



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# **Development Control Committee**

## **Minutes**

Wednesday, 30 March 2022 at 18:00

### **PRESENT:-**

Councillor Annison (in the Chair); Councillors Fairhead, Flaxman-Taylor, Hanton, Jeal, Mogford, Myers, Williamson, A Wright & B Wright.

Councillor Galer attended as a substitute for Councillor P Hammond.

Councillor Lawn attended as a substitute for Councillor G Carpenter.

Mr M Turner (Head of Planning), Ms C Whatling (Monitoring Officer), Mr G Sutherland (Senior Planning Officer), Mr R Tate (Planning Officer), Mr K Balls (Senior Strategic Planner) & Mrs C Webb (Executive Services Officer).

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors G Carpenter & P Hammond.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest given at the meeting.

### **3 MINUTES**

The minutes of the meeting held on 2 March 2022 were confirmed.

### **4 06/21/0853/D LAND AT WHEATCROFT FARM BECCLES ROAD BRADWELL PHASE 5**

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

The Senior Planning Officer reported that this application was for the approval of reserved matters; access, appearance, landscaping, layout and scale pursuant to outline planning permission 06/13/0652/O for residential development comprising 171 dwellings and associated works (Phase 5 of Wheatcroft Farm development), Land at Wheatcroft Farm Beccles Road, Bradwell.

The Senior Planning Officer reported that the chief considerations for the planning application were as follows:-

(i) Principle of Development- The site is located in the development boundary and has outline planning permission

(ii) Flood risk – the site is in Flood Zone 1 having a low probability of coastal and fluvial flooding. The drainage strategy for surface water and foul water are acceptable to the LLFA and Anglian Water

(iii) Access/Highway Safety/Infrastructure – the proposed, layout, roads infrastructure and parking are acceptable to the Highway Authority, proposed parking provision is to the County Standard ( 2 spaces for 2 and 3 bed houses, 3 spaces for 4 and above)

(iv) Landscaping – A landscape scheme including tree planting has been provided, further details of species location and numbers will be agreed

(v) Ecology- The applicant has agreed to undertake a biodiversity enhancement plan including the provision of bird and bat boxes. In accordance with the Councils strategy for addressing the habitats regulations, a mitigation payment of £110/dwelling has been received. On site mitigation includes open space and access to the local network of public rights of way for recreation.

(vi) Open Space – Open space provision is provided on phase 5 consistent with the masterplan for the neighbourhood submitted with the outline planning application.

(vii) Facilities for Dog Walking - As set out in the committee report, Natural England have been consulted on the Appropriate Assessment undertaken by the Local Planning Authority, the response was received after drafting the committee report. Natural England recommended more detailed information be provided of the on and offsite open space and dog walking infrastructure available to future residents. Additional conditions are recommended to address this including that the developer publicise the availability of these facilities. The applicant has provided information in response and is accepting of the proposed conditions

(viii) Environmental enhancements- The applicant confirms that the development will be designed to accommodate water efficiency measures of 110 Litres of water per

person per day as per Policy E7 water conservation measures in new dwellings and holiday accommodation, also that the development will be designed with electric vehicle charging points as per Policy I1.

(ix) Density – Policy H3 Housing Density sets a net minimum density(excluding open space) of 35 dwelling units per hectare for development in the Bradwell and Gorleston Area. The layout has a density of 32 du/ha. In this case given the density was largely established by the master plan at outline stage, therefore, this is considered acceptable

(x) Layout – Policy A2 housing design principles seeks to avoid long areas of frontage parking, however, the design is consistent with the layouts of prior phases of the neighbourhood and it would not be reasonable to refuse permission on this basis. Policy A2 also requires that dwellings meet the M4(2) category to be accessible and adaptable to people with disabilities. 68% (117/171) of the dwellings are designed to meet this category. The committee would need to agree to relax the requirement in this case.

75% (129/171) of the dwellings meet the nationally described space standard for dwellings. This is not a policy requirement of the adopted development plan. The applicant advises that the dwellings that are smaller in area than the NDSS are popular with buyers who want to get on the housing ladder.

The Senior Planning Officer reported that in conclusion, on balance, Officers consider that the development proposed in the reserved matters has to some extent been dictated by the outline planning permission, in respect of the density expectations and form of dwelling types seen in earlier phases, and the possible implications of altering the housing types proposed (i.e. impact on limited garden sizes, possible reduction in number of dwellings, compromised amenity space).

The Senior Planning Officer reported that this is a mitigating circumstance to suggest that the M4(2) category requirement for 100% of the dwellings should not be enforced through seeking amended plans, and there are insufficient policy grounds on which to require the Nationally Described Space Standard.

The Senior Planning Officer reported that the proposal is recommended for approval as it was considered to generally comply with the aims of Policies CS2, CS4, CS9, CS11, CS13 and CS18 of the Great Yarmouth Local Plan Core Strategy, and also Policies A1, A2, E7, H3, I1, I3, GSP1 and GSP5 of Local Plan Part 2. A Habitats Mitigation Payment has been received for £110 per dwelling and to approve subject to the 2 additional conditions to address the comments received from Natural England and the conditions set out in section 10 of the report.

Councillor A Wright asked for clarification as to whether the application would be subject to the existing Habitats Mitigation payment or whether it would be subject to the increased payment which would come in to effect on 1 April 2022.

Councillor Williamson asked for clarification as to whether EV charging points would be provided to offer environmental savings.

Councillor Myers asked for clarification regarding paragraphs 6.3.3 & 6.3.4 of

the report as he was concerned that the homes did not meet the NDSS standard.

Councillor A Wright asked for clarification as to whether the Council was deviating from nationally required building standards.

Councillor Williamson was concerned that these homes were much smaller than those built by our EU neighbours and that their size would limit their future adaptability.

Councillor Jeal reported that if this application was approved then the Council should draw a line in the sand and all further applications should meet the recommended NDSS size standard so that we provided the best quality housing for our residents.

The Chairman asked how this application compared with other phases. The Senior Planning Officer reported that it was similar to phases 3 & 4. The Chairman was concerned that this would apply to phase 6 and asked if there was any way of preventing this happening again.

Councillor Myers asked who set the build standards; the Council or the developers.

The Head of Planning addressed the Committee and summed up their feelings in regard to the application before them. However, it was imperative that the Committee had a consistent approach and took a balanced view to the application as the Council needed to maintain its five year housing supply even though there were different policies in place now as opposed to earlier phases. However, the Committee were in their right to draw a line in the sand and issue an informative on any permission granted this evening to signpost developers when they submitted any future applications.

Councillor Myers asked when NDSS standards would become policy. The Development Manager informed the Committee that the NDSS was guidance and not a policy.

Councillor A Wright asked for clarification as to the sizes of the house types. The Senior Planning Officer reported that the Arden was a two bedroom property of 52 square metres. Councillor Wright asked that the Council go back to the developer and ask them to increase the size of the properties in line with the NDSS criteria. The Chairman reminded Councillor Wright that the Committee must determine the application before them this evening.

Councillor Mogford proposed that the application be approved. This motion was seconded by Councillor Freeman. Following a vote, it was **RESOLVED:-**

That application number 06/21/0853/D be approved subject to the use of conditions, the proposal is considered to generally comply with the aims of Policies CS2, CS4, CS9, CS11, CS13 and CS18 of the Great Yarmouth Local Plan Core Strategy, and also Policies A1, A2, E7, H3, I1, I3, GSP1 and GSP5

of Local Plan Part 2.

Subject to:

- (A) The receipt of the habitats mitigation and monitoring payment of £110/dwelling (if received prior to 1 April 2022, or £185.93/dwelling if received after that date); and,
- (B) No adverse comments being received from Natural England; and,
- (C) Confirmation from Natural England that they concur with the LPA's Appropriate Assessment;
- (D) Conditions (summarised) including but not limited to:

1. time limit for commencement as set out by the outline permission;
2. in accordance with location plan, layout plan, floor plans and elevations, Affordable Housing Plan, Tracking Plan, Accommodation Schedule, Arboricultural Impact Assessment, Drainage Strategy Plan, Impermeable Area Plan, Highway Infiltration Basin General Arrangement Plan, Exceedance Flow Routes, Drainage Strategy, and Materials Schedule.
3. remediation of any contamination not previously identified, encountered during construction

Prior to construction above slab level:

4. detailed plans of off-site highway improvement works (to facilitate pedestrian provision on Woodfarm Lane and Oriel Avenue to link with existing provision to the north) to be submitted and approved, and to be provided thereafter prior to occupation
5. details of the fencing around the attenuation basin to be agreed, and to be provided thereafter prior to occupation
6. a scheme for the provision of fire hydrants on the development to be submitted and agreed, and to be provided prior to occupation
7. details of a biodiversity enhancement scheme to be agreed, to include as a minimum 120 bird boxes and 50 bat boxes; hedgehog holes to boundary fences to be submitted and approved, and to be provided thereafter prior to occupation
8. provision of details of landscape scheme to be submitted and approved, and to be provided thereafter prior to occupation
9. details of boundary treatments to be agreed to all dwellings and communal areas, and to be provided thereafter prior to occupation
10. details of water efficiency measures to be submitted and agreed, water efficiency standard of requirement of 110 litres per person per day, and to be provided thereafter prior to occupation
11. details of the provision of electric vehicle charging for each dwelling to be agreed, and to be provided thereafter prior to occupation

Prior to occupation:

12. the bin storage areas shown on the approved plans shall be provided and made available for use and shall be retained thereafter.
13. all landscaping, boundary treatments, biodiversity enhancements parking to be available;
14. retention of new landscaping and replacement trees as necessary.

And any others considered appropriate by the Development Manager.  
Informative Notes

Anglian Water advise detailed foul drainage information will be required to discharge the conditions on the outline permission.

## **5 06/21/0917/F LAND SOUTH OF SOMERTON ROAD & EAST OF WHITE STREET CHURCH FARM MARTHAM**

The Committee received and considered the report from the Development Manager.

The Development Manager reported that this application was an application to amend various ecological conditions within planning permission 06/17/0358/F, conversion of existing barn to 2 dwellings and the erection of 44 dwellings and associated infrastructure.

The Development Manager reported that since publishing the agenda report there were some further updates to report as follows:-

- (i) Proposed demolition
- (ii) Additional bat survey information from 2021
- (iii) 'Nutrient neutrality'
- (iv) NCC NETI Ecologist comments
- (v) Environment Agency advice (Japanese Knotweed informative); and
- (vi) Updated Recommendation regarding the conditions.

The Development Manager outlined details of the existing permission to the Committee; demolition of all modern agricultural buildings and bungalow fronting White Street, 46 dwellings comprising 44 new build, 2 homes from the conversion of the 18th Century thatched barn, split access from Somerton Road & White Street, relocation of public byway to the east and commencement needed before 23rd April 2022.

The Development Manager reported that the main considerations for the Committee to consider were as follows:-

- (i) Extent of demolition & Commencement
- (ii) Archaeology investigations
- (iii) Bat roost potential
- (iv) Reptile / grass snake presence; and
- (v) Changes to planning conditions.

The Development Manager gave consideration to the following objections which had been received and the mitigation measures proposed to overcome them:-

**Planning matters:**

- (i) Site clearance can affect the reptiles on site which need protection.
- (ii) Reptile presence shows healthy habitat that should not be changed.
- (iii) Grass snakes need access to the adjacent pond, not fencing in.
- (iv) Bats need further investigation and protection.
- (v) Knotweed and contamination clearance.

**Non-material issues:**

- (i) Traffic and highways safety.
- (ii) Lack of public transport links.
- (iii) Insufficient local services and infrastructure.
- (iv) Loss of agricultural land.
- (v) Boundary treatments between site and other dwellings.

The Development Manager reported that additional information had been received:-

- (i) Proposed alternative / additional demolition - A second location to be discussed.
- (ii) Bat Survey from May 2021: less bat roost potential than in 2017.
- (iii) Environment Agency –  
Knotweed should be registered at the Norfolk Non-native species Initiative (NNSI).  
Biosecure removal should be undertaken (note – condition proposed to do so).

The Development Manager reported the following comments from the Ecologist to the Committee:-

- (i) The proposals are unacceptable – reptile mitigation needs to be in place before demolition starts – due to machinery & equipment being disruptive.  
LPA –  
Only extremely limited works to be allowed, required under supervision of ecologist.  
Other protections required by conditions 6, 8, 11 and other pre-demolition conditions.
- (ii) The surveys are dated and the site environment will have changed since 2017.  
LPA –  
Walkover survey was undertaken October 2021 and new surveys are required (Condition 8).
- (iii) The proposed permanent reptile habitat area is not well designed – wrong fence type; lacks a pond; lacks barriers to keep out domestic animals; is currently isolated from wider habitat.  
LPA –  
The location of the permanent area cannot be revisited in this application, but:

The design of the final permanent reptile area can be improved and agreed by Amending Condition 13.

(iv) Lacks details on how long the temporary area will be cleared before gardens are built.

LPA – see Conditions 28, 43.

(v) Requires a Reptile & Amphibian Mitigation Strategy – eg: demolition wastes need to be skipped immediately, the reptile fence should be installed around the whole site.

LPA –

A Strategy can be agreed by new Condition.

Whole-site reptile fencing can be required by an Amendment to Condition 14.

Other protections required during site clearance are proposed at Condition 11.

(vi) Bats – all surveys are outdated and requires an updated survey; a bat Licence is needed before any demolition or conversion.

LPA –

This is recommended at proposed Condition 8 and 4.

Officers and the Applicant have agreed to use a New Condition to require confirmation of bat survey results and reptile survey prior to the demolition of any buildings (other than Northern Arm / Southern Office) or removal of concrete.

(vii) Nesting bird checks – the whole site needs to be checked 24hrs before start of any works.

LPA – See condition 8 and the overriding provisions of the Wildlife Act.

(viii) Japanese knotweed presence needs biosecurity measures as part of mitigation.  
– See Condition 10.

The Development Manager reported that the principle of development can be accepted as the scheme already has permission and the site is now within the expanded LPP2 village development limits.

The Development Manager reported that the extent of demolition can be demonstrated by no previous definition of ‘approved demolition’ nor ‘existing’ plan to compare with ‘approved plan’, bat roost potential was specifically evident in the Thatched Barn Southern Office in 2017, hence report focus on Northern Arm and the proposal now requests to demolish the Southern Office extension to the Thatched Barn, to commence. The Northern Arm & Southern Office at Thatched Barn is 9m long, 4m wide, 5m high and is a modern building brick and cladding. There is minimal bat roost potential. Demolition by hand is possible and it can be overseen by an ecologist.

Extent of demolition (2), A new survey has found no recent evidence of bats.

Amended Recommendation (1): To allow the Southern Office to be demolished –as well as / or instead of the Northern Arm - by hand and under controlled supervision.  
Ref: “Approved demolition” within report conditions – include Condition 3.

The Development Manager gave an update in regard to archaeology as follows:-

(i) Trial trenching as now proposed.

(ii) Desk stop study investigations complete; and



(iii) Require the approved WSI by conditions – new Conditions 2, 17 & 31.

The Development Manager gave an update in regard to bats as follows:-

- (i) Commencing demolition only where roosting was not found / unlikely.
- (ii) Initial demolition by hand / manual & overseen by licenced ecologist.
- (iii) New surveys before wider demolition.
- (iv) Planting, roosting boxes and bat loft.
- (v) Ref new Conditions 4, 5, 8.  
3 surveys in May – June 2021.

Thatched Barn – confirmed day and night feeding roosts for 3 bats

L-shaped barn – confirmed day roost of 2 brown long-eared bats

No bat roosts in any of the “wings” off the main barn.

No bats in the bungalow (less bat potential than 2017 as half of roof was missing)

Natural England Licence is being applied for.

Recommendation:

As proposed & New condition – confirm immediate bat survey results prior to demolition.

The Development Manager gave the following update in regard to reptiles and grass snakes:-

- (i) Surveys required prior to commencement
- (ii) Needs temporary and permanent locations & trapping
- (iii) Timeframe for SUDS and reptiles need to align
- (iv) Protection during construction and access to pond retained; and
- (v) Ref new Conditions 2, 4, 6, 8, 11-16, 28, 43.

The Development Manager reported that in conclusion:-

- (i) Principle of development is acceptable and reinforced by LPP2.
- (ii) The proposals behind the recommended modifications are pragmatic and minimal to secure the commencement in a time-limited situation.
- (iii) The recommended modifications enable delivery without harm to protected species.
- (iv) The Ecologist's concerns are either unable to be affected by this application, or are already addressed in the proposed conditions, or can be relatively easily included in proposed conditions.
- (v) There are further discussions to be had regarding precise terms of conditions – especially reptile and bat surveys prior to demolition of each building (as phased development), and

(vi) Request to delegate approval to the Head of Planning once outstanding matters are finalised.

The Development Manager reported that the recommendations had been updated since the agenda had been published as follows:-

Delegate to the Head of Planning to approve planning application 06/21/0917/F:

Subject to:

- (i) Completion of the section 106A deed of variation.
- (ii) Conditions as reported; and
- (iii) Conditions where they are to be modified in respect of demolition programme and specifications for reptile habitats;
- (iv) New conditions: RAMS and pre-demolition survey confirmations; and
- (v) Any other conditions or changes thereto, as considered appropriate by the Development Manager.

Councillor Myers asked for clarification as to whether the rehoming pen for the reptiles would be a temporary or permanent structure.

Councillor Freeman questioned who would be responsible for the welfare of the reptile/snake population during the build phase if they were to be displaced or were they purely expected to fend for themselves. The Development Manager reported that conditions would be put in place to ensure their long term safety and management and that discussions would be undertaken with the applicant.

Councillor Freeman asked if a management company would be formed. The Development Manager reported that this would be undertaken as part of the obligations of the s106 agreement.

Councillor A Wright raised his concerns regarding the safety of the reptiles and bat colony on the site during the build phase and that brownfield sites should always be developed in place of this type of site where the local nature could be adversely affected.

Councillor Flaxman-Taylor proposed that the application be approved. This motion was seconded by Councillor Galer. Following a vote, it was **RESOLVED:-**

That the Committee agree that the Head of Planning be given delegated authority to approve planning application 06/21/0917/F subject to the use of conditions, the amendments proposed and to be modified as described in the agenda report as it will deliver necessary housing whilst ensuring the development complies with the aims of Policies CS1, CS3, CS9 and Cs11 of the GY Local Plan Core Strategy and Policies GSP1, GSP6, GSP8, A2, E3 and E4 of the GY Local Plan Part 2.

- (i) Completion of the section 106A Deed of Variation,
- (ii) All Conditions as reported,
- (iii) Conditions where they are to be modified in respect of the demolition programme and specifications for reptile habitats,
- (iv) New conditions: RAMS and pre-demolition survey confirmations; and
- (v) Any other conditions or changes thereto, as considered appropriate by the Development Manager.

(A) The completion of a satisfactory S106 A Deed of Variation (where possible in the timescales required); and,

(B) No adverse comments being received from the NCC (NETI) Natural

Environment Team as consulting ecologist; and,

(C) Conditions – (summarised) as below – whether reinstated from 06/17/0358/F, modified or new:

1. [Ex condition 1 of 06/17/0358/F – modified] - require commencement by no later than 22 April 2022.
2. [Ex condition 2 – modified] – development shall accord with original approved plans and additional archeology WSI and elements of the October 2021 Applied Ecology report.
3. [New] - Defines the extent / limit of demolition intended as the “approved demolition” works, namely demolition of the northern arm of the thatched building, verified by reference to survey plan.
4. [Ex condition 15 – modified] – no development shall commence until an application is made to Natural England for a European Protected Species Licence for the development hereby approved.
5. [Ex condition 16 – retained] – any chemicals used in works to the thatched barn shall only be from the Natural England ‘approved list’.
6. [New] - No storage of demolition or construction materials shall be permitted on the site – materials shall be stored in suitable containers and removed on a weekly basis at least, and removal of storage piles shall be under supervision of qualified ecological clerk of works

With the exception of demolition of the northern arm of the thatched barn, prior to commencement of development:

7. [Ex condition 27 – modified] –
  - (a) Only the trees identified within the Arboricultural Impact Assessment, Tree Protection Plan, Method Statement to be felled shall be felled.
  - (b) With the exception of demolition of the northern arm of the thatched barn, all tree protection measures shall be provided as per the approved AIA and retained during works.
8. [New] –
  - (a) With the exception of demolition of the northern arm of the thatched barn, no development whatsoever shall commence until a protected species survey has been undertaken across the site. – the survey shall include grass snake and shall be undertaken prior to, at most, two years of the intended development commencement date, and must be undertaken during the period of April – October.
  - (b) In the event that species are found in addition to those recorded in 2017, additional mitigation measures shall be provided to address the impacts of the development on these new species. For avoidance of doubt, these shall need to be in addition to the measures required by Conditions 17 – 19, 21 – 28 of permission 06/17/0358/F
9. [Ex condition 17 – modified] – With the exception of demolition of the northern arm of the thatched barn, no development shall commence until details of 9no kent bat boxes and 15no schweglar bat tubes are agreed. The details shall be provided within the scheme in accordance with the details approved, prior to first occupation of

the relevant dwelling or first occupation overall for the tree-mounted boxes.

10. [Ex condition 20 – modified] – With the exception of demolition of the northern arm of the thatched barn, no development shall commence until Japanese knotweed has been investigated and remediated.

11. [Ex condition 23 – modified] - With the exception of demolition of the northern arm of the thatched barn, no site clearance shall be undertaken until the site reptile trapping has been completed, and thereafter site clearance shall only be in accordance with a carefully prescribed manner (as set out in the applicant's planning statement re condition 25 amendments).

12. [New] – With the exception of demolition of the northern arm of the thatched barn, no development shall be commenced until a grass snake and reptile temporary relocation habitat has been provided and fenced, in accordance with the specification within the Applied Ecology report October 2021, in the location shown therein (2021 report Figure 3), and shall be maintained thereafter until their permanent relocation.

13. [New] - The temporary reptile relocation area shall not be removed until such time as the permanent reptile relocation habitat has been provided and fenced and the reptiles transferred, in accordance with the specification within the Applied Ecology report October 2021.

14. [New] – The temporary reptile relocation area protective fencing shall remain in place for the duration of the construction period.

15. [New] - With the exception of demolition of the northern arm of the thatched barn, no development shall be commenced until trapping has been undertaken across the whole site in accordance with the findings of the survey required by Condition 8 above, and in accordance with the methodology paragraphs 2.10 – 2.14 within the October 2021 Applied Ecology report.

16. [New] - All grass snake and other reptile trapping shall be undertaken in accordance with the Applied Ecology report October 2021 and must not be undertaken outside the period April – September in any year.

With the exception of any demolition, prior to commencement of development:

17. [Ex conditions 3 & 4 – modified] – With the exception of demolition of the existing buildings, no development shall take place until the trial trenching has been completed as per the approved July 2021 archaeological WSI.

18. [Ex condition 6 – retained] – excluding demolition, no works shall commence until estate highways details are agreed.

19. [Ex condition 10 – retained] – excluding demolition, no development shall commence until details for on-site parking for Construction workers are agreed.

20. [Ex condition 11 – retained] – excluding demolition, no development shall commence until details of stopping up order and TRO to remove highway rights to the byway are agreed.

21. [Ex condition 12 – retained] – excluding demolition, no development shall commence until technical details of surface water drainage scheme are agreed.

22. [Ex condition 13 – retained] – excluding demolition, no development shall

commence until details of fire hydrants provision are agreed.

23. [Ex condition 35 – retained] –

(a) Ground levels are to remain in accordance with the topographical survey received by the LPA on the 15th June 2017.

(b) Excluding demolition, prior to the commencement of the development slab levels shall be agreed.

24. [Ex condition 19 – retained] – excluding demolition, no development shall commence until details of a pole mounted barn owl box along the eastern edge of the site are agreed.

25. [Ex condition 21 – modified] – excluding demolition, no development shall commence until details of 10no swift boxes, 10no sparrow boxes, and 10no starling boxes and their installation locations are agreed. The details shall be provided within the scheme in accordance with the details approved, prior to first occupation of the relevant dwelling or first occupation overall for the tree-mounted boxes.

26. [Ex condition 29 – retained] – excluding demolition, no development shall commence until details of hard landscaping is agreed.

27. [Ex condition 30 – retained] – excluding demolition, no development shall commence until details of contamination investigation and mitigation are agreed, and appropriate remediation is undertaken.

28. [Ex condition 22 – modified] – No development shall commence at Plots 3-6 and no more than 14 dwellings shall be occupied within the development until the permanent reptile habitat has first been created, fenced and planted in strict accordance with the specifications set out within the Applied Ecology report October 2021, in the location shown therein (2021 report Figure 3).

29. [Ex condition 31 – retained] – contamination precautions during construction.

30. [Ex condition 32 – retained] – construction working hours.

Prior to residential occupation:

31. [Ex condition 5 – retained] – no occupation shall take place until the archaeology results from the WSI have been analysed and published.

32. [Ex condition 38 – retained] – no dwelling shall be occupied until the noise insulation measures as identified within the acoustic report submitted in support of the application have been installed.

33. [Ex condition 8 – retained] – prior to first occupation, the estate highways are to be constructed up to binder course level.

34. [Ex condition 9 – retained] – prior to first occupation, the visibility splays shall be provided to Somerton Rd and White Street.

35. [Ex condition 14 – retained] – prior to first occupation, the approved fire hydrants under condition 22 shall be provided.

36. [Ex condition 34 – retained] – no occupation shall take place until relocated footpath has been provided & made available for public use.

37. [Ex condition 36 – retained] – no occupation shall take place until all boundary treatments shall be agreed. – including a Note: The applicant and developer are advised to investigate the potential to retain and incorporate the brick wall remains currently forming the boundary to 72 White Street as these are an interesting heritage feature remnant of the former Martham House.
38. [New] - No more than 14 dwellings shall be occupied until the SUDS scheme (to be approved by separate condition) has been provided.
39. [Ex condition 28 – modified] - Prior to the occupation of the 23rd dwelling the landscaping shall be carried out in accordance with the approved details, with replacement planting as necessary.
40. [Ex condition 18 – modified] – prior to occupation of any dwelling within the thatched barn, the two swift boxes shall be fixed to the barn gables.
41. [Ex condition 33 (second half) – retained] - prior to the occupation of plots 24 and 25 as shown on plan reference 15.032 010 Rev T details of screening for the balconies at the western elevation shall be agreed.
42. [Ex condition 37 – modified] – no occupation of plots 24, 25 and 26 as shown on plan Proposed Master Plan 15.032 010 Revision T until details of balcony screening to the western elevation shall be agreed.
43. [Ex conditions 23 & 24] – No occupation of any dwellings shall take place at Plots 3-6 until the reptiles and other creatures required for relocation have first been trapped and moved from the temporary habitat to the permanent reptile habitat (under qualified supervision, not outside April – September, and in accordance with the methodology paragraphs 2.10 – 2.14 within the October 2021 Applied Ecology report).
44. [New] - The open space adjacent Plot 6 shall be planted and provided in full and the gardens of plots 3-6 shall be restored prior to first occupation of plots 3-6.
45. [Ex condition 7 – retained] – prior to occupation of the final dwelling, all estate highways works to be completed.
46. [Ex condition 33 (first part) – retained] – Once converted into residential use, no permitted development shall be allowed for alterations to the Thatched Barn.

And any others considered appropriate by the Development Manager.

#### Informative Notes

1. This is subject to a Section 106 Agreement dated 15th February 2019.
2. Works within the highway.
3. Re stopping up order to the public highway.
4. Anglian Water assets.
5. Statement of positive engagement.

## **6 06/21/0925/F & 06/21/0926/F CAR PARK AT BURGH CASTLE ROMAN FORT BUTT LANE BURGH CASTLE**

The Committee received and considered the report from the Development Manager.

The Development Manager reminded the Committee that these applications had been deferred from the Development Control Committee meeting of 2 February 2022.

The Development Manager reported that application 06/21/0925/F was for the proposed installation of a pay machine and ANPR camera with associated works and application 06/21/0926/A was for the erection of non-illuminated free standing information signage at the car park at Burgh Castle Roman Fort, Butt Lane Burgh Castle.

The Development Manager reported the following updates which had been received since the publication of the agenda:-

(i) Use of Bollards – amendments to:

Report Page 91 of 152 – Paragraph 4.17 – 4.19;

Page 93 – Paragraph 6.3

Page 93 - Recommendation paragraph 7.1;

Page 110 - Appendix 2

(ii) Clarified Highway Authority position; and

(iii) Updated Recommendation.

The Development Manager highlighted the main considerations which members should take into consideration when determining the application as follows:-

(i) Nature of development

(ii) Extent of highways impact (including NPPF and severity)

(iii) Need for Traffic Regulation Order / other measures

(iv) Temporary permission

(v) Impact on the landscape and heritage asset; and

(vi) Advert signs, number, visibility.

The Development Manager highlighted the objections received:-

### **Planning matters:**

(i) 'Overspill parking' reduces on-street parking for local residents.

(ii) Verge parking causes mess.

(iii) Obstruction in highway – dangerous.

(iv) Discouraging visits has impacts on mental health.

(v) Anti-social activity if site gates not locked.

(vi) Loss of free parking is the loss of a community facility.

### **Non-Planning matters:**

(i) Unnecessary to raise funds (e.g. host events, allow camping, or open site membership deals).

(ii) More expensive to visit graves.

- (iii) Residents rejected charging.
- (iv) Fly tipping can happen anywhere anyway.

The Development Manager explained the requested location of the Traffic Regulation Order which had been recommended to be required by the Highways Authority on Butt Lane. The Development Manager explained that the applicant had agreed to install parking-deterrent bollards on the verges in their ownership and Planning Officers had hoped that this could be expanded to include bollards in the Highways verge as detailed in the agenda report. However, the Highway Authority had:-

- (i) Confirmed no support for bollards in the highway verge.
- (ii) Longer term maintenance liability (damage & dislodged).
- (iii) No NCC policy on using bollards to prevent parking on verge or as deterrents to on-road parking
- (iv) Predicted costs would be disproportionate (not dissimilar to a full TRO); and
- (v) Does not remove the concerns of the Highway Authority on the impact on wider network.

The applicant had:-

- (i) On closer investigation the extent of land in their ownership is very limited.
- (ii) Bollards could only be used in areas where parking would not take place anyway.

Therefore, in summary:-

Bollards can not be used to mitigate the impact nor help keep the junction clear; and

The highways impacts of the development are made no worse by not having bollards.

Amendment to 06/21/0925/F Officer recommendation is to still approve, but remove proposed Condition 3.

The Development Manager reported the Highway Authority position as follows:-

- 1) Permanent permission with TRO – to prevent parking within visibility splays

LPA:

- no highways impacts are linked to the matters at hand - the site use is not changing
- displacement parking is unlikely to create *“an unacceptable impact on highway safety” (NPPF)*
- there are no other constraints on the highway to suggest *“residual cumulative impacts on the road network would be severe” (NPPF)*
- the costs of a TRO are disproportionate to the limited impacts

- 2) Temporary permission (3 years) – to assess the effect of displacement parking on the network



LPA:

- no highways impacts are linked to the matters at hand
- the costs of setting up the infrastructure on a temporary basis are disproportionate
- in all likelihood the Highway Authority will still consider TRO necessary for a permanent permission – which makes only allowing temporary permission unreasonable.

3) No support for bollards in verges

LPA:

- It is not possible to use Conditions if there is no prospect of the works being delivered.

The Development Manager reported that in conclusion:-

- (i) There is no change of use nor other works requiring proportionate mitigation.
- (ii) No “unacceptable impact on highway safety” from any displaced parking – ‘normal’ parking on Butt Lane will still allow clear views along the road.
- (iii) The development will not contribute to “severe” cumulative impacts.
- (iv) There is more than adequate visibility splay to keep junction access safe.
- (v) A temporary permission would be unreasonable given works proposed and costs.
- (vi) Landscape and visual impacts are avoided by the site hedging.

The Development Manager reported the following updated recommendations:-

To approve planning application 06/21/0925/F with the following conditions:-

- 1) Commence within 3 years.
- 2) Accord with approved plans and drawings.
- 3) And any other conditions considered appropriate by the Development Manager.

To approve advertisement consent application 06/21/0926/A with the following conditions:-

- 1) Advert signage to be for a five year period only,
- 2) Accord with approved plans and drawings,
- 3) The entrance sign's top is to be no higher than the existing gate post,

- 3) Hedges to be maintained at a specific height to screen signage,
- 4) With the 5 national 'standard' conditions for signage (including maintain in a safe condition); and
- 5) Any other conditions considered appropriate by the Development Manager.

Mr Warnock, applicant's agent, addressed the Committee and reported the salient areas of the application. He informed the Committee that after meeting with the Parish Council and local residents, that no new revenue streams had been identified and although he sympathised with the local residents the application was necessary to maintain the site of the Roman Fort. The Trust was unable to finance the TRO at a cost of £8k and the officers proposal this evening was the best way forward for all parties concerned and he urged the Committee to approve the application.

Councillor Williamson informed the Committee that the car park at the Roman Fort was a godsend for local residents at Burgh castle as it helped to alleviate the parking problems experienced along Butt Lane and the applicant was purely applying for a pay machine and a camera and the application should be approved. The Chairman reiterated that there was no change of use proposed for the application site.

Councillor Williamson proposed that the application be approved. This motion was seconded by Councillor Hanton. Following a vote, it was RESOLVED:-

(i) That application number 06/21/0925/F be approved with the following conditions:-

- 1) Commence within 3 years,
- 2) Accord with approved plans and drawings; and
- 3) And any other conditions considered appropriate by the Development Manager.

(ii) That application number 06/21/0926/A be approved with the following conditions:-

- 1) Advert signage to be for a five year period only,
- 2) Accord with approved plans and drawings,
- 3) The entrance sign's top is to be no higher than the existing gate post,
- 3) Hedges to be maintained at a specific height to screen signage,
- 4) With the 5 national 'standard' conditions for signage (including maintain in a safe condition); and
- 5) Any other conditions considered appropriate by the Development Manager.

## **7      06/22/0094/TRE LAND AT KENT SQUARE GREAT YARMOUTH**

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

The Planning Officer reported that this application was brought before the Committee as the Council was the applicant at the request of the Monitoring Officer.

The Planning Officer reported that the application is for works to 5 protected Holme Oak trees on an area of green space at Kent Square in Great Yarmouth. The trees are protected by TPO No.16 2018 which was confirmed on the 2nd April 2019. The trees are also located within the No16 Seafront Conservation Area. Consent of the LPA is required for nearly all works to protected trees, exceptions however include work to dead trees/branches and trees which pose an immediate threat of significant harm. The 5 Holme Oak trees play a significant role in the street scene, softening what is otherwise an area of town with little other soft landscaping, tree or vegetation presence. The trees are mature, and their stature contributes to the historic value of the Conservation Area. The proposal is for (i) a crown lift of the trees up to 5 metres, which means removing all branches that exist up to 5m from the ground level, and (ii) to cut back any remaining limbs above 5m height by up to 2m from their tips to ensure the trees do not encroach over the highway. There is currently some overhanging of the trees over the highway; the rationale for the works is that they will mitigate encroachment on the highway, preventing the trees from being damaged by taller vehicles. The trees are currently beset by nesting starlings which has resulted in the grass beneath the trees dying, having a negative impact on the surrounding visual amenity.

The Planning Officer reported that at the time of writing the report, 10 letters of support/no objection have been received:-

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

One letter of objection has been received, stating that there are benefits to the tree's being retained in a substantially similar condition:

- Has the Council considered the benefits these birds bring to the Borough
- Many people have visited Great Yarmouth to witness the stunning murmurations, providing income through parking charges and spending money on local shops and cafes when otherwise they would not visit Great Yarmouth.
- A biodiversity plan for the area is needed to include the starlings.
- The revenue the murmuration sightings bring in could be significant if the Council promoted the spectacle some more.

The Planning Officer reported that the Arboricultural Officer had raised no objection to the tree works applied for.

Councillor Fairhead asked if there was a programme of planned tree works for the Borough as she wondered why it had taken so long for the trees to have maintenance works carried out to them.

Councillor Jeal reported that he welcomed the planned tree works.

Councillor A Wright reported that he had attended a meeting in Kent Square with officers to discuss the required works to the trees in question. The roosting birds had caused an environmental issue to local residents for a significant period of time and he welcomed the planned maintenance works and called for a planned maintenance scheme for all trees in the Borough.

Councillor Jeal proposed that the application be approved. This motion was seconded by Councillor A Wright. Following a vote, it was **RESOLVED:-**

That application number 06/22/0094/TRE be approved; subject to the conditions and informatives below:-

Conditions:-

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

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

2) The work should be undertaken in accordance with the plans/scheme/details provided (details TBC).

3) 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.

4) INFORMATIVE:

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

5) INFORMATIVE:

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

6) INFORMATIVE:

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

7) INFORMATIVE:

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)

## **8 APPROVAL OF PROPOSED ARTICLE 4 DIRECTION**

The Committee received and considered the report from the Senior Strategic Planner.

The Senior Strategic Planner reported the outcome of the public consultation that was undertaken to progress the proposed Great Yarmouth Article 4 Direction, and recommended to the Committee that it be formally approved.

RESOLVED:-

That the Committee:-

- (i) Consider the consultation responses received as set out in the report, and
- (ii) Approve the Great Yarmouth Article 4 Direction by confirming that it will formally take effect from 11 April 2022.

## **9 SUPPLEMENTARY REPORTS FOR THE PERIOD 23 FEBRUARY 2022 TO 23 MARCH 2022**

The Committee received, considered and noted the Supplementary Planning reports for the period 23 February 2022 to 23 March 2022.

## **10 ANY OTHER BUSINESS**

The Head of Planning gave an update to the Committee on the new Validation List which would come into force on 1 April 2022.

The meeting ended at: 20:00