

**Reference:** 06/20/0571/F

**Parish:** Winterton-on-Sea

**Officer:** Mr G Bolan

**Expiry Date:** 31-08-2021

**Applicant:** S Casey

**Proposal:** Conversion and extension of ex-telecoms building to single dwelling for holiday lets

**Site:** Former Virgin Media Building  
Low Road  
Winterton-on-Sea

## REPORT

### 1. Background / History:-

- 1.1 This is a full application for the conversion of a former telecommunications building to residential holiday let.
- 1.2 Proposals for holiday let use fall into the planning Use Class C3(a) for residential dwellings, but would be restricted in its use by condition or legal agreement should approval be granted.
- 1.3 The former Virgin Media Building is located on Low Road and is a former telecoms equipment facility building. To the west of the building is Empsons Loke which is made up of residential dwellings and to the east along Low Road there are a scatter of residential dwellings all accessed off Low Road.
- 1.4 Previous planning applications relating to this site;
  - 06/88/0133/O – Single Storey Dwelling – Refused
  - 06/97/0590/F – Erect single storey building as telecoms equipment room – Approve with conditions.
- 1.5 The existing building was used by Virgin Media to store telecoms equipment and the building was in use from construction in 1998 but was recently decided the building was surplus to requirement and was sold. Since, the building has been left vacant and the site is currently overgrown and untidy.
- 1.6 Low Road, Winterton is classed as restricted by-way 7, which is a public right of way and extends a considerable distance to the west which continues into Somerton and 170m East to North Market Road; to the east of the application

site a further 5 residential dwellings are located with the facility of vehicular access onto the restricted by-way.

## **2 Consultations :-**

- 2.1 Parish Council – No objections.
- 2.2 Highways – No objection subject to conditions
- 2.3 Public Rights of Way – No objection subject to conditions
- 2.4 Resilience Officer – No objections
- 2.5 Environmental Health – No objections
- 2.6 Arboricultural Officer – No Objections
- 2.7 Environment Agency – No Comments (below threshold – consult standard advice)
- 2.8 Natural Environment Team – No objections subject to conditions
- 2.9 Neighbours – 24 Objections received

## **3 Relevant Policies: -**

The following policies are relevant to the consideration of this application:

### Core Strategy 2013 – 2030:

- CS8 – Promoting tourism, leisure and culture
- CS11 – Enhancing the natural environment

### Remaining Borough Wide Local Plan Policies

- TR11 – Loss and improvement of holiday accommodation
- TR16 – New holiday accommodation

The following emerging Local Plan Part 2 (final draft) policies can also be noted, and these can be attributed significant weight in the decision making process because the draft policies have been subject to formal examination and reached pre-adoption modifications stage:

- L2 - New or expanded tourist facilities outside of development limits and holiday accommodation areas.
- A1 – Amenity
- A2 - Housing design principles
- E4 – Trees and landscape

- I1 – Vehicle parking for new developments
- I3 – Foul drainage

### 3.1 **Policy CS8 – Promoting tourism, leisure and culture**

As one of the top coastal tourist destinations in the UK, the successfulness of tourism in the Borough of Great Yarmouth benefits not only the local economy but also the wider sub regional economy as well. To ensure the tourism sector remains strong, the Council and its partners will:

- Encourage and support the upgrading, expansion and enhancement of existing visitor accommodation and attractions to meet changes in consumer demands and encourage year-round tourism
- Safeguard the existing stock of visitor holiday accommodation, especially those within designated holiday accommodation areas, unless it can be demonstrated that the current use is not viable or that the loss of some bed spaces will improve the standard of the existing accommodation
- Safeguard key tourist, leisure and cultural attractions and facilities, such as the Britannia and Wellington Piers, Pleasure Beach, Hippodrome, the Sea Life Centre, the Marina Centre, Great Yarmouth Racecourse, St Georges Theatre and Gorleston Pavilion Theatre
- Maximise the potential of existing coastal holiday centres by ensuring that there are adequate facilities for residents and visitors, and enhancing the public realm, where appropriate
- Support the development of new, high quality tourist, leisure and cultural facilities, attractions and accommodation that are designed to a high standard, easily accessed and have good connectivity with existing attractions
- Encourage a variety of early evening and nighttime economy uses in appropriate locations that contribute to the vitality of the borough and that support the creation of a safe, balanced and socially inclusive evening/night time economy
- Support proposals for the temporary use of vacant commercial buildings for creative industries, the arts and the cultural sector, where appropriate
- Seek to support the role of the arts, creative industries and sustainable tourism sectors in creating a modern and exciting environment that will attract more visitors to the borough
- Support proposals for new tourist attractions and educational visitor centres that are related to the borough's heritage, countryside and coastal assets, and emerging renewable energy sector

- j) Ensure that all proposals are sensitive to the character of the surrounding area and are designed to maximise the benefits for the communities affected in terms of job opportunities and support for local services
- k) Encourage proposals for habitat-based tourism, especially where these involve habitat creation and the enhancement of the existing environment, in particular the areas linked to the Broads
- l) Protect rural locations from visitor pressure by ensuring that proposals for new tourist, leisure and cultural facilities are of a suitable scale when considering relevant infrastructure requirements and the settlement's position in the settlement hierarchy, in accordance with Policy CS2
- m) Protect environmentally sensitive locations, such as Winterton-Horsey Dunes Special Area of Conservation (SAC), from additional recreational pressure by seeking to provide facilities to mitigate the impact of tourism. In addition, the Council and its partners will seek to develop a series of 'early warning' monitoring measures which will be set out in the Natura 2000 Sites Monitoring and Mitigation Strategy along with the identified mitigation measures
- n) Support proposals involving the conversion of redundant rural buildings to self-catering holiday accommodation and/or location appropriate leisure activities, particularly where these would also benefit local communities and the rural economy
- o) Support the development of navigational links to the Broads and beyond where possible
- p) Work with partners to improve accessibility and public transport links to make it as easy as possible for visitors to travel to and around the borough

### **3.2 Policy CS11 – Enhancing the Local Environment**

- c) Relevant development will be required to deliver the mitigation measures identified in the Natura 2000 Sites Monitoring and Mitigation Strategy. This document is being prepared and will secure the measures identified in the Habitat Regulations Assessment which are necessary to prevent adverse effects on European wildlife sites vulnerable to impacts from visitors.

### **3.3 Policy TR11 – Loss and Improvement of Holiday Accommodation**

The council will permit developments which improve the range of good quality holiday accommodation, however, within primary holiday accommodation areas, as shown on the proposals map, the loss of holiday accommodation will only be permitted where it can be demonstrated that an alternative use would be to the overall benefit of the tourist industry.

### **3.4 Policy TR16 – New Holiday Accommodation**

Any planning permission given for new holiday accommodation will be subject to conditions preventing the accommodation being used for permanent residential purposes.

### **3.5 Policy L2 - New or expanded tourist facilities outside of development limits and holiday accommodation areas.**

New or expanded tourist facilities (including tourist accommodation) may be permitted outside of the Development Limits and Holiday Accommodation Areas, but only where these:

- a. are an appropriate scale to the character of the area, availability of local services and facilities, and hierarchical level of the nearby settlement;
- b. individually and cumulatively do not significantly change the character of the local countryside, landscape or (where applicable) settlement, taking into account particularly:
  - the quantity, scale, density and design of any additional buildings, structures, caravans, car parks;
  - the types and amounts of traffic movements and any impacts, including those upon the tranquillity of the area;
  - the impacts of lighting, advertisements and boundary treatments on the landscape and nightscape;
  - any adverse impact on the nationally significant Broads National Park or the Norfolk Coast Area of Outstanding Natural Beauty, but also undesignated but open rural and coastal landscapes;
  - the potential for any adverse impacts upon environmentally sensitive locations such as Natura 2000 Sites; and
- c. do not have a significant adverse impact on the living conditions of adjoining occupiers.

Small scale countryside tourism, particularly that involving physical activity or other appreciation of the countryside for its own sake, or the understanding and enjoyment of the Broads National Park, subject to the above, will be encouraged.

## **4 Public Comments Received:-**

4.1 There have been 27 objections received from residents close to the Virgin Media Building and in surrounding areas; the issues raised are summarised as below:

- Restricted by-way not suited for motor vehicles
- Low Road not maintained
- Outside the village development limits
- Increase in traffic
- Winterton already has large numbers of holiday and second homes
- Overlooking

## **5 Assessment :-**

Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2014 and Section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the adopted local development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account as a material consideration in planning decisions.

### **Consultation process - Addressing Public Comments**

- 5.1 The proposal as originally submitted only outlined the site in red, it was requested that the access along Low Road should be included within the red line location plan. As the section of Low Road is unregistered, the relevant certificate C of the application form was signed, and an advert was placed within the Great Yarmouth Mercury requesting any ownership or legal interests of the land to come forward. The Council considers that the application has undertaken its required consultation and notification process in respect of the ownership matters.

### **Principle of Development - Tourism and economic benefits**

- 5.2 The location of the site is within Winterton-on-sea but outside the village's defined development limits. Policies TR11, TR16 and L2 both support suitable forms of new holiday accommodation subject to criteria including protection of the landscape, control of amenity impacts, and mitigation for environmentally sensitive areas. Although the proposal would introduce new trips, and potentially much greater frequency of trips than the existing use, into an area of countryside detached from the main settlement, it is not considered an unsustainable location for tourism letting use, subject to the considerations of other policies as discussed below.
- 5.3 Winterton attracts vast amounts of visitors each year due to its location being on the coast, and although it is for the change of use to create 1 unit and will only contribute on a small scale, it is still considered to benefit the local economy by boosting the use of tourist facilities across the Borough and attracting visitors, which is consistent with the aims set out in Core Strategy policy CS8.

### **Access and highways safety**

- 5.4 The application site is accessed via Low Road, Winterton, which extends east from the site down to North Market Road. Low Road is a public right of way (byway) which runs from Winterton through to Somerton, it is a popular route for the local community and visitors to the area and accommodates dog walkers, horse riders and pedestrians.
- 5.5 Low Road is currently utilised for vehicular access by 5 existing residential properties to the east of the site, and to the south west is Empsons Loke which

has a number of existing properties and a previously approved residential development of 9 dwellings (reference 06/07/0927/F). A section of road to the north of Empsons Loke is an un-made track which does provide access to the Low Road byway and the application site from the west. Within the public comments received it has been suggested that this section of track is being adopted and brought up to adoptable standard, but Norfolk County Council as Highways Authority have confirmed there are no current plans to bring this section of Empsons Loke up to adoptable standard.

- 5.6 In the event that Empsons Loke remains unadopted it might be made unavailable to non-residents, yet sat-nav systems appear to direct drivers via Empsons Loke as the quickest route. To help avoid this, conditions can be used to require a 'visitor handbook' to be issued to prospective holiday let guests requesting that access is taken via Low Road from the east.
- 5.7 The existing use of the site had vehicular access and throughout the use of the telecommunications store was accessed regularly by Virgin Media, in consultation with Norfolk County Highways. It is therefore considered there is an established access at the proposed site and that there will not be an excessive increase in vehicular traffic movements to and from site compared to what is the existing established planning use.
- 5.8 Legal advice has been sought in respect to the Public Right of Way throughout the Planning process. In planning terms it is a reasonable material consideration to assess the condition and suitability of the public right of way for new vehicular use, but it is not a reasonable suggestion to request maintenance of the public right of way because this requirement sits outside of the planning process which is concerned with the land use, not ownership / rights of access. Any maintenance would need to be arranged privately through an agreement with any landowners.
- 5.9 The Public Rights of Way Officer has been consulted as a part of the application, they have raised no objection to the proposal and have suggested the applicant will need to make sure they have a private right of access suitable for residential purposes.
- 5.10 It is considered that the track is suitable to continue to be used for the purposes of holiday let use when compared to the existing use, notwithstanding the condition of the road surface etc.

## **Design**

- 5.11 The change of use / conversion of the telecoms store building also includes alterations.
- 5.12 The proposal includes the roof being raised to accommodate a second floor. In comparison, within Empsons Loke there are predominantly 2 storey dwellings and further east down Low Road there are also consistently other 2 storey dwellings and larger dwellings.

5.13 It is therefore considered that the proposal complies with point (a) of emerging Local Plan part 2 Policy L2 which states that permission for new tourist accommodation can be granted where proposals have “*an appropriate scale to the character of the area, availability of local services and facilities, and hierarchical level of the nearby settlement*”, when relating to new or expanded tourist facilities outside of development limits and holiday accommodation areas.

5.14 The proposed building is considered moderate within its size and makes use of the existing building by raising the roof and including a side terraced extension. The existing building is rectangular and sits to the south west end of the plot with land to the north and east, the roof will be dual pitched and on the north facing elevation there will be a large dormer within the roof. On the south elevation will be 4 roof lights, with one first floor window which is a bathroom window and 2 ground floor windows. There are no proposed windows to be inserted into the western elevation (which is the closest to the residential dwellings) but there are proposed to be 2 large windows to the ground floor and first floor on the eastern elevation.

5.15 The materials proposed are:

- Standing seam metal roof
- Profile metal cladding to the first floor
- And timber cladding to the ground floor

Further details will be requested in respect of materials if permission is granted and will be required to be agreed prior to work commencing.

5.16 The design however is considered in proportion with its surroundings and not over development, the design is modern but still fits in with the rural nature of the site and it is therefore considered to comply with point (b) of emerging Local Plan part 2 Policy L2 which states that permission for new tourist accommodation can be granted where proposals: “*individually and cumulatively do not significantly change the character of the local countryside, landscape or (where applicable) settlement, taking into account particularly:*

- *the quantity, scale, density and design of any additional buildings, structures, caravans, car parks;*”

### **Impacts on residential amenity**

5.17 The proposal includes a first floor window and a balcony/terraced area located at the first floor level on the east side elevation, intended to allow the occupants to have further outdoor amenity space with a covered area below. The balcony would extend for c.7m from the east elevation of the building, leaving a c.5m. separation from the boundary with the neighbouring garden at Sutton Oak to the east. Sutton Oak appears to enjoy a garden of approximately 45m length from the shared boundary running parallel to Low Road, with outbuildings and substantial tree cover.

5.18 Concerns have been raised with regards to overlooking, however due to the location of the balcony being to the east and the closest residential properties



being located on the west side of the building it is considered no significant overlooking can be achieved from the balcony area, but photos can demonstrate this point within the committee meeting.

- 5.19 The closest dwelling to the west is approximately 15m away from the position of the open-sided balcony platform, and is screened by the building itself. Open fields are located to the north and south. The closest dwelling on Low Road to the east is approximately 60m from the current building, but its garden is 17m from the closest edge of the proposed balcony platform. There is significant tree screening and planting between the application site and the neighbours' gardens to the east which will assist with preventing loss of privacy, and the extent of garden available to adjoining neighbours to the east means the balcony should not appear overbearing or over dominant, nor cause residential outlook to be compromised.

### **Flood Risk**

- 5.20 The site falls within flood zone 3 which is described as having a higher chance of flooding. Whilst the application is below the threshold for comments from the Environment Agency and LLFA, the local standing advice is therefore considered appropriate to follow.
- 5.21 In flood zone 3, conventional residential dwellings would not be allowed, but as this is a holiday let the quasi-residential use can be acceptable if the proposal includes appropriate protection and evacuation measures.
- 5.22 The applicant's flood risk assessment and plans show that no sleeping accommodation is proposed on the ground floor, and with the proposal raising the roof there will be safe refuge available on the first floor as well. In consultation with the Resilience Officer it is considered there are no objections to the use in principle, and any permission will be conditioned that evacuation plans and details of flood alerts shall be placed within the welcome pack for guests. The proposal is located on the edge of flood zone 2 and 3 and it has been concerned the tidal flood risk is very low within this area, it is therefore considered with the additional floor the proposal is considered suitable for the location.

### **The Natural Environment**

- 5.23 The proposed site is located within the red zone for Habitats Regulations Assessment (HRA), which is 400m away from a protected Natura 2000 site, and a contribution was therefore required which was received in a total of £110 and a shadow HRA was also received as a part of the application. The County Council Natural Environment Team have been consulted in regard to the information received and have advised as follows:

*The application is supported by a **Preliminary Ecological Appraisal** (Practical Ecology, September 2020), **bat report** (Practical Ecology, April 2020) and **great crested newt method statement** (Practical Ecology, September 2020). The reports are fit for purpose and recommendations for enhancement are made, in*

accordance with Policy CS11 and the NPPF. The PEA was undertaken in March 2020, with bat surveys in summer 2020.

The **shadow HRA** (Practical Ecology, Sep 2020 (version 2)) is fit for purpose. In addition to a financial contribution further mitigation measures are required to minimise impacts on the Natura 2000 sites, namely:

- 1) To mitigate the impacts of dogs: (a) A dog waste bin is provided on site for residents or (b) The property should be let on the provision that dogs are not allowed,
- and
- 2) Provision of a visitor information pack at the property regarding alternative walking sites and details about the importance and vulnerabilities of the nearby Natura 2000 sites

It is considered therefore that the reports received are fit for the purpose they have been intended for and further mitigation measures will be requested by way of condition to any permission granted.

## **Landscaping**

- 5.24 The proposal seeks the removal and tidying up of existing overgrown vegetation, with the main removal of shrubs and hedging to the north end which is the front and access of the site. The arboricultural officer has visited and considered the site and has deemed the existing vegetation and trees of being a low quality and their removal will tidy up the site.
- 5.25 Furthermore, there is proposed landscaping to the front of the property to offer an element of screening from Low Road that will be lost when removing what is currently there and it will be a condition to provide a landscape plan within any permission granted.

## **Conclusion**

- 5.26 The proposal is considered acceptable due to the location of the site being on the edge of the development limits, it makes use of an existing building which in its current use is empty and will offer a modern holiday unit in a preferred location within Winterton-on-sea. There are no objections raised to the principle of maintaining the use of the existing vehicular access, subject to conditions to maintain these in the interests of safety, and the highways safety impacts will not be severe given there are 5 further dwellings with vehicular access on this section of the restricted byway, and the current site has an existing established access. It is considered the proposal will have an acceptable relationship with its surroundings and in terms of neighbouring amenity, subject to the imposition of conditions.

## **6 Recommendation:-**

- 6.1 Approve – subject to the use of the below conditions as set out below, the proposal will comply with the aims of policies CS8 and CS11 of The Great

Yarmouth Local Plan:Core Strategy, saved policies TR11 and TR16 of the Borough Wide Local Plan and is consistent with emerging policy L2 of the final draft Local Plan Part 2.

**Proposed Conditions:**

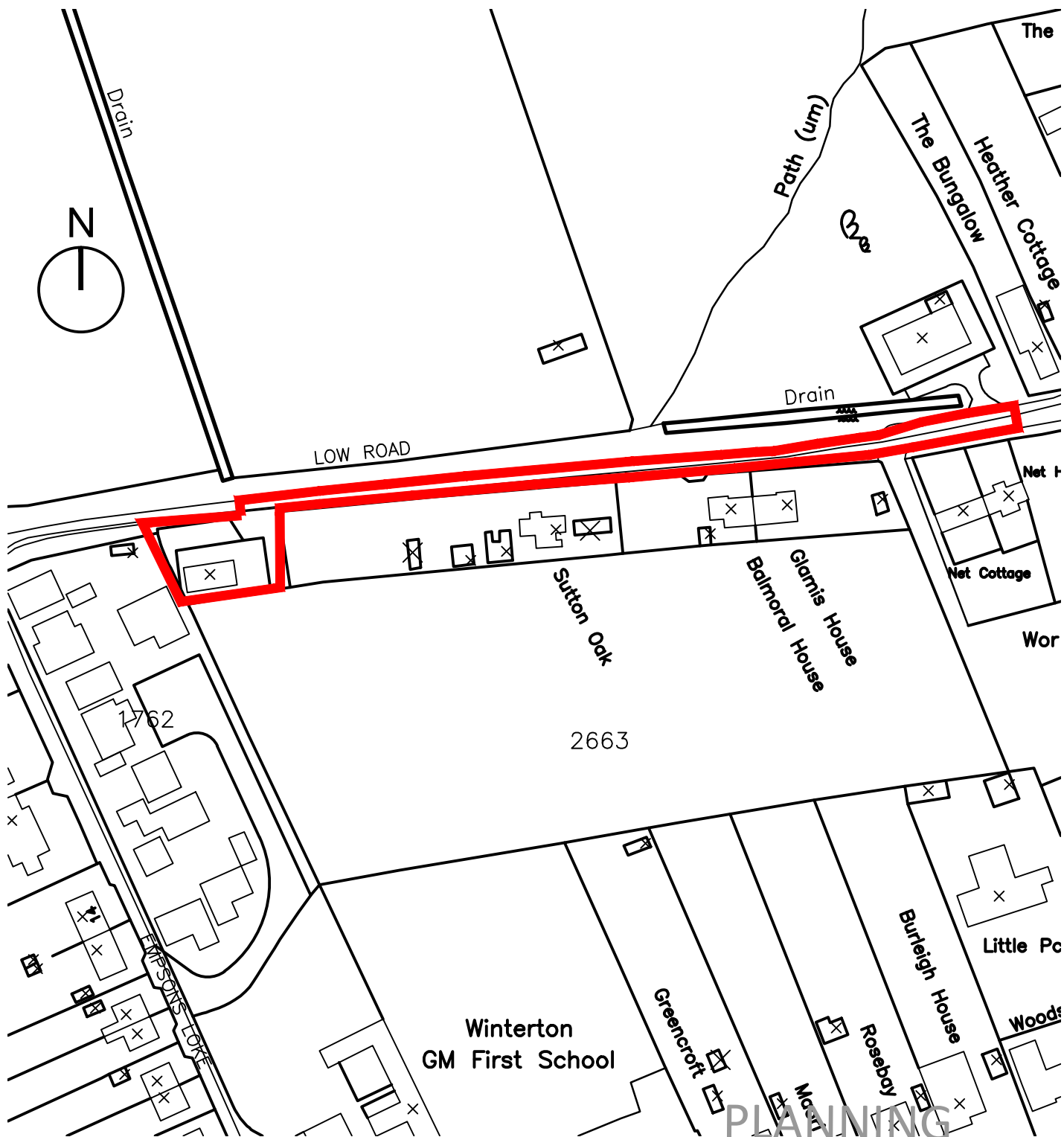
- 1) The development must be begun not later than three years beginning with the date of this permission.
- 2) The development shall be carried out in accordance with the application form received by the local planning authority on the 2<sup>nd</sup> December 2020 and revised plans received by the local Planning Authority on 6<sup>th</sup> July 2021 drawing references:
  - Site Location Plan – P01-Rev A
  - Existing Elevation and Floor Plans – P02-Rev A
  - Proposed Elevation and Floor Plans – P03-RevA
- 3) Prior to the first use of the development hereby permitted a 2.4-metre-wide parallel visibility splay (as measured back from the near edge of the adjacent road (Low Road)) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent road.
- 4) Prior to the first use of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5) The proposed unit hereby approved shall be used for holiday purposes only (given the unsuitable location, flood risk, relative inaccessibility out of the development limit, for residential uses).
- 6) The accommodation units shall be used for holiday purposes only and:
  - a. no unit shall be occupied for more than 28 days at any one time without the prior written approval of the Local Planning Authority.
  - b. Seasonal restrictions on use must be applied to the timescales of use.
- 7) The landowner or site operator shall maintain an up to date register of persons occupying the holiday let together with their permanent residential postal address, to be held on site or at other premises agreed in writing by the Local Planning Authority and shall be made available for inspection at any time during normal working hours.
- 8) Prior to the commencement of the works details of materials shall be supplied to the Local Planning Authority for consideration.
- 9) Prior to the use commencing a landscaping plan shall be submitted to and received The Local Planning Authority for consideration

- 10) Prior to the use commencing a flood response plan shall be submitted to and received by the local planning authority to consider
- 11) Prior to the use commencing, a scheme shall be agreed to mitigate the impacts for dogs:
  - a. A dog waste bin is provided onsite for residents or,
  - b. The property is let on the provision that dogs are not allowed
- 12) Provision of a visitor information pack at the property regarding alternative walking sites and details about the importance and vulnerabilities of the nearby Natura 2000 sites
- 13) All guests shall be asked to access the site from the east along Low Road wherever possible.

And any additional conditions or modifications of the above list as considered appropriate by the Development Management Manager.

**Appendices:**

- 1) Site location plan
- 2) Proposed elevation and floor plans
- 3) Public Rights of Way Service comments
- 4) Natural Environment Team comments
- 5) Neighbour comments – sample from PROW user
- 6) Neighbour comments – sample from Empsons Loke resident



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A	23/06/21	Red line amended to include access up to NCC maintained part of Low Road	JY
rev:	date:	description:	by:

client:  
**Norcam Properties Limited**

location:  
**Low Road, Winterton-on-Sea  
Great Yarmouth, NR29 4AN**

title:  
**Proposed Holiday Let Conversion  
Site Location Plan**

scale @ A4:  
**1:1250**

date:  
**September 2020**

project no:  
**8172**

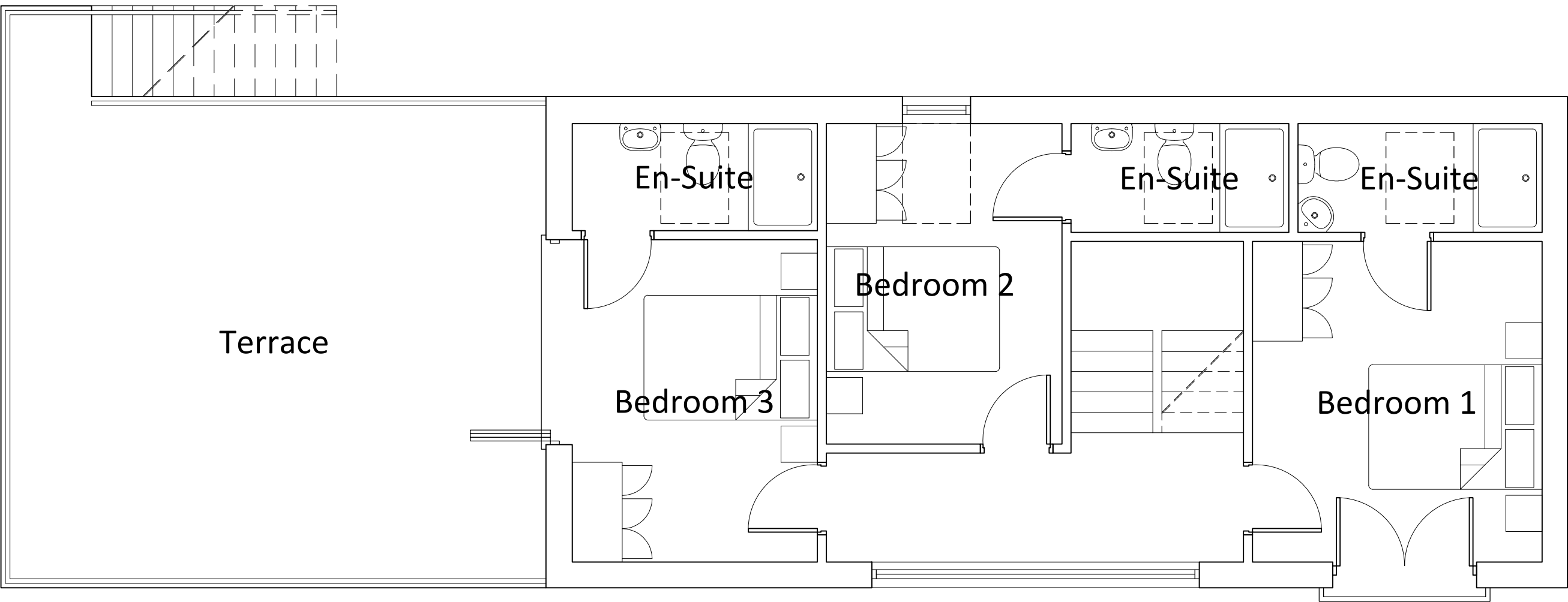
drawn by:  
**JY**

approved:  
**JY**

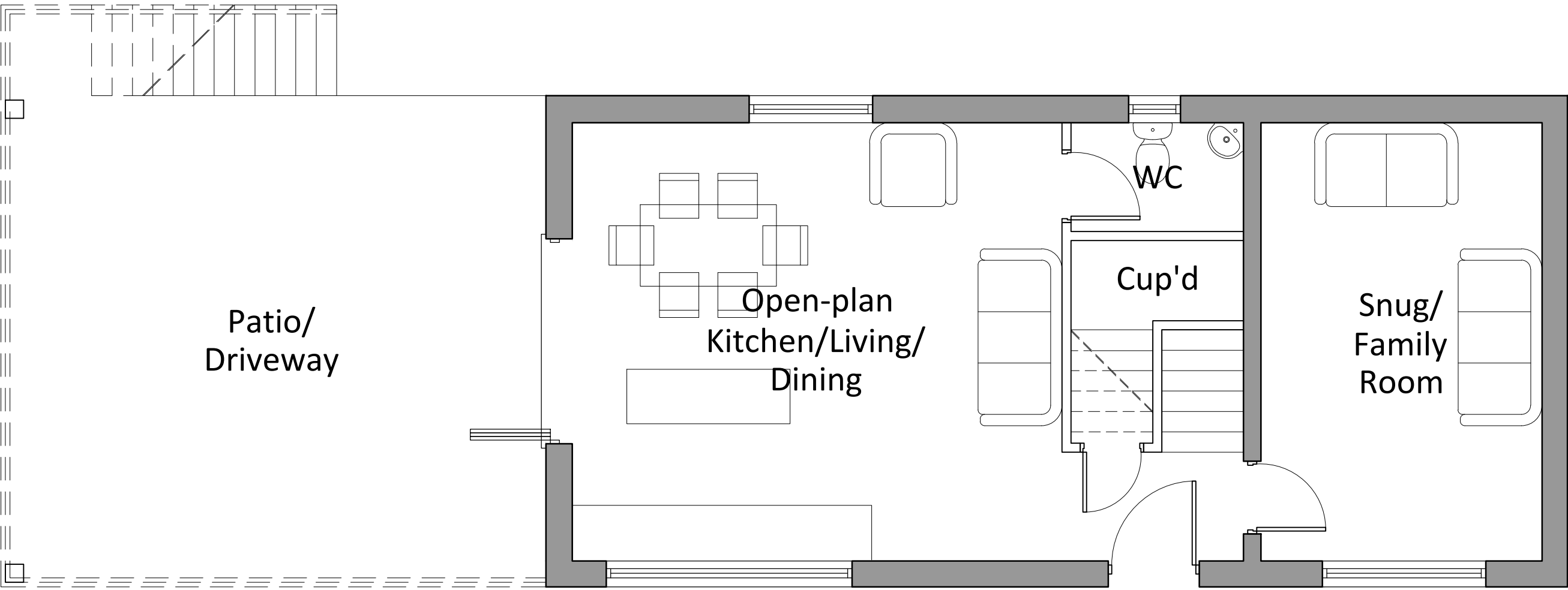
dwg no:  
**P01**

revision:  
**A**





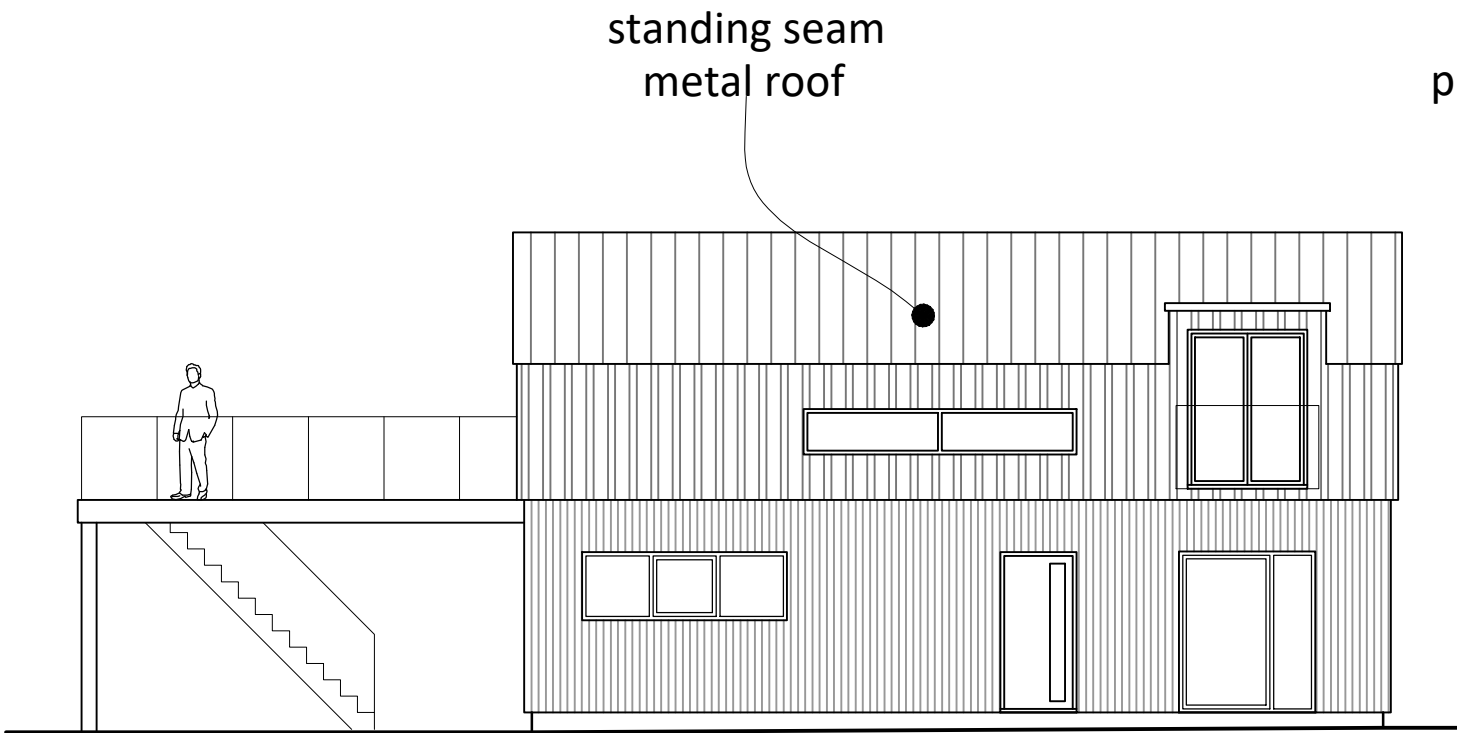
First Floor Plan  
Scale 1:50



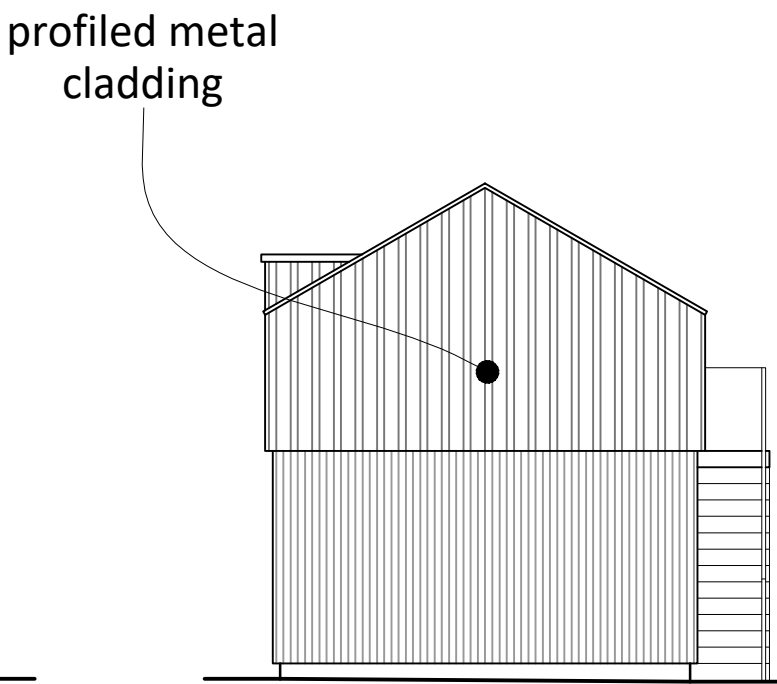
Ground Floor Plan  
Scale 1:50



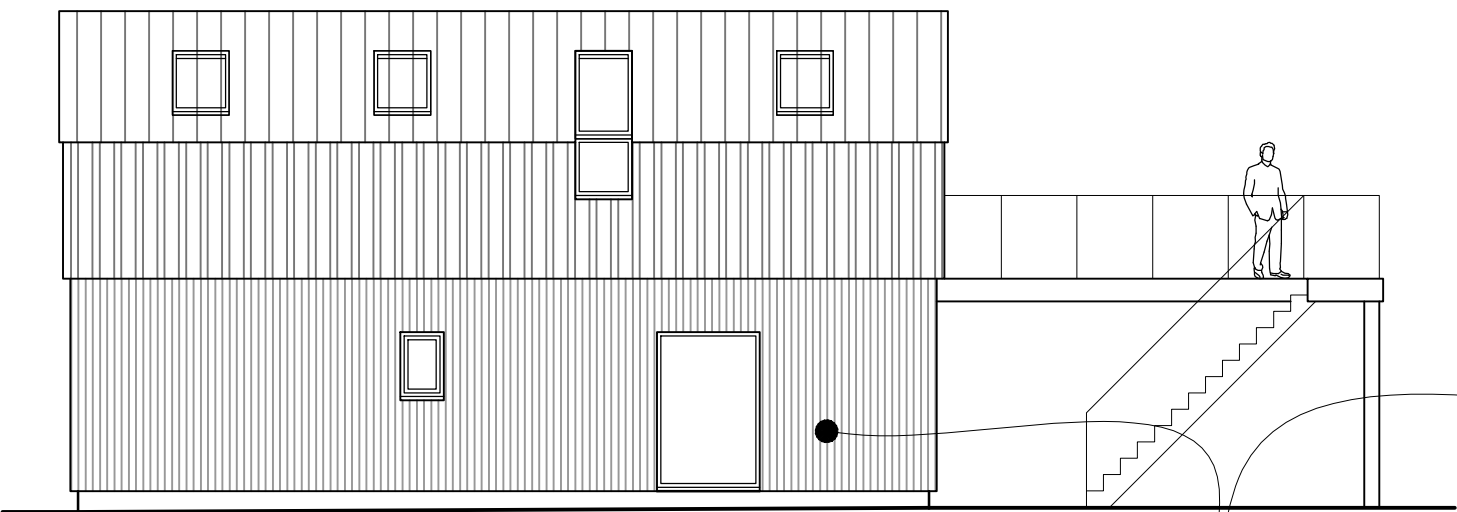
Block Plan  
Scale 1:100



Front Elevation (North)  
Scale 1:100



Side Elevation (West)  
Scale 1:100



Rear Elevation (South)  
Scale 1:100



Side Elevation (East)  
Scale 1:100



↑ example images of contemporary aesthetic

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A	23/06/21	Red line amended	JY
rev:	date:	description:	by:



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client:  
**Norcam Properties Limited**

location:  
**Low Road, Winterton-on-Sea  
Great Yarmouth, NR29 4AN**

title:  
**Proposed Holiday Let Conversion  
Proposed Floor Plans, Elevations  
& Block Plan**

scale @ A1:  
1:50, 1:100  
date:  
May 2020  
project no:  
8172

drawn by:  
JY  
approved:  
BH  
dwg no:  
P03

revision:  
A

PLANNING



**From:** Leece, Sarah <sarah.leece@norfolk.gov.uk>  
**Sent:** 01 February 2021 11:50  
**To:** plan <plan@great-yarmouth.gov.uk>  
**Subject:** RE: 06/20/0571/F

Dear Mr G Bolan,

Public Rights of Way Consultee response regarding:  
**Conversion and extension of ex-telecoms building to single dwelling or holiday lets. Virgin Media Building (former), Low Road, Winterton, Great Yarmouth.**

Thank you for your consultation regarding the above.

We have no objection in principle to the application. However, we would highlight that access to the site will be via the Public Right of Way known as Winterton Restricted Byway 7 which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. The applicant will need to ensure that they have an established private right of access to the land suitable for residential purposes. It would be expected that any damage caused to the Restricted Byway by the exercise of the private rights remains with the rights holders to repair.

The full legal extent of this Restricted Byway must remain open and accessible for the duration of the development and subsequent occupation.

Regards,

Sarah

**Sarah Leece**  
**Green Infrastructure Officer** (Public Rights of Way)  
Community and Environmental Services

**Norfolk County Council**  
General Enquiries: 0344 800 8020 or [information@norfolk.gov.uk](mailto:information@norfolk.gov.uk)

**From:** Jill K. Smith <[Jill.Smith@great-yarmouth.gov.uk](mailto:Jill.Smith@great-yarmouth.gov.uk)>  
**Sent:** 14 January 2021 17:34  
**To:** Public Rights of Way <[prow@norfolk.gov.uk](mailto:prow@norfolk.gov.uk)>  
**Subject:** 06/20/0571/F

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Date:15/01/2021

By email only: George Bolan

Dear George,

**Application**      **06/20/0571/F**  
**Proposal**        **Conversion and extension of ex-telecoms building to single dwelling for holiday lets**  
**Location**        **Virgin Media Building (former) Low Road Winterton GREAT YARMOUTH**

Thank you for your consultation. The Natural Environment Team at Norfolk County Council provide ecological advice to Great Yarmouth Borough Council Council under a Service Level Agreement. You consulted us on this application on 11/12/2020. Our response is due by 15/01/2021.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

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Summary: **No objection**

The application is supported by a **Preliminary Ecological Appraisal** (Practical Ecology, September 2020), **bat report** (Practical Ecology, April 2020) and **great crested newt method statement** (Practical Ecology, September 2020). The reports are fit for purpose and recommendations for enhancement are made, in accordance with Policy CS11 and the NPPF. The PEA was undertaken in March 2020, with bat surveys in summer 2020.

Robert Moore's comments (07/12/20) regarding common lizards<sup>1</sup> are noted.

The **shadow HRA** (Practical Ecology, Sep 2020 (version 2) is fit for purpose. In addition to a financial contribution further mitigation measures are required to minimise impacts on the Natura 2000 sites, namely:

- 1) To mitigate the impacts of dogs:
  - a. A dog waste bin is provided onsite for residents or
  - b. The property is let on the provision that dogs are not allowed,and
- 2) Provision of a visitor information pack at the property regarding alternative walking sites and details about the importance and vulnerabilities of the nearby Natura 2000 sites

These should be secured as part of the S106 agreement. In addition, A Construction Environment Management Plan (CEMP) should be secured to ensure that construction activities are managed appropriately.

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<sup>1</sup> All native reptiles (including common lizards) are listed on Schedule 5 of the Wildlife and Countryside Act 1981, and are afforded protection under Sections 9(1) and 9(5). For the reptile species occurring in Norfolk, adder *Vipera berus*, grass snake *Natrix helvetica*, slow-worm *Anguis fragilis* and common lizard *Zootoca vivipara*, this protection prohibits deliberate or reckless killing and injury but does not include habitat protection.



**There are no objections on ecological grounds subject to the following conditions:**

**1. Condition: Compliance with existing detailed biodiversity method statements**

All ecological works shall be carried out in accordance with the details contained within the 'Great crested newt method statement' (Practical Ecology, September 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: in accordance with CS11

Note: measures set out in the great crested newt method statement will also prevent harm to reptiles (and other amphibians).

**2. Condition: Biodiversity Enhancement**

Prior to the commencement of development, a biodiversity enhancement plan shall be submitted and approved in writing by the local planning authority, detailing the enhancement measures for biodiversity on site. The biodiversity enhancement plan should include the numbers and locations of bird boxes and bat boxes, hedgehog gaps, hedgehog house as recommended within the PEA report (Practical Ecology September 2020), bat report (Practical Ecology, April 2020). The measures shall be carried out strictly in accordance of the approved scheme.

Reason: in accordance with CS11.

Note:

- (1) Elevational plan should be submitted showing the locations of the boxes. The plan should be prepared by a suitably qualified and experienced ecologist.
- (2) In addition, it is recommended that the development include enhancements such as hedgehog gaps beneath fences and integrated bug bricks. Native species, that support pollinators, should also be used in any landscaping scheme.

**3. Lighting Condition:**

National Planning Policy Framework clause 125 and Norfolk County Council's Environmental Lighting Zones Policy, and the emerging neighbourhood plan for Winterton-on-Sea recognise the importance of preserving dark landscapes and skies. In order to minimise light pollution, we recommend that any outdoor lighting associated with this proposal should comply with the following guidance:  
<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>. This could be conditioned.

Reason: NPPF and the emerging Winterton-on-Sea Neighbourhood Plan

**4. Condition: Construction Environment Management Plan**

Reason: to protect Natura 2000 sites in accordance with CS11.

**Informatives:**

**European Protected Species Informative:** Occasionally European protected species, such as bats can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of a suitably qualified ecological consultant.

***Nesting birds Informative:*** The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, and buildings should be assumed to be used by nesting birds between 1st March and 31st August inclusive, unless a recent survey (no more than 24 hrs prior to works starting) has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. Cut vegetation is to be either removed from site or chipped. Piles of brash are not to be stored on site as this provides potential nesting habitat for birds. If piles of brash are left on site during the main breeding bird season these will need to be inspected for active nests prior to removal.

These comments are valid for 6 months (in line with CIEEM guidelines for ecological survey lifespan and the date of the surveys undertaken by Practical Ecology).

If the wording of the suggested conditions is to be amended, please reconsult us.

Kind regards,

Catherine Dew, County Ecologist  
Norfolk County Council  
neti@norfolk.gov.uk

## Appropriate Assessment

Planning Application details	
Applicant/Agent	Applicant: S Casey c/o PlanSurv Ltd 5a Quayside ELY Cambridgeshire CB7 4BA Agent: Mrs R Gunton PlanSurv Ltd 5a Quayside ELY Cambridgeshire CB7 4BA
Application site address	Virgin Media Building (former) Low Road Winterton GREAT YARMOUTH
Application description	Conversion and extension of ex-telecoms building to single dwelling for holiday lets
Case officer (if known)	George Bolan
Application reference (if known)	06/20/0571/F
Ecologist details	
Name	Catherine Dew
Position	County Ecologist, Norfolk County Council
Date	18/01/21

The application site is in the red habitat impact zone.

A bespoke shadow HRA has been completed by Practical Ecology (2020). The assessment is broadly fit for purpose although please note that the Great Yarmouth monitoring and mitigation strategy requires a £110 per six bed spaces (for holiday accommodation).

In addition to a financial contribution being secured to implement measures outlined in the Monitoring and Mitigation Strategy, the following mitigation is also required:

- a **dog waste bin** for residents is required, or **dogs not permitted to stay**
- Maps showing alternative walking routes
- Literature emphasizing importance of the Natura 2000 sites and how it can be protected should be provided
- Construction plan to minimize risk of pollution

assessment concludes that **no adverse effect** on the integrity of internationally designated wildlife sites from recreation.

<As appropriate, will include the following:

- Summary of submitted shadow HRA/screening assessment submitted with planning application
- Details of habitats and species which are the designated features of the protected site(s) **YES**
- Implication of the proposal for designated features and habitat types and species (including key issues – increased recreational pressures / potential hydrological linkage) **YES (chapter 5)**
- Reasons for rejecting any scientific expert opinion
- Any construction parameters to be agreed **YES - CEMP**
- Mitigation measures, e.g. financial contribution (via S106 / S111) / Green Infrastructure / drainage strategy etc. **YES**
  - **Financial contribution**
  - **Dog waste bin onsite/dogs not permitted**
  - **Visitor information pack**
- No adverse (residual) effects on the integrity of the relevant internationally protected habitat sites>

Draft GYBC Officer sign off	
Officer:	
Position:	
Date:	

Natural England comments	
Officer:	
Position:	
Date:	

Final GYBC Officer sign off	
<p>It is confirmed that the above proposal will not have a significant adverse effect on nearby internationally protected habitat sites and this is the record of Appropriate Assessment undertaken by the competent authority, in accordance with the Conservation of Habitats and Species Regulations 2017.</p>	
Officer:	
Position:	
Signature:	
Date:	



**Application** 06/20/0571/F  
**Name** debbie newman  
**Address** 12 The Avenue Hemsby  
 NR294ET  
**Telephone** [REDACTED]  
**Email** [REDACTED]  
**Response** OBJ Object  
**Speak** No  
**Comments**

As a horse carriage driver/rider using the restricted byway on low road regular the holiday makers are not very good at picking their dog mess up as I get told often i have had trouble with church farm cottage holiday lets coming and blocking my gate the road either way leading to this piece of land is unmade it does not cope with the Also concerned if there are holiday makers in there that they will let fireworks off a

**Change Type**

**OWPC10708**

Transfer

**Delete or  
Invalidate**

Delete/Invalidate

As a horse carriage driver/rider using the restricted byway on low road regular the road is very narrow most drivers find it very frustrating reversing back up the restricted byway when we have the horses on it then we get a mouthful of abuse because they cannot reverse the restricted byway there surely is a good reason to limit the cars to preserve our byways as four wheeled drives and lorries are not suppose to go on it anyway

the holiday makers are not very good at picking their dog mess up as I get told often they are on holiday so do not have to pick it up outside my gate, again a mouthful of abuse I get then again when their dogs are off the leads which should be on leads and barking and lunging at the horses the locals are very respectful to us so always know they are holiday makers or day trippers to village when we have had trouble with dogs such a shame as we have had trouble with cars impatient to wait so beep at us as well the last couple of years

i have had trouble with church farm cottage holiday lets coming and blocking my gate waiting to go in their holiday accomodation usually leave the cars and walk the dog no respect for no parking signs in front of gates again

the road either way leading to this piece of land is unmade it does not cope with the traffic now that uses it as we have to buy shingle or type 1 to fill holes in now so letting more people on the restricted byway will be awful for the people that try to maintain it or use it regular either walking or biking

Also concerned if there are holiday makers in there that they will let fireworks off as on holiday right opposite horses field all my neighbours again are very respectful to the horses as its a residential area and our area of Low Road Empsoms Loke

also really do not want strangers coming and going already had things stolen from mine and neighbours fields so wary of strangers now in that area

please do not pass this building as a holiday let there is enough in the village for holidaymakers now  
thanks Debbie Newman

14.12.20.

**Application** 06/20/0571/F  
**Name** Nick Read  
**Address** 21 Empsons Loke  
Winterton on Sea Great Yarmouth  
Norfolk NR29 4AR  
**Telephone** [REDACTED]  
**Email** [REDACTED]  
**Response** OBJ Object  
**Speak** No  
**Comments**

We are the direct neighbours of this property. We object on several grounds. 1. The

**Change Type**

**OWPC10536**

Transfer

**Delete or  
Invalidate**

Delete/Invalidate

We are the direct neighbours of this property. We object on several grounds. 1. The plan does not show the presence of the Empsons Loke development which has been here for 6 years and comprises six 3-5 bedroom houses already adjacent to the site, of which we are the direct neighbour. 2. These six properties have a private driveway for access which is already abused by holiday makers using it as a turning space or free car park. Adding another property which appears on the map as being accessed via Empsons Loke will make this worse, especially as a holiday let rather than a main residence. 3. Winterton is overrun. It does not need any more holiday makers or holiday let properties. Especially as Hemsby is being developed already. 4. It is not 'outside the village'. This is false. It is entirely within the accepted boundary of the village - entirely between 21 Empsons Loke and the last domestic house on Low Road to the east. 5. Low Road is in common use as a bridleway, not a road. It is an unmade mud track, used by ramblers, dog walkers, horses and cyclists. It is not appropriate to use it for holiday makers from outside of the village to churn up and down it and the feeder roads at each end. 6. The lower end of Empsons Loke already has a flooding problem because of lack of drainage in this lowest part of the village. Badger Homes were forced by the residents to install a much greater volume of soakaway cages than originally designed in as only ten minutes of heavy rain would originally flood to the front doors of the bottom three houses - 21, 22, and 23. Even now, storm weather which is more and more common every year causes the soakaways to overflow. Holiday makers who ignore the signs to stay out of our private driveway, and to not drive or park on the gravel covering the soakaway cages, continually do the exact opposite - trespass and cause damage. 7. The field adjacent to our property and the one in question is an area of scientific interest and wildlife. It represents the only bit of wild meadow within the village and is home to pipistrelle bats. These have lived here throughout the 6 years that we have. They roost in the roof of the telecoms building and hunt over the field and across our front lawn. We have video footage of them and they are regular visitors in the late summer evenings, circling between 21 and the telecoms building. 8. The rear of our property ie. Low Road is the edge of a flood plain. No further properties should be developed there. 9. The presence of transient holiday makers on a regular basis would mean a need for heavy bin and recycling lorries to try and find a way down the mud track of Low Road just to collect waste and it is likely that it would be simply left by an absentee

landlord to become an eye sore of rubbish and waste. WE STRONGLY OPPOSE THIS PLANNING APPLICATION.