



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# **Development Control Committee**

## **Minutes**

Wednesday, 09 November 2022 at 18:00

### **PRESENT:-**

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

Mr M Turner (Head of Planning), Mr R Parkinson (Development Manager), Mr N Harris (Principal Planning Officer), Mr T Hadlow (Strategic Planner), Ms C Whatling (Monitoring Officer), Mr M Brett (IT Support), Ms T Koomson (Senior Democratic Services Officer) & Mrs C Webb (Democratic Services Officer).

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors G Carpenter & Mogford.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest declared at the meeting.

### **3 MINUTES**

The minutes of the meeting held on 5 October 2022 were confirmed.

### **4 APPLICATION 06-22-0805-F - 37-39 MARKET PLACE (FORMER PALMERS BUILDING), GREAT YARMOUTH**

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

The Principal Planning Officer reported that this was a connected application as the Council was the applicant.

The Principal Planning Officer reported that the proposal was associated with a wider investment project by Great Yarmouth Borough Council (GYBC) and partners that involved, subject to planning permission, transforming the former Palmers building into a multi-million-pound library and learning centre along with adult learning, registry office and other community services. Preparatory work, not requiring planning permission, had started on removing asbestos and various cosmetic alterations to the inside of the building stripping out the five storey, 5,300 square metre building, and repairing the roof ready for its next chapter. Connected to this, there was a need to demolish the disused and outdated rear plant room and associated flue feature and being within a conservation area these works required planning permission given the building volume and wall height.

The Principal Planning Officer reported that the main planning issues for consideration included:-

- Principle of development
- Historic environment and heritage
- Amenity

The Principal Planning Officer reported that having considered the details provided, the application was considered to comply with policy CS10, from the adopted Core Strategy, and policies GSP1, A1, E5 and E6 from the adopted Local Plan Part 2.

The Principal Planning Officer reported that it was recommended that application 06-22-0805-F should be approved subject to the conditions as set out in the agenda report.

Councillor P Hammond proposed that the officer recommendation with the conditions as laid out in the agenda report be approved. This was seconded by Councillor Williamson.

Following a unanimous vote, it was RESOLVED:-

That application number 06-22-0805-F be approved subject to:-

The development must be begun not later than three years beginning with the date of 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 plan:  
Drawing No. GYLH-CF-ZZ-XX-DR-A-0500 Plant Room Demolition Plan and Elevation  
The reason for the condition is:- For the avoidance of doubt.

In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:-

1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and

2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

The reason for the condition is :-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informative Notes:-

1. Asbestos –

The developer is reminded that prior to any refurbishment commencing on site the building/s to be refurbished are required to be surveyed for the presence of asbestos containing materials in accordance with the Control of Asbestos Regulations 2012. Any asbestos containing materials which are identified shall be managed or removed in accordance with the above regulations and waste regulations. Failure to comply with these regulations could result in prosecution by the relevant authority.

The uncontrolled refurbishment of buildings could result in the contamination of soils on site and in the vicinity of the demolition. This could cause the investigation of the site under Part 2A of the Environmental Protection Act 1990, which may result in the determining of the site as Contaminated Land.

For further help and advice in respect of asbestos removal the applicant/agent is advised to contact the Health and Safety Executive (HSE) on 0845 345 0055 ([www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos))

Application Reference: 06/22/0805/F Committee Date: 9 November 2022

2. Hours of work –

Due to the proximity of other residential dwellings and businesses, the hours of any construction or refurbishment works should be restricted to:-

- 0730 hours to 1830 hours Monday to Friday
- 0830 hours to 1330 hours Saturdays
- No work on Sundays or Bank Holidays

3. The site will potentially generate a significant amount of dust during the construction/ demolition process; therefore, the following measures should be employed:-

- An adequate supply of water shall be available for suppressing dust
- Mechanical cutting equipment with integral dust suppression should be used
- There shall be no burning of any materials on site, or burial of asbestos, which should instead be removed by an EA licenced waste carrier, and the waste transfer

notes retained as evidence.

4. This proposal involves works adjacent to 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 Applicants' 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)

## **5 APPLICATION 06-22-0731-HH - 5 SCHOOL CORNER, BRADWELL**

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

The Planning Officer reported that his application was brought before the Committee because the applicant was an employee of the Council. The application sought the removal of an existing hedgerow and erection of a 1.8m high wooden fence.

The Planning Officer reported that the main planning issues for consideration included:-

- Impact on character of the area
- Design
- Impact upon Highway trees
- Residential amenity
- Highways Impact

The Planning Officer reported that having considered the details provided, the application was considered to comply with Core Strategy policies CS9 and CS11, and Local Plan Part 2 policies A1 and E4 and there were no material considerations to suggest the development should not be approved as it was considered to be consistent with these policies.

The Planning Officer reported that it was recommended that application 06/22/0731HH be approved subject to the conditions as set out in the agenda report and including two new conditions; conditions 6 & 7, as reported at the meeting. The Planning Officer also drew members attention to condition number 4 which had also been amended.

Councillor Williamson commented that it was sad to see hedgerows being removed when at the same time, the intention was to encourage more greenery as per discussions on the new design code for new developments. He added that it was vital that the two cherry trees were protected by a TPO.

Councillor B Wright agreed with Councillor Williamson that removing the hedgerow was a real shame as it would affect the amenity of the area and the street scene.

The Planning Officer confirmed that the applicant was within their rights to remove the hedgerow without permission and its retention could not be enforced. The Development Manager clarified that the installation of alternative fencing could be carried out without planning permission for up to 1 metre in height.

Councillor B Walker suggested that the removal of the hedgerow could not be

prevented by planning law, but it was still most regrettable.

Councillor P Hammond proposed that the officer recommendation together with the conditions as laid out in the agenda report be approved, amended condition number 4 and additional conditions 6 & 7 as reported at the meeting. This was seconded by Councillor Flaxman-Taylor.

Following a vote, it was RESOLVED:-

That application number 06/22/0731/HH be approved subject to the conditions as set out in the agenda report, amended condition number 4 and additional conditions numbers 6 & 7 as reported at the meeting.

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

The reason for the condition is: - Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the application form and following plans received on 16 August 2022:-

Location Plan - site plan (1-1250)

Proposed site plan (1-50)

Proposed Fence Type

The reason for the condition is: -

For the avoidance of doubt:

3. The fence shall be installed and constructed using the following method:-

1. A 200mm square by 300mm deep Inspection/test hole will be dug in each location where the fence posts are intended to be located; this is to establish if any tree roots are present and to avoid damaging them.

2. If any tree roots are discovered, works shall temporarily cease and photos of the roots will be sent to the Arboricultural Officer for review before any further works within the trees Root Protection Area (RPA) are undertaken. If the Arboricultural Officer deems it necessary they shall attend site before works re-commence, to assess if the unearthed roots are vital to the tree (structural or fibrous). If this is the case, at the instruction of the Arboricultural Officer, the post location will be moved accordingly, and another inspection/test hole will be dug to establish possible root location.

3. Following inspection/test holes being dug and showing that no roots are present, an impervious membrane shall be installed within each post hole to contain and prevent concrete leaching outside the post hole.

4. Fence posts will be concreted into the minimum possible depth required -to a maximum depth of 300mm below existing surface of the soil.

5. Fence Panels shall be 8ft or 10ft wide (Depending on availability) where feasible and practicable to lessen the number of posts needed within the RPA of the tree to limit the amount of disturbance caused to the tree's root plate. The reason for the condition is: -

To ensure that no harm is done to existing trees within the highway boundary in accordance with Local Plan Part 2 Policy E4.

6. Prior to installation, full details of the colour of the fence shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The reason for the condition is: -

In the interests of the visual amenities of the area as precise details of the materials have not been submitted, in accordance with Core Strategy Policy CS9 and Local Plan

Part 2 Policy A1.

7. No part of the proposed structure (the fence, its posts and their foundations) shall overhang or encroach upon highway land and no gate shall open outwards over the highway.

The reason for the condition is: -

In the interests of highway safety.

And any other conditions considered appropriate by the Development Manager.

Informative Notes:-

Application Reference: 06/22/0731/HH Committee Date: 09 November 2022 1. It is the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls 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 informatives considered appropriate by the Development Manager.

## **6 APPLICATION 06-22-0765-TRE - LAND EAST OF 311 BECCLES ROAD, GORLESTON**

The Committee received and considered the report from the Principal Planner. This was a connected application where by the Council was both landowner and applicant. The proposal was works to tree T1 Acer - Reduce and reshape encroaching branches up to 2m and thin crown.

The Principal Planner reported that the principal policies to consider were:-

- 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.

Other material considerations to consider ;-

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

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The Principal Planner reported that the tree was impacting upon the adjacent property and the applied for works would alleviate this issue. A 2m reduction of the lower Western Canopy would not unbalance the tree and prevent future growth impacting

the property for a number of years. The removal of the epicormic growth from the trees' stem and canopy would reduce the overall sail capacity and light obstruction/absorption so would benefit the trees' retention span by being less susceptible to storm damage and lessen its impact upon the surrounding area. The works could be classed as good tree management and the Arboricultural Officer had no objection to the works being consented to.

The Principal Planner reported that the tree contributed to the local environment and its this visibility significantly and this maintenance will help improve visual appearance of the tree. An informative note should be included on any consent 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. The application would ensure the tree will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, CS10 and CS11.

The Principal Planning Officer reported that it was recommended that application 06-22-0765-TRE be approved subject to the conditions as set out in the agenda report.

Councillor Flaxman-Taylor proposed that the officer recommendation and the conditions as set out in the agenda report be approved. This was seconded by Councillor Freeman.

Following a unanimous vote, it was RESOLVED:-

That application number 06-22-0765-TRE be approved subject to:-

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.

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 399)

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.

**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).

**INFORMATIVE:-**

**7. 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) the work starts8  
Recommendations for Tree Work

## **7 ANY OTHER BUSINESS**

The Development Manager informed Members of the opportunity for extra-curricular training from the Marine Management Organisation, on the updated Marine Planning Policy and that he would circulate the details to all Members following the meeting.

The meeting ended at: 18:25