 66 BECCLES ROAD BRADWELL GREAT YARMOUTH**

The Committee received and considered the report set out on the agenda, prepared by the Strategic Planner and presented by the Development Manager Mr R Parkinson. This was a connected application where by the Council was both the landowner and the applicant. The proposal was Tree Works - T1 Sycamore and involve the crown lifting of lower branches by a maximum of 3m and to reduce and shape the southern canopy by a maximum of 1m.

The Development Manager reported that having considered the proposal, the application is considered to comply with Core Strategy policies CS9 and CS11, and Local Plan Part 2 policy E4 and there are no material considerations to suggest the development should not be approved where it is consistent with

these policies. It was therefore recommended that application 06/22/0868/TRE should be approved, subject to the conditions and informative notes as set out in the agenda report.

Cllr Wainwright proposed that the officer recommendations together with the conditions as laid out in the agenda report be approved. This was seconded by Cllr Williamson.

Following a vote, it was RESOLVED: -

That application number 06/22/0868/TRE be approved subject to following conditions and informative notes:

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.

Informative Notes:

1. 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

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

3. 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.

4. 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.

## **07 REQUEST FOR DELEGATED AUTHORITY**

The Head of Planning, Mr M Turner, presented a report to the Committee

requesting for delegated authority to be granted to the Director of Planning & Growth and Head of Planning on 'connected applications' for tree works.

The Head of Planning reported that applications must be made to the Local Planning Authority (LPA) for consent to undertake prohibited works to trees protected by a Tree Preservation Order in accordance with the Town and Country Planning Act 1990, as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Similarly, written notice must be given to the LPA when works are proposed to trees in a Conservation Area (pursuant to Section 211 of the Town and Country Planning Act 1990 ['section 211 notices']). Ordinarily, these applications are determined at Officer level by the Head of Planning under authority delegated to the Director of Planning & Growth by the Development Control Committee.

However, such applications are referred to the Development Control Committee if they are considered a "connected application", namely when they are submitted by Great Yarmouth Borough Council (GYBC), Great Yarmouth Borough Services (GYBS), or Great Yarmouth Norse (GY Norse), or when the works affect trees on land owned by GYBC or its subsidiaries e.g. Equinox. Whilst most applications can be considered 'straightforward', some delays do occur given the need to fit into the DC Committee timetable schedules, for example some 'section 211 notices' require decisions to be made within 6 weeks which is not easily achieved without applicant's express agreement.

Officers therefore request authority from the Development Control Committee to determine 'connected' tree applications at Officer level. If authority is granted, applications will continue to be overseen by the Head of Planning. The Director of Planning & Growth will still retain the ability to defer applications to the Committee at their discretion, such as if an application or notice leads to significant levels of public interest or concern, or if the application proposes works that are not considered appropriate by LPA officers.

The Head of Planning confirmed that this procedure can be introduced with immediate effect and with the following impacts:

- minimal detriment to the scrutiny given to applications, as all applications would be overseen by the Head of Planning in the same way in which recommendations are currently made to the Committee;
- significant benefit from expedient determination of tree works applications;
- small but noticeable benefit for other applications by requiring fewer demands on officer time and resource;
- noticeable benefits from making fewer demands on Councillor's time;
- avoids a risk of works to trees in conservation areas being 'automatically approved' if a Committee decision cannot be made within 6 weeks of receipt.

As such, the Head of Planning reported that it was recommended that the Committee approves a proposed changes to the procedure relating to the tree works on 'connected applications'.

Cllr Freeman agreed that general tree works are good for the trees however would still want applications that involve a complete removal of a tree to be brought to the Committee.

Cllr Jeal noted that residents do get upset about some tree works that take place and asked for clarity how they would know if there are tree works due to take place. The Development Manager confirmed that all applications for proposed tree works are advertised by displaying a public site notice at the location for 21 days and, in the case of applications submitted by neighbours, by writing to the property where the tree is sited.

Cllr Flaxman-Taylor noted that the ward councillors should be made aware of all tree works planned on their wards. The Development Manager confirmed this should already be the adopted procedure.

Cllrs Hammond also considered that there needs to be clear difference between beneficial tree works and a complete removal of a tree unless the tree was deceased or poses a danger.

Cllr Mogford added that he also had concerns over tree removals and highlighted the importance of re-planting of trees.

Following the concerns raised by the Councillors, the Head of Planning suggested a condition to be added to the proposed request for delegated authority; that any connected applications for tree removals that were contrary to the Arboricultural Officer recommendations would continue to be reported to the Committee.

Cllr Myers asked for clarity that the proposal is indeed in relation to tree maintenance only on 'connected applications'. Both Head of Planning and Development Manager confirmed this to be the case.

Cllr P Hammond proposed that, the officer recommendations laid out in the agenda report be approved with an added condition that any connected applications for tree removals that were contrary to the Arboricultural Officer recommendations would continue to be reported to the Committee. This was seconded by Cllr Flaxman-Taylor.

Following a unanimous vote, it was RESOLVED: -

That 'connected applications' to be determined by the Head of Planning and the Director of Planning & Growth under authority delegated by the Development Control Committee, when an application is made:

- by Great Yarmouth Borough Services; or,
- by Great Yarmouth Borough Council; or,
- by Great Yarmouth Norse; or,

- on land or to trees owned by Great Yarmouth Borough Council,

when applications seek consent for prohibited works to trees protected by a Tree Preservation Order; or,

when the submission is a notice of intent to undertake works to trees within a Conservation Area.

And with an added condition that:

Any connected applications for tree removals that were contrary to the Arboricultural Officer recommendations would continue to be reported to the Committee.

**08 ANY OTHER BUSINESS**

None.

The meeting ended at: 18:30