

Schedule of Planning Applications

Committee Date: **20th July 2022**

Application Number: **06/22/0203/F** - [Click here to see application webpage](#)

Site Location: Sheridan Grove, Lords Lane, Bradwell, NR31 9DY

Site Location Plan: See Appendix 1

Proposal: Remove condition 2 of planning permission 06/91/0838/F to allow annexe to be used as a holiday let

Applicant: Mrs Mavroudis, Sheridan Grove, Lords Lane, Bradwell, NR31 9DY

Case Officer: Mr R Tate

Parish & Ward: Bradwell South Parish, Bradwell South and Hopton Ward

Date Valid: 02-03-22

Expiry / EOT date: 27-07-22

Committee referral: Public interest and at the request of Cllr Annison

RECOMMENDATION:

APPROVE SUBJECT TO CONDITIONS

REPORT

1. The Site and Context

1.1 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.

1.2 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."

1.3 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withdrawn due to a lack of information.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 before the Committee has been submitted with the information that was missing in the previous application.

2. The Proposal

- 2.1 The application seeks to remove condition 2 of planning permission 06/91/0838/F to allow the annex to be used for holiday accommodation.
- 2.2 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.*”
- 2.3 No external works are proposed as part of this application.

3. Site Constraints

- 3.1 The site is located within the Green 2.5km+ Indicative Habitat Impact Zone.

4. Relevant Planning History

Reference	Decision	Decision Date	Site Address	Description
06/91/0838/F	APPROVED	04-10-91	Sheridan Grove off Lords Lane	Alteration and conversion of garage to form granny annexe

5. Consultations

5.1. Statutory Consultees

Consultee: Local Highways Authority (Norfolk County Council)		Response: No objection
Officer comment / response:	n/a	
Any relevant Condition / Informative note?	n/a	

Consultee: Ecology Officer (Norfolk County Council NETI team)		Response: No objection
Comment:	For recreation pressure, to address the in-combination effects, a suite of mitigation measures (including monitoring and non-infrastructure mitigation) have been incorporated by the Norfolk Green Infrastructure and Recreation Avoidance and Mitigation	

	<p>Strategy. This strategy requires a standard contribution of £185.93 per net dwelling (or equivalent) to fund the measures. The proposed development is of a nature and scale that there are no additional recreation issues beyond those being mitigated for by the strategy.</p> <p>If the GIRAMS contribution is provided the Appropriate Assessment should be passed.</p>
Officer comment / response:	n/a
Any relevant Condition / Informative note?	n/a

5.2. Internal Consultees

Consultee: Great Yarmouth Borough Council Strategic Planning	Response: No objection
<p><i>Location</i></p> <p>The site is located within the Development Limit (Policy GSP1), towards the western edge of Bradwell. The surrounding properties are residential. The dwelling and annexe are accessed via a private road from Lords Lane.</p> <p><i>Holiday let use</i></p> <p>Policy CS8 supports year-round tourism and the development of new high quality accommodation with easy access and good connectivity to existing attractions in the area (part e) and Bradwell is well located and equipped to accommodate an additional holiday let without overwhelming local infrastructure.</p> <p>Further consideration may need to be given to Policy A1: Amenity, given that the surrounding area is residential and not a recognised tourist accommodation area. It is not clear on the proposed plans if the occupiers of the holiday let would share garden amenity space with the host dwelling or if it has its own area. Another consideration is that the holiday let parking bay on the proposed plan is also up close to the north of the host dwelling and adverse amenity impacts such as from car noise from vehicles coming and going from the proposed parking bay should be considered, as well as car lights shining into the host dwelling after dark. How parked cars would access and exit the parking bay should also be considered to ensure there are sufficient turning areas in line with highway standards. The plans are not clear on this at present.</p> <p>If approved, the unit should be required to contribute to Habitat Monitoring and Mitigation in accordance with Policy GSP5 of the Local Plan Part 2 (LPP2) as this is effectively an additional recreational impact. Also, a holiday let should be appropriately conditioned to ensure that use is for holiday purposes (managed by the adjacent residential property within the same curtilage) and not permanent residency as an independent dwelling.</p> <p><i>Conclusion</i></p>	

The Local Plan policies are generally supportive of tourist proposals in this location, although further consideration should be given to compatibility of the proposed use with existing neighbours and amenity issues.	
Officer comment / response:	Shadow template HRA and £185.93 contribution to the GIRAMS scheme are required prior to determination. A shadow HRA and the necessary GIRAMS contribution has now been received.
Any relevant Condition / Informative note?	n/a

6. Publicity & Representations received

Consultations undertaken: Letters to neighbours and Site notice. Site notice expired on 29-04-22.

6.1. Ward Member – Cllr Annison

Objection: I'm against this application as it goes against CS08 CS09 And policy L2 of the LPP2 Also, there are covenants on the site that do not allow this to take place This is a private drive, and a residential area. It's simply in the wrong place, there will be environmental issues with noise, and all sorts of problems. There has already been issues with cars late at night trying to find the place I ask this be refused	Officer Comment: <ul style="list-style-type: none"> Policy CS08 is generally supportive of applications which provide holiday accommodation within the development limits. Being within the development limits, policy L2 is not engaged. Covenants are not a material planning consideration. Policy CS09 supports proposals which provide high quality design and high levels of amenity for occupants and neighbours. Noise and disturbance should not differ significantly from the existing lawful use and impacts can be mitigated by way of condition 	Relevant Condition/ Informative: Restriction on terms of use and log book to be used to monitor use.
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6.2. Ward member – Cllr Hacon

Objection: Strongly object to this application [citing] the need to supplement her income? You have to be joking Mrs Mavroudis has other properties, I am told,	Officer Comment <ul style="list-style-type: none"> The character of the use will be different but the noise and disturbance should not differ significantly from the existing lawful use and 	Relevant Condition/ Informative: Restriction on terms of use and log book
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<p>and her son attends private school. Langleys, that I know. We have people driving into our garden looking for The Laurels, one reversed into a pillar which had to be repaired, one driving in on the drive and out across our lawn causing deep ruts, one unable to reverse into a hammerhead my husband had to do it for her.</p> <p>Two police cars attending the other evening? and so it goes on</p> <p>We live on a private drive with a covenant which states for residents vehicles only, someone using a B&B is not a resident just a nuisance to all</p>	<p>impacts can be mitigated by way of condition</p> <ul style="list-style-type: none"> The applicant's portfolio/income is not a material planning consideration. 	<p>to be used to monitor use.</p>
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6.3. Parish Council

<p>Objection:</p> <p>Object due to the impact on neighbours</p>	<p>Officer Comment</p> <ul style="list-style-type: none"> The impact on neighbouring amenity is not considered to differ significantly from the current lawful use (will be explored further in the amenity section of this report) 	<p>Relevant Condition /Informative:</p> <p>N/a</p>
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6.4. Public Representations

At the time of writing 2 public objections have been received.

Objections / Concerns:

Issues raised	Officer Comment	Relevant Condition/ Informative
<p>Covenants on the property do not allow it to be used "for any purpose which may be or become a nuisance annoyance and not to use the plots for any purpose other than the erection of private dwelling houses in the occupation each of one family".</p>	<p>The presence of a restrictive covenant is not a consideration material to the grant of planning permission.</p>	<p>n/a</p>
<p>No reason has been put forward as to why Condition 2 of</p>	<p>The covering letter states that the annex had been unused since the applicant purchased the property in</p>	<p>n/a</p>

06/91/0838/F should be removed.	2006 and as such the applicant decided to rent it as a holiday let. As condition 2 restricted this, this application has been submitted to remove the condition. The application has to be assessed against the development plan unless material considerations deem otherwise.	
Site is within a residential area and does not comply with policy.	The site is within the development limits identified by GSP1. Core policy CS08 is broadly supportive of holiday accommodation within development limits when proposals comply with the rest of the development plan.	n/a
No evidence of a boom in the tourist industry.	Regardless of whether there has been a 'boom' Core Policy CS08 A "[Encourages] and [supports] the upgrading, expansion and enhancement of existing visitor accommodation and attractions to meet changes in consumer demands and encourage year-round tourism".	n/a
Financial gain for the applicant at the expense of neighbouring amenity.	The applicant's portfolio/income is not a material planning consideration.	n/a
Noise from guests staying / arriving at the holiday let.	The properties along the private drive are relatively well spaced out and benefit from generous curtilages. The annex is adjacent the boundary although is separated from the property to the north by a hedge. The combination of the distance between the holiday let and screening should mitigate any increase in noise/disturbances arising compared to the existing lawful use. It is not considered that a condition restricting the times that guests arrive would be necessary or would meet the 6 tests.	n/a
Increased traffic on the private road.	The change of use to a holiday let should not result in a significant increase in vehicle movements compared to the existing lawful use.	n/a
Impact on property values	Changes to property values are not a material planning consideration.	n/a
Threats to neighbourhood security	A holiday let may have less hours of occupation and therefore less natural surveillance but it is not seen how the use of the outbuilding as a	n/a

	holiday let materially increases the potential for crime compared to the permitted use of that of an annex.	
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7. 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 CS11: Enhancing the natural environment

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 A1: Amenity

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 9: Promoting sustainable transport
- Paragraph 130

9. Planning Analysis

- 9.1. 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.
- 9.2. 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.
- Impact on neighbouring amenity.
- In-combination impacts on designated sites resulting from recreation.
- Highways and Parking.

Assessment:

Proposal: Remove condition 2 of permission 06/91/0838/F to allow annexe to be used as a holiday let

10. Principle of Development

- 10.1 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.
- 10.2 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 [has] good connectivity with existing attractions”.
- 10.3 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.
- 10.4 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. This advice was undoubtedly prompted by the judgment in *Chichester D.C. v SoS & Holdens Farm Caravan Park Ltd 18/3/92* where the court held that an inspector was right to alter a “seasonal” restriction condition by substituting it for one which allowed all year round occupation, but only for holiday purposes. The judge stated that it was not the court’s task to consider whether a condition was enforceable and on a prosecution for failure to comply with an enforcement notice, the magistrates would have little difficulty on the facts as they emerge in deciding whether a chalet was being used for holiday accommodation or for occupation as a permanent residence.

- 10.5 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.

11. Residential Amenity

Amenity for future tourists

- 11.1 The information submitted in support of the application states that the annex contains “a king size bed, fully fitted kitchen with cooking/eating apparatus, shower room, living/dining room, self-contained garden, and hot tub.”
- 11.2 The holiday let has an estimated floor area of 58sqm which is above the minimum size required for a residential dwelling. With a well sized holiday let with a self-contained garden, tourists would benefit from high levels of amenity for their stay – as such, the proposal would comply with CS09 F.

Amenity of those in the main dwelling

- 11.3 The proposed holiday let will share an access with the main dwelling although it is self-contained with its own garden which is fenced off and separated from the main dwelling. The main dwelling is left with a garden of a sufficient size to ensure that residents will benefit from an adequate provision of private amenity space.
- 11.4 It is recommended to impose a condition to ensure that the proposed holiday let will not be able to be sold separately from the main dwelling. This will ensure that the amenity of residents of the main dwelling will be protected; moreover, this condition will enable the local planning authority to retain control over the development and prevent the occupation of the unit as a separate dwelling which would result in a sub-standard layout of land.

Neighbouring amenity

- 11.5 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.*
- 11.6 Utilising an existing building, the proposal does not generate any additional overshadowing, loss of light or loss of outlook compared to the existing situation.
- 11.7 Neighbours have raised concern that the use of the outbuilding as a holiday let would generate noise and disturbances to neighbouring dwellings, which would be exacerbated by the comings and goings of tourists and the lugging of luggage. The

dwelling along the private road are set relatively far back and combined with the screening the comings and goings of tourists should not be significantly adverse. Moreover, the extensive vegetation between the holiday let and the neighbour to the north provides both a visual screen and a sense of separation if not an actual acoustic screen, but nonetheless should lessen the effects of any activity coming from the holiday let and reduce the sense of disturbance.

- 11.8 The use of the annex as a holiday let represents a less intensive use of the outbuilding compared to the current lawful use. A granny annex could be occupied all year round and users could generate the same level of noise compared to tourists. It is unlikely that the holiday let would be occupied for 365 days of the year, for example.
- 11.9 Objections to the application indicate that the primary form of disturbance is likely to arise from people coming to and from the property by car. It is accepted that such individuals are not likely to know the area well and as such, unlike the current lawful users, are more likely to be lost, or pull into the wrong drive. However, Great Yarmouth is a town that relies on tourism and needs to think of ways to accommodate tourists and yet avoid such disturbances to existing residents. It is reasonable to require the applicant to demonstrate mechanisms they will employ, such as providing information leaflets prior to guest arrival, and producing acceptable signage (within that permitted by the Advertisement Regulations) to address such concerns within the bounds of reasonableness.
- 11.10 Reference has been made to people's poor driving skills, police attendance in the area and the general nuisance arising from those who do not live in a particular area visiting it for the first time. While accepting such issues would cause a nuisance it is difficult to accept they could be attributed to a proposal such as this; after all those with poor driving skills may be local, the police need to attend incidents and there is no evidence to suggest as use such as this would be the cause of such incidents.
- 11.11 It needs to be recognised that anti-social behaviours and excessive noise is controlled by other legislative regimes. Planning must take the starting point that those who will benefit from or make use of planning permissions will do so in a considerate and reasonable manner.
- 11.12 The proposal is not considered to generate any significant additional impacts on neighbouring amenity compared to the existing lawful use. The proposal complies therefore with A1 from the adopted Local Plan Part 2.

12. Access, Traffic and Highways impacts

- 12.1 Paragraph 111 states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

12.2 As discussed earlier, Sheridan Grove is accessed via a private track located off Lords Lane. The use of the outbuilding is not expected to generate a significant difference in vehicle movements when compared to the existing lawful use.

12.3 The Local Highways Authority (Norfolk County Council) have been consulted on the application and raise no objection to the proposal.

13. Parking & Cycling Provision

13.1 The proposed holiday let benefits from its own dedicated parking section, located to the west of the subject building. The donor property has a large parking area and as such the use of this section for visitors would not displace resident's parking.

13.2 The driveway is tarmacked and therefore the turning, reversing and movements of visitor vehicles should not generate significant noise.

14. Ecology and Biodiversity

14.1 No measures have been put forward to provide ecology enhancements on the site. However, it is not considered that this should be a reason for refusal and nor is it reasonable or justified to require enhancements by conditions given that this is a change to the use only. Whilst biodiversity enhancements could be offered as a material consideration to be weighed in the balance of the planning assessment, it is not considered to meet the 6 tests for being required by a planning condition unless Members considered their judgement to be justified on the basis of additional ecological benefits outweighing detrimental impacts.

15. Impact on Protected Sites (County-level, National, International)

15.1 The application is within the Green 2.5km+ Indicative Habitat Impact Zone. In order to address policy GSP5 a shadow template HRA was required to be submitted and a financial contribution of £185.93 to the county-wide GIRAMS scheme needed to be made. A shadow template HRA has been received and deemed acceptable and the GIRAMS payment has been made.

15.2 The shadow template HRA assesses that the proposal would not have a significant adverse impact on designate sites through its in-combination increase in recreational pressure. This is deemed acceptable.

16. Local Finance Considerations

- 16.1 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 associated with this proposal.

17. The Planning Balance

- 17.1 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.
- 17.2 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.
- 17.3 The applicant has provided the required shadow template HRA and the GIRAMS contribution. As such, the application complies with GSP5 and CS11.

18. Conclusion and Recommendation

- 18.1 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 to suggest the application should not be recommended for approval.

RECOMMENDATION:

It is recommended that application 06/22/0203/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 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.

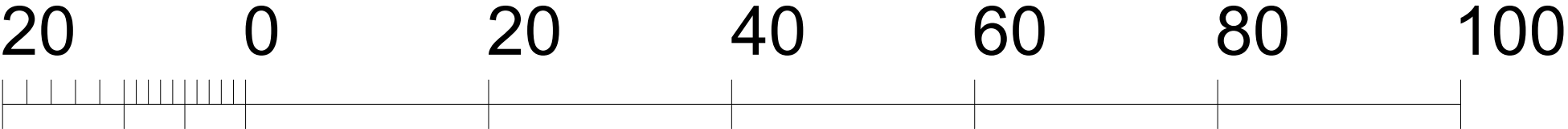
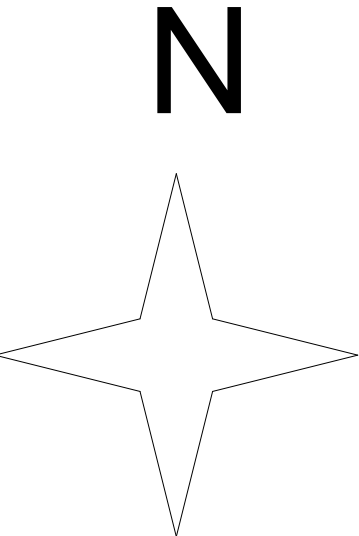
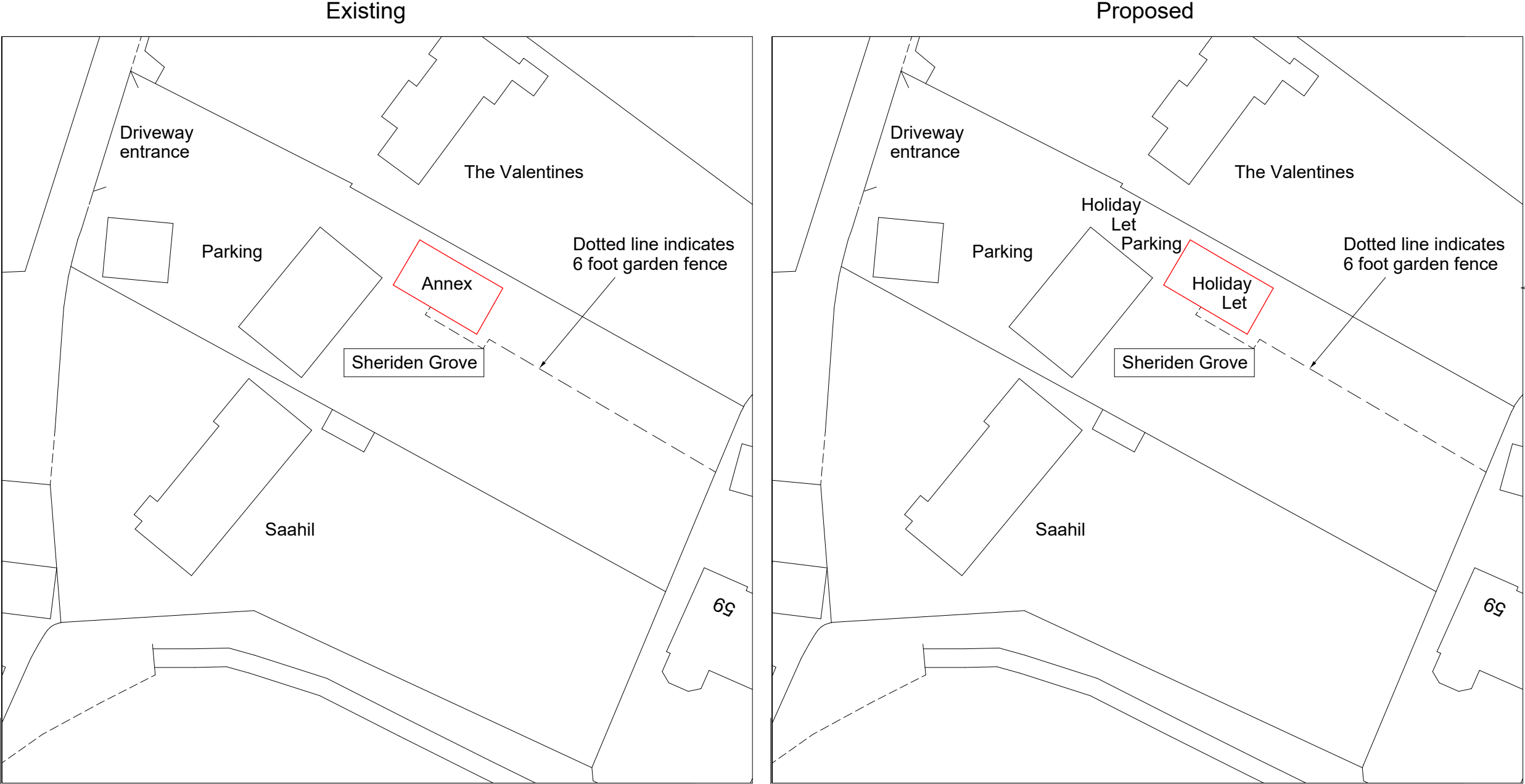
The reason for the condition is :-

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

And any other conditions considered appropriate by the Development Manager.

Appendices:

1. Site Location Plan and Block Plan / Layout



Metres

Drawings produced are for building regulation approval only and may not cover all elements required to ensure project completion.

All dimensions to be checked on site by contractor.


Any discrepancies with drawings/specifications to be raised and clarified with Wilson Architectural Building Designs Ltd.

All workmanship and materials to comply with current British/European standards, codes of practice & manufacturers instructions.

Do not scale from drawing.

Drawings Remain the property of Wilson Architectural Building Designs and can not be photo copied (copy right law) or used in any way without the permission of Wilson Architectural Building Designs Ltd.

Date:	Scale:
04-02-2022	1:500
Project:	
Sheridan Grove Lords Lane Bradwell Great Yarmouth NR31 9DY	
Title:	
Existing And Proposed Block Plan	
Drawing No:	Rev:
19-21-GY	BP1



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