



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Development Control Committee

**Date:** Wednesday, 30 March 2022

**Time:** 18:00

**Venue:** Council Chamber

**Address:** Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

## AGENDA

Open to Public and Press

### 1 **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### 2 **DECLARATIONS OF INTEREST**

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3	<b><u>MINUTES</u></b>	4 - 16
	To confirm the minutes of the meeting held on 2 March 2022.	
4	<b><u>06/21/0853/D LAND AT WHEATCROFT FARM BECCLES ROAD BRADWELL PHASE 5</u></b>	17 - 47
	Report attached.	
5	<b><u>06/21/0917/F LAND SOUTH OF SOMERTON ROAD &amp; EAST OF WHITE STREET CHURCH FARM MARTHAM</u></b>	48 - 85
	Report attached.	
6	<b><u>06/21/0925/F &amp; 06/21/0926/F CAR PARK AT BURGH CASTLE ROMAN FORT BUTT LANE BURGH CASTLE</u></b>	86 - 115
	Report attached.	
7	<b><u>06/22/0094/TRE LAND AT KENT SQUARE GREAT YARMOUTH</u></b>	116 - 127
	Report attached.	
8	<b><u>APPROVAL OF PROPOSED ARTICLE 4 DIRECTION</u></b>	128 - 138
	Report attached.	
9	<b><u>SUPPLEMENTARY REPORTS FOR THE PERIOD 23 FEBRUARY 2022 TO 23 MARCH 2022</u></b>	139 - 152
	Reports attached.	

**10     ANY OTHER BUSINESS**

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.



# Development Control Committee

## Minutes

Wednesday, 02 March 2022 at 18:00

### PRESENT:-

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

Councillors Smith & Wells.

Mr M Turner (Head of Planning), Ms C Whatling (Monitoring Officer), Mr R Parkinson (Development Manager), Mr G Bolan (Planning Officer) & Mrs C Webb (Executive Services Officer).

Mr M Brett (IT Support) & Mr M Hollowell (Property Services).

### **1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **2 DECLARATIONS OF INTEREST**



There was no declarations of interest declared at the meeting.

### **3 MINUTES**

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

### **4 APPLICATION 06/21/1018/CU CLIFF TOP CAR PARK EAST OF 70-75 MARINE PARADE GORLESTON**

Councillor Jeal wished it to be minuted that he would not speak or vote on this item.

This application is brought before Committee as Great Yarmouth Borough Council is the applicant. This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

The Committee received and considered the report from the Planning Officer. The Planning Officer reported that there were several updates from the time of writing the agenda report.

The Planning Officer reported that the application is for the change of use of part of the area used for car parking, for the proposed stationing of up to 3 no. mobile concession units for the purpose of retail and for hot food takeaway at land to the east of 70-75 Marine Parade.

The site has been utilised as a public car park according to our records from at least 1988 and is located at the southern end of the Gorleston seafront and Marine Parade. There is no formal current or past relevant Planning History to report on. The car park has often included an ice cream van located in the car park throughout the summer months.

The Planning Officer reported that during the summer, autumn, and winter of 2021 the Council as landowner rented part of the car park to a mobile coffee vendor concession unit. This began as a use permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order which had extended the ability to use the land for up to 56 days in a year under the Government's Coronavirus provisions. It has become apparent that the limited number of days that the site can be used under 'permitted development rights' has been reached if not exceeded. This application has therefore been submitted to enable the mobile coffee concession and other types of food and drink sales to continue on a permanent basis, for an unlimited number of occasions.

The Planning Officer reported that there was an amended description as follows:-  
Previous: Proposed change of use of land for the stationing of up to 3 no. mobile

concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use.

Revised: Proposed change of use of land for the mixed-use purpose of car parking and temporary stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use.

The Planning Officer reported that following negative and positive aspects of the application before the Committee this evening as follows:-

### **Negatives**

Proposed retail use outside of designated centres or edge of centre sites. Conflict with policies (R1 & CS7)

Design and the setting of the mobile units have not been able to be assessed within conservation area no.17

Loss of parking facilities.

### **Positives**

Provides expanded tourist facilities outside of development limits and holiday accommodation areas. Complies with policy (L2)

Providing facilities not currently on offer at the southern end of the sea front

Will not detract from uses within the holiday accommodation areas, town centre locations and Great Yarmouth seafront. Partial compliance with policy (R6).

The Planning Officer reported the following changes to the proposed conditions as outlined in the agenda report as follows:-

- 1) Commence permission within 3 years
- 2) To be in accordance with approved plans:
  - Example and dimensions of stall areas
  - MH/10023464346 - Application Plan and Concession Zones
- 3) Only 3 Concession units shall occupy the application site at any one time.
- 4) The site shall only be used by mobile concession units for a total of (up to a maximum) 190 days in any calendar year, and a log of all usage shall be maintained by the applicant and shall be made permanently available for inspection at any time by the Local Planning Authority.

This condition had been questioned by objectors on enforceability of the condition. The applicant had asked why the proposal was not allowed for year-round use. However,  
Officers recommend no change to the condition.
- 5) Mobile units providing hot food takeaway use (sui generis use) shall be located only in the 2 zones proposed on the eastern side of the car park, and hot food takeaway uses shall not be located within the zone on the western boundary at any time.

Neighbours had objected to any hot food takeaway uses. Officers recommend no change for the tourism benefit reasons given in the report.
- 6) The mobile concession units hereby approved shall not be larger than one demarcated parking space measured at 2.5m wide by 5.5m length and shall occupy

only one space at a time and shall only be sited within a single parking space at any one time.

Neighbours had objected to towing vehicles being parked in the car park.

Officers recommend no change – not enforceable nor reasonable.

7) The mobile units using the application site shall not exceed 2m in height.

The condition was imposed as a precaution in case the entrance barrier was ever removed, on the basis that the car park height barrier was restricted at 2m and fixed, but the applicant had confirmed this can be removed for temporary access by taller vehicles.

Officers recommend the height restriction for concessions should be raised to 3m in height.

At paragraph 5.18; the impact on the Conservation Area should not change if the installations do not exceed the scale of a vehicle using the car park but it would be difficult to notice a significant impact on heritage from an additional 1m height on a temporary installation.

8) The concession units shall not be used for sales to the public outside the hours of:

08:00 - 18:00 Monday to Saturday during October – April;

08:00 - 20:00 Monday to Saturday during May – September;

08:00 - 16:00 on any Sunday, and Bank or Public Holidays.

Neighbours had objected to these and request the latest use should be 18:00 only.

Officers clarify that the hours of use were intended to mean the trading hours. It was recommended no change to the hours of trading: the use will support seasonal tourism.

9) All mobile units shall be removed from the application site when not in use. No mobile units shall be left anywhere within the car park (application site and adjoining car park) outside the permitted hours of use.

Neighbours consider vehicles should be prohibited from parking on the adjoining Marine Parade road.

Officers cannot enforce parking of such vehicles on the public highway, but units should not take up parking spaces in the car park when not contributing to the tourism economy.

The condition should include: All units shall be removed from the car park within 30 minutes of the end of the permitted hours of trading use set out within Condition 8 of this permission.

10) No mobile units using the car park shall have any externally located generators.

Neighbours consider the condition should prohibit refrigeration and cooking equipment too.

Officers recommend no change: refrigeration should not be noticeable and cooking equipment is needed.

11) The use shall be undertaken in accordance with the details to be provided that will show detailing and demarcating the areas for the mobile units to use.

Areas will be marked out by temporary barriers (ropes & posts) which are accepted by Environmental Health Officers. These will be installed by site management.

12) The use shall be undertaken in accordance with waste management plan details to be provided before the grant of permission, which shall include details on refuse provision, collection and signage for customers.

13) There shall be no signage, banners, separate stalls, picnic benches, tables and chairs associated with the use without express permission from the Local Planning Authority. Neighbours support these measure.

14) An additional condition - There shall be no use of amplified music or amplified tany systems associated with the use or as part of any unit.

The applicant had agreed to this as there are similar requirements in leasing terms.

The Planning Officer reported that it was recommended to approve the application, in

line with the amended conditions and with the revised description as follows:-

Proposed change of use of land for the mixed-use purpose of car parking and temporary stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use; as it satisfies the criteria of adopted policies R7, L2 and A1 of the Local Plan Part 2 and is consistent with the aims set out in Core Policies CS6, CS8 and CS16.

Councillor Myers was concerned that the concession unit and the towing vehicle would lead to a loss of 6 parking bays.

Councillor P Hammond was not satisfied with the grant for 190 days of trading only. Councillor Hammond reported that the aim of the Council was to extend the seasonal offer and proposed that this be increased to 250 days as a compromise on the proviso that additional waste bins were sited in the area.

Councillor A Wright was concerned regarding condition 13 and what individual signage each concession could display in the Conservation area. Councillor Williamson seconded Councillor Wright's concerns that there should be no free-standing signage allowed.

Councillor Williamson raised further concerns regarding the increased height of the concession unit which had been increased from 2m to 3m which was incompatible with this Conservation area.

Mr Hollowell, Property Services representative, addressed the Committee and reported the salient areas of the application. Mr Hollowell reported that the concessions would not operate on a lease basis but on a seasonal or annual licence which gave the Council more control.

Councillor Fairhead asked if the three concessions included the ice-cream van. The Planning Officer responded that the ice-cream van was additional to the three concessions. The Monitoring Officer asked for clarification as to whether the three concessions had to include the ice-cream van or whether the ice-cream van was outside of the three concessions applied for this evening. The Development Manager assured the Committee that the 3 concessions and the ice-cream van could all operate on the same day.

Mrs Wheelhouse, objector, reported her concerns to the Committee and urged them to refuse the application so that Gorleston Cliff Top remained uncommercialised. She outlined her fear of noise, unpleasant cooking fumes, litter, vermin and anti-social behaviour resulting from the car park if the application for 3 concessions was approved and the detrimental effects it would have on the quality of life for local residents.

Councillor Wells, Ward Councillor, reported that he supported the application in principle, but for 1 concession only; the tuk-tuk concession who had operated during 2021 on a temporary licence selling hot drinks on the car park. Councillor Wells reported his concerns regarding conditions 7,9 & 10 and asked if an additional condition could be imposed that the towing vehicles to be removed from the car park once the concession unit was in situ. It was essential that all conditions were fully explored to ensure that all concerns raised by local residents could be mitigated.

Councillor A Wright reported that if the condition to remove the towing vehicle was

imposed that this would be self-defeating as the vehicle could park elsewhere in the car park which was free of charge to all users.

The Development Manager reiterated that the grant of use for 190 days was considered to be a suitable threshold.

The Executive Services Officer asked the Committee if they were collectively minded to agree the proposed changes to the conditions as reported by the Planning officer for clarity of the minutes.

Councillor P Hammond reported the need to increase the days of operation and once again, reiterated his proposal that they be increased from 190 days to 250 days as there was always a demand for refreshments in this area; or for the period of use to be set between only March & October in any year.

Councillor Myers reported that a balance must be achieved so as not to over-commercialise Gorleston Cliffs which was a great asset to the borough. Councillor Williamson once again highlighted the proposed increase in height of the concessions from 2m to 3m which should not be allowed in this sensitive Conservation area.

Councillor Mogford was concerned regarding cooking smells emanating from the site which could be very unpleasant and of which he had personal experience of and would not want to subject local residents too.

Councillor Freeman asked how the car park would be policed; would it be self-policed and would the concessions pay for the additional cleansing of the site which would be required to keep the area clean.

Councillor A Wright reported that the Committee was making heavy work of this application and proposed that the 190 days trial period stand and that 3m high concession units be allowed as people would need to be able to stand inside them to serve the public. Councillor Wright suggested that the opening hours should be 8am to 4pm Monday to Saturday and 10am to 5pm Sunday and Bank Holidays with the onus on the concession owners to clear their own rubbish from the site on a daily basis.

The Monitoring Officer clarified that it would not be a trial period of 190 days but a permanent grant of 190 days as proposed. Members must not forget that planning permissions, if granted, were permanent, unlike licensing permissions which could be revoked and if Members were minded to grant a 190 day trial period this would require a motion.

The Development Manager reported that the applicant had advised that concession licenses would only be issued once planning permissions had been approved by Committee.

Councillor Myers was concerned that the 190 days could include trading on Christmas Day which would be detrimental to the amenity enjoyed by local residents in their own homes during the festive holiday period. The Development manager reported that condition 8 could be altered so that hot food takeaway could not be served on specific bank holidays only hot and cold drinks. The Monitoring Officer suggested removing bank holidays from any grant of permission.

The Head of Planning interjected to summarise that he felt that the Committee would be able to approve the grant permission to last for 190 days between March &

October, agree the hours and days of operation as laid out in condition 8, approve the 3 concessions which did not include the ice-cream van who would continue on site and that the height of the concessions be agreed at 3m. This was proposed by Councillor P Hammond and seconded by Councillor Freeman.

RESOLVED:-

That application number 06/21/1018/CU be approved as it satisfies the criteria of adopted policies R7, L2 and A1 of the Local Plan Part 2 and is consistent with the aims set out in Core Policies CS6, CS8 and CS16. Whilst recognising that it falls short on complying with Core Policy CS7 and Local Plan Part 2 Policy R1 and E5, when assessed on balance it is considered the public benefits the application brings are sufficient to enable a recommendation to approve the application.

Approval is recommended subject to the conditions suggested below:-

- 1) Commence permission within 3 years.
- 2) In accordance with approved plans:
  - Example and dimensions of stall areas - MH/10023464346
  - Application Plan and Concession Zones
- 3) Only 3 concession units shall occupy the car park at any one time.
- 4) The car park shall only be used by mobile concession units for a total of (up to a maximum) 190 days to be used only between 1st March & 30th September, in any calendar year, and a log of all usage shall be maintained by the applicant and shall be made permanently available for inspection at any time by the Local Planning Authority.
- 5) Mobile units providing hot food takeaway use (sui generis use) shall be located only in the 2 zones proposed on the eastern side of the car park, and hot food takeaway uses shall not be located within the zone on the western boundary at any time.
- 6) The mobile concession units hereby approved shall not be larger than one demarcated parking space measured at 2.5m wide by 5.5m length and shall occupy only one space at a time and shall only be sited within a single parking space at any one time.
- 7) The mobile units using the car park shall not exceed 3m in height.
- 8) The concession units shall not be used for sales to the public outside the hours of:
  - 08:00 - 18:00 Monday to Saturday during October – April;
  - 08:00 - 20:00 Monday to Saturday during May – September;
  - 08:00 - 16:00 on any Sunday, and Bank or Public Holidays.
- 9) All mobile concession units shall be removed from the car park when not in use. No mobile units shall be left anywhere within the car park (neither the application site nor the adjoining car park) outside the permitted hours of use. All concession units shall be removed from the car park within 30 minutes of the end of the permitted hours of trading use set out within Condition 8 of this permission.
- 10) No mobile units using the car park shall include or use any externally located



generators.

11) The use shall be undertaken in accordance with the details (to be provided prior to permission being issued) that will show detailing and demarcating the areas for the mobile units to use. Areas will be marked out by temporary barriers (ropes & posts) to the satisfaction of the Local Planning Authority. These will be installed by site management before the commencement of the use and shall be removed by site management at the cessation of each day's use.

12) The use shall be undertaken in accordance with waste management plan details (to be provided before the grant of permission), which shall include details on refuse provision, collection and signage for customers.

13) There shall be no signage, banners, separate stalls, picnic benches, tables and chairs associated with the use without first gaining the express written permission from the Local Planning Authority.

14) There shall be no use of amplified music or amplified tannoy systems associated with the use or as part of any unit; and any other conditions considered appropriate by the Development Manager.

## **5 APPLICATION 06/21/0984/F SOUTH BEACH GARDENS, MARINE PARADE, GREAT YARMOUTH**

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

This application was brought before the Development Control Committee as a connected application by virtue of the application site being land owned by Great Yarmouth Borough Council. The applicant had served 'Certificate B' notice on the landowner as required by Articles 13 & 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the application has been reported to the Monitoring Officer on 23rd February 2022.

The Development Manager reported that the application was for the proposed erection of a 50m high observation wheel including supporting structures, decking, ramp access and a ticket office. This was a continuous permission for a period of 3 years until 1 February 2025.

The Development Manager reported updates to the proposed scale; there was a change to the height reported at paragraph 3.3, the overall height above ground would be 50m. For comparison, the Giant Wheel erected in 2021 had a wheel diameter of 48m and was circa 50m tall too.

The Development Manager highlighted the main issues of the application as follows:-

- Principle
- Design
- Heritage impact - setting of the Conservation Area
- Economic impacts - tourism attractions; and
- Duration of use/permission.

The Development Manager reported the benefits of installing the wheel as a visual

attraction within the sea front, and the benefits the temporary use would bring for the tourism economy, would help boost the attraction of Great Yarmouth and the wider Borough over the next 3 years as the economy continued to recover. Immediate jobs creation might be modest but the benefits were wider through linked trips and encouragement to invest in the town. As a tourist destination it would complement the regeneration taking place within the town, and in some respects would provide an alternative focus for visitors whilst regeneration works were ongoing.

The Development Manager informed the Committee that its role within the seafront should remain temporary, however, whilst there were other initiatives being concluded such as completion of the Marina Centre, the Gorleston Seafront Masterplan project, and the ambitions of the Local Plan Part 2, which should all be given time to be realised. Notwithstanding this, the applicant had requested a 3 year and seasonal permission, it was not considered appropriate to entertain a longer permission anyway, given the need to monitor economic benefit and heritage impact.

The Development Manager reported that the application was recommended for approval subject to the conditions as specified in the agenda report.

Councillor A Wright reported that there had been significant damage to the surrounding land when the last Ferris Wheel had been removed, whereby tarmac had been ripped up and damage to the grassed area had resulted on the land which was in the ownership of the Sealife Centre. Councillor Wright asked if a condition could be added to ensure that reparation of the land would be undertaken when the latest Ferris Wheel was dismantled.

The Development Manager reported that he would amend condition 1 to reflect Councillor Wright's request along the lines of the following:-

1. This permission shall expire on 01 February 2025. By this date the use shall be discontinued and the structure and its associated equipment including the kiosks, shipping containers, stores, platform, fencing and all associated infrastructure shall be removed from the site and the site and garden land shall be returned to its previous state and restored with replacement landscaping as necessary within two months of the cessation of the use.

The reason for the condition is:-

The time limited restriction is imposed in order to retain control over the use of the site, to ensure that the detrimental impact on heritage assets is temporary and repairable, and in the interest of the amenities of the locality.

The Chairman reported that the application was good for the tourism offer in Great Yarmouth and would be very popular with local residents and visitors alike.

**RESOLVED:-**

That application number 06/21/0984/F be approved as the proposal complies with the aims of Policies CS1, CS6, CS8, CS9, CS10, CS13 and CS16 of the Great Yarmouth Core Strategy, and also Policies GY6, A1, E1 and E5 of the Local Plan Part 2.

Subject to the following conditions:-

1. This permission shall expire on 01 February 2025. By this date the use shall be discontinued and the structure and its associated equipment including the kiosks, shipping containers, stores, platform, fencing and all associated infrastructure shall be removed from the site and the site and garden land shall be returned to its previous



state and restored with replacement landscaping as necessary within two months of the cessation of the use.

The reason for the condition is:-

The time limited restriction is imposed in order to retain control over the use of the site, to ensure that the detrimental impact on heritage assets is temporary and repairable, and in the interest of the amenities of the locality.

2. The development shall be undertaken in strict accordance with the revised plans and details.

All works shall be completed before the Wheel is first brought into use and thereafter shall be maintained in accordance with the approved scheme, unless otherwise first agreed in writing with the Local Planning Authority.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area.

3. There shall be no use of the development hereby permitted until the ticket office and sides of the platform structure have first been painted white to match the colour of the wheel and its supporting structure, which shall be retained as such thereafter.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area.

4. There shall be no use of the development hereby permitted until a scheme for providing detail and articulation to the external walls of the platform structure has first been submitted to and approved in writing by the Local planning Authority, which shall be installed in accordance with the approved details prior to the first use of the development, and which shall be retained as such thereafter.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area and to provide a high quality of design and visual interest to support the tourism economy and reflect the heritage of the area.

5. There shall be no use of the development hereby permitted until a scheme for providing public art or graphic designs at the development, for example upon the external walls of the platform structure, has first been submitted to and approved in writing by the Local planning Authority, which shall be installed in accordance with the approved details prior to the first use of the development, and which shall be retained as such thereafter.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area and to provide a high quality of design and visual interest to support the tourism economy and reflect the heritage of the

area.

6. In the event of the observation wheel ceasing to be operational for any longer than 21 consecutive days, the use hereby permitted shall cease on the site and the structure and equipment constructed or brought onto the land in connection with the use shall be removed within 3 months of the use ceasing.

The reason for the condition is :-

To ensure in the event of the observation wheel falling out of use that the site is left in a satisfactory condition.

7. There shall be no use of the development hereby permitted until all staff and operatives have first been made aware of the requirements to comply with the measures set out in the submitted High Tide Action Plan, and have first received training to implement the Flood Evacuation Plan. The High Tide Action Plan and Evacuation plan shall thereafter be maintained and retained in accordance with those submitted details for the duration of the development.

The reason for the condition is :-

In the interests of the safety of the public and site operatives in the event of extreme weather and/or flooding.

8. There shall be no use nor installation of any flashing or strobe lighting or advertisements added within the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of the visual amenities of the area and to ensure any lighting does not compromise navigational safety for vessels at sea and to maintain residential and neighbouring amenity.

9. There shall be no use nor installation of any amplified sound systems within the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of maintaining residential and neighbouring amenity.

10. There shall be no use nor installation of any advertisement or signage on the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of maintaining residential and neighbouring amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no fencing of any type or height shall be installed or erected or used in association with the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of highway safety and pedestrian movement and visual amenity.

12. The observation wheel shall not be operational outside the following times:-
- 11:00 - 21:00 Monday – Friday
  - 11:00 – 22:00 Saturdays
  - 11:00 – 21:00 Sundays, Bank and Public Holidays

The reason for the condition is :-

In the interests of neighbouring amenity and in accordance with the application form.

13. No part of the proposed structure (the observation wheel, including any support frames and platform etc.) shall overhang or encroach upon highway land and no gate/barriers, etc, shall be erected on the highway or door shall open outwards over the highway.

The reason for the condition is :-

In the interests of highway safety.

14. There shall be no use of the development hereby permitted until the applicant has first notified the Defence Estates Safeguarding service, and the National Air Traffic Control Service (Norwich Airport) of the following information:-

- a) precise location of development
- b) dates of intended use period and decommissioning
- d) the height above ground level of the tallest structure
- e) the maximum extension height of any construction equipment
- f) details of any illumination of the site

The reason for the condition is :-

To ensure that aeronautical charts and mapping records can be updated.

(Note - Defence Estates Safeguarding can be contacted at Kingston Road, Sutton Coldfield, West Midlands B75 7RL; and National Air Traffic Control is based at Norwich Airport).

Informatives:-

1. To be noted that it was the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls would not be permitted on highway land. The highway boundary might 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).

2. In dealing with this application Great Yarmouth Borough Council had actively sought to work with the applicant in a positive and proactive manner;

and any other conditions considered appropriate by the Development Manager.

## **6 SUPPLEMENTARY REPORTS**

The Committee received, considered and noted the supplementary reports.

## **7 ANY OTHER BUSINESS**

The Chairman reported that there was no other business being of sufficient urgency to warrant consideration at the meeting.

The meeting ended at: 20:00

**Reference:** 06/21/0853/D

**Parish:** Bradwell

**Case Officer:** Gordon Sutherland

**EOT agreed:** 31-03-22

**Applicant:** Persimmon Homes (Anglia) Ltd

**Proposal:** 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)

**Site:** Land at Wheatcroft Farm, Beccles Road, Bradwell

## **REPORT**

### **1. Background**

- 1.1** This is an application for approval of reserved matters for a major residential development. The Great Yarmouth Core Strategy included the allocation of land south of Bradwell for a mixed use residential and commercial development incorporating the Enterprise Zone at Beacon Park. The designated land included space for 1,000 new homes and its development would facilitate the provision of the A12(A47)/A143 link road (now Beaufort Way), school and health facilities. Policy CS18 refers.
- 1.2** Outline Planning Permission was approved for the majority of the allocated land on 11 August 2014 ref 06/13/0652/O - (48.2 hectares); 700 dwellings, commercial mixed use; consisting of B1, B2, B8, uses, and a local centre to include A1-A5, B1, D1 & other community uses; primary school and open space. The general masterplan for the outline permission site is provided for reference within Appendix 2 to this report.
- 1.3** The outline permission requires application(s) for approval of reserved matters to be made to the LPA no later 10 years from the date of the planning permission.
- 1.4** The dwellings are being built in 6 phases. Phase 1 was given full permission at the same time in 2014 for 150 dwellings. To date planning permission has been given for reserved matters for phase 2 (127 dwellings), phase 3 (184 dwellings) and phase 4 (125 dwellings). Phases 1-3 are complete and phase 4 is nearing completion.

- 1.5 It should be noted that any community infrastructure (planning obligation) requirements were considered at the outline application stage and were included in the associated Section 106 agreement at that time.

## **2. Site and Context**

- 2.1 This Phase 5 application site extends to 6.35 ha. / 15.69 acres in area and comprises land last used for agriculture. Phases 3 and 4 adjoin this site to the north separated by the existing estate road, Chaplin Road; Woodfarm Lane forms the boundary to the northeast; there is a woodland on its southern and western boundaries, and along the south-west boundary is Beaufort Way (the A47/A143 link road).
- 2.2 The northwest corner of the site is opposite the site of the proposed local centre for the wider neighbourhood (which formed part of the outline permission). The local centre will contain shops, and service uses, and an application for the reserved matters of the local centre has been submitted to deliver this area as Phase 6 of the outline permission (application ref: 06/21/0944/D).
- 2.3 Also opposite the northwest corner is also the site for the proposed primary school. Pedestrian and bicycle access along Chaplin Road will connect to Oriel Avenue and lead to the Ormiston Academy.
- 2.4 The site is located within the designated development limits for the extension of Bradwell. It is within Flood Zone 1 which is at lowest risk of coastal or river flooding.
- 2.5 As a reserved matters application, the principle of development was established through the grant of outline planning permission with its accompanying technical assessments.
- 2.6 This application includes the following supporting information:
- Development and Landscaping Layout
  - House type floorplans and elevations
  - Fire Engine and Refuse Vehicle tracking plan
  - Accommodation Schedule
  - Arboricultural Impact Assessment and Method Statement
  - Drainage Strategy and Plan
  - Materials Schedule
- 2.7 The site is located in the Green Habitat Impact Zone of between 2.5km to 5km from a nationally and internationally protected wildlife site. The Local Planning Authority has undertaken an Appropriate Assessment to assess the impact of the development individually and cumulatively on designated sites.

### **3. Proposal**

- 3.1** The development within Phase 5 is for 171 dwellings, with associated roads parking and open space. It will be served by a loop road accessed only via two points on Chaplin Road with connected internal estate streets and private drives giving access to 153 market houses comprising: 60, two bed houses; 55, three bed houses; and 38, four bed houses. There will be 18 affordable houses, comprising 8, two bed houses and 10, three bed houses.
- 3.2** The accommodation schedule is of a range of 23 different house types, using red, red multi and buff brick, white and cream render walls, and grey and red roof tiles, although only two combinations of materials are proposed. Most dwellings are 2 storey but there are 26, two and a half storey units.
- 3.3** The proposed development comprises 10% affordable housing. The affordable housing mix, type and tenure has been developed in accordance with local requirements. This is in accordance with the S106 requirement and the outline permission.
- 3.4** The Phase 5 layout (see Appendix 3) includes two areas of public open space consistent with the indicative masterplan for the neighbourhood (at Appendix 2). Tree planting is shown at regular intervals along the frontage with Beaufort Way and there are some additional trees on Chaplin Road and within the open spaces. A surface water infiltration basin is located within the eastern open space area. The basin will include dense shrub planting to help dissipate flows and provide pollution mitigation. The max depth of the basin is 2m graded 1 in 4 slope with a water depth of 43cm in a 1 in 2 year rainfall event and 60cm in a 1 in 10 year event. The basin will be fenced as per assessments of the Royal Society for the Prevention of Accidents (RoSPA).

### **4. Relevant Planning History**

#### **4.1 06/13/0652/O**

- 1) Full planning permission for Phase 1 of residential development 150 houses.
- 2) Outline Planning Permission (48.2 hectares); 700 dwellings, commercial mixed use; consisting of B1, B2, B8, local centre to include A1-A5, B1, D1 & other community uses; primary school and open space. Approved 11 August 2014.

#### **06/21/0944/D**

Approval of reserved matters for a Commercial mixed-use scheme to deliver Bradwell Local Centre - pp 06/13/0652/O - Outline Planning Permission (48.2 hectares); 700 dwellings, commercial mixed use; consisting of B1, B2, B8, local centre to include A1-A5, B1, D1 & other community uses; primary school and open space.

**5. Consultations: - All consultation responses received are available online or at the Town Hall during opening hours**

**5.1** Over 80 addresses adjoining the site were notified and a site notice placed at public locations adjoining the site. One representation has been received from a member of the public, which points out that a school, shops, and a surgery have yet to be built and considers residents don't have enough parking.

**5.2** Bradwell Parish Council raise no objection.

**Consultations – External**

**5.3 Norfolk Fire and Rescue Service.** Advise it has no observations. The development will be required to comply with the Building Regulations.

**5.4 Highways England.** Raise no objection, and advise this Reserved Matters application (for Access, Appearance, Landscape, Layout and Scale) is unlikely to have any severe impact upon the Strategic Road Network (A47).

**5.5 Local Highways Authority (HA)** – The applicant has worked with the Highway Authority to devise a layout that complies with its technical design requirements in terms of alignment, visibility, parking and turning. Standard conditions are recommended to ensure the roads are built in accordance with specifications.

**5.6 Historic Environment Service - Archaeology** – The NCC Historic Environment Service (HES) has no comments to make and advise that there is no further requirement for archaeological mitigation within Phase 5 of the development.

**5.7 Lead Local Flood Authority (LLFA)** – Has no objection to this reserved matter planning application being approved. It advises that sufficient evidence has been submitted to guarantee that sufficient space has been allocated within the layout for drainage infrastructure and to support a robust drainage strategy for this development. Drawings and calculations have been provided in the appendices attached in the drainage strategy report for phase 5 (ASD Consultants, Ref. 1196.05/SC/DS/08-21, August 2021).

**5.8 Ecology** – The Natural Environment Team (NETI) at Norfolk County Council has not responded to the consultation.

**5.9** Based on replies from NETI for other sites, a condition is recommended to enhance the site for biodiversity (installing bird and bat boxes and requiring hedgehog holes to be provided in fences) in accordance with Core Strategy policy 11.

**5.10 Natural England (NE)** – Advise that as submitted, the application could have potential significant effects on National Site Network designated habitat sites designated for nature conservation in the Borough and Broads area, namely:



- Great Yarmouth and North Denes Special Protection Area
- Breydon Water Special Protection Area
- Breydon Water Ramsar
- The Broads Special Area of Conservation
- Broadland Special Protection Area
- Broadland Ramsar
- Winterton–Horsey Dunes Special Area of Conservation

- 5.11** NE required further information in order to determine the significance of these impacts and the scope for mitigation in the form of a Habitats Regulations Assessment. The Local Planning Authority has undertaken an Appropriate Assessment (AA) to consider the direct recreational disturbance impacts. NE has been reconsulted to confirm that it concurs with the AA, and any response will be reported verbally at the committee meeting.
- 5.12** **Statutory Undertakers – Anglian Water (AW)** confirm that the foul drainage strategy is acceptable to Anglian Water and advise the surface water drainage strategy in this case is a matter for the Lead Local Flood Authority. AW advise detailed foul drainage information will be required to discharge the conditions on the outline permission. An informative is recommended to remind the applicant of this requirement of the outline permission.
- 5.13** **Norfolk Constabulary – Designing out Crime** – No response was received.

### **Consultation - Internal GYBC**

- 5.14** **Tree Officer** – There is an existing woodland beyond and adjoining the site to the south, an existing hedge along Woodfarm Lane which includes an Oak tree. There is an Ash tree towards the southwestern boundary. There are two groups of trees enveloping the electricity substation on land adjoining the site to the northeast and a remnant of a field hedge within the site.
- 5.15** Excepting the latter which does not contain woody species, bar some hawthorn, the other trees and hedges are all proposed to be retained and protected during construction. The tree officer has inspected the trees and hedges and concurs with the proposals. Plot 753 has been moved north to give more space to the Oak Tree. The Ash tree is located in an area of open space across the street from plots 629 and 630. The location of the proposed open space in the northeast corner of the site overlaps with the retained trees and hedgerow.
- 5.16** The tree officer encourages the provision of native species within the landscaping plan. A condition is recommended to submit further detailed plans of the tree and hedge species to be used for approval. The Arboricultural Impact Assessment and Method Statement includes details of tree protection proposed during construction.
- 5.17** **Affordable Housing** – as per Core Strategy Policy CS4 Delivering Affordable Housing, the proposal provides 10% affordable housing as required in Affordable Housing Submarket Area 2. 18 units are required to comply with the

S106 agreement for the outline planning permission. The units will be 3-bed 6-person dwellings and meet the Department of Community and Local Government Nationally Described Space Standards (NDSS) of 102 m2. The Housing Service notes that units are grouped within this phase but when considered as a whole neighbourhood the houses are spread and therefore complies with policy CS4. The dwellings will be for affordable rent, which meets the dominant need within the Borough.

- 5.18 Conservation Officer** – No objection and recommend refer to NCC Historic Environment Service. That response is set out above (no objection).
- 5.19 Environmental Health** - The Environmental Health Officer (EHO) has no objection noting that a Site Investigation-Phase 1 contaminated land assessment and Phase 2 intrusive investigation have already been undertaken in association with the outline permission. A standard condition is recommended to ensure that the developer inform the Local Planning Authority if any contamination is encountered during construction including a plan for mitigation. Standard conditions were included in the outline permission regarding hours of construction and maintaining air quality.
- 5.20 Strategic Planning** – The strategic planning officer refers to the Planning policy context for this application CS 18, and focusses on design considerations as set out in Policy A2 Housing design principles of the newly adopted Local Plan Part 2 (LPP2). The advice suggests a bicycle and pedestrian connection should be provided through the proposed public open space to connect with Woodfarm Lane. The applicant has amended the layout plan to accommodate this.
- 5.21** The advice also considered that the layout has too much frontage curtilage parking and that instead houses should be placed at the front of plots with and parking set to the sides of the properties where possible, to create a stronger street frontage. Further, officers identify that there are no tree-lined streets throughout this phase of development, despite requirements of Policy A2(d). This is discussed in the assessment section of the report.

## **6. Assessment of Planning Considerations:**

### Relevant planning policy

- 6.1** Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at and paragraphs 2 and 47 of the National Planning policy Framework (NPPF).
- 6.2** Whilst the Council has an up-to-date development plan and 5-year-housing land supply the National Planning Policy Framework remains a material consideration, but the development plan retains primacy.

### Adopted Core Strategy 2013-2030

- 6.3** Great Yarmouth Borough adopted Local Plan Policy CS2 “Achieving sustainable growth” in the Core Strategy (2015) ensures that new residential development is distributed according to the policy’s settlement hierarchy which seeks to balance the delivery of homes with creating resilient, self-contained communities and reducing the need to travel. The settlement hierarchy identifies that approximately 30% of new development will take place in the Boroughs key service centres at Bradwell and Caister on Sea.
- 6.4** Policy CS18 “Extending the Beacon Park development at land south of Bradwell” sets out the principles for a mixed use residential and commercial development incorporating the Enterprise Zone at Beacon Park. The designated land included space for 1,000 new homes and its development would facilitate the provision of the A12(A47)/A143 link road, school and health facilities.
- 6.5** The principle of development is established by this policy, the site’s location in the local plan development limits and the existing outline planning permission. The outline permission considered the infrastructure implications of the development including the provision of affordable housing and therefore this assessment relates only to the reserved matters which require approval, namely: access, appearance, landscaping, layout and scale.
- 6.6** Policy CS4 “Delivering affordable housing” – The site lies within Affordable Housing Sub-market Area 2. A scheme of 171 dwellings in this location is required to provide 10% affordable housing (18 dwellings). The proposal complies with this policy.
- 6.7** Policy CS9 – “Encouraging well-designed, distinctive places” states amongst other things that development should respond to the surrounding areas distinctive characteristics such as scale form and materials, create attractive, functional places with active frontages, provide safe and convenient routes for cyclists and pedestrians, vehicular access and parking suitable for the use, protect the amenity of residents from noise, light and air pollution, enhance biodiversity, landscape features and townscape quality, have energy efficient site layouts and designs, fulfil the day to day needs of residents with suitable private and communal open space and appropriate waste and recycling facilities.
- 6.8** Policy CS11 “Enhancing the natural environment” requires the authority to assess the impacts of development on natural assets. In this case an assessment was made by the Local Planning Authority at outline planning application stage. The outline application included a comprehensive environmental assessment.
- 6.9** Policy CS13 “Protecting areas at risk of flooding or coastal change” (a) directs new development proposals away from areas of highest risk of flooding unless the requirements of the Sequential Test and Exception Test (where applicable) are met, and a satisfactory Flood Response Plan has been prepared. In this

case the site is located in Flood Zone 1. The Flood Risk Assessment provided with the outline application identified that the site is at low risk of river and coastal flooding.

#### Local Plan Part 2 (2021)

- 6.10** Policy GSP1 (Development limits) – retains the emphasis on development in sustainable locations within development limits.
- 6.11** Policy A1 (Amenity) – requires particular consideration on the form of development and its impact on the local setting in terms of scale, character and appearance.
- 6.12** Policy A2 (Housing design principles) – pushes the design quality of residential developments to a higher standard in terms of their creation of place and urban design and a group of dwellings, and on an individual dwelling basis requires dwellings to meet otherwise-optional building regulations standards, and to be designed with regards to the local context such as local townscape and urban grain and other detailed design requirements. Principles included are that developments should be designed to be adaptable to changing needs and existing and emerging technologies such as home-working, digital connectivity and electric/autonomous vehicles. Developers should also ensure plans are in place for the long-term stewardship and management of public spaces.
- 6.13** Policy E7: Water conservation in new dwellings and holiday accommodation. New residential development, and holiday accommodation in buildings, will be supported only where it meets the higher water efficiency standard of requirement of 110 litres per person per day.
- 6.14** Policy H3 (Housing density) – seeks to make effective use of land with minimum housing densities of 35 dwellings per hectare in Great Yarmouth, Gorleston-on-Sea and Bradwell.
- 6.15** Policy H4 (Open space provision for new housing development) - requires the provision for publicly accessible recreation open space of 103 square metres per dwelling comprising approximately: 24% for outdoor sport; 18% for informal amenity green space; 6% for suitably equipped children's play space; 2% for allotments; 10% for parks and gardens; and 40% for accessible natural green space.
- 6.16** Policy I1- Vehicle parking for developments requires parking to meet current NCC standards and requires developments to be designed to enable charging of plug-in and other ultra low-emission vehicles in safe, accessible and convenient locations.
- 6.17** Policy GSP5 (National Site Network designated habitat sites and species impact avoidance and mitigation) Protects designated habitat sites in and around the Borough from potential adverse impacts associated with new housing development including recreation.

## **Main issues:**

### Principle of development

- 6.18** The site has extant outline planning permission for a development of this scale and lies within the Local Plan Part 2 Development Limits wherein development will be supported in principle unless material considerations outweigh that principle. In this case those considerations would relate to the reserved matters of access, appearance, landscaping, layout and scale.

### Flood risk

- 6.19** Local policy sequential test requirements direct new development proposal away from areas of highest risk of flooding unless the requirements of the Sequential Test and Exception Test (where applicable) are met, and a satisfactory Flood Response Plan has been prepared.
- 6.20** The site is within Flood Risk Zones 1 and therefore considered as having a low probability of coastal and fluvial flooding. The sequential test is satisfied and the exception test is therefore not applicable.
- 6.21** The development may be outside identified flood zones but it will still need to demonstrate that it will not be susceptible to surface water or ground water flooding and will be required to include a surface water drainage scheme to the satisfaction of the Lead Local Flood Authority. This is considered below.

### Access/Highway Safety/Infrastructure

- 6.22** Access for this phase of the development is off Chaplin Road a new access road into the Wheatcroft Farm development from the roundabout off Beaufort Way. The access also serves phases 3 and 4 of the neighbourhood development. Phase 6 is located on the eastern side of Beaufort Way and will be accessed from an eastern leg to the roundabout off Beaufort Way.
- 6.23** The Highways Authority have worked with the applicant and the layout, parking and turning on site are confirmed to meet their expected highways standards, including providing 2 parking spaces per unit for the 2 and 3 bed houses and 3 spaces per dwelling for the four bed houses, with the car spaces adjacent each dwelling.
- 6.24** The layout provides for service access for refuse vehicles. A condition that the layout parking and turning shall be provided as per the revised layout (revision F, Appendix 3) is recommended. The Highway Authority raise no objection subject to various standard conditions.
- 6.25** The Fire Service raise no objection, but the development will need to meet the Building Regulations. A standard condition is recommended for the provision of details of fire hydrants to be submitted and agreed in association with the Fire Service.

### Drainage

- 6.26** The proposed surface water drainage strategy is acceptable to the Lead Local Flood Authority. The water infiltration basin will need to be fenced in accordance with the assessment of the Royal Society for the Prevention of Accidents, but the appearance could be detrimental to the overall scheme and residents' amenity if not considered carefully; a condition shall cover this.
- 6.27** The foul water drainage strategy is acceptable to Anglian Water. AW requires the submission and approval of detailed foul drainage information to discharge the conditions, a requirement which already exists on the outline permission. A pumping station has been constructed close to Gorleston Lane electricity substation. It is awaiting electrical connection and is due to go live shortly. The station will pump to the terminal pump station off the roundabout.

### Design and layout

- 6.28** A range of 23 house types and the use of red, red multi and buff brick, white and cream render walls and grey and red roof tiles is proposed to provide variety in respect of appearance, materials and detailing throughout the site. The material combinations are limited, however, but the combinations as they are will be interspersed throughout the site to offer some visual interest and attempt to create a varied street scene. The houses are mainly two storey with 26 two and a half story and 1 single storey.
- 6.29** Footways link to the network of facilities including the public rights of way. The layout and house types will be similar and therefore consistent with the prior phases of development.

### Dwelling Functionality

- 6.30** 17 of the 19 proposed market housing house-types meet the minimum gross internal floor areas of the Nationally Described Space Standard (NDSS) for house design. The Arden and Alnmouth (2 bed units) and Epping (3 bed units) are below the minimum.
- 6.31** The NDSS for a 2 bed three person 2 storey house is 70 square metres; by comparison the Arden is 50.1 square metres and the Alnmouth is 59.3 square metres, which is considerably lower than recommended.
- 6.32** The NDSS for a 3 bed four person 2 storey house is 84 square metres. The Epping is 70.1 square metres.
- 6.33** The layout includes 17 Arden units, 15 Alnmouth units, and 10 Epping units, so a total of 42 of the market housing dwellings would be below the NDSS. All of the 18 affordable housing dwelling units are more than the minimum NDSS.



- 6.34** Whilst there is no adopted policy requirement for the dwellings to achieve the NDSS, it is a material consideration and such under-sized dwellings would not be supported by national planning guidance.
- 6.35** Policy A2 Housing design principles paragraph f) “Functional, Healthy and Sustainable Homes” states that: “New homes must be built to meet requirement M4(2) of Part M of the building regulations for accessible and adaptable dwellings where practicable”.
- 6.36** Currently the national Building Regulations have three levels of housing accessibility standards. Category M4(1) is the minimum national building regulations level where a dwelling must be visitable by people with disabilities. M4(2) is the category within the building regulations where a dwelling is to be accessible and adaptable for people with disabilities. M4(3) is the category where a dwelling is for a wheelchair user. By making M4(2) such an expectation in planning policy, planning permissions which require it should in turn mean that subsequent building regulations compliance needs to follow the same ‘higher than minimum’ standard.
- 6.37** In this proposal 3 of the proposed market house types would not meet the requirement of M4(2) standards: the Arden (2 bed), Epping and Redcar (3 bed) types. The layout includes 17 Arden units, 10 Epping units and 10 Redcar units), some 37 market housing dwellings overall.
- 6.38** Furthermore, 3 of the proposed affordable house types would also not meet the requirements of M4(2) standards: the Cromer, Hopton and Leiston 3 bed units. The layout includes 7 Cromer units, 8 Hopton units, and 2 Leiston units, some 17 affordable dwellings overall.
- 6.39** As such within this Phase 5 development there would be a total of 54 units which would not meet M4(2) standards, comprising 37 market units and 17 affordable units.
- 6.40** When considered together, it is noted the Arden house type (see Appendix 7) and Epping house types are both significantly smaller and also not accessible/adaptable to M4(2) standard. These represent 27 market housing dwellings (16%).
- 6.41** The applicant advises that the smaller dwellings are very popular, particularly with buyers as they provide a home at a more accessible price, but it must be stressed that these are in no way proposed as affordable housing or any other form of recognised ‘starter home’ or ‘first home’. Nevertheless, the applicant maintains that from their knowledge and experience of the local housing market the development will be able to offer a number of houses that to provide a step into home ownership.
- 6.42** Notwithstanding this case made by the applicant, the proposed development is deficient in terms of:

(i) the overall size of dwellings, as 42 of the 171 dwellings (25%) are significantly smaller than the Nationally Described Space Standard; and,

(ii) the accessibility and adaptability of the dwellings, as 54 (32%) are not proposed to the M4(2) adopted policy standard.

**6.43** It is very regrettable that there is a significant proportion of dwellings below the recommended minimum gross internal floor areas of NDSS (25%) and which do not meet M4(2) (32%), or which fail to meet expectations in both respects (16%). However, there is some mitigating circumstance in the fact that the development is part of an overall outline permission which has consistently used these sizes and styles of homes in earlier phases.

**6.44** The applicant would suggest that providing 171 dwellings for the community at this point in time is a benefit that carries sufficient weight to justify relaxing the M4(2) policy requirement and having a number of dwellings that would be less than the NDSS. The applicant has also pointed out that they have proposed 1 no. dwelling which is M4(3) compliant (ie in excess of policy expectations), which is an affordable dwelling (a Bawburgh house type model).

#### Density

**6.45** Policy H3 (Housing density) has an indicative minimum density of 35 dwellings per hectare housing. The proposal of 171 dwellings on a site of 6.35 hectares equates to 29 dwellings per hectare density. Given the small size of some of the dwellings, the restricted shape and size of some of the dwellings' gardens, and the presence of car-dominant streetscenes in certain areas, it could be argued that the density is perhaps even too high, or alternatively that the variety of housing types is too limited that it fails to make best use of the site, but regard must be had to the previous form, character and layout of earlier phases.

**6.46** The density proposed in this Phase 5 scheme is less than prescribed by new LPP2 policy H3, but the development is consistent with the character of the locality (ie earlier phases) and is reduced in part because of the need to provide infrastructure such as the sustainable drainage and open space, and due to accounting for the retention of trees on the site where possible. Whilst an optimum layout might have made better use of the site, it is noted there was no formally required density level, public open space quota or character area requirements set for the reserved matters phases as part of the outline permission.

#### Form/Appearance & Parking

**6.47** The proposed layout follows broadly the same form as previous phases of residential development in the new neighbourhood. The layout includes a mix of detached, semi-detached and terraced units including units that 'turn the corner' at three locations. The units are mainly two-storey but include 26 two and a half storey units, which will help to provide variety in the street scene in combination with changes in external material finish.

**6.48**



The predominant form in the layout is of houses being set back from the kerb with a garage and parking to the side, and for the smaller units with parking between the house front and the street. As outlined in the policy section above, policies CS9 Encouraging well-designed, distinctive places and A2 Housing design principles, include principles which aim to avoid built forms where the car is dominant. Para d) "Movement" of A2 says that developments should have a mix of parking solutions to avoid this and ensure highway safety; it states that "Continuous frontage parking should be avoided, Parking spaces in the curtilage of dwellings should only be provided where landscaping or a front garden can also be provided to reduce the impact of cars."

- 6.49** Each plot has a private rear garden with screen fencing, 2 car parking spaces for 2 and 3 bedroom units, and 3 spaces for 4 bedroom units which is as per the NCC parking standard. Space is provided for waste and recycling storage clear of the highway.
- 6.50** In this case, the layout does indicate planting to help break the appearance of frontage parking, but there are runs of a dozen or more houses where there is little scope for landscape planting. Notwithstanding this, it should be noted that long frontage parking is not regarded as a highways safety concern, the consideration is more one of such an arrangement creating an undesirable character and appearance to the street scene. As outlined above the layout is broadly the same as prior phases, so cannot be said be out of character with the rest of the Wheatcroft Farm estate. Finally, the layout does provide space for a limited number of trees to be planted in front gardens. Planning case law calls for consistency in planning decisions unless materially unacceptable. In this case the proposed layout is commonplace and unexceptional but considered acceptable in this context.
- 6.51** The proposed mix of house type and material finishes will be consistent with the prior phases of the new neighbourhood.
- 6.52** A condition is recommended to secure the provision of the submitted landscape scheme which includes tree, shrub planting and hard landscaping.

#### Landscape

- 6.53** Submitted plans show trees to be planted in the areas of public open space, and at points along Chaplin Road and Beaufort Way, with proposed ornamental tree planting to front gardens and specimen shrub planting. The Council's Arboricultural Officer has recommended that native species trees are planted. A condition is recommended to submit and agree the location, size and species of trees to be planted.
- 6.54** New tree planting and soft landscaping is proposed across the scheme. There are 2 large areas of open space and incidental areas of open space within the phase.

#### Amenity

- 6.55** The site is adjacent the proposed local centre and the site of the primary school. There will be no significant detrimental impacts on the amenity of the occupants of existing adjoining property. Each plot in Phase 5 has a private rear garden with screen fencing; the sizes and useability of some gardens are rather limited but not dissimilar to the form of earlier phases.

Ecology – internationally and nationally protected sites

- 6.56** The site is located in the Green Habitat Impact Zone over 2.5km to 5km from an internationally protected wildlife site.
- 6.57** The outline planning permission was granted based on environmental reports prepared prior to the adoption of the Councils mitigation strategy to safeguard sites designated for nature conservation. At that time, it was advised by Natural England that with the provision of on-site recreation and linkage to the existing walking and cycling network that there should not be an adverse impact on these sites from this development alone, but that in combination with other development that would be forthcoming in the Borough it was not possible at to be sure there would be no cumulative adverse impact. Natural England advised that it would be the Local Planning Authority's responsibility to ensure these impacts are fully mitigated for and addressed within the emerging Core Strategy.
- 6.58** To address the Natural England advice, the Local Planning Authority has carried out an Appropriate Assessment (AA). The AA identifies the wider development which this phase falls part of (06/13/0652/O), includes significant provision of on-site green infrastructure including two large area of open space which can allow for areas where dogs can be let off leads.
- 6.59** The development is in close proximity to Bluebell Woods (Beacon Park woodland) which provides a high-quality semi natural area with a circular c2.9km dog walking route around it. This particular phase is immediately adjacent to the woodland. The site also has access to a network of public rights of way leading south to Lound Lakes (approximately 2.5km) where there is further opportunity of recreation in a semi-natural setting. Lound Lakes also has a dogs-off lead zone. It is therefore considered that direct impacts of the development in isolation can be ruled out.
- 6.60** The AA concludes that with the proposed on-site open space and recreation provision and the existing off-site provision in the new neighbourhood and its vicinity, there should be no direct impacts on sites designated for nature conservation.
- 6.61** The AA also concludes and that the cumulative impact of this with other development in the Borough can be addressed as per the Council's mitigation strategy whereby mitigation should now be provided with the payment of the standard mitigation and management fee.
- 6.62** If planning permission were granted it would need to be subject to the receipt of a contribution to the Borough Council's Habitats Monitoring & Mitigation

Strategy (£110 per dwelling, £18,810 total), as required by LPP2 Policy GSP5. NB after April 1, 2022 the amount per dwelling rises to £185.93, £31,794 total.

#### Ecology – on site

- 6.63** The last use of the land has been for agriculture and excepting the existing trees and hedgerow to Woodfarm Lane is not biodiverse. The indicative landscape layout submitted with the application includes the provision of tree planting within open space and ornamental tree planting in front gardens and shrub planting. As reported above the Council's Arboricultural Officer recommends the use of mixed native species. This will help to enhance biodiversity at the site. A condition is recommended to submit and agree further details of the trees to be planted including location and size.
- 6.64** The water infiltration basin will also enhance biodiversity with the occasional presence of water and dense shrub planting to help dissipate flows and provide pollution mitigation.
- 6.65** A condition is also recommended to provide a Biodiversity Enhancement Plan, the plan to include locations for bird boxes, bat boxes and habitat enhancements including the provision of hedgehog holes in boundary fences to each dwelling. The condition would require details to be agreed prior to development proceeding beyond DPC/slab levels. A 'statement of good practice' would also be signed upon completion by the competent ecologist, and be submitted to the LPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted.

#### Public open space provision

- 6.66** Policy H4 (Open space provision for new housing development) - requires the provision for publicly accessible recreation open space of 103 square metres per dwelling. Open space provision and its maintenance was provided for and included within the Section 106 Agreement when outline planning permission was granted.
- 6.67** The outline permission included 22% of the total site (56.5ha) allocated for multi-functioning green infrastructure (including 7.6ha open space, 2.7ha green infrastructure and 2ha as drainage areas). The open space included in this application for the approval of Phase 5 reserved matters is consistent with the master plan for the development and includes 0.32ha useable public open space in the northern corner, 0.23ha useable public open space in the central area, and 0.42ha of linear natural greenspace landscape buffer area in the south, with additional greenspace areas in the suds attenuation pond; together some 0.97ha publically accessible open space. By comparison, LPP2 Policy H4 would require 1.67ha pro rata but the general quota required for this development is broadly established by the outline permission.

- 6.68** It should also be noted that the open space for the whole site is primarily aggregated towards the centre of the neighbourhood including an area for playing fields to the west of the local centre.

#### Environmental enhancements

- 6.69** The applicant has confirmed that the 110 litre per person per day water efficiency requirements of Local Plan Part 2 policy E7 will be accommodated within the design of each dwelling. No details have been provided, so it is necessary to secure these by condition.
- 6.70** Local Plan Part 2 policy I1 expects development design to enable charging of plug-in and other ultra low-emission vehicles in safe, accessible and convenient locations. This policy could be seen as an interim measure whilst the requirements are brought into the Building Regulations. The applicant advises that no plots are planned to include EV charging points and so policy I1 will not be satisfied unless expressly required.
- 6.71** As with the M4(2) expectation, the development would have to provide for a 'higher than minimum' standard of construction compared to prevailing building regulations if planning permission required this. It is not unfeasible to include electric charging in the design proposed, given that the majority of dwellings have in-curtilage parking and few communal parking areas, and the developer has not suggested it is unviable.
- 6.72** Although from 15th June 2022 the building regulations will require EV charging under 'approved Document S' (which applies to: 'new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new, or undergoing major renovation'), there are certain exemptions possible because it does not apply to work subject to a building notice, full plans application or initial notice submitted before that date, provided the work is started on site before 15 June 2023.
- 6.73** It should not therefore be assumed that the building regulations would require electric vehicle charging automatically, and so the use of a condition is necessary to make the development compliant to policy. Any permission can require electric charging to be provided by condition to help address the policy, and it is recommended to do so.

#### Other Matters

- 6.74** Referred to in the single objection received, but beyond the scope of this application, the Education Authority has advised the developer of its intent to develop the allocated primary school site. A separate reserved matters application is pending consideration for development of the local centre.

- 6.75** As outlined in the report above, parking within prior phases of the neighbourhood has been in accordance with the NCC parking standards.

## **7. Local Finance Considerations:**

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. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. 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. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

## **8. Shadow Habitats Regulation Assessment**

- 8.1** The site lies within the Green Habitat Impact Zone over 2.5km to 5km from a nationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is normally required. See section 6 Ecology. An Appropriate Assessment has been undertaken by the LPA that determines there would be no direct impact on designated sites from the development itself but that the cumulative impact of development should be mitigated by the provision of a standard mitigation payment as provided for in the Councils mitigation and monitoring strategy.

## **9. Concluding Assessment**

- 9.1** **The principle of development** is acceptable where land is located within the development limits, where it established by extant outline permission(s), and where flood risk is low.
- 9.2** **Character and Appearance of the Locality** - The design and appearance of the development is consistent with the adjoining phases of the neighbourhood, and it is considered to generally comply with Policies CS9, A1 and A2.
- 9.3** The proposal is contrary to Policy A2 in regard to paragraph f); and the Committee will need to consider whether it is minded to relax the recently-adopted M4(2) requirement in this case. The applicant contends this is not feasible in the proposal submitted and unnecessary for the form and use of the dwellings concerned. However, that said, the need to provide enhanced standards of housing design has been well understood by the local

development industry since long before the application was submitted in October 2021, even though the policy was not adopted until December 2021.

- 9.4** 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 etc).
- 9.5** The proposal is also significantly below the expected nationally described space standard, but this is not a requirement established in adopted local plan policies nor actually set out within the National Planning Policy Framework.
- 9.6** In summary, Officers consider there are mitigating circumstances to suggest that the M4(2) requirement should not be enforced through seeking amended plans, and there are insufficient policy grounds on which to require the NDSS.
- 9.7** **Amenity** – The site is able to accommodate 171 family dwellings with parking to standard and with private gardens. The dwellings will have good access to public open space and public rights of way. The site is adjacent to the future local centre for the provision of local shops and services, the site is also adjacent to the proposed primary school.
- 9.8** **Highway Safety** - The proposal has been designed to meet highway standards for access and parking and on-site manoeuvring of service vehicles.
- 9.9** **Ecology** – A mitigation payment is required to satisfy the Habitats regulations, and if the Committee is minded to approve this application, permission would not be issued before receipt of said payment.

**10. RECOMMENDATION: -**

- 10.1 Approve** – 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.

**10.2 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;

and,



(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.

**Appendices:**


1. Site location plan
2. Masterplan from outline planning permission 06/13/0652/O.
3. Proposed Phase 5 Layout Plan (Revision F)
4. Example plans & elevations of 'House type Danbury'
5. Example plans & elevations of 'House type Saunton'
6. Example plans & elevations of 'House type Brampton'
7. Example plans & elevations of 'House type Arden'





Phase 5 Location

Rev	Date	By

 **PERSIMMON**  
Persimmon Homes Ltd.  
Persimmon House  
Bankside 100  
Peachman Way  
Broadland Business Park  
Norwich NR7 0WF  
Tel 01603 977200

Site Name: <b>Bradwell Phase 5</b>		
Drawing: <b>Site Location Plan</b>		
Scale@A1: 1:1250	Drawn By: TW	Date: JUNE 2021
Version:	Drawing No: BP5-SLP	Rev:





## Concept Masterplan

### KEY

- Masterplan boundary - under discussion
- Public Open Space
- Primary Roads - likely type 1 or 2, 5.5-6.3m with 2m verge and 1.8m footway
- Secondary Roads - likely type 2 or 3 - 5.5m with 2.5m parking strip with trees, 1.8m footway
- Tertiary Roads - likely type 3 - 5.5m with footway
- Green Lanes - shared surface 5.5m
- Mews - shared surface 5.5m
- Proposals to be submitted by others

- 1 Local Centre - subject to detailed design
- 2 Primary School (1.5ha) - subject to detailed design
- 3 Employment area - B1, B2 or B8 mix
- 4 Main footpaths
- 5 Potential footpath and cycle Links
- 6 Wheatcroft Cottages to be retained if practicable
- 7 Pavilion to sports ground with associated parking
- 8 A12/A143 Great Yarmouth Link Road with footpath, cycleway and drainage swales
- 9 Attenuation basins
- 10 Swales
- 11 New cycle route along Browston Lane
- 12 Easement for High Voltage Cables

Details of drainage and highways strategy included in detail separately. For details of street types see Design and Access Statement.







**SOFT LANDSCAPING KEY**

- Existing Tree & Hedge Planting
- Proposed Tree Planting
- Proposed Ornamental Tree Planting to front gardens
- Proposed Specimen Shrub Planting
- Proposed Shrub Planting
- Proposed Ground Cover Mix
- Proposed Hedge Planting

**HARD LANDSCAPING KEY**

- Asphalt - Adoptable Specification - Roads
- Asphalt - Adoptable Specification - Footpaths
- Macadam - Private Drives
- Block Paving - Buff
- Block Paving - Brindle\*
- Block Paving - Charcoal
- Pre-Cast Concrete Paving Slabs - Grey 900mm to front entrance door, 600mm gravel strip to side/rear access and dwelling
- Gravel

\* Where brindle block paving is used for Shared Surface roads, roads to be constructed to adoptable specification with block paved finish

Accommodation Schedule			
Housetype	ft²	No.	Total ft²
2 Bed			
Arden	554	17	9,418
Alnmouth	643	15	9,645
Danbury	811	28	22,708
Deepdale	887	3	2,661
Total 2 Bed =		63	
3 Bed			
Epping	763	10	7,630
Glenmore	930	4	3,720
Sherwood	968	6	5,808
Sherwood Cr	968	2	1,936
Redcar	969	10	9,690
Barnwood	1012	9	9,108
Charnwood	1012	1	1,012
Saunton	1035	8	8,280
Braunton	1043	2	2,086
Total 3 Bed =		52	
4 Bed			
Rivington	1094	6	6,564
Burnham	1115	2	2,230
Greenwood	1221	4	4,884
Brampton	1259	5	6,295
Brampton Cr	1259	7	8,813
Selwood	1276	4	5,104
Knebworth	1307	4	5,228
Total 4 Bed =		32	
5 Bed			
Kielder	1415	6	8,490
Total 5 Bed =		6	
Market Dwellings =		153	141,310
Affordable Dwellings			
Hopton	761	8	6,088
Cromer	872	7	6,104
Bawburgh	904	1	904
Leiston	1162	2	2,324
Affordable Dwellings =		18	15,420
Total:		171	142,535
Gross Site Area = 14.91 Acres			
Net Developable Area = 11 Acres			
Site Density = 15.54 Dwellings Per Acre			

F	Plots 736, 744-747 parking extended to 6m.	17.03.22	TW
E	Further highway comments addressed.	16.03.22	TW
D	Highway comments addressed.	15.03.22	TW
C	Accommodation schedule added. Plot 721 changed to Barnwood. Highways comments addressed.	25.01.22	TW
B	Motor locations added to Plots 633, 634, 644, 724, 726, 735 & 756	08.10.21	SB
A	Revised layout to R21 type	21.09.21	SB
Rev			
		Date	By

**PERSIMMON**

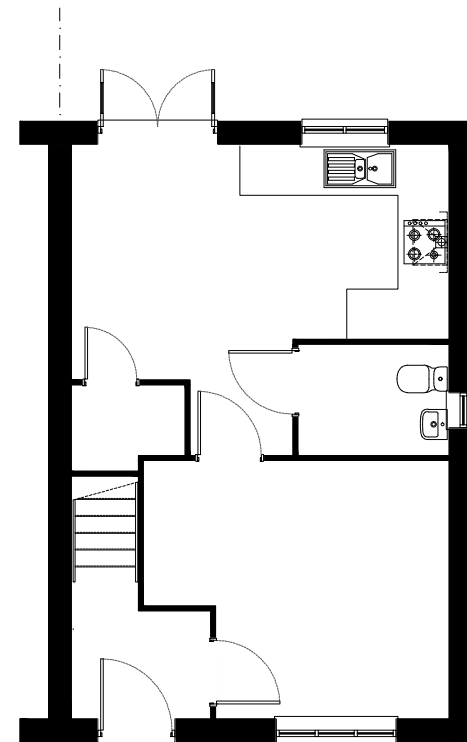
Persimmon Homes Ltd.  
Persimmon House  
Bankside 100  
Broadland Business Park  
Norwich NR7 7DW  
Tel: 01603 977200

Site Name:  
**Bradwell  
Phase 5**

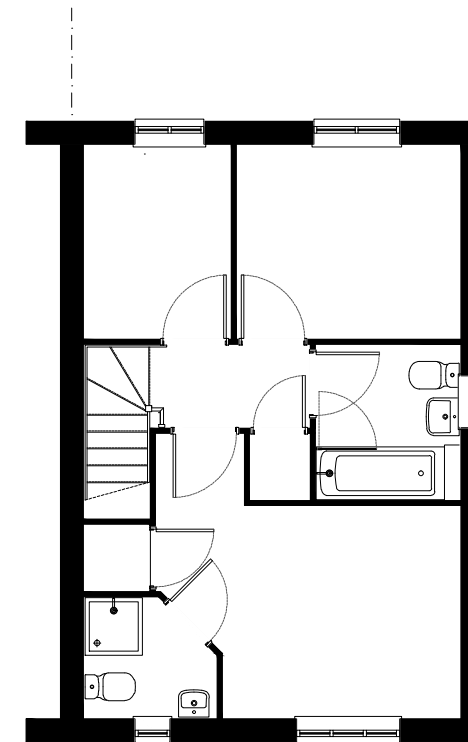
Drawing:  
**Planning & Landscaping  
Layout**

Scale@A0: 1:500	Drawn By: TW	Date: JULY 21
Version: BP5-PL01	Drawing No: BP5-PL01	Rev: F

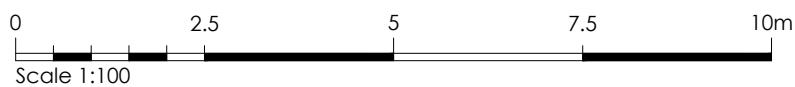





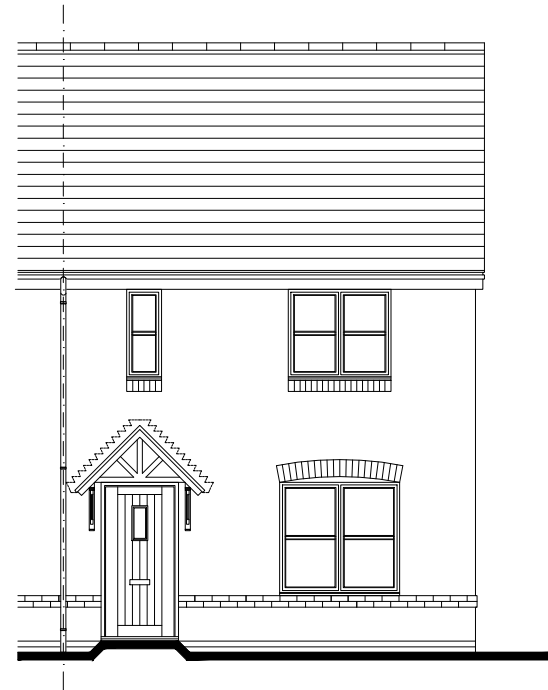
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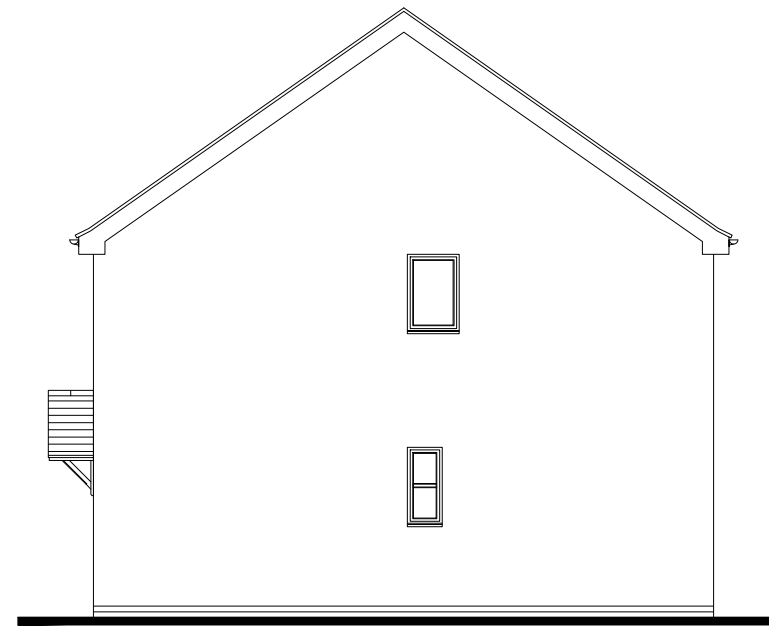
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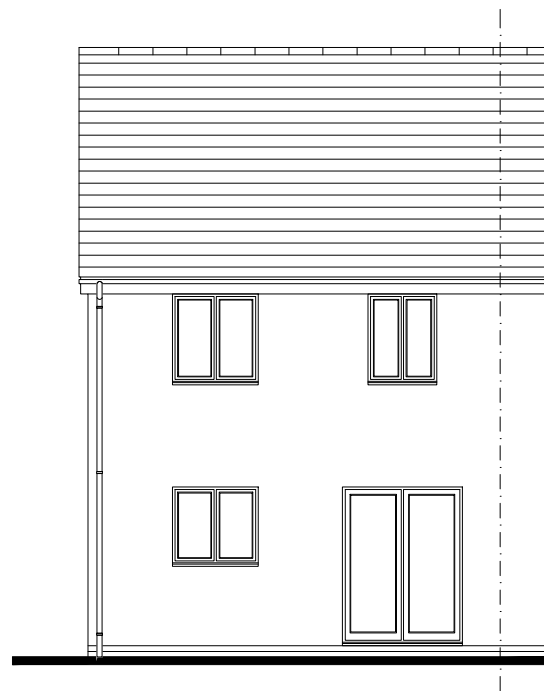
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<small>Drawing Status</small> Preliminary	<small>Dwg. Ref.</small> Da_Sem_R21	- 901	<small>Rev.</small> -



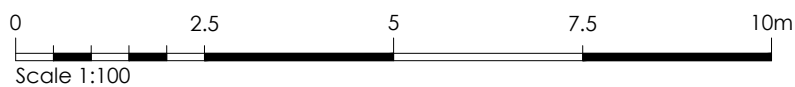
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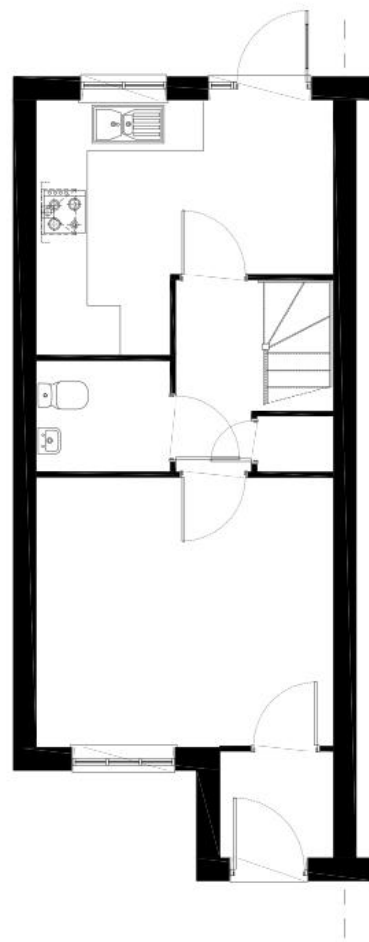
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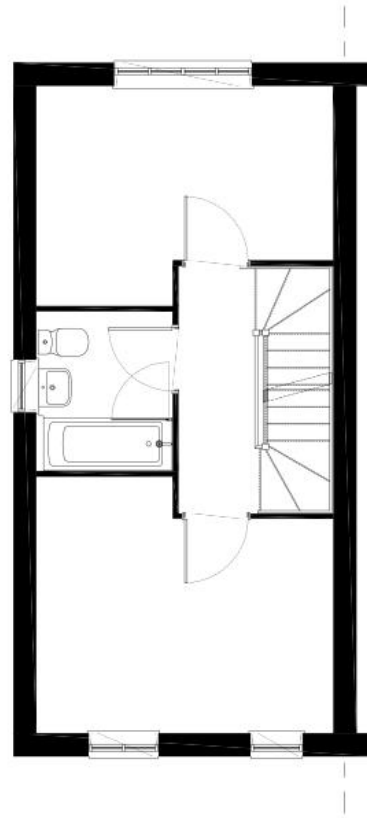
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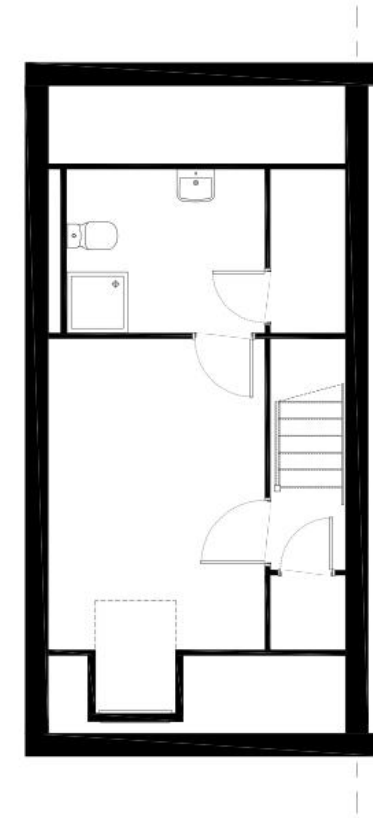
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<small>Drawing Status</small> Preliminary		<small>Dwg. Ref.</small> Da_Sem_R21	- 903	<small>Drawn</small> GdD
			<small>Rev.</small> -	



Ground Floor Plan  
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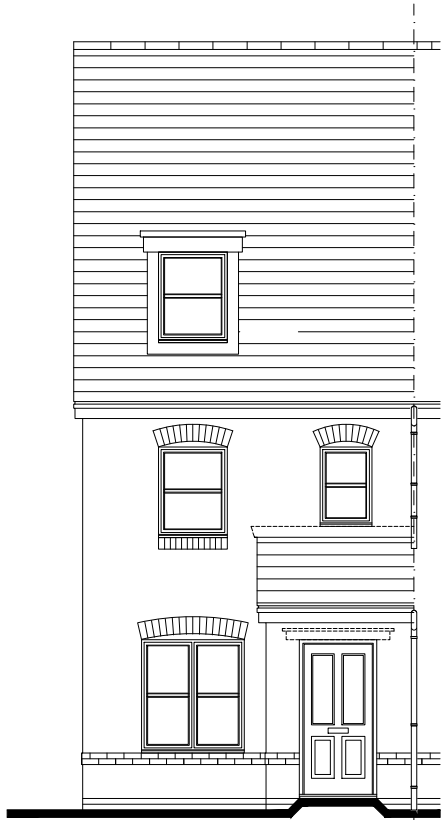
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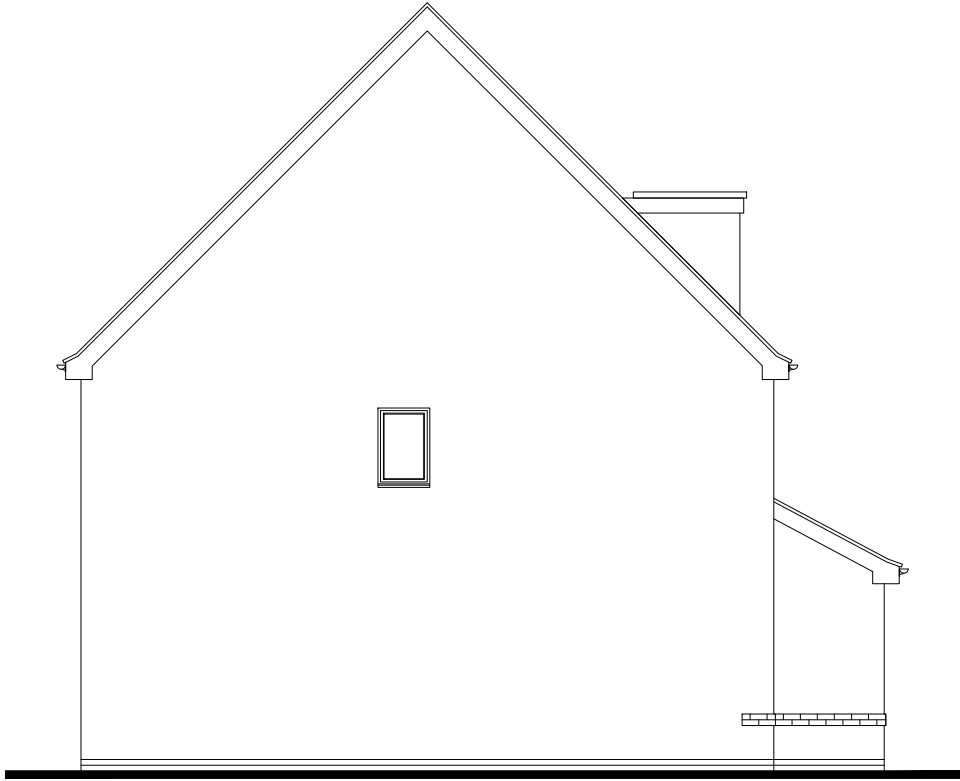
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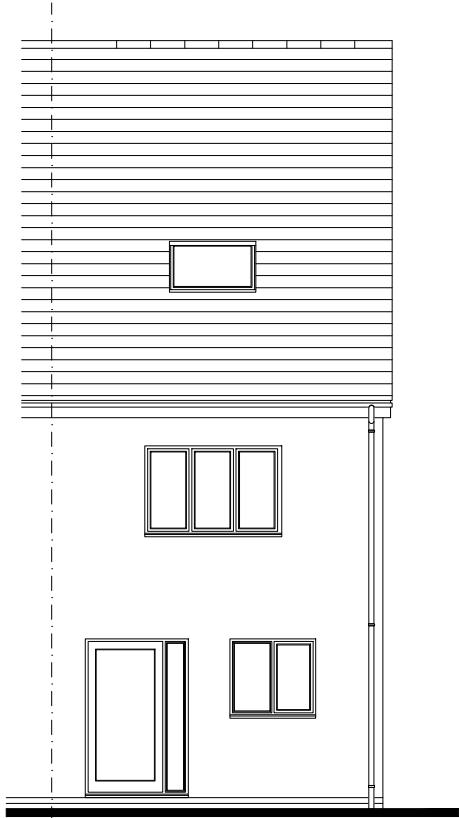
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Drawing Status Preliminary	Dwg. Ref. Sa_End_R21	- 901	Rev. -	



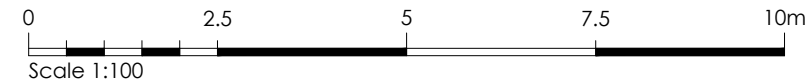
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Side Elevation  
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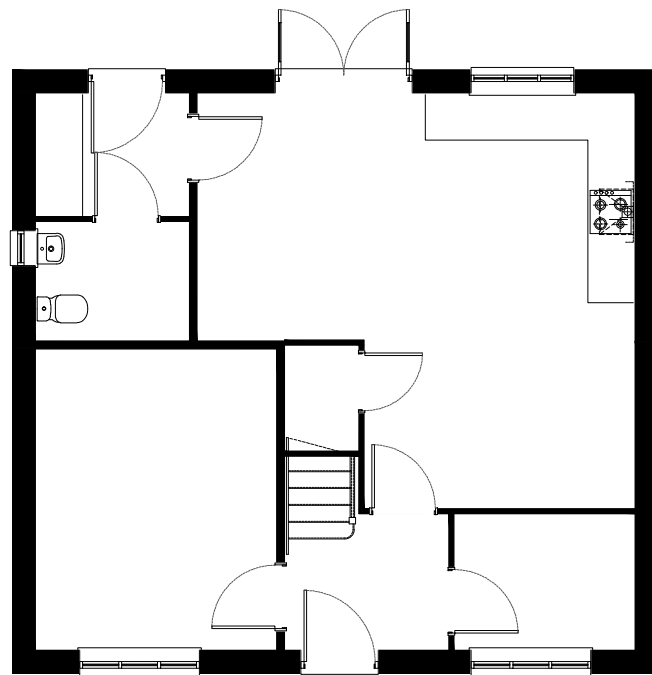


Rear Elevation  
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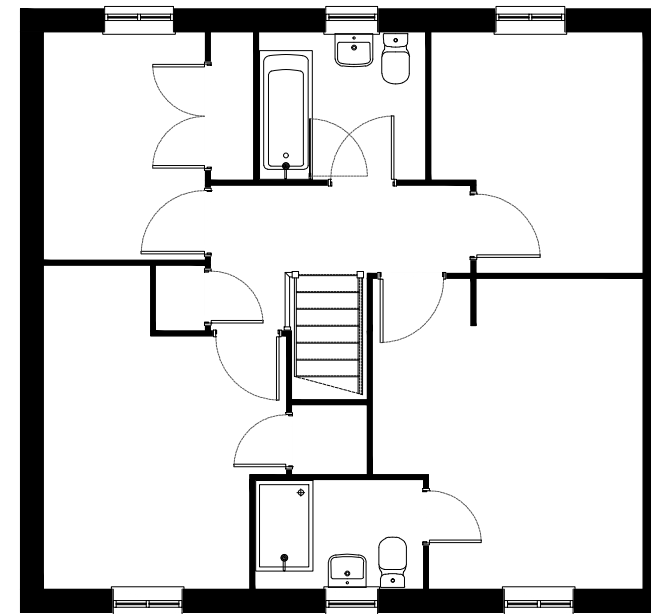
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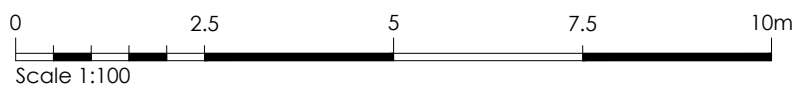
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First Floor Plan

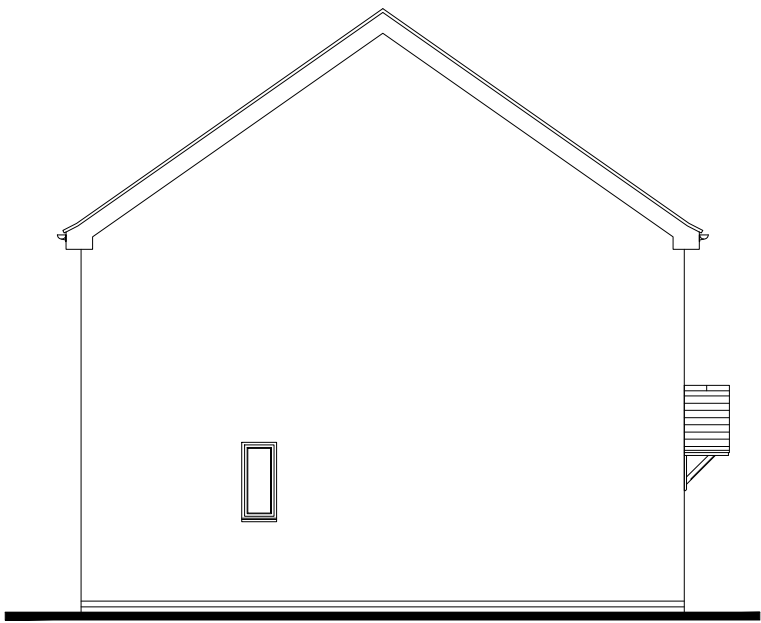
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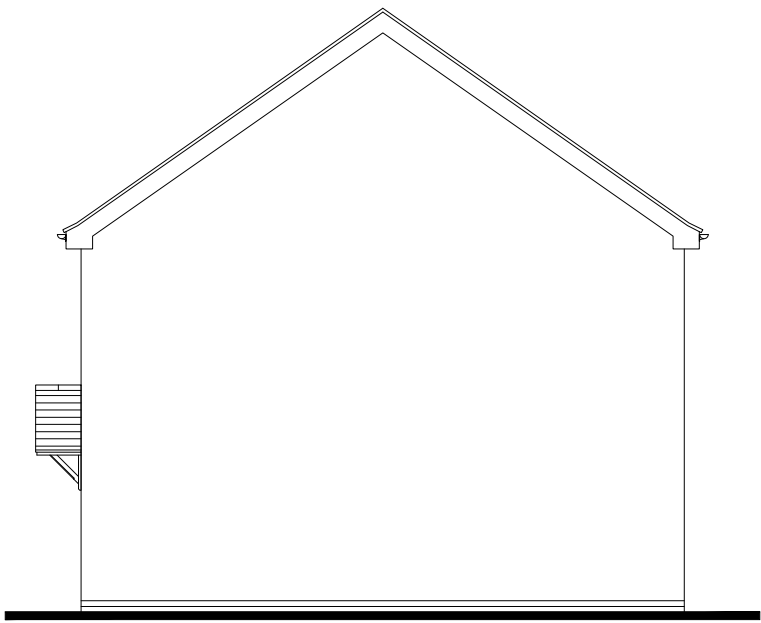
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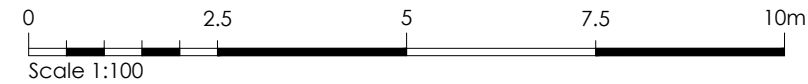
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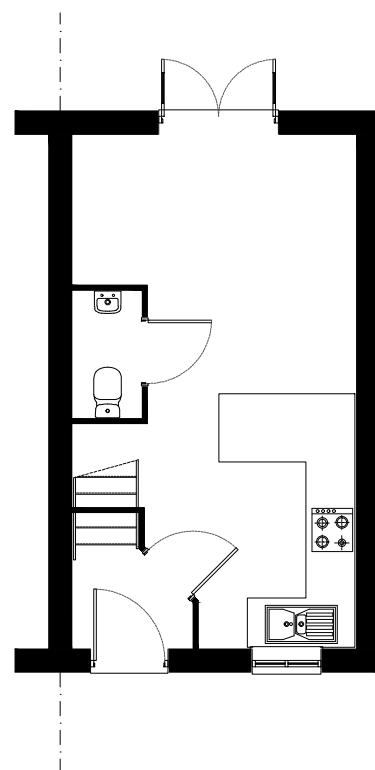
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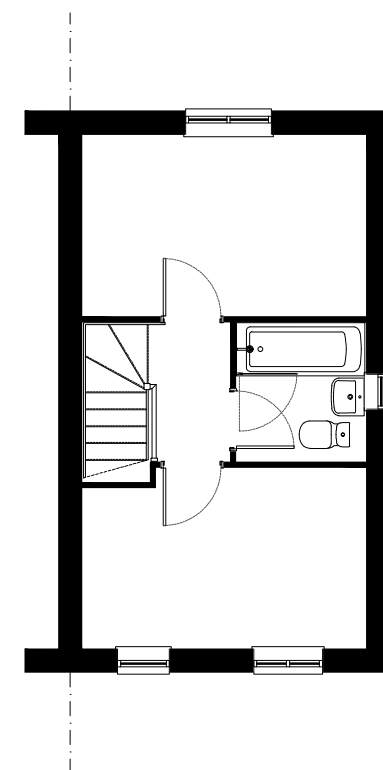
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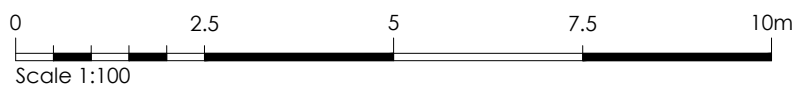
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Drawing Title Proposed Elevation - Traditional		Date 29.04.2021	Scale 1:100 @ A3	Drawn GdD			
Drawing Status Preliminary		Dwg. Ref. Bt_Det_R21		- 903	Rev. -		




Ground Floor Plan  
scale 1:100



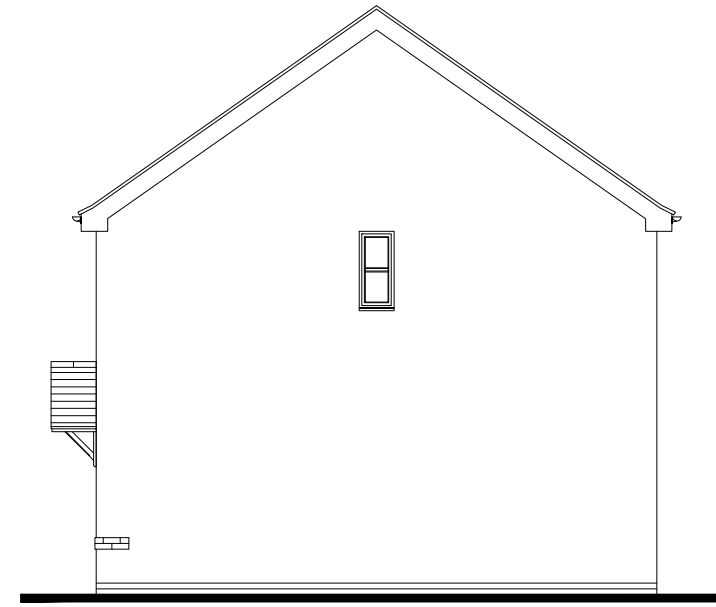
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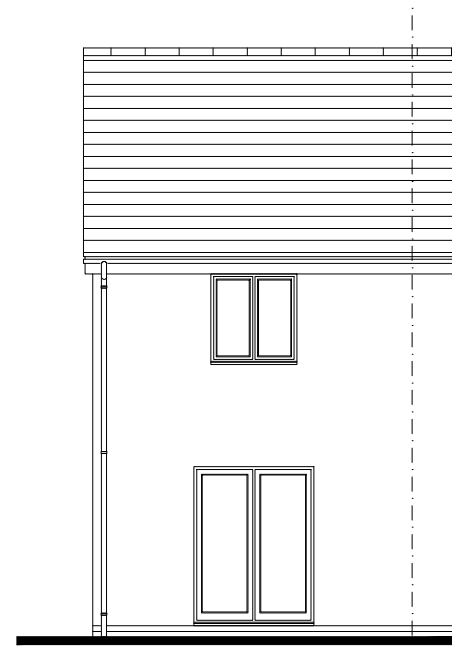
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Drawing Status Preliminary	Dwg. Ref. Ar_Sem_R21	- 901	Rev. -



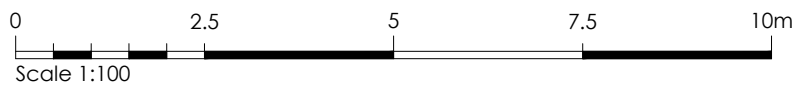
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Side Elevation  
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Rear Elevation  
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 <b>PERSIMMON</b>	Project Title The Arden - Semi Detached Group Design - Traditional Total Floor Area - 51.46m <sup>2</sup> [554.0sq.ft]		
	Drawing Title Proposed Elevation - Traditional	Date 01.03.2021	Scale 1:100 @ A3
Drawing Status Preliminary		Dwg. Ref. Ar_Sem_R21	Drawn GdD
		Rev. - 903	Rev. -

**Reference:** 06/21/0917/F

**Parish:** Martham

**Case Officer:** Robert Parkinson

**EOT agreed:** 22/04/2022

**Applicant:** Mr and Mrs H J E Cary

**Proposal:** Application to amend various ecological conditions within planning permission 06/17/0358/F (Conversion of existing barn to 2 dwellings and erection of 44 dwellings and associated infrastructure)

**Site:** Land to the south of Somerton Road, and to the east of White Street, at Church Farm, Martham, Great Yarmouth

## REPORT

### 1. Background, Site and Context

- 1.1 This site comprises 2.07 hectares of land which comprises 4no. existing agricultural buildings, grade 1 agricultural land and yards for agricultural use. There is also an unoccupied brick-built bungalow on the site, no. 34 White Street, which is surrounded by trees in the south-west corner. A large pond is next to the site in the north-west corner. A Byway Open to All Traffic (BOAT 22) runs approximately north-south through the middle of the application site.
- 1.2 Full Planning Permission was first granted for the conversion of an existing thatched farm barn into two dwellings, and the erection of 44 dwellings, giving a total of 46 new homes – application 06/17/0358/F (approved 24<sup>th</sup> April 2019).
- 1.3 The development involves demolition of the bungalow and three other buildings and the modern additions to the thatched barn. Significant features of the redevelopment included the conversion of the retained thatched barn, the creation of two access points onto White Street and Somerton Road, limited provision of on-site open space, and the relocation of the public right of way Byway Open to All Traffic (BOAT22) from through the middle of the site to a new position along the east side of the application boundary.
- 1.4 The approved site layout masterplan for the permission is provided for reference within Appendix 2 to this report (plan ref 15.032 010 revision T).
- 1.5 The full planning permission was granted with a requirement to commence the development within 3 years (i.e. by no later than 22<sup>nd</sup> April 2022), but is subject to a number of 'pre-commencement' conditions; principle amongst those are

the need for surveys and trapping and relocation of reptiles, and the need to agree archaeological investigation methods.

- 1.6 This application is submitted to seek amendments to particular conditions which require details to be agreed or works to be undertaken prior to the commencement of development.

## 2. **Proposal**

- 2.1 The proposal within this application is to vary multiple conditions of permission 06/17/0358/F in respect of ecological investigation, mitigation and site delivery.
- 2.2 The conditions of the current permission are seen within the decision notice for permission 06/17/0358/F provided at Appendix 3 of this report.
- 2.3 The application has included the following documents:
- Ecological Report – Proposed Reptile Investigation Method Statement (Oct 2021) (received 25.11.2021)
  - Planning Statement describing proposed variations to conditions
  - Archaeological Written Scheme of Investigation dated July 2021, report ref: ENF 151992 (HES site ref: CNF47507) (received 25.11.2021)

## 3. **Relevant Planning History**

- 3.1 **06/17/0358/F:** Conversion of existing barn to 2 dwellings and erection of 44 dwellings and associated infrastructure  
Considered by the Development Control Committee on 17<sup>th</sup> October 2018.  
Approved 23<sup>rd</sup> April 2019.  
And subject to a Section 106 Agreement dated 15<sup>th</sup> February 2019.

The Stopping Up Order required for the development was confirmed by the Secretary of State in November 2019.

Application 06/21/0918/CD has also been submitted to address Conditions 3 and 23 of permission 06/17/0358/F: regarding proposed means of archaeological investigations and proposed means of trapping and relocating grass snakes, small mammals and amphibians prior to commencement.

## 4. **Consultation:**

**All consultation responses received are available online or at the Town Hall during opening hours**

- 4.1 Surrounding neighbours have been notified and a site notice was placed adjoining the site, and a press notice was issued.
- 4.2 Six public representations have been received expressing the following concerns:

Relating to reptiles:

- The grass snake and reptile enclosures should be identified to ensure such areas are not able to be stripped of vegetation.
- What steps will be taken to protect the animals from predators?
- The grass snakes indicate healthy semi-natural habitat and should be protected.
- The grass snakes are to be trapped and separated from the pond, so would not thrive.

The above concerns are relevant to the determination of this application.

Relating to other matters:

- Bat populations are not discussed in the application and should be protected.
- What is being done to address the knotweed at the site?
- Somerton Road is already struggling with traffic at peak use times including parking on the pavement for the school football pitches.
- Pedestrian safety especially for school children.
- Somerton Road is too narrow for HGVs, coaches and tractors to pass each other.
- The access into the site is on a blind bend which is dangerous.
- The proposed access onto Somerton Road is directly opposite the exit for 3 houses which is unsafe.
- There are no bus services to Norwich so all homes are car-dependent.
- The noise and traffic from 46 new dwellings will be unbearable.
- The doctors surgery is inundated.
- Local infrastructure is already unable to cope.
- Loss of agricultural land is unacceptable.
- Stout fencing or walls is needed between the site and existing homes, to protect privacy, and for safety reasons in locations adjacent to the pond on the site.
- The brick wall remains forming the boundary to 72 White Street should be retained as a heritage feature (remnant of Martham House).
- The existing site contains asbestos fragments in the area adjoining its neighbours, resulting from a fire at the asbestos building in November 2021 – what is being done to address this and clear debris / fragments?
- The delays in commencing the existing permission should not be attributed to the pandemic, as other sites in Martham show the strength of the housebuilding industry.

The above concerns are important but are unable to be re-considered through the determination of this application, because such material circumstances have not changed nor introduced a requirement to reappraise these elements.



**4.3 Martham Parish Council** - no objections.

**4.4 Historic Environment Service - Archaeology** – (in replying to linked application 06/21/0918/CD) - No objection to the proposed use of the submitted Written Scheme of Investigation for archaeology mitigation as this is considered approved by the Historic Environment Service.

As such, condition 3 of pp. 06/17/0358/F can now be discharged, and any permission issued as a result of this application to vary conditions can amend the terms of condition 3 accordingly.

**4.5 Norfolk County Council – Natural Environment Team (NETI) - Ecologist** – No comments received.

A response will be sought and any feedback will be reported to the Committee meeting. Unfortunately it is not clear if any comments were lodged with the LPA about the ecological assessments within the original application 06/17/0358/F.

**4.6 Conservation Officer** – No comments.

**4.7 Local Highways Authority** – No comments.

## **5. Assessment of Planning Considerations:**

**5.1** Planning law has established that granting permission to applications to vary or remove conditions on an extant planning permission have the effect of creating a new stand-alone permission to replace, or be used alongside, the original permission.

**5.2** It is also established practice that there are no grounds to re-consider other elements of the original permission which are not the subject of the application to remove or amend conditions – unless there are material considerations that have arisen in the intervening period since the permission was granted, which would cause the operative effect of the permission to be amended to such an extent that it fails to comply with the development plan. It is not possible to add additional / unrelated restrictions on the permission unless such material considerations require intervention, or unless in agreement with the applicant.

**5.3** However, where a development is subject to a Section 106 Agreement, any new permission will need to be subject to the prior completion of a Deed of Variation agreement under Section 106 A of the Town and Country planning Act, unless the original agreement makes suitable provision to that effect.

### Relevant planning policy

**5.4** Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires

that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at and paragraphs 2 and 47 of the National Planning policy Framework (NPPF).

- 5.5** Whilst the Council has an up-to-date development plan and 5-year-housing land supply the National Planning Policy Framework remains a material consideration, but the development plan retains primacy.

Adopted Core Strategy 2013-2030

- 5.6** The following policies are relevant to the limited matters subject to consideration in this application:

**CORE STRATEGY (adopted 2015)**

Policy CS1: Focusing on a sustainable future  
Policy CS3: Addressing the borough's housing need  
Policy CS9: Encouraging well-designed, distinctive places  
Policy CS11: Enhancing the natural environment

**LOCAL PLAN PART 2 (adopted 2021)**

Policy GSP1: Development Limits  
Policy GSP6: Green infrastructure  
Policy GSP8: Planning obligations  
Policy A2: Housing design principles  
Policy E3: Protection of open spaces  
Policy E4: Trees and landscape

**Other material considerations –**

National Planning Policy Framework (2021)

- Section 4: Decision Making
- Section 5: Delivering a sufficient supply of homes
- Section 12: Achieving well designed place
- Section 15: Conserving and enhancing the natural environment

- 5.7** The principle of development is established by the site's location in the local plan development limits and the existing extant planning permission, whilst the amendments to the terms of the existing permission are in line with the above planning policies. The existing permission considered the infrastructure implications of the development at the time, including the provision of affordable housing, as well as highways, design and amenity matters, and therefore assessment of this application can relate only to the proposed amendments and implications for ecology, and the site's construction process.

- 5.8** In particular, policy CS11 "Enhancing the natural environment" requires the authority to assess the impacts of development on natural assets including

protected species, policies GSP6 and E4 require protection and enhancement of on-site biodiversity and ecology, and the Natural Environment and Rural Communities Act 2006 and Environment Act 2021 place a duty on local authorities to ensure the protection and enhancement of ecological habitats and biodiversity.

### **Main issues:**

#### Principle of development

- 5.9** The site has extant planning permission for the same development and now lies within the adopted Local Plan Part 2 Development Limits for Martham so the development continues to be supported in principle unless material considerations outweigh that principle.
- 5.10** In this case the only relevant material considerations to have changed since the initial planning permission was granted was the adoption of the Local Plan Part 2 and the revisions to the NPPF, which together both encourage the delivery of homes in sustainable locations and which adopt take a flexible and pragmatic approach to implementation, such as through minimising the need for conditions to be discharged prior to any commencement of development.
- 5.11** The principle of re-examining these original conditions is therefore supported.

#### Implementation of the permission(s)

- 5.12** The means of commencing the approved and extant development has been carefully considered by the applicant but requires a level of investment in time and finance unavailable at the moment. Some of the complications include highways arrangements; for example, trying to design and provide just a highways access into the site would 'commence' the development but it would also first require agreement of the technical details for the site's road layout and construction (Condition 6 of permission 06/17/0358/F), and also need a detailed drainage design to accompany this (Condition 12).
- 5.13** As such, the applicant has stated their intention is to commence the development by undertaking partial demolition, in the form of removing part of the 'relatively modern' extensions on the thatched barn which is to be converted into two dwellings. This is unlikely to have any significant ecological implications but these are discussed below and the removal can be supervised by an ecologist by planning condition (with particular concern for presence of bats), and because of its modern materials is unlikely to create any contamination implications.
- 5.14** As this is part of the approved development within the approved plans under permission 06/17/0358/F, and as even partial demolition constitutes 'development' as a material operation as described in Section 55 of the Town and Country Planning Act, this limited activity would nevertheless comprise a commencement of development if there were no intervening pre-commencement planning conditions. Such works would also be undertaken

well away from the land subject to reptile capture requirements. For ease of reference, the various buildings on the site are identified in plan at Appendix 5.

### Archaeology

- 5.15** The proposed development site lies within an area where Roman and medieval pottery and other artefacts have previously been found, and cropmarks suggesting the presence of field systems and a trackway of unknown date are present. Consequently, there is a high potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.
- 5.16** Condition 3 of the original permission requires a Written Scheme of Investigation (WSI) to be agreed prior to the commencement of development. The applicant has provided a WSI dated July 2021, which has provided a desk top survey and which proposes Trial Trenching across the whole site, with appropriate analysis and publication. Trial trenching locations are shown at Appendix 4 to this report.
- 5.17** The Historic Environment Service has confirmed it is a satisfactory proposal and can be approved. As such the conditions of permission 06/21/0358/F can be amended to require compliance with this WSI, so long as the investigations are undertaken before the ground is disturbed. It is proposed that an amended permission can be granted allowing investigations to take place after demolition but before groundworks are commenced.
- 5.18** It is therefore proposed that Conditions 3 and 4 can be amended accordingly. Condition 5 still required results analysis and publication prior to occupation which is appropriate and will be retained.

### Ecology – on site

- 5.19** The original application included an initial, and subsequently a final, Ecological Assessment report (ref 2016-57 R1 Final, dated 16/09/2017). That covered matters concerning bats, reptiles and potential for other protected species. A number of bat survey visits were undertaken in 2017 which found some bat presence in different locations across the site, including in some of the modern farm buildings. Other protected species surveys included reptiles and newts.

### Bats:

- 5.20** The thatched barn included some notable potential for bat presence. The thatched area of the barn had ‘moderate potential’ to support bats, as does the bungalow - although evidence of activity was not so recent there. In 2017 there were signs of bat presence in the southern arm of the two modern extensions to the thatched barn, but none in the northern arm. There were signs of activity within the south-east barn and the bungalow too, in 2016, albeit these appeared to have been unused in 2017. Overall, the two northern and southern wings to

the barn were more limited and along with the other modern barns on the site were in fact considered to have 'negligible potential'.

- 5.21** It is most likely that the bat presence is restricted to summer months, but it should not be assumed that the site is not used for winter hibernation. Any works to buildings with bat potential should be restricted to the summer months.
- 5.22** Other precautions can include removal of roof tiles being supervised by a licenced bat works, and cavities being checked by licensed workers where demolition and conversion is proposed. Any discovered bats would need to be relocated to a pre-prepared alternative bat roost erected on trees, and conditions were imposed to require these.
- 5.23** The thatched barn was also to be provided with an insulated 'bat loft' installed within the roof void of the southern half of the conversion (some 10m long x 5m wide and at least 2m high), with bat access to be created through the barn gable walls.
- 5.24** Condition 26 of the existing permission requires that conversion of the thatched barn shall not be commenced until the bat loft and openings therein have been installed and made available. This could be problematic to the intended commencement as the works of conversion include demolition of the two extension wings, so to demolish would be to start the conversion and require the bat loft's earlier installation.
- 5.25** An amendment to Condition 26 can expressly allow careful demolition of the northern arm under supervision of a licenced bat worker, before the remainder of the conversion takes place at which point the bat loft should be installed. This is possible because there was 'negligible potential' and no confirmed activity within the northern arm in 2017.
- 5.26** The report from 2017 advised that "as more than three roosting locations have been identified, plus the presence of a species within the barn not covered by the [bat] class license (serotine), it will be necessary to obtain a full European Protected Species Bat Licence for the works." It is possible that a Natural England licence could take 30 days to process and can only be processed once planning permission has been granted. The applicant has not provided any evidence of a licence having been sought already, despite the extant nature of the existing permission.
- 5.27** The existing planning permission 06/17/0358/F Condition 15 does actually require the applicant to apply to Natural England for a European Protected Species (including bat) Licence and have it granted by Natural England, before the commencement of any development or site clearance. This is considered unhelpful to be retained in its current form when there are other controls available to minimise risk of harm to bats and other protected species (as per the other conditions proposed in this report) and it is unreasonable to suggest that some level of development should not be able to proceed without Natural England's approval.

- 5.28** It is recommended to retain the Condition 15 expectation for a license to be applied-for prior to commencement to ensure the process is underway, but it is recommended to remove the requirement that Natural England should have approved the licence before works start.

Reptiles:

- 5.29** Initial reptile surveys and great crested newt surveys were undertaken in 2017, but the results were not fully recorded by the time the ecological assessment report was submitted. There was limited discovery of grass snakes at that time, but the report concluded this could be a site of 'local value' for grass snake.
- 5.30** The report recommended that grass snakes and other reptiles should be trapped and relocated from the development site and into an area proposed for use as a new area of habitat over the top of the proposed soakaway / attenuation chamber area to be provided on the east side of the site as part of the drainage scheme. The area would be c. 500sqm and enclosed by suitable reptile fencing (final details of fencing to be agreed by conditions).
- 5.31** The details of the associated relocation area's design were to be agreed under Condition 22 of the original permission prior to the commencement of development.
- 5.32** Condition 22 currently also requires that the relocation area needs to be provided and fenced prior to the commencement of development.
- 5.33** Condition 23 requires details of the scheme for trapping the grass snakes to be agreed prior to the commencement of development.
- 5.34** Conditions 23 and 24 currently also requires that the trapping shall be undertaken prior to the commencement of development. Clearly that presents challenges if the commencement is imminent in order to implement the permission if the trapping and relocation hasn't been undertaken in the three years previous to this.
- 5.35** Condition 25 then requires that the site shall only be cleared once the trapping is completed. Site clearance does not constitute commencement, but this does also presents difficulties if the need to clear the site and the trapping timescales do not neatly line up.
- 5.36** When considered in combination with the other conditions and requirements of the wider permission, the need for reptile trapping and relocation to the pre-prepared protected wildlife site all before commencement of development, is considered prohibitive in practice because:
- The area intended for relocation is currently arable crop fields devoid of biodiverse habitat and shelter which will take some time to be planted and establish;
  - The area intended for reptile relocation is also the approved SUDS drainage attenuation cell area;



- The SUDS scheme is already accepted in principle but the technical designs do not need to be approved prior to commencement (see Condition 12);
- However the Section 106 Agreement does require the SUDS scheme to be fully detailed, complete with proposed management arrangements, prior to commencement;
- The SUDS scheme will need extensive works as part of being installed, which would likely harm existing site habitats through site clearance, and cause the relocation habitat site creation to be abortive when the attenuation chambers or soakaways are installed underground at the same location.

It is regrettable that the drainage scheme and ecological assessment recommendations were not proposed in tandem with construction phasing schedule as part of the original application, but nevertheless it is necessary to now reappraise the conditions for habitat creation, reptile trapping and relocation, and site clearance.

- 5.37** A revised schedule of conditions must look to provide time for a receiving habitat area to be created and become established, whilst accommodating the timeframe needed for the SUDS scheme to secure technical details approval and implementation.

Others species:

- 5.38** Breeding birds were to be protected by avoiding destructive site clearance during nesting season or only under the supervision of a qualified ecological clerk of works.
- 5.39** Swifts, sparrows and starlings were also to be protected through use of new bespoke bird boxes.
- 5.40** Barn owls were not observed but as an enhancement measure it was required under Condition 19 that a pole-mounted barn owl roost should be installed.

Summary of ecology:

- 5.41** All aspects of the 'final ecological assessment' report concluded that further surveys would be prudent before any development commences. This would be necessary now that the ecological assessments have outlived their two-year relevance for protected species; a new condition can require reappraisal and additional mitigation as necessary.
- 5.42** Whilst bats can be expected in the retained thatched barn, their presence is considered very unlikely in the more modern adjoining wings of that barn as they had 'negligible potential' in 2017 and were not generally as suitable for roosts as other parts of the site. With the retained mitigation through bat boxes, it is suggested that demolition of the modern northern arm extension of the thatched barn is possible with confidence that bats or their roosts should not be disturbed or harmed given there was no evidence of activity there in the 2017



survey. A new condition can be used to secure appropriate oversight and considerate demolition during these works.

- 5.43** The remainder of the site should be subject to a new species survey and mitigation measures as necessary, prior to any commencement of development (including demolition), with the exception of the manual demolition of the thatched barn's northern arm extension.
- 5.44** As grass snakes were found in separate areas from the thatched barn, it can be possible to allow demolition of the same element with confidence that grass snakes would not be affected; as such the limited demolition can be allowed prior to the necessary trapping and relocation. A new condition that prevents storage of demolished materials on site would be necessary to minimise the chance of such stockpiles being colonised by grass snakes.
- 5.45** The initial ecological report accompanying the application included a plan of the temporary and permanent receptor areas for the reptiles. The temporary area would be on the south side of the existing pond, with the permanent area approx. 100m due east of the pond.
- 5.46** The applicant has sought to demonstrate how the requirements can be satisfied by providing a further ecological report (ref "Condition 22 Report" dated October 2021 by Applied Ecology).
- 5.47** The application now proposes a new Temporary Relocation Area reptile habitat, which would be sited behind plots 3-6 in the south-west corner of the site which is also adjacent to the existing pond outside the application site. The Temporary Area measures 510sqm compared to the required 500sqm of the permanent area, and will be separated from the development site by temporary reptile-proof fencing, whilst allowing connection to the pond. The location of the temporary area and the continued location of the permanent area are both seen at Appendix 6 to this report.
- 5.48** The latest ecological report suggests this area is currently established grassland, and includes areas where reptiles were likely to be captured anyway. The development masterplan layout requires the area to be shared between use as a communal green space public open space and as gardens for the terraced houses at plots 3-6.
- 5.49** The applicant considers this area can be left undisturbed for the majority of the construction period whilst the SUDS features are installed. To accept this with confidence, the phasing of construction and siting of construction worker welfare buildings and stores would ideally be presented no details have been offered at this stage. However, it can be seen from the masterplan layout at Appendix 2 that there are many areas in the site where the activities can be contained with appropriate protection of trees.
- 5.50** The applicant has offered a suitable specification for both the temporary and permanent habitats, but has stopped short of proposing when the permanent habitat should be provided in the context of the wider development.

- 5.51** A condition should be used to require provision of the permanent habitat above the SUDS area at the same time as the SUDS facilities need to be provided (ie immediately following). As the Section 106 Agreement currently requires the whole SUDS scheme to be in place and operational before the occupation of 30% of the dwellings (14no. dwellings), it is appropriate to require the permanent habitat to be created by the same time and prior to the commencement of any development at plots 3-6. This sequence will also allow time for planting to have a chance of becoming established before reptiles are permanently relocated. Therefore a condition will also need to be used to ensure reptiles are relocated from the temporary habitat to the permanent habitat prior to occupation of any dwelling at plots 3-6. Conditions shall also be necessary to require re-instatement of the open space and gardens prior to first occupation of plots 3-6.
- 5.52** To facilitate these relocations, the reptile trapping will need to be undertaken in accordance with the methodology proposed in the Applied Ecology "Condition 22 Report". However, the Applied Ecology report has proposed limiting this in the first instance to just the areas where grass snakes were found in 2017; as mentioned previously the report from 2017 is too old to allow this without being refreshed, so a new condition will have to secure a re-survey for grass snakes across the site prior to commencement other than the careful demolition of the northern arm of the thatched barn.
- 5.53** There is no concern raised with the method of trapping or fencing, or habitat creation proposals in the Applied Ecology Report, only the geographical extent, but conditions can address this.
- 5.54** Therefore, the amended conditions proposed in respect of reptiles are:
- i. With the exception of demolition of the northern arm of the thatched barn, no development shall commence until a protected species survey including grass snake survey has been undertaken prior to, at most, two years of the commencement date, which must be undertaken during the period of April – October;
  - ii. No site clearance shall be undertaken (with the exception of the demolition of the northern arm of the thatched barn) until the site reptile trapping has been completed, and thereafter only in accordance with a carefully prescribed manner (as set out in the applicant's planning statement re condition 25 amendments);
  - iii. 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;
  - iv. The temporary area shall not be removed until such time as the permanent

reptile relocation habitat has been provided and fenced and the reptiles are transferred, in accordance with the specification within the Applied Ecology report October 2021;

- v. 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 part (i) above, and in accordance with the methodology paragraphs 2.10 – 2.14 within the October 2021 Applied Ecology report;
- vi. 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;
- vii. As with the s106 agreement, no more than 14 dwellings shall be occupied until the SUDS scheme (to be approved) has first been provided in full;
- viii. No development shall commence at Plots 3-6 and no more than 14 dwellings shall be occupied within the development until the permanent 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);
- ix. 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 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);
- x. The open space adjacent Plot 6 shall be provided in full and the gardens of plots 3-6 shall be restored prior to first occupation of plots 3-6.
- xi. The temporary reptile relocation area protective fencing shall remain in place for the duration of the construction period.

#### Other matters raised

**5.55** There are a number of matters which have been raised which are not directly related to the proposals within this application but which are planning related:

- Japanese Knotweed was found on the site in 2016 and was treated to some extent to the satisfaction of the Environmental Health Officer, but there are conflicting reports in the ecological assessment that this was not entirely successful. Condition 20 already exists to address this further by requiring another survey prior to commencement of works on site. This will be modified to allow demolition of the northern arm extension, but will be retained in any new permission granted to ensure it is eradicated. Separate regulations also apply and some of these are assessed by the Environment Agency and by the Council's Environmental Services team, both of whom

- are aware of this site.
- Bats are discussed above and remain subject to protections by Natural England licensing and conditions.
- The principle of development, traffic levels and access strategy have all already been covered by the initial permission and nothing justifies their reappraisal as part of this application.
- Boundary treatments remain to be agreed by conditions.
- Contamination is to be agreed by conditions; within this, asbestos should be covered but is also a separate consenting procedure requiring specific careful mitigations.
- In respect of the concerns about fencing or walls being used and/or retained between the site and neighbouring dwellings, the original permission did not provide a schedule and details remain to be agreed under Condition 36. Such details can be advised to include retained brick walls where feasible as an Informative note.

#### Other Material Considerations

- 5.56** The main objective of this application is to secure a new permission which will not cause the applicant to be in breach of existing conditions simply for want of the reptile surveys and grass snake trappings not being undertaken before now. Although there has been limited progress during the first two years of the exiting permission, the applicant appears to seek to commence quite swiftly, and any permission that is issued now will at least provide the developer / applicant with confidence to enable the necessary investment to resolve the outstanding development issues and commence in earnest, which will help the delivery of homes. As the permission has been included within the development limits for Martham under LPP2 policy GSP1, the site is necessary to make an important contribution to the supply of housing in the Borough.
- 5.57** The development will therefore not only provide much needed housing in time, but it will also clear away unsightly agricultural buildings which are increasingly becoming the target of trespassing and vandalism, as seen in November 2021.

#### Planning Obligations

- 5.58** The original planning permission 06/17/0358/F is subject to planning obligations set out in the Section 106 Agreement dated 15<sup>th</sup> February 2019; these include:
- 9 affordable housing dwellings (20%) comprising 4no. shared ownership and 5no. affordable rented tenures.
  - 482sqm land to be provided within the site as Public Open Space.
  - £16,512 for off-site provision of Public Open Space (representing the shortfall of 1,376sqm compared to the policy-requirement at the time of 1,800sqm that would ordinarily be expected to be provided within the site).
  - £41,400 for off-site provision of children's play facilities / recreation.
  - £4,950 for habitat impacts mitigation and monitoring at internationally designated sites.
  - Sustainable drainage system management and maintenance details to be agreed.

- £116,440 for Academy and Nursery-level education contributions.
- £46,576 for Early Education-level facilities expansion.
- £3,375 for Library services infrastructure and equipment.

None of the above planning obligations are affected by the proposals within this application. The existing Agreement includes a clause requiring compliance to the same Agreement in the event that any 'section 73 application' such as this is approved, so if any new permission were granted pursuant to this application the obligations would still remain in place. Nevertheless, for absolute clarity a Section 106 Deed of Variation Agreement is being agreed with the applicant and legal title parties to link the existing Agreement to any new permission for the avoidance of doubt and to act as a new and obvious charge on the land. Nevertheless, given the presence of the aforementioned clause this is not a determining factor to this application or the ability to commence.

## **6. Local Finance Considerations:**

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. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. 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. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

## **7. Concluding Assessment**

- 7.1** The principle of development continues to be acceptable, the site is located within the development limits, and is established by extant permission, and the amendments proposed do not compromise other principles of the permission.
- 7.2** The pre-commencement conditions of the permission are able to be varied as described above, to ensure that development can begin whilst maintaining protection of ecological assets and minimising abortive costs for drainage schemes (for example) which would need amending if they were not varied, and there are no material considerations to suggest permission should not be granted.

## **8. RECOMMENDATION: -**

- 8.1 Approve** – Subject to the use of conditions, the amendments proposed and to be modified as described in the above report will deliver necessary housing whilst ensuring the development complies with the aims of Policies CS1, CS3,

CS9 and CS11 of the Great Yarmouth Local Plan Core Strategy, and Policies GSP1, GSP6, GSP8, A2, E3 and E4 of the Great Yarmouth Local Plan Part 2.

## 8.2 Subject to:

- (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 15<sup>th</sup> 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.

### **Appendices:**

1. Site location plan.
2. Site layout plan 15.032 010 Revision T from planning permission 06/17/0358/F.
3. Decision notice for planning permission 06/17/0358/F.
4. Proposed Archaeological Trial Trenching locations.
5. Existing buildings on site.
6. Temporary and Permanent Reptile Enclosures.

# LOCATION PLAN - LAND AT WHITE STREET MARTHAM

06/17/0358/F



Scale 1:1250 at A3  
Site Area 2.03ha

<b>Tidswell Childs</b>		<b>Client</b>	
Land at White Street Martham Proposed Residential Development		White Street Martham	
15.032		Drawing Title	
001		Drawing Number	
B		Revision	
24.05.17		Date	
		Scale	
		1:1250 @ A3	
		Date	
		May 2017	
		Drawing Number	
		001	
		Revision	
		B	
		Date	
		24.05.17	





MATERIALS		MATERIAL SCHEMES	
Plan	Section		
101	101	Scheme A:	185 Warmly Grey (grey matt finish)
102	102		Vertical Cedar Cladding (vertical grain) Twisted Grey
103	103		Vertical Cedar Cladding (vertical grain) Twisted Grey
104	104		Vertical Cedar Cladding (vertical grain) Twisted Grey
105	105		Vertical Cedar Cladding (vertical grain) Twisted Grey
106	106		Vertical Cedar Cladding (vertical grain) Twisted Grey
107	107		Vertical Cedar Cladding (vertical grain) Twisted Grey
108	108		Vertical Cedar Cladding (vertical grain) Twisted Grey
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148	148		Vertical Cedar Cladding (vertical grain) Twisted Grey
149	149		Vertical Cedar Cladding (vertical grain) Twisted Grey
150	150		Vertical Cedar Cladding (vertical grain) Twisted Grey
151	151		Vertical Cedar Cladding (vertical grain) Twisted Grey
152	152		Vertical Cedar Cladding (vertical grain) Twisted Grey

App. No. 16/17/1334/E  
REVISED PLAN  
18/12/18

15.032	020	T	152
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## **PLANNING PERMISSION**

### **Part 1 - Particulars of Application**

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Reference No :- **06/17/0358/F**

Submitted :- 14th June 2017

**Development at :-**

Somerton Road (Land to South of) &  
White Street (East of) Church Farm  
Martham  
GREAT YARMOUTH

**For :-**

Conversion of existing barn to 2 dwellings and erection of  
44 dwellings and associated infrastructure

**Agent :-**

La Ronde Wright Ltd  
Mr M Brown  
74 Bracondale  
NORWICH  
NR1 2BE

**Applicant :-**

Mr & Mrs H Cary  
C/o La Ronde Wright Ltd  
74 Bracondale  
NORWICH  
NR1 2BE

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### **Part 2 - Particulars of Decision**

The Great Yarmouth Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act, 1990 that permission has been granted for the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

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

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



2. The development shall be carried out in accordance with the plans, revised plans and additional information referenced as follows:

Public access & footpaths plan P2016 - 57 D5 A, Figure locations P2016 - 57 D6 B,  
Public access and footpaths report P2017-57 R2 received by the Local Planning Authority on the 25th July 2018.

House Type A 15.032 HT01 Revision B  
House Type B 15.032 HT02 Revision B  
House Type C 15.032 HT03 Revision B  
House Type D 15.032 HT04 Revision B  
House Type E 15.032 HT05 Revision B  
House Type F 15.032 HT06 Revision B  
House Type G 15.032 HT07 Revision B  
House Type H 15.032 HT08 Revision B  
House Type A1 15.032 HT09 Revision B  
House Type B1 15.032 HT10 Revision B  
House Type C1 15.032 HT11 Revision B  
House Type D1 15.032 HT12 Revision C  
House Type H - Barn conversion Typical Section 15.032 HT13 Revision A  
House Type D2 15.032 HT14 Revision A  
Accommodation Schedule 15.032  
Proposed Byway Plan 15.032 100 Revision F  
Proposed Movement Strategy 15.032 012 Revision H  
Proposed Open Space and Development Strategy 15.032 013 Revision H  
Proposed Master Plan 15.032 010 Revision T  
Proposed Mix of Use 15.032 011 Revision H  
Flood Risk and Drainage Strategy JJ/CC/P16-1156/01 Revision B

Received on the 18th July 2018. All windows marked on the approved plans to be obscure glazed shall be obscure glazed prior to occupation of the dwelling and shall remain obscure glazed in perpetuity.

Ecological Assessment 2016-57 R1  
Addendum to Planning Statement December 2017  
Certificate D  
Amended Application Form December 2017  
Bat Roosting Areas and Activity Survey Summary P2016 - 57 D4 Revision A  
Habitat Survey P2016 - 57 D1  
Ecological Assessment - Physical P2016 - 57 D2  
Ecological Assessment - Physical P2016 - 57 D3  
Topographical Survey Sheet 1 of 1 RS-1178-01  
Measured Building Survey - Barn Ground Floor Plan RS-1178-02  
Measured Building Survey - Elevations RS-1178-07  
Elevation Layout - Sheet 1 of 1 RS-1178-08  
Location Plan 15.032 001 Revision B

The materials shown on the approved plan are marked as indicative; if materials other than those shown are proposed prior to use of such materials details shall be submitted to and approved by the Local Planning Authority.

The reason for the condition is :-

For the avoidance of doubt.



3. No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
  - 1) The programme and methodology of site investigation and recording,
  - 2) The programme for post investigation assessment,
  - 3) Provision to be made for analysis of the site investigation and recording,
  - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
  - 5) Provision to be made for archive deposition of the analysis and records of the site investigation and
  - 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

The reason for the condition is :-

In accordance with National Planning Policy Framework paragraphs 188 and 199.

4. No development shall take place other than in accordance with the written scheme of investigation approved under condition 3 of this planning permission.

The reason for the condition is:-

In accordance with National Planning Policy Framework paragraphs 188 and 199.

5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 3 of this planning permission and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

The reason for the condition is :-

In accordance with National Planning Policy Framework paragraphs 188 and 199.

6. Excluding approved demolition works no works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.

The reason for the condition is :-

To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

7. Prior to the occupation of the final dwelling all works shall be carried out on roads, footways, street lighting, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.

The reason for the condition is :-

To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.

8. Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

The reason for the condition is :-

To ensure that surface water is drained satisfactorily from the site.

9. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 x 59 metres shall be provided to each side of all vehicular accesses where they meet Somerton Road and White Street. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

The reason for the condition is :-

In the interests of highway safety and traffic movement.

10. Excluding approved demolition works, development shall not commence until a scheme detailing provision for on-site parking for Construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

The reason for the condition is :-

To ensure parked vehicles do not adversely affecting highway users.

11. Excluding approved demolition works, no works shall commence on site until such time as the appropriate stopping Up / diversion Order to remove all highway rights subsisting in the highway land / Byway Open to All Traffic indicated on drawing 15.032-100 rev F has been granted and all highway rights have been successfully removed.

The reason for the condition is :-

To ensure a satisfactory form of development.



12. Excluding approved demolition works, prior to commencement of development, in accordance with the submitted (Create Consulting Engineers, Flood Risk Assessment and Drainage Strategy; Ref: JJ/CC/P16- 1156/01 Revision B, May 2017), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. The location of the soakaways will be at the depths and locations at which infiltration testing is shown to be viable. These should be at least 1.2m above groundwater levels.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change.

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site.

- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.

V. Finished ground floor levels of properties are a minimum of 300mm and/or 600mm above expected flood levels of all sources of flooding as detailed within the revised FRA.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

The reason for the condition is :-

To prevent flooding in accordance with National Planning Policy Framework paragraph 163,165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

13. Excluding approved demolition works, prior to the commencement of the development details of the location of the fire hydrant to be erected on site shall be submitted to and approved by the Local Planning Authority in consultation with Norfolk County Council Fire Service.

The reason for the condition is :-

To ensure adequate fire protection measures are installed on site.

14. The fire hydrant shall be installed and connected in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.

The reason for the condition is :-

To ensure adequate fire protection measures are installed on site.

15. Prior to the commencement of development, site clearance, demolition or any work to any trees a European Protected Species Licence shall be applied for and granted by Natural England.

The reason for the condition is :-

To ensure that the development hereby approved does not cause harm to species or habitat protected under Wildlife and Countryside Act (1981) (as amended) or Conservation of Habitats and Species Regulations (2017) (as amended).

16. Chemicals that are used to treat the timber within the thatched barn hereby approved to be converted to two dwellings shall be taken from Natural England's approved list as submitted in support of the application at Appendix E of the Ecological Assessment. The treatment shall be applied by painting and not sprayed.

The reason for the condition is :-

To ensure that the development hereby approved does not cause harm to a species protected under Wildlife and Countryside Act (1981) (as amended)

17. Excluding approved demolition works, prior to the commencement of the development details of the siting of:

9 Kent Bat Boxes and  
15no Schweglar bat tubes

Shall be submitted to and approved by the Local Planning Authority. These shall be erected in accordance with the approved details prior to commencement of the development.

The Schweglar bat tubes will be incorporated into the gable walls of the new houses. These boxes fit into the cavities wall with only a letter box type slot shown.

The Kent Bat Boxes will be erected on three of the retained trees close to the site entrance, three to a tree, one facing north, one south-east and one south-west, at a height of 5-6 metres. These will be erected after any tree works to those particular trees but prior to any development works commencing.

The boxes shall be retained in perpetuity and shall be replaced should they fail with an identical item in an identical location at as soon as practical or within 28 days of the failure unless otherwise agreed with the Local Planning Authority.

For clarity failure includes removal by natural or other causes, destruction by natural or other causes or the box becoming unfit for purpose.

The reason for the condition is :-

To ensure adequate mitigation and protection is afforded protected species.



18. Prior to the occupation of any part of the development the 2 no. Schweglar 1FFh shall be erected, one on each gable elevation of the thatched barn. These shall be retained in perpetuity and shall be replaced should they fail with an identical item in an identical location at as soon as practical or within 28 days of the failure unless otherwise agreed with the Local Planning Authority.

For clarity failure includes removal by natural or other causes, destruction by natural or other causes or the box becoming unfit for purpose.

The reason for the condition is :-

To ensure adequate mitigation and protection is afforded protected species.

19. Excluding approved demolition works, prior to the commencement of the development details of a pole mounted barn owl box along the eastern edge of the development shall be submitted to and approved by the Local Planning Authority. The box shall be erected in accordance with the approved details prior to the first occupation of the development. The box shall be retained in perpetuity and shall be replaced should they fail with an identical item in an identical location at as soon as practical or within 28 days of the failure unless otherwise agreed with the Local Planning Authority.

For clarity failure includes removal by natural or other causes, destruction by natural or other causes or the box becoming unfit for purpose.

The reason for the condition is :-

To enhance the ecological offering of the site.

20. Prior to the commencement of works on site the site shall be investigated for the presence of Japanese Knotweed and the results shall be submitted to and approved by the Local Planning Authority. Should Japanese knotweed be found to be present on site details of remediation works and verification of remediation works shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development hereby approved.

The reason for the condition is:-

To ensure that Japanese knotweed which was present on the site previously has been eradicated. This must happen prior to the commencement of development to ensure that there is no spread of the plant.

21. Excluding approved demolition works, prior to the commencement of the development details of the type and siting of:

10 common swift boxes  
10 house sparrow boxes  
10 starling boxes

And details of the type siting and number of Schweglar hole nesting bird boxes and artificial roosting site(s) for swallows, to be erected within retained trees in the public open space and within the development respectively.

Shall be submitted to and agreed by the Local Planning Authority. The boxes shall be erected in accordance with the details submitted prior to the occupation of the development. The boxes shall be retained in perpetuity and shall be replaced should they fail with an identical item in an identical location at as soon as practical or within 28 days of the failure unless otherwise agreed with the Local Planning Authority.

For clarity failure includes removal by natural or other causes, destruction by natural or other causes or the box becoming unfit for purpose.

The reason for the condition is :-

To enhance the ecological offering in accordance with the applicant submitted details.

22. Prior to the commencement of the development hereby approved details of the reptile habitat, to measure no less than 500m<sup>2</sup> and reptile fencing shall be submitted to and approved by the Local Planning Authority. The habitat shall be provided and fenced in accordance with the approved details prior to the commencement of the development.

The reason for the condition is :-

To ensure that adequate habitat and protection is provided for reptiles with specific reference grass snakes.

23. Prior to the commencement of the development a scheme of trapping for grass snakes shall be submitted to and approved by the Local Planning Authority. All trapping shall be carried out in accordance with the approved details prior to the commencement of the development.

Trapping is for grass snakes in particular but shall also remove any small mammals/amphibians for relocation to appropriate habitat.

The reason for the condition is :-

To ensure the adequate trapping in accordance with the submitted ecological assessment.

24. Prior to commencement of development the approved scheme for trapping grass snakes (which are protected from harm under the Wildlife and Countryside Act) shall be implemented.

The reason for the condition is :-

To ensure that they are provided with an adequate alternative habitat.



25. Following completion of the trapping, the habitat within the site will need to be carefully removed in the following manner.
- a. Any clearance of vegetation will be undertaken carefully, first cutting any woody vegetation down to a height of 150mm that should then be removed from the site. The site will then be searched before cutting vegetation down to 150mm. Any vegetation will be raked and removed from the site. After 3 days, the area will again be searched and cut vegetation removed from site. The site can then be cleared. Unless otherwise agreed, cutting should be undertaken in September when the reptiles are still active but outside the bird nesting season. At completion, the ecologist shall confirm that the site has been cleared and the works can continue.
  - b. Any existing rubble and other potential places of rest shall be removed by hand so that animals can be re-located. Again, these should only be moved between September as above;
  - c. All demolition waste relating to the bungalow will be placed either directly into a skip or lorry so that further rubble piles and therefore potential hibernation areas are not created - a strategy for the remainder of the site to be agreed with the ecologist and the Local Planning Authority before commencement.;
  - d. No piles of loose sand or other granular materials into which amphibians could bury themselves should be left accessible around the site. All such materials should ideally be delivered in bags and kept in such bags until required for use. Bags should be stored on pallets. If it is essential to deliver loose materials, these should be only dug into by hand - alternatively, loose piles could be suitably fenced.
  - e. No bonfires should be lit on site. If any bonfires are essential, they must be burnt on the same day that they are made;
  - f. All trenches should be left covered at night. They must be checked in the morning before they are filled in. Trenches should be provided with a small mammal ladder to allow animals to escape.
  - g. Any animals found should be moved onto into the new habitat associated with the proposed soakaway area.

The reason for the condition is :-

To ensure the adequate protection for animals that are resident on site.

26. Prior to the commencement of the conversion of the thatched barn the bat loft and openings, to the specifications and location of Appendix C of the Ecology Assessment, shall be erected in its entirety.

The reason for the condition is :-

To ensure adequate provision of bat roosting area is made available in accordance with the submitted details.

27. Only the trees identified within the Arboricultural Impact Assessment, Tree Protection Plan, Method Statement to be felled shall be felled. All tree protection measures as identified within the Arboricultural Impact Assessment, Tree Protection Plan, Method Statement and shown on plan reference 15.032 010 Rev.A (annotated with root protection areas) shall be implemented prior to the commencement of the development and shall remain in situ for the period defined within the above referenced submitted documents.

The reason for the condition is:-

The existing trees represent an important visual amenity which the Local Planning Authority consider should be substantially maintained.



28. Prior to the occupation of the 23rd dwelling the landscaping shall be carried out in accordance with the Landscaping Schedule and Landscape Management Plan and details shown on plan reference 15.032 010 Rev.A (referred to as Landscape Strategy Plan). For the avoidance of doubt the planting shall be in accordance with table 1 of the Landscaping Schedule and Landscape Management Plan which references, not exclusively, the planting of 126 trees of specified species. Any trees that die or become fatally diseased within five years of the final occupation of the site shall be replanted with a tree of similar maturity and of the same species.

The reason for the condition is:-

To ensure the planting that is proposed as part of the application is carried out.

29. Excluding approved demolition works, prior to the commencement of the development details of hard landscaping are to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The reason for the condition is :-

To ensure the provision of adequate hard landscaping.

30. Excluding approved demolition works, prior to commencement of the development a Phase 2 site investigation is to be carried out to the satisfaction of the Local Planning Authority in consultation with Environmental Services. If the Phase 2 site investigation determines that the ground contains contaminants at unacceptable levels then, prior to the commencement of the development, the applicant is to submit a written strategy detailing how the site is to be remediated to a standard suitable for its proposed end-use to satisfaction of Environmental Services.

No dwellings/buildings hereby permitted shall be occupied until the remediation works agreed within the scheme have been carried out to the satisfaction of the Local Planning Authority.

Reason for the condition:-

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.

31. 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.

32. Construction work shall not take place outside the following hours:-

07:30 to 18:00 Monday to Friday

08:30 to 13:30 Saturday

and no work shall take place on Sundays or Bank Holidays.

(These hours shall only apply to work generating noise that is audible at the boundary of the nearest noise sensitive property)

The reason for the condition is :-

In the interests of the residential amenities of the occupiers of nearby dwellings.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting the order) no extensions shall be built or windows inserted into the walls or roof of the thatched barn (P45 and P45 as shown on plan reference 15.032 010 Rev T) other than those shown on the approved plan without the prior consent of the Local Planning Authority. 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 submitted to and approved by the Local Planning Authority. The screening shall be erected in accordance with the approved details prior to occupation and shall be retained in perpetuity.

The reason for the condition is:-

In the interests of the residential amenities of the occupiers of the adjacent property and to preserve the special character of the barn.

34. Prior to the occupation of any of the dwellings hereby approved the relocated foot path as shown on the approved plans, 15.032 010 Revision T, shall be made available for public use free from obstruction in perpetuity.

The reason for the condition is :-

To ensure the permeability is retained and that there is adequate re routing as opposed to loss of a public right of way.

35. Ground levels are to remain in accordance with the topographical survey received by the Local Planning Authority on the 15th June 2017. Excluding approved demolition works, prior to the commencement of the development slab levels shall be submitted to and approved by the Local Planning Authority. The development shall be built in accordance with the levels submitted.

The reason for the condition is :-

The pre commencement condition is required to ensure that the development is built in a way that is in keeping with the surrounding area and this is such an early stage requirement that the information submission cannot be delayed.



36. Notwithstanding the information submitted on the approved plans and within the design and access statement prior to the occupation of any of the dwellings hereby permitted details of all boundary treatments shall be submitted to and approved by the Local Planning Authority. The boundary treatments shall be erected in accordance with the submitted details prior to the occupation of the dwelling to which they relate or if they do not relate to a dwelling prior to the occupation of the 20th dwelling on site.

The reason for the condition is :-

To ensure adequate boundary treatments are provided for the new properties and to ensure that the height of boundary treatments provided adjacent to existing properties is sufficient to prevent loss of amenity. This is in relation to garden and public area boundary treatments.

37. Prior to the occupation of plots 24, 25 and 26 as shown on plan reference Proposed Master Plan 15.032 010 Revision T details of balcony screening to the western elevation shall be submitted to and approved by the Local Planning Authority. The screening shall be erected in accordance with the approved details prior to occupation of the dwellings and shall be retained in perpetuity.

The reason for the condition is :-

In the interest of the residential amenities of the nearby occupiers.

38. 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 in accordance with the approved details.

The reason for the condition is :-

To ensure adequate noise protection measures are installed.

39. NOTES - Please read the following notes carefully:-

This planning permission is subject to a s106 agreement dated the 15th February 2019.

40. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the applicant's expense.

41. The imposition of the above condition does not in any way infer that Norfolk County Council, as Local Highway Authority, will support a formal application for a Stopping Up Order to remove highway rights. In addition, statutory undertakers have a right to object to the granting of a Stopping Order, which may prevent this development from progressing in its current format.

42. NOTES - Please read the following notes carefully:-

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

43. STATEMENT OF POSITIVE ENGAGEMENT: In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

It is confirmed that this shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

In this instance the Borough Council has considered there is no likely significant effect on protected habitats arising solely from the development itself; and the development would contribute to the overall in-combination significant adverse effect identified by the Habitats Regulations Assessment Report for the Local Plan Core Strategy, but this effect can be adequately mitigated by the Habitats Monitoring and Mitigation Strategy; and that Strategy requires a payment of £??? (£110 per each additional dwelling) towards the monitoring and mitigation provided through that Strategy.



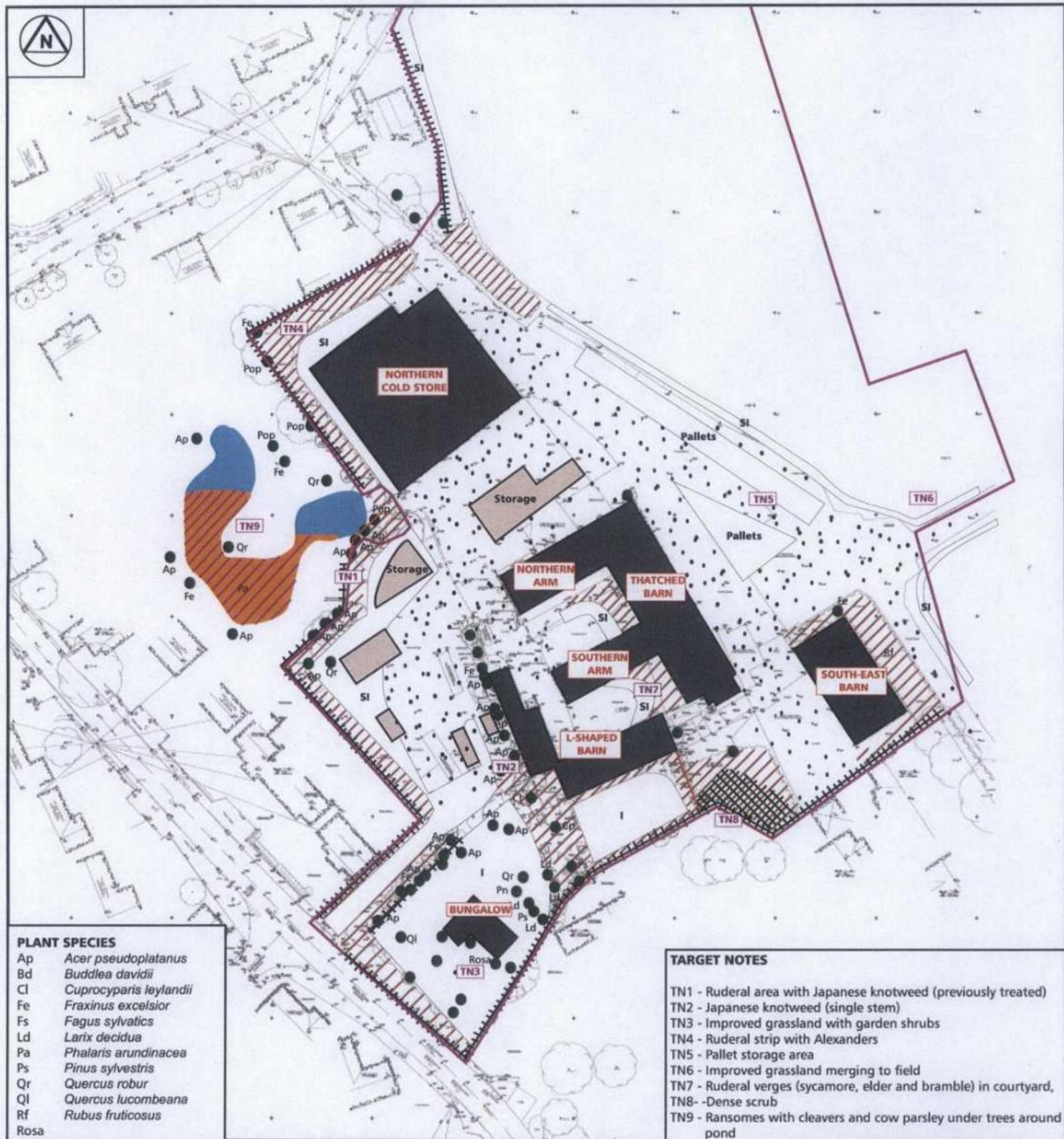
Date: 24th April 2019

Planning Manager  
Town Hall, Hall Plain, Great Yarmouth









# KEY

	Site boundary		Tall ruderal (C.3.1)		Vehicles/material storage
	Scrub, dense continuous (A.2.1)		Open standing water (G.1)		Target note
	Scattered trees (A.3.3)		Close boarded fence (J.3.4)		
	Improved grassland (B.4)		Wall (J.3.5)		
	Poor semi-improved grassland (B.6)		Building (J.3.6)		
	Marsh (B.5)		Bare ground (J.4)		

## PHILIP PARKER ASSOCIATES

WHITE ROW COTTAGE : 7 LEZATE DROVE : POTT ROW  
NR KINGS LYNN : NORFOLK : PE32 1DB  
TEL : 01553 630842 FAX : 01553 630843  
E-Mail : admin@philipparkerassociates.co.uk

### CLIENT

MR & MRS A. CARY

### PROJECT

PROPOSED DEVELOPMENT OF BUILDINGS OFF  
WHITE STREET, MARTHAM

### DRAWING TITLE

HABITAT SURVEY

### SCALE

NTS

### DATE

MAY 2017

### DWG NO

P2016 - 57 D1

### REV

### REV





### DATE

### DETAILS



# White Street, Martham

## Reptile receptor areas

-  Site boundary
-  permanent receptor area
-  temporary receptor area
-  reptile proof fence

**Figure 3**

**Map Scale @ A4: 1:1,600**

Surveyed by: n/a
Survey date: n/a
Drawn by: RD
Checked by: DP
Status: Final





**Reference: 06/21/0925/F**  
and  
**06/21/0926/A**

**Parish:** Burgh Castle  
**Officer:** Chris Green  
**EOT Agreed:** 07/04/2022

**Applicant:** Norfolk Archaeological Trust

**Proposals: 06/21/0925/F:**  
**Proposed installation of 1no. pay machine and ANPR camera**  
**including associated works**

and,

**06/21/0926/A:**  
**Erection of non-illuminated free standing information signage**

**Site:** Car Park at Burgh Castle Roman Fort, Butt Lane, Burgh Castle, NR13 9QB

## **ADDENDUM REPORT**

### **1. Procedural matter**

- 1.1** This short report is presented to Members with regard to matters of principle debated at the Development Control Committee on 2<sup>nd</sup> February 2022, where further clarification was sought on certain matters, and where further response from the County Council was also suggested as being desirable for the determination of the application.
- 1.2** For reference to the site description please refer to the report to the Development Control Committee of 2<sup>nd</sup> February 2022 which is included for reference at Appendix 1 to this report.
- 1.3** Subsequent to the meeting of the Development Control Committee, a meeting was held between the Norfolk Archaeology Trust (the applicant), the Burgh Castle Parish Council and the representatives of the Church of St Peter & Paul in the village, on 23<sup>rd</sup> February 2022. The meeting was held to explore the issues raised and discuss the way in which the proposed operations of the car

park might be made more agreeable locally, including issues of managing possible 'displaced parking', for example.

- 1.4 It is important to note the displacement of parking feared by local persons does not in itself relate to the "development" in planning terms or the proposals the subject of this application.

## 2. **Proposal**

- 2.1 The proposal within the submitted full planning application 06/21/0925/F is for the introduction of charging equipment pillar mounted including a payment meter box and a car number plate camera on a post in the car park.
- 2.2 There is a separate application for advertisement consent (also reported previously) for the information signage required to clearly inform drivers that they are expected to pay for using the carpark. The proposed signage within application 06/21/0926/A comprises four types of sign.
- 2.3 No elements of the proposed development have changed since the Development Control Committee considered the application on 02 February 2022 and there was no requirement nor expectation of further public consultation since then.
- 2.4 For full details of both applications please refer to Appendix 1 to this report.

## 3. **Consultations:-**

Neighbour comments and other statutory and non-statutory comments were reported to members on 2nd February 2022. For full details of consultation responses, public and parish comments on both applications, please refer to Appendix 1 to this report.

Further comments have been received only from Norfolk County Council as Local Highways Authority, as statutory consultee, as set out below.

- 3.1 **Norfolk County Council – Local Highways Authority – Objects unless mitigation is provided. (11.02.2022)**
- 3.2 *We accept the advice you have been given by the Council's solicitor and have also noted the content of the original committee report along with the stated paragraphs of the NPPF.*
- 3.3 *As our initial response outlined, the parking is presently free and as such there is likely to be no (or limited) displacement parking at present. However, introduction of parking charges is, as a consequence, likely to displace parking*

*which in this case will primarily be on the surrounding highway network. Given the application did not provide any information as the current level of use of the car park, it is not possible to predict what level of displacement may occur, but parking is an emotive subject for motorists and experience (and human nature) would suggest that there is likely to be some direct displacement resulting from charging.*

- 3.4 *Accordingly, whilst the LHA could not categorically say that there would be a severe impact on the network, such displacement is, however, likely to give rise to conditions detrimental to highway safety.*
- 3.5 *Whilst parking on the public highway is not lawful and is an obstruction to the public rights to pass and repass unhindered, clearly it is not enforced in draconian manner, but nevertheless parking around the access to the car park and the junction of Butt Lane with Church Lane will obstruct visibility and restrict the width of the carriageway. Visibility at junctions and points of access is one of the most important factors in terms of highway safety. This is to ensure there is adequate inter-visibility between vehicles on both the major and minor roads/access. Appropriate visibility splays enable drivers emerging from an access to have adequate vision in each direction to see oncoming traffic/non-motorised users, in enough time to make their manoeuvre safely without conflicting with flow or speed of vehicles on the major road. Likewise, visibility splays ensure approaching vehicles and non-motorised users on the major road have enough vision to see waiting/emerging vehicles in time to react accordingly.*
- 3.6 *Consequently, the LHA consider that such parking would increase the risk/likelihood (to all roads users) of collision and personal injury accidents and give rise to conditions detrimental to highway safety.*
- 3.7 *Accordingly, whilst the LHA's recommendation remains in the interests of highway safety, as I proffered in our meeting, it considers that a deferral of a Traffic Regulation Order (TRO) by the granting of a Temporary Permission for a period of three years would enable the effects of the charging on the displacement of vehicles onto the public highway and the effects of that on highway safety to be assessed, with the effects being monitored during and at the end of that period. If at the end of that period it is deemed that the effects on the highway warrant a TRO, then this would need to be funded by the applicant in order to obtain a permanent consent/extension [without LHA objection], or conversely if it is considered that there is no significant displacement or highway safety implications, the TRO would not subsequently be a consideration.*
- 3.8 *Accordingly, the LPA may wish to consider this.*
- 3.9 *If the LPA consider that the recommendations of the Highway Authority do not meet the tests of the NPPF, then the LHA would have to accept the LPA's recommendations as outlined in its report and the Development Control Committee's subsequent decision.*

#### **4. Assessment of Planning Considerations:**

- 4.1 Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at and paragraphs 2 and 47 of the National Planning policy Framework (NPPF).
- 4.2 It has been established in law that there is no material change of use of the land proposed. It is a car park presently and will be a car park once development here proposed has occurred. This application is for operational development alone, comprising a post with a machine for charging for parking, another post and a Closed-circuit television camera, and an associated application for signage under the Advertisement regulations.

#### **Principle of development – proposed uses**

- 4.3 This proposal does not change the use of the land. Currently the land is a car park serving a historic site, but open also to other users and this will not change.
- 4.4 In planning legislation, a change of use can be deemed to occur when there is a material change in character, function, and / or operation. The response from County Highways notes an external impact from displaced parking from those unwilling to pay the parking fee. This however is not a material change to the land itself or a physical impact directly on other land arising from development, rather an assumed behavioural impact.
- 4.5 There is no record in the original car park permission of any condition or other requirement that would prohibit the introduction of parking charges or that this would in some way require the further permission of the Local Planning Authority.
- 4.6 There is as such no objection to the principle, nor ability to influence, the intended use of charging to use the car park; the LPA can only exert a view on the infrastructure required to bring the activity to bear, should that require permission in itself. Introduction of charging by other means than installed infrastructure and signage would not need planning permission.

#### **Highways and access**

- 4.7 Paragraph 111 of the National Planning Policy Framework sets out the tests with regard to highway safety and function that should guide decision makers:

*“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”.*

- 4.8 It is considered that it is not possible to clearly demonstrate impact on highway

safety from behaviour that is difficult to prejudge and for safety to be unacceptably impacted. Parking on Butt Lane, in a manner interpreted to be 'considerate', would not readily be classed as unsafe, because the road is straight with good vision, so it would be inconvenient rather than unsafe and there is always the requirement for all road users to use a highway with due care. To demonstrate a *residual cumulative impact* on the road network, represents a wider impact test rather than a localised impact, and there is no wider network impact considered likely to arise. Parking outside the church or people's homes, however much locally opposed, would not represent a highway safety or network operational impact. The NPPF test sets a high bar for refusal of planning applications on highway grounds.

- 4.9** The Local Highway Authority's second response of 11.02.22 (see Section 3 of this report) makes a case that the impact of the introduction of charging for parking can be a material consideration, above and beyond the continued function of the land as a car park and its remaining open to all drivers not just visitors to the Roman Fort.

*"introduction of parking charges is, as a consequence, likely [to] displace parking which in this case will primarily be on the surrounding highway network. Given the application did not provide any information as the current level of use of the car park, it is not possible to predict what level of displacement may occur, but parking is an emotive subject for motorists, and experience (and human nature) would suggest that there is likely to be some direct displacement resulting from charging".*

- 4.10** This response does note the unpredictability of consequence in that there might be some displacement, but it cannot be predicted that any displacement would be to unsuitable locations on highways locally.
- 4.11** Legal advice received by the Local Planning Authority is that the extent of the planning application is limited to physical works alone and that there is no material change of use of the land, or effect on other surrounding land, that would represent a material change of use, and therefore the decision maker should be concerned only with the matters within the application.
- 4.12** It is an offence to block a highway and Planning decisions should assume lawful behaviour, because it is the role of the police to enforce lawful use of the highway.
- 4.13** Great Yarmouth Core Strategy Policy CS9 contains reference to highway safety concerns as a consideration at paragraph (d) - [proposals must] *"Provide safe access and convenient routes for pedestrians, cyclists, public transport users and disabled people"*. The proposal does not conflict with this. If displaced parking hinders traffic flows, then a breach of the Highway Code would be caused.
- 4.14** The applicant's agent has confirmed 5<sup>th</sup> January 2022 that the applicant is not prepared to fund the £8,000 legal cost of "pursuing" a Traffic Regulation Order, "unless the planning committee decides on good planning grounds that this is

necessary in order for permission to be granted”.

- 4.15** The Local Highways Authority have suggested in their further response that a time limited (temporary) permission decision be made so as to assess impacts of displaced parking. There are two reasons why in practice this should be resisted: Firstly, if a clearly unsafe and unlawful situation were to arise the County Council might have to act before the end of the period and finance themselves a TRO in advance of the end of the trial period. Secondly it would be unreasonable in planning terms to expect an applicant to remove its infrastructure if at the end of a temporary permission ‘trial period’ there was no prospects of a TRO being provided to resolve an issue caused by a matter that is not considered, in itself, to even be development.
- 4.16** A meeting was held between the Parish Council, the Church Council and the applicant to discuss other possibilities, satisfactory or otherwise to the parties. This meeting was not part of the planning process and has led to no request from the applicant to alter or withdraw this application. Details of the meeting are at Appendix 2 of this Report.
- 4.17** It is reported that at the meeting one remediating measure suggested to prevent parking on Butt Lane was that the applicant (Norfolk Archaeology Trust) could place bollards on its land to the front of the car park around the site entrance, or with the consent of the highway authority, on some areas of adjoining public highway. The applicant has since confirmed they are willing to do this as a formal part of the planning application. Not only would this help maintain visibility around the junction (albeit informal) it would also assist from a character and appearance point of view in preventing ad hoc parking causing damage to the appearance of the main entrance of the site.
- 4.18** Using conditions to secure these bollards would help preserve the setting and entrance to the heritage site by avoiding harm to the verges and public perception of the setting of the fort, but it would also help maintain visibility splays around the junction to the car park. This can at least be said to be possible without being disproportionate in cost. Conditions would be used to agree details of number of bollards, siting, appearance, any polite parking request signs, and materials, and would require the bollards to be installed prior to installation of the parking meter.
- 4.19** It should be noted that the effect would be one of a deterrent rather than a formal change to highways use, for which the TRO process would be needed. However, for reasons previously described, the TRO mechanism is considered disproportionate to the scale of impact on the highways network. Officers therefore welcome the suggested bollard proposal and consider this to be beneficial in helping maintain the safe and free flow of traffic along Butt Lane, whilst ensuring the heritage setting is protected.

### **Local Finance Considerations**

- 4.20** 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.

## **5. The Planning Balance**

- 5.1** It is considered that because there is no loss of parking or change of land use only the matter of the impacts of the operational development proposed (which comprises signage, charging post and ANPR camera pillar) can reasonably form part of the planning consideration.
- 5.2** The Local Highway Authority's concerns regarding the possible impacts of the development are noted, but Officers have to give some weight to the applicant's suggestion that it would look to impose some alternative means of charging to be undertaken without the need for planning permission. It is important to note that this application does not represent the only means or opportunity for the Local Highway Authority to install "no parking at any time" restrictions in the vicinity, if the LHA saw fit to do so and was able to resource doing so.
- 5.3** The consequences of allowing the permissions are not likely to create "*severe*" impacts for the highway network, nor present "*an unacceptable impact on highway safety*".
- 5.4** However, the suggested need for a TRO process and for that to be funded by the applicant is considered disproportionate and unable to satisfy the tests for planning conditions so is not recommended for use.
- 5.5** As with anti-social behaviour, anti-social parking or driving is not something the planning system can readily control and the installation of an ANPR camera arguably acts to reduce criminality and anti-social behaviour at this site.
- 5.6** The visual impact of the proposed development as experienced from outside the site is very limited by the surrounding hedging. Within the site the environment is dedicated to parking where such features are to be expected.
- 5.7** A failure to grant permission risks the site becoming unviable and carries some risk of it closing to public access. While footpaths dedicated to the public would remain, other accesses could close, and the car park could also close.

## **6. Conclusion**

- 6.1** Both the applications for planning permission and the advertisement consents are recommended for approval.



- 6.2 The consequences of allowing the permissions are not likely to create “severe” impacts for the highway network, nor present “*an unacceptable impact on highway safety*”, and therefore permission should not be refused on highways safety grounds as per NPPF guidance.
- 6.3 The suggestion that permission should be limited to a temporary period is considered a disproportionate restriction to the likely limited impacts caused by the development. It could be considered unreasonable to expect this applicant to undertake a fairly significant outlay to install the infrastructure, only to require its removal if there is no clear certainty that a permanent permission is possible, which does not look to be the case as yet because the highway authority will not support permanent use without the disproportionately expensive TRO. The proposed use of bollards as a deterrent is considered much more proportionate.
- 6.3 As this is not a development that will result in a material change of use of the site’s operation or character of the car park, there is no need to impose any restrictions on the use of the site or the installation of the apparatus. The operative use of the site will continue to be subject to the conditions on the planning permission for use of the car park, and it is considered unreasonable to restrict the activities to a temporary period or impose operational requirements as a result, based on highways safety grounds alone.

## **7. RECOMMENDATION 1:**

### **7.1 Approve full application 06/21/0925/F, subject to the following conditions:**

- 1) Development to commence within 3 years;
- 2) Development to accord with approved plans and drawings.
- 3) Scheme for the proposed use of bollards at and around the site entrance shall be agreed in order to prevent verge parking. Details of number of bollards, siting, appearance, any polite parking request signs, and materials to be agreed in advance, with bollards to be installed before the payment meter is installed.

And any other conditions considered appropriate by the Development Manager.

### **RECOMMENDATION 2: -**

### **7.2 Approve advertisement consent application 06/21/0926/A subject to the following conditions: -**

- 1) Advert signage to be for a five-year period.
- 2) Development to accord with approved plans and drawings.
- 3) Hedges to be maintained at a specific height to screen signage from afar. with standard conditions regarding compliance, period of validity (5 years), safe condition, removal stipulations and other standard requirements.

And any other conditions considered appropriate by the Development Manager.

**Appendices:**

1. Report to Development Committee on 02 February 2022.
2. Notes of the meeting between Parish Council, applicant, and representatives of the Church of St Pater and St Paul, 23<sup>rd</sup> February 2022.
3. Location plan
4. Site layout plan
5. Site Aerial View

**Reference: 06/21/0925/F and  
06/21/0926/A**

**Parish: Great Yarmouth  
Officer: Chris Green  
Expiry Date: 28-12-21**

**Applicant: Norfolk Archaeological Trust**

**Proposals: 06/21/0925/F:  
Proposed installation of 1no. pay machine and ANPR camera  
including associated works**

**and,**

**06/21/0926/A:  
Erection of non-illuminated free standing information signage**

**Site: Car Park at Burgh Castle Roman Fort, Butt Lane, Burgh Castle,  
NR13 9QB**

## **REPORT**

### **1. The site**

- 1.1** Burgh Castle is a Scheduled Ancient Monument, a fort of the Saxon shore of late Roman times. The car parks are some distance from the standing Roman remains. The car park the subject of this application is surrounded by an approximately 1.5m high hedge and other trees within the car park. There is connecting pedestrian access to the fort itself across open fields. There are two footway accesses to the fort, that are dedicated Public Rights of Way, one from the church and one along the river. The pedestrian access from the car park to the fort is across private land and not dedicated as a public right of way. There are public rights of way around the standing walls on both sides of the walls.
- 1.2** The site has vehicular access off Butt Lane which links Church Lane where most of the village residences are, back in a southerly direction to Belton village. There is no residential development within 100m of the site entrance.
- 1.3** There is a field in equestrian grazing use to the immediate north of the car parking with housing on Church Lane further north.

- 1.4 The applicant has submitted a planning statement with numerous photos and a design and access statement together with drawings and details of the proposed monitoring cameras.
- 1.5 This application does not propose to alter these car parks other than to install information signage and to install pay-parking meters.
- 1.6 Some initial confusion was caused by the fact that the applicant's associated application for advertisement consent initially showed signs with a 24-hour parking charge fee, whereas precedent conditions on the use of the car park already limit the hours of car park operation on this site to 12 hours, which would prevent a 24hr period of use. The revised submitted signage received 30.11.21 has been changed to reflect this twelve-hour charging period.

## **2. Site constraints / context**

- 2.1 This site is outside the scheduled monument designation area (by 200m) and is not in a Conservation Area. The nearest listed building, the grade 2 starred listed church, is 300m from the site and not inter-visible.
- 2.2 The site is not in the Broads Area nor inter-visible with it.
- 2.3 Burgh Castle is regarded as open countryside outside development limits defined by Local Plan Part 2 policy GSP1.
- 2.4 The site is not in a high-risk flood zone.

## **3. Proposal**

- 3.1 The proposal within the submitted full planning application 06/21/0925/F is for the introduction of charging equipment including a payment meter box and a car number plate camera on a pillar in the car park.
- 3.2 There is a separate application for advertisement consent (also reported here) for the information signage required to clearly inform drivers that they are expected to pay for using the carpark.
- 3.3 The proposed signage within application 06/21/0926/A comprises four types of sign:
- Sign 1 on the application form is 0.65 x 0.6m size explaining electronic payment (just pay) and 4 in number, and three of these are in the rear parking area not visible outside the site. (0.39m sq which is just over the allowable 0.3m sq area allowed for information signs under advertisement regulations permitted development)
  - Sign 2 on the application form is 0.9 x 0.65 m size (0.58m sq) one in number, just behind the entrance gate fronting the highway. It joins the flanking signs existing identifying the car park as being for the Roman fort.

- Sign 3 is to be found at the pay-station alone and is 0.75 x 0.65m in size and incorporates the tariff and payment method. (0.49m sq)
- Sign 4 is the terms and conditions sign and there are 4 of this type measuring 0.9 x 0.65 m (or 0.58 sq m). One is visible from outside the site on Butt Lane from the access point but is at 90 degrees to the highway behind the opening point of the gate on the south side.
- One other 'sign 4' and one 'sign 1' are on a shared post visible from Butt Lane within the site at the pay station.

**3.4** Accompanying the proposal are the following documents:

- Planning Application Forms and Certificates of Ownership;
- Application drawings and drawings for signage
- Design and Access statement
- Appeal decision from another site where charges were introduced

**4. Relevant Planning History**

06/01/0548/BF approved 07-09-01 Improvement to footpaths and erection of kissing gates suitable for disabled access.

06/08/0789/F approved 05-01-09 - Proposed new access, car park, coach park, disabled access. The use of the car park was restricted by condition 8 to only be used from 08.00 to 20.00 and by the requirement to close off the car park entrance when not in use by using a barrier.

**5. Consultations:-**

**All consultation responses received are available online or at the Town Hall during opening hours**

This application is brought before the Development Control Committee because of the considerable public objection raised, including objections of the Parish Council, and potential objection from a statutory consultee, should a Traffic Regulation Order not be "pursued".

**5.1 Neighbour comments** have been received (summarised):

- The Fort could find other ways to cover their maintenance costs.
- Their land could be used for grazing sheep or horses, or for the Classic Car show. The car park could also be used as a motorhome/campervan overnight stopover charging up to £8/time all year round.
- Installing charges for dog walkers will cause cars to be parked on my road and mean other ways will have to found.

- Charging will make visiting my father's grave more expensive.
- This will displace parking onto unsuitable roads. Kerbside parking for non-residents is already limited in Church Rd and High Road as some residents do not have driveways. The roads are narrow. Verge parking causes mess and damage and will be dangerous.
- Footballers using the playing field already park on the road.
- Residents in a majority rejected charges. Some regular visitors have said they would pay for membership instead.
- The applicant's comments about fly tipping carry little relevance as fly tipping has occurred elsewhere locally.
- Users gain mental benefit from their visits, and this will be lost if people are discouraged by charging.
- If the gate is kept unlocked there will be antisocial activity.
- The fee charging pillars will be vandalized as the ruins have already been.
- Loss of free parking is the loss of a community facility.
- Anyone forgetting their phone will not be able to pay.
- With the car park locked each night how can 24 hr. charges be levied? Post code shown is wrong.
- Displacement parking on a narrow lane near Blickling Hall has occurred since the National Trust introduced parking charges.
  
- One local resident has written in support of the application

**5.2 Parish Council:** The Roman Fort is now such a well-known ancient monument and attracts many more people than it once did, and, as such, has resulted in a dramatic increase in vehicles. The infrastructure of the rural roads of Burgh Castle are inadequate to deal with this, hence why a car park was created. Car park costs will most definitely deter drivers from its use and subsequently will result in cars parked on these rural roads resulting in mayhem for motorists and parishioners. Damage to roadside banks and verges will prevail. Residents in the area will be significantly affected by additional on-road parking. A lack of roadside footpaths and congested roads with cars parked in a disorganised manner will be extremely dangerous for pedestrians. The narrowness of the roads in this area will impede large vehicles e.g. caravans, buses, tractors and HGVs, which will be unable to pass due to a lack of space. Church Lane is predominantly single lane and with the likelihood of cars parked on this road will result in total gridlock with angry drivers and residents unable to access their homes. The danger to horse riders and the numerous horse and carriages who drive around Burgh Castle is extremely alarming.



It would be much more suitable to all concerned if the car park charges were not initiated and voluntary contributions or grant funding were sought.

The aforementioned points are all issues of Highway Safety and should be paramount when considering this application. The car park charges will result, in the main, as a deterrent to park at this location with the car park being a white elephant. Disabled users will have difficulty getting in and out of the vehicle and then accessing the site, it being designed for wheelchair users, instead the main route will be along a potholed muddy, uneven track. The wonderful character of this site and the village will be severely impacted if car park charges are initiated.

- 5.3 The Rector of St Peter & Paul Church:** has concern regarding the consequences of pay to park being introduced as the church has a small area of land (the triangle) near the church which people park on to go walking or take dogs for walk, rather than use the Fort car park. This causes considerable difficulties for people wishing to park near the church to attend a Sunday morning service, a funeral or weddings. Requiring people who use the Fort Car Park to pay is likely to increase the congestion near the church and The Old Rectory and to make the road leading up to the church rather constricted, due to how narrow it is.

#### **Consultations – External**

- 5.4 Norfolk County Council – Local Highways Authority – Objects unless mitigation is provided.**
- 5.5** The car park is privately owned with its use being granted by the owner. While charging could be introduced at any time [without the need for infrastructure requiring planning permission], to claim a “fallback position” [that this could occur at any time] there must be a realistic expectation that such a fallback is viable. If for example it would be uneconomic to introduce charging by any means other than an automatic ticketing machine, then the impact of introducing charging via such a machine is a material consideration.
- 5.6** The Appeal decision that has been included [in the application by the applicant as an example of ‘precedent’] for a similar proposal does not set a precedent as each case is different and must be considered on its own merits.
- 5.7** No information has been provided regarding the level of use of the car park, but the car park is not solely used by visitors to the Roman Fort, but also tourists, walkers, dog walkers, etc.
- 5.8** While accepting parking charges are part of routine motoring consideration and costs, clearly such charges do influence a motorist's decision and choice in

where to park. In this case charges will lead to some drivers seeking alternative parking to avoid paying the parking charge, displacing parking onto the surrounding road network.

- 5.9 Parking on the highway is not only obstructive to all users of the highway, especially vulnerable road users, it can also be inconsiderate leading to parking on road side verges resulting in mud and debris being discharged onto the road surface and also creating longer maintenance issues. These factors also give rise to conditions detrimental to highway safety. Likewise, such parking can also give rise to other social issues which is a matter for the LPA to consider.
- 5.10 Given the above I am minded that it would be feasible to address parking displacement through the provision of "at any time" waiting restrictions on the highway to prevent parking taking place at inappropriate locations in the interests of highway safety.
- 5.11 Accordingly, I recommend a condition be appended to any grant of permission that *"No works shall commence on the site until the Traffic Regulation Order for waiting restrictions has been promoted by the Local Highway Authority"*, in the interests of highway safety. This needs to be a pre-commencement condition as the impact applies to traffic associated with the daily running of the site.
- 5.12 County Highways have made no bespoke comment on signage but their response letter was referenced to cover both applications and did not raise concerns with driver distraction.
- 5.13 **Norfolk Historic Environment Team (Archaeology)** – No objection.
- Based on currently available information the proposal will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work
- 5.14 **Broads Authority:** No objection.
- We can confirm that we have no objections. However, we would suggest that the size and number of signs should be reduced to a minimum where possible to limit the visual impact.
- 5.15 **Natural England:** No comments.
- 5.16 **English Heritage "properties in care":** No comment received.

#### **Consultation - Internal to GYBC**

- 5.17 **Conservation officer** – Declined to make comment (there is no impact on the designated heritage assets).
6. **Assessment of Planning Considerations:**

- 6.1 Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at and paragraphs 2 and 47 of the National Planning policy Framework (NPPF).
- 6.2 The local development plan comprises the adopted Core Strategy (2015) and the Local Plan Part 2 (LPP2), which has now been fully adopted on 09<sup>th</sup> December 2021, and those policies have modified some policies of the Core Strategy.

**Relevant Policies:**

Core Strategy 2013: policies CS9, CS10, CS15

**Other material considerations:**

Emerging policies of the draft Local Plan Part 2 (Final Draft) (LPP2):

- GSP1 - Development limits
- A1 - Amenity
- A3 - Advertisements
- E4 - Trees and landscape
- C1 - Community facilities
- I1 - Vehicle parking for developments

National Planning Policy Framework (2021):

- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance

**Principle of development – proposed uses**

- 6.3 This proposal does not change the use of the land. Currently the land is a car park serving a historic site, but open also to other users and this will not change.
- 6.4 In planning legislation, a change of use can be deemed to occur when there is a material change in character, function, and or operation. The response from County Highways notes an external impact from displaced parking from those unwilling to pay the parking fee. This however is not a material change to the land itself or a physical impact directly on other land arising from development, rather a behavioural impact.

- 6.5 There is no record in the original car park permission of any condition or other requirement that would prohibit the introduction of parking charges or that this would in some way require the further permission of the Local Planning Authority.
- 6.6 There is as such no objection to the principle, nor ability to influence, the intended use of charging to use the car park; the LPA can only exert a view on the infrastructure required to bring the activity to bear, should that require permission in itself.

### **Principle of Development – Advert application**

- 6.7 Paragraph 136 of the NPPF is relevant to the advert application stating: *"Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts"*. This is relevant in so much as objectors including the Broads Authority have raised the visual impact of proliferation of advertisements associated with this application.
- 6.8 It is considered that the adverts are in large part within the site largely screened by the hedging. It is conceded that the hedging is not sufficiently tall to absolutely hide all of the taller signage, but much is screened. Those that can be fully seen externally to the site are visible from Butt Lane at the entrance, and not from other points on that lane. Their impact is thus very low and there is no inter-visibility with the Broads or historic sites. It is considered the adverts are necessary, if the enforceability of the charging regime is to be secured under the relevant notification requirements established under law governing the advertising of parking control.
- 6.9 Local Plan Part 2 Policy A3: Advertisements states:  
*In assessing advertisement proposals in terms of amenity, regard will be given to the local characteristics of the neighbourhood in terms of potential impact upon the scenic, historic, architectural, landscape or cultural settings, and whether it is in scale and in keeping with these features.*  
*In assessing advertisements in terms of public safety, consideration will be given to the advertisement's potential to become hazardous to users of paths, roads, rail, waterways and aircraft.*
- 6.10 Given the largely hidden nature of the advertising, the first part of the criteria is considered met and given that no County Highway objection has been made to the distraction potential of the adverts the second part is considered met too.

### **Principle of development – whether a loss of community facilities**

- 6.11 Policy CS15 – requires that community facilities are retained. This site provides a historic educational opportunity, open to the public and provides a car park widely used by the wider community travelling by car from other locations to access the Broads landscape and footways as well as the castle.
- 6.12 The proposal would not affect this in that the historic site would remain open and the parking for other users would remain available albeit at a cost. The

proposal is not considered to conflict with policy CS15. If, however, as a result of any refusal to grant permission to this scheme, the Trust was unable to charge fees, there is a prospect that the safe access to the fort would be difficult to maintain unless funds can be sourced from elsewhere, and in that circumstance the car park might need to be closed too, to the disbenefit of all users.

- 6.13** LPP2 Policy C1: Community facilities requires “The retention of existing community facilities”. The proposal however does not represent a loss as the facility would remain available with a charge.

#### **Amenity (privacy)**

- 6.14** The Automatic Number Plate Recognition (ANPR) cameras have potential to impact residential privacy (policies CS9 and A1), however it is technically feasible to provide electronic masking to prevent privacy impact.
- 6.15** The ANPR camera is also cited as helping reduce fly tipping and other antisocial behaviour.
- 6.16** The applicant has confirmed this is a fixed camera facing the access. For this reason, no issues of neighbour privacy arise.
- 6.17** It is noted that resident's amenity was to date protected by limitation on overnight use by the use of a closing barrier conditioned to be operated to close the car park. By logical extension, the idea of gaining revenue by using the car park for overnight camping, caravan use as suggested by one respondent as an alternative to parking charges, would not be allowed by the current permission and would need to be subject to separate application(s) not currently before the Committee.

#### **Amenity (Design and Appearance)**

- 6.18** The single charging pillar is approximately 1200mm high and of very low wider impact and is only visible from Butt Lane directly opposite the entrance to the site.
- 6.19** The signage required is considered to create some sense of visual confusion within the site, however the height of the hedge and the potential to allow this to be maintained at a greater height (by condition) does greatly limit the ability to see the signage outside the site and the degree of separation from residences, undesignated and designated heritage assets and the national park (Broads) does mean the impact is below that measurable to any of those sites.
- 6.20** There will be signage and supports visible at the site entrance, but as these are set back into the site, they only become visible once the viewer is at the site entrance point and are of less impact than the tourist accommodation site signage nearby.

#### **Highways and access**



- 6.21** The County Council as Local Highway Authority response makes a case that the impact of the introduction of charging for parking can be a material consideration, above and beyond the continued function of the land as a car park and its remaining open to all drivers not just visitors to the Roman Fort.
- 6.22** Consequently, the Local Highway Authority (LHA) believes that any permission to install the payment meters and APRN infrastructure should be conditional on first being able to secure a scheme for removing the current unrestricted parking on roads in the vicinity of the site entrance, that is to say on Butt Lane. The County has not suggested restrictions outside homes on Church Road.
- 6.23** The LHA has therefore asked that the legal costs incurred by the County for a Traffic Regulation Order to restrict parking in the village be funded by the applicant; the word “pursued” is used and in this context would require the transfer of funds before an application was issued.
- 6.24** While this planning application would be less contentious if waiting restrictions were put in place on Church Road as suggested by objection letters pursuant to the imposition of a Traffic Regulation Order, there would be a requirement for public consultation and authorisation by the County Council so it cannot be said that pursuing the matter leads with total certainty to restrictions being applied, although given consultation responses it is fair to suggest an Order might be locally supported.
- 6.25** Aside from any discussion on TROs, the impact of the introduction of charges cannot be certain. Some people may be prepared to pay to park. Only a proportion would be displaced.
- 6.26** It is also considered given where the footpaths run from the highway network to the Broads and Castle that motorists are more likely to park outside peoples homes in Church Road, closer to those paths than on Butt Lane some distance away from those foot routes but where the TRO is suggested by County as implemented. They have not requested restriction in front of peoples homes as this road is wider.
- 6.27** The applicant has noted the comments from residents in their own pre-application discussions with the local people regarding the fairness of the charges proposed in relation to the amount of displacement that might therefore be expected. Objections received from local residents in relation to responses to this planning application and from those from further afield do indicate some unwillingness to pay for parking and some belief from residents of Burgh Castle that on-road displacement will be substantial.
- 6.28** Given that the introduction of charges to an existing car park is not in itself development, and a person with a satchel could be employed to do the same thing, without the need for any planning permission, the application here is about the placement of the physical equipment, so the matter of displacement can only be accorded very limited if any weight.

- 6.29** The County Highway Officer is of the opinion that the alternative means for the applicant to enable charging by employing a person with a satchel is not a realistic manner of collecting parking fees, and therefore not a realistic or feasible / viable 'fallback' option. However, the applicant has indicated they would do this.
- 6.30** There is little case-law or appeal decisions to provide guidance with regard to charging fees and subsequent displacement.
- 6.31** Some reputable online planning advice has this advice on Parking Charges: *"Parking charges may be used as part of a range of measures designed to manage parking provision, the introduction of parking charges does not, in itself, require planning permission, despite any off-site effects as acknowledged by a reporter [Planning Inspector] in a case from Scotland."*
- 6.32** In Aberdeen, in 2009 permission had been sought for 9 pay-and-display ticket machines at a conference arena. The Scottish Inspector noted the council's claim that during major events visitors often parked their cars on roads in the area, so the use of ticket machines would simply exacerbate this problem. However, very little evidence had been submitted to identify where such problems occurred or how the introduction of charges would increase the harm. The site was located within a mainly commercial area with no direct pedestrian access from residential areas to the south. The inspectorate held that if problems did occur the council could introduce a car parking management scheme. The appeal was therefore allowed. This case is different in both character and under Scottish Law, so little can be taken from it.
- 6.33** Great Yarmouth Core Strategy Policy CS9 contains reference to highway safety concerns as a consideration at paragraph (d) [proposals must] "Provide safe access and convenient routes for pedestrians, cyclists, public transport users and disabled people". The proposal does not conflict with this, though it has to be acknowledged that displaced parking could hinder traffic flows and present obstacles to non-vehicular traffic in the vicinity.
- 6.34** LPP2 Policy I1: Vehicle parking for developments, is directed mainly at new built development, but the statement that *"Where developments in the town and village centres are unable to provide the required parking provision on site, consideration will be given to financial contributions to improve public parking provision"*, while not strictly relevant in that the parking provision here is adequate for purpose, it does hint at the role of securing finance, though that is a somewhat tenuous connection. The policy also identifies low emission technology, and again it would be good to encourage charging facilities for electric vehicles, accepting it is not reasonable to do this as part of the current application as it would not relate to the development at hand.
- 6.35** The National Planning Policy Framework at Paragraph 109 states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety"*. The LHA do consider this to be the case, however, the crucial word here is development, and the only part of the "development" requiring permission is the pillars and

equipment, which in themselves have no adverse highway safety implication.

**6.36** NPPF Paragraph 110 adds that “*Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

While this case does not relate to the creation of parking serving new development, which is the focus of the above guidance, there is not considered to be conflict with it.

**6.37** The applicant has provided an appeal statement where the RSPB in Wales appealed successfully over a refusal decision that was mainly predicated around the potential for signage at a site to be a distraction to drivers. The matter of charged parking to create displacement onto other highway was not commented on in the submitted appeal statement and signage causing distraction is not at issue in this case. It is common ground with County Highways that one should be careful in drawing conclusions about other appeal cases where there may be different circumstances, the submitted appeal reference concerned a car park at a bird watching site where the LPA had refused permission for signage and charging pillars.

**6.38** The applicant’s agent has confirmed 5<sup>th</sup> January 2022 that the applicant is not prepared to fund the £8,000 legal cost of “pursuing” a Traffic Regulation Order, “unless the planning committee decides on good planning grounds that this is necessary in order for permission to be granted”.

### **Historic Environment**

**6.39** Core Strategy policy CS10 Safeguarding heritage assets is relevant. The applicant claims that revenue raised will maintain the site, and this will positively benefit the asset, and lead to it remaining publicly accessible, something stressed by NPPF paragraph 189 and CS10(c) Ensuring that access to historic assets is maintained and improved where possible.

**6.40** On the other hand the charges might dissuade poorer families from attending the site.

- 6.41** The test set in NPPF paragraph 202 indicates harm should be offset by public benefit. No harm to the heritage asset or its setting or of other designated or un-designated assets or their settings is considered to occur by these applications, and there is positive benefit in "securing optimum viable use", in that the charges will enable continued public access and repair to the site, which is considered its optimum use. That said the map of public rights of way around the fort would still allow access to view the significant parts of the fort visible above ground.

### **Ecology and landscaping**

- 6.42** The proposal is not considered realistically to have any wider landscape impact, the signage will be very difficult to discern in longer views associated with "landscape" impact.

### **Local Finance Considerations**

- 6.43** 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.

## **7. The Planning Balance**

- 7.1** It is considered that because there is no loss of parking or change of land use only the matter of the impacts of the signage and pillars can reasonably form part of the planning consideration.
- 7.2** The Local Highway Authority's concerns regarding the possible impacts of the development are noted, but Officers have to give some weight to the applicant's suggestion that it would look to impose some alternative means of charging to be undertaken without the need for planning permission. It is important to note that this application does not represent the only means or opportunity for the Local Highway Authority to install "no parking at any time" restrictions in the vicinity, if the LHA saw fit to do so and was able to resource doing so.
- 7.3** The consequences of allowing the permissions are not likely to create "severe" highways impacts and therefore permission should not be refused on highways safety grounds.
- 7.4** However, the possible consequence of not allowing permission unless the TRO process were followed would be to cause expense to the applicant which could restrict access to the site which is not in the wider public interest,

- 7.5 As with anti-social behaviour, anti-social parking or driving is not something the planning system can readily control and the installation of an ANPR camera arguably acts to reduce criminality and anti-social behaviour at this site.
- 7.6 The visual impact of the proposed changes from outside the site is very limited by the surrounding hedging. Within the site the environment is dedicated to parking where such features are to be expected.
- 7.7 A failure to grant permission risks the site becoming unviable and carries some risk of it closing to public access. While footpaths dedicated to the public would remain, other access could close and the car park could also close.

## **8. Conclusion**

- 8.1 Both the applications for planning permission and the advertisement consents are recommended for approval.
- 8.2 The consequences of allowing the permissions are not likely to create “severe” highways impacts and therefore permission should not be refused on highways safety grounds.
- 8.3 As this is not a development that will result in a material change of use of the site’s operation or character, there is no need to impose any restrictions on the use of the site or the installation of the apparatus. The operative use of the site will continue to be subject to the conditions on the planning permission for use of the car park.

## **9. RECOMMENDATION 1:**

### **9.1 Approve full application 06/21/0925/F, subject to the following conditions:**

- 1) Development to commence within 3 years;
- 2) Development to accord with approved plans and drawings.

And any other conditions considered appropriate by the Development Manager.

### **RECOMMENDATION 2: -**

### **9.2 Approve advertisement consent application 06/21/0926/A subject to the following conditions: -**

- 1) Advert signage to be for a five year period;
- 2) Development to accord with approved plans and drawings;
- 3) Hedges to be maintained at a specific height to screen signage from afar; with standard conditions regarding compliance, period of validity (5 years), safe condition, removal stipulations and other standard requirements.



And any other conditions considered appropriate by the Development Manager.

**Appendices:**

- Appendix 1 Location plan
- Appendix 2 Site layout plan
- Appendix 3 Site Aerial View

## APPENDIX 2

Notes regarding the meeting of 23rd February chaired by Councillor Carl Smith attended by representatives of The PC the PCC, NAT and Councillor Adrian Myers

Notes made by Owen Warnock of Norfolk Archaeological Trust:

I agreed at the end of the meeting that the Trust would consider all the matters discussed, including in particular a suggestion made by you that the Trust introduce car park charges by what one might term “an attendant with a satchel” and that I would respond to you once the Trust had looked at this. I am now doing so. As a matter of courtesy I am copying this email to Mr Brian Swan, Chair of the Parish Council and to Rev Rosie Bunn, the Rector.

The Trust has given the matter careful thought. As we explained the Trust faces severe financial challenges. We constantly review all potential sources of funding, applying for grants, DEFRA subsidies, donations, support from local authorities and exploring commercial opportunities. To take an example raised at the meeting, the possibility of a coffee truck at Burgh Castle has been explored and it is still possible that we will find an interested operator.

There is no prospect that additional local authority support and small-scale commercial opportunities at the Trust’s sites will produce significant income – far less than charging what are comparatively very modest sums for car parking at our major sites. We are very grateful for the regular annual grants from local councils (currently totalling £1,200 from Great Yarmouth Borough Council and Burgh Castle Parish Council), but no suggestion was made at the meeting that any significant increase to those sums was likely.

You asked the Trust to consider initially introducing charging for parking for a year using an attendant with a satchel rather than automatic machinery, bearing in mind the capital cost of that machinery, which would enable it to be seen whether there was a significant problem with displaced parking. I said we would take this back for consideration, but I did warn the meeting that I thought it was unlikely that the Trust would conclude that this was a viable course to take.

That is indeed the conclusion we have come to. Using attendants would be much more expensive. We would need to employ two, and it seems clear that the employment costs alone would be some £50,000. This would mean that the parking charges would have to be much higher than with an automated system, so making displaced parking much more likely. It would also make queuing on Butt Lane at busy times more likely as visitors waited in their cars to pay the attendant at the entrance. I don’t think it will come as a surprise to anyone to learn that car park attendants are more expensive than machinery – if the opposite were true, we would see car park attendants rather than machines all over our towns and cities whereas in fact automatic machinery is nearly universal.

In addition, such an approach would in fact make our current planning application redundant, since the Trust does not need planning permission to introduce charging,

so there really is no point in the Trust seeking to advance its application for permission to install the automatic equipment by abandoning that application. In addition, it is clear from the correspondence between the highway authority and the Borough Planning Officer dealing with the matter that if the Trust actually does introduce attendants with satchels, then the highway authority's concerns about our application for the machinery would be removed, because the installation of the machinery would have no further effect on the highway.

There is one further factor. Our planning consultants have given us the very firm, but worrying, advice that if a temporary arrangement is adopted to see what happens, it is not unknown for those against a development then to "ensure" that problems do occur during the trial period. While I am sure that none of the parties at our meeting would even contemplate such action, we did all agree at the meeting that both some dog-walkers and some other visitors to the site include a number of very selfish people – for example those who leave rubbish and dog mess and who park on the church triangle even when there is going to be a service. It is only realistic to assume that some such individuals might deliberately park inconsiderately on the roads in the hope that they might get the car parking charges removed.

So, I am afraid that as I anticipated, the Trust is of the view that a temporary use of attendants with satchels is not something it wishes to pursue. If the application for automatic machinery is refused then, subject of course to appealing that decision, the Trust will introduce charges in that way, but we fear this will be a worse outcome for the locality (and for the Trust since even with higher charges, our revenue is likely to be lower after all the costs are covered). The Trust cannot discharge its responsibility to maintain the important and ancient archaeological sites in its care, and ensure they are open, safe and accessible for visitors without finding additional income, and introducing charges for car parking – which virtually all heritage sites do if they do either directly or via admission charges – is something we have to do.

Finally, we do believe that the vast majority of regular users will prefer the comfort and safety of getting themselves and children and dogs in and out of their cars for £45 a year to parking on a roadside.

Other points -

The meeting had a useful discussion about various steps that could be taken. Clearly the NAT sign at the church triangle directing visitor to the Fort to our car park needs to be renewed and, subject to any advertising consents required, it might usefully be made more prominent. Irrespective of this planning application, our Director Natalie Butler will progress that.

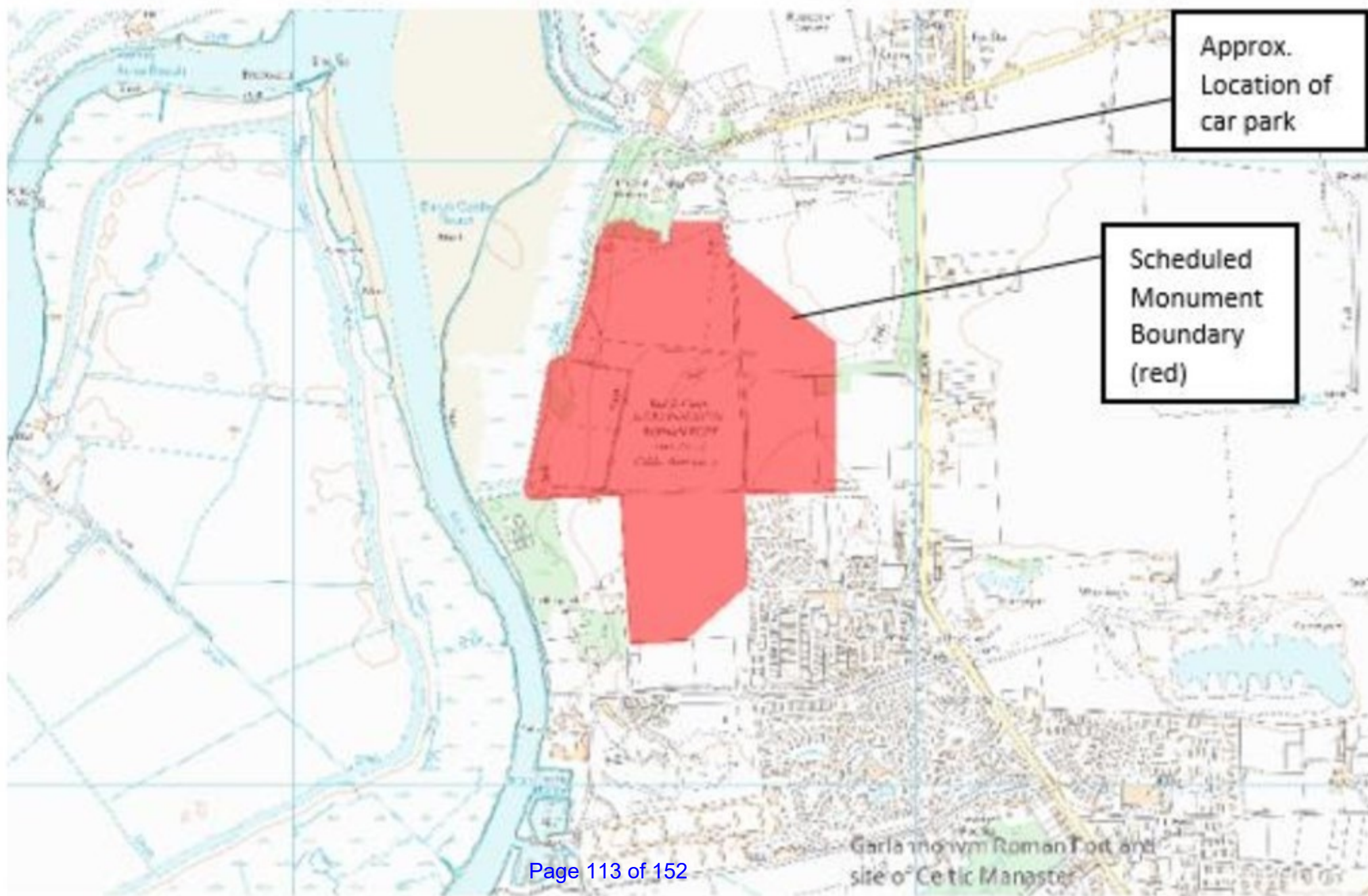
It was thought that some bollards on the verge to the north of the entrance to the Fort car park might deter some roadside parking – some at least of this verge is highway land but to the extent that part is owned by the Trust we would be happy for bollards to be placed there.

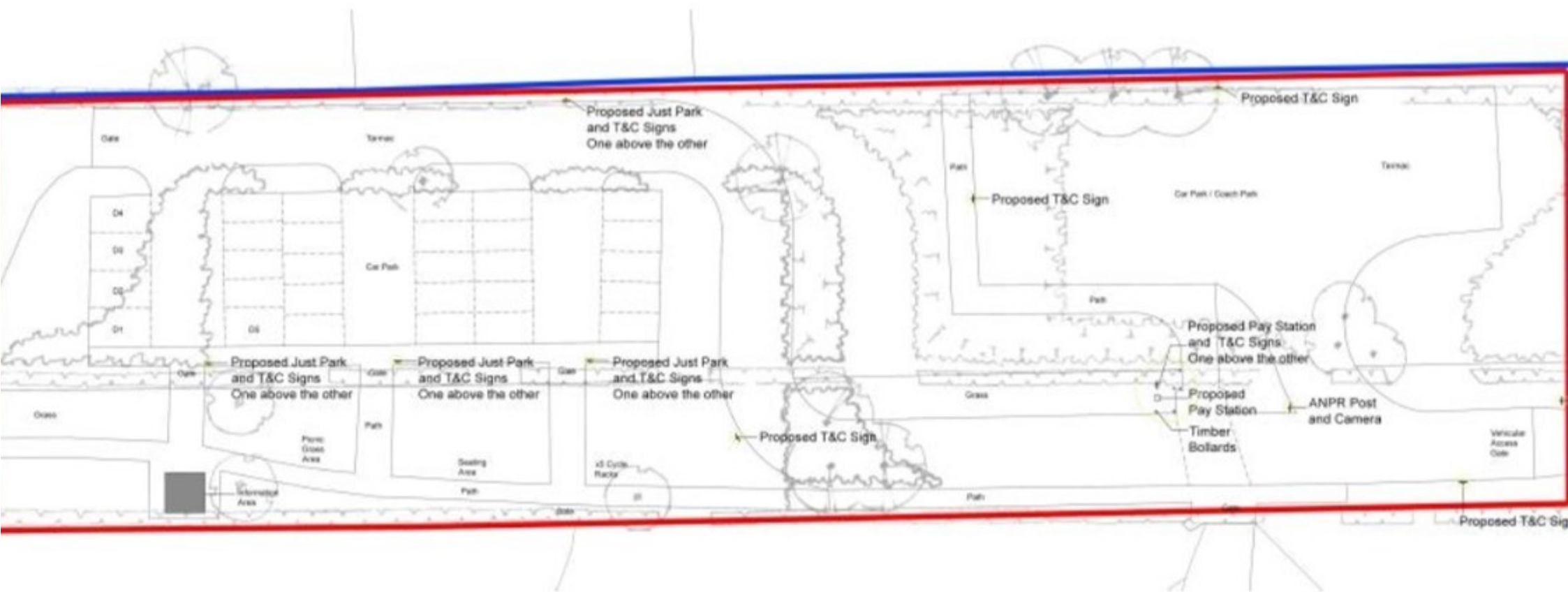
You also indicated that a suggestion of painting some white lines on the roads might deter some roadside and road verge parking.



## Traffic Regulation Order –

You indicated that you would be communicating back to the Borough Council that the consensus of all those at the meeting, including the Parish Council and the PCC, that if the development is given permission this should not be subject to a condition that an application be made for Traffic Regulation Order on Butt Lane because this would, if there were any displaced parking, tend to make problems worse in Church Lane and on the church triangle. For my part, I have reported that consensus to our planning consultants who will no doubt pass it on to the relevant Planning Officer at the Borough Council when updating him on our discussion.





7: Site Location Plan showing the location of proposed signage.





**Reference:** 06/22/0094/TRE**Ward:** Nelson**Officer:** Mr R Tate**Expiry Date:** 01/04/22**Applicant:** Great Yarmouth Borough Council Services**Tree works Proposed:** T1, T2, T3, T4 and T5 Holm Oak trees - Crown lift up to 5m and reduction of remaining lateral branches by up to 2m to clear highway of obstruction (TPO No.16 2018)**Location:** Land At Kent Square GREAT YARMOUTH NR30 2EX

Procedural note: This application is brought before committee as Great Yarmouth Borough Council is the applicant.

This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 21 March 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

## REPORT

### 1. Background / History:-

- 1.1 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.
- 1.2 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.
- 1.3 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 2 metres from their tips, to ensure the trees do not encroach over the highway.

- 1.4 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.
- 1.5 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.
- 1.6 The land is owned by GYBC under King Johns Charter.

## 2. Consultations :-

### 2.1 Public / Neighbour comments:

At the time of writing the report, 10 letters of **support / no objection** have been received. The below reasons in support were given:

- 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?
- 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 startlings.
- The revenue the murmuration sightings bring in could be significant if the Council promoted the spectacle some more.

### 2.2 Arboricultural Officer – no objection

"I have no Arboricultural issue with the tree works applied for.

The tree works will elongate the retention span of the trees ensuring that the canopies are clear of the highway by reducing them by 2m. This will ensure that they avoid being struck by passing vehicles causing damage to the tree and possible pathogen ingress or making the limbs structurally unsound.

The [crown lift] up to 5m will also provide this benefit and allow for more light and air to move under the tree's canopies.

No objection to the applied for Tree Works".

### 2.3 Conservation Officer – No comment



2.4 Local Highways Authority (Norfolk County Council) – No objection

### 3. Relevant Policies:

#### 3.1 The principal policies are:

Local Plan Part 2 (2021):

##### **Policy E4: Trees and landscape**

Development will be supported where it:

- a. retains trees, hedgerows, including ancient trees and hedgerows, and landscape features which contribute significant value to the character, amenity or ecology to the locality; and
- b. takes opportunities to enhance those features and qualities, commensurate with the scale and nature of the development.

Where development may impact upon trees, planning applications should be supported by an arboricultural assessment (to BS 5837 or an equivalent standard). Developments should include landscaping schemes as appropriate to the size and nature of the development in order to mitigate impacts on and where possible enhance the local landscape character.

Development which is either:

- c. within the Norfolk Coast Area of Outstanding Natural Beauty; or
- d. inter-visible with, or otherwise affecting the landscape or setting, of either the Area of Outstanding Natural Beauty or the designated Broads area, will be carefully controlled to avoid adverse impacts on their landscapes and natural beauty, and the enjoyment of their special qualities, including views out from those areas and the value of dark skies as part of their landscape.

Core Strategy (2015):

The following Policies of the Core Strategy are also relevant to this proposal:

- 3.2 **Policy CS9:** – Encouraging well-designed, distinctive places – in particular CS9 (g) Conserve and enhance biodiversity, landscape features and townscape quality
- 3.3 **Policy CS10:** - Policy CS10 – Safeguarding local heritage assets – in particular CS10 (a) Conserving and enhancing the significance of the borough's heritage assets and their settings, such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, archaeological sites, historic landscapes including historic parks and gardens, and other assets of local historic value
- 3.4 **Policy CS11** - Enhancing the Natural Environment - seeks to safeguard and enhance the Borough's landscape character.

#### 3.5 Other material considerations:

**NPPF Paragraph 131** - Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

**4. Assessment: -**

- 4.1 The tree works as proposed are potentially extensive but are designed to retain the majority of the crown and ensure they remain significant in the townscape. A consequence of the works is that will also remove some roosting space on exposed lower branches for starlings in particular.
- 4.2 The works are not considered be likely to have a significant impact on the appearance of the trees and will ensure that they remain healthy by minimising the risk of vehicles striking the trees. The Local Highways Authority have requested an informative reminding the applicant that the proposal involves works which could affect the public highway.
- 4.3 These trees contribute to the local environment and its enjoyment by the public as they are highly visible, but the tree works will not reduce this visibility significantly and this maintenance will help improve visual appearance of the trees.
- 4.4 Securing the long-term health of the trees will ensure that they continue to contribute positively to the character of the Conservation Area.
- 4.5 The trees provide habitat to starlings – and the starlings are a ‘red list’ species in decline so there is a national interest in their preservation and enhancement. However, their roosting in Kent Square has in turn has resulted in adverse impacts to local residents. The works proposed to the trees will restrict the opportunities for nesting as well as allow more air to move under the trees’ canopies.
- 4.6 An informative should be included 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.
- 4.5 The application would ensure the trees will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, CS10 and CS11.

## 5. RECOMMENDATION:-

It is recommended to **Approve** the application.

Approval is recommended to be subject to the conditions and informatives suggested 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)

## APPENDICES

1. Site Plan
2. Aerial Photo
3. Photos January 2022 (x3)
4. Tree images from Google Street View



30 m  
100 ft

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© Getmapping Plc and Bluesky International Limited 2022  
Powered by Esri





30 m  
100 ft

Norfolk County Council 2022

Crown Copyright and Database rights 2022 Ordnance Survey 100019340

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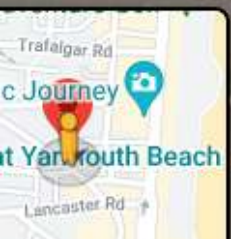
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**Subject:** Approval of proposed Great Yarmouth Article 4 Direction

**Report to:** Development Control Committee – 30 March 2022

**Report by:** Kim Balls – Senior Strategic Planner

## **SUBJECT MATTER**

This paper presents the outcome of the public consultation that was undertaken to progress the proposed Great Yarmouth Article 4 Direction, and recommends to the Committee that it be formally approved.

## **RECOMMENDATION**

That the Development Control Committee:

1. Consider the consultation responses received as set out in the report, and
2. Approve the Great Yarmouth Article 4 Direction by ‘confirming’ that it will formally take effect from 11 April 2022.

## **1. Introduction**

- 1.1. An Article 4 Direction is a direction made under the Town and Country Planning (General Permitted Development Order “GPDO”) 2015 which gives local planning authorities the ability to withdraw specified permitted development rights across a defined area. This means that a particular form of development would not benefit from the “automatic” planning permission granted by statute but would instead require a planning application to be submitted.
- 1.2. National Policy advises that Article 4 Directions are only used in exceptional circumstances, for example where it is necessary to protect the local amenity or well-being of an area. They should be based on robust evidence, cover the smallest geographic area possible and be applied in a measured and targeted way.
- 1.3. The Council has a few Article 4 Directions in place, most notably one which operates borough-wide and restricts the changes of use between dwelling-houses and houses in multiple occupation (HIMO).
- 1.4. At its meeting on the 2<sup>nd</sup> of February 2022, the Development Control Committee agreed in principle (subject to the outcome of public consultation) to endorse a new Article 4 Direction. This would cover an area within the town of Great Yarmouth, comprising the Great Yarmouth High Street Heritage Action Zone (HSHAZ); all of the conservation areas of Market Place, Rows and North Quay (No.2); King Street (No.4); and, a small part of the St Nicholas and Northgate conservation area (No.5).
- 1.5. To safeguard the local historic amenities within this specific area, the new Article 4 Direction will remove permitted development rights where this relates to:

- New doors and windows, alterations to roofs and construction of new front porches on dwelling-houses;
  - Gates, fences, walls and other forms of enclosure; and,
  - The painting of the exterior of any buildings or work where the building has been previously unpainted and where this fronts the highway.
- 1.6. A map of the defined area and the wording of the Article 4 Direction Order has been re-supplied in Appendix 1 of this report.
- 1.7. The extent of control to be introduced by the proposed Article 4 Direction is set out at Schedule 1 of the Direction, which for the avoidance of doubt is re-supplied here:

#### **“SCHEDULE 1**

- 1) The installation including replacement of new doors and windows (where such installation amounts to development) comprising the enlargement or other alteration of a dwellinghouse being development comprised within Class A of Part 1, Schedule 2 to the said Order and not being development comprised within any other Class.
- 2) Alteration to the roof of a dwellinghouse (including removal, replacement, demolition and/or removal of chimneys and pots) being development comprised within Class C of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 3) The erection or construction of a porch outside any external door of a dwellinghouse which forms part of the principal elevation of the dwellinghouse being development comprised within Class D of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 4) The erection, construction, maintenance, improvement, alteration, demolition and/or removal of any parts of a gate, fence, wall or other means of enclosure being development comprised within Class A of Part 2 of Schedule 2 to the said Order and not being development within any other Class.
- 5) The painting of the exterior of any building or work where the building has been previously unpainted and forms a principal elevation and/or is visible from the highway, being development comprised within Class C of Part 2 of Schedule 2 to the said Order and not being development within any other Class.”

## **2. Consultation**

- 2.1. As explained in paragraph 1.4, the Council undertook public consultation on the draft Article 4 Direction between Monday 14<sup>th</sup> February and Tuesday 8<sup>th</sup> March 2022. All residents and business occupiers within the defined area were sent a letter inviting comment on the Article 4 Direction and its proposed coverage. Consultation was also extended to statutory undertakers, relevant interest groups, as well as placing site notices around the defined area. The Council also notified the Secretary of State, as required by the GPDO.



- 2.2. Three members of the public responded to the consultation and Norfolk County Council's Historic Environment Service confirmed that they had no comments to make. A Consultation Statement is supplied in Appendix 2 of this report detailing the responses that were received and how these were considered in relation to the wording of the Article 4 Direction. No subsequent changes have been considered necessary.
- 2.3. During consultation the Council also received a small number of general enquiries from property owners seeking clarification on how the Article 4 Direction would operate with respect to their own specific intentions. The Council responded to these directly and are not reported on in the Consultation Statement.

### **3. Next Steps**

- 3.1. The wording of the final Article 4 Direction and its proposed coverage remains unchanged from the consultation version, and is included in Appendix 1 of this report.
- 3.2. Under the Council's Constitution the Development Control Committee is now being asked to formally remove the permitted development rights by 'confirming' the Article 4 Direction as set out in Appendix 1. In doing so, the removal of these prescribed permitted development rights will come into force from Monday 11 April 2022.
- 3.3. It is also noted that the Council has recently commissioned a photographer to create a photographic record of all relevant properties within the Article 4 Direction area. This will help to provide the Council with evidence if any subsequently required enforcement action is undertaken. The creation of the record is being funded through the Great Yarmouth HSHAZ and will be completed prior to the 11<sup>th</sup> April, providing an up to date 'snapshot' of the area before the Article 4 Direction comes into force.

### **4. Financial Implications**

- 4.1. As reported previously to the Development Control Committee, the Council can be liable to pay compensation to those whose permitted development rights have been withdrawn, such as if the Council would subsequently refuse planning permission for development (which would otherwise have been permitted development); or grants planning permission subject to more limiting conditions than what is prescribed in the GPDO.
- 4.2. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.
- 4.3. Any planning applications that arise (for development that would previously have been permitted development) will be accompanied by a planning fee although it is widely recognised that planning fees do not cover the whole cost of determining a planning application. A rise in applications associated with this process along with any associated enforcement burden will need to be monitored moving forward.

### **5. Legal and Risk Implications**

- 5.1. The process for making the Article 4 Direction has been undertaken in accordance with the legal requirements set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 and Town and Country Planning Act 1990.
- 5.2. As reported previously, the risk of compensation is considered to be low and time-limited until 11 April 2023.

## 6. Conclusion

- 6.1. No changes are proposed to the Great Yarmouth Article 4 Direction following public consultation, therefore it is recommended that the Development Control Committee approve the Direction by 'confirming' that it will formally take effect from 11 April 2022.

## 7. Appendices

- Appendix 1 – Final proposed Article 4 Direction Order and Map
- Appendix 2 – Great Yarmouth Article 4 Consultation Statement

Area for consideration	Comment
Monitoring Officer Consultation:	Discussed through ELT – 26 January 2022
Section 151 Officer Consultation:	Discussed through ELT – 26 January 2022
Existing Council Policies:	Local Plan Part 1: Core Strategy
Financial Implications (including VAT and tax):	See Section 4
Legal Implications (including human rights):	See Section 5
Risk Implications:	See Section 5
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a

## Appendix 1 - Final proposed Article 4 Direction and Map

### **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 AS AMENDED**

#### **DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH SCHEDULE 3 APPLIES**

**WHEREAS** the Great Yarmouth Borough Council being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") , are satisfied that it is expedient that development of the description set out in the First Schedule below should not be carried out on the land shown outlined in red on the plan in the Second Schedule, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended.

**NOW THEREFORE** the said Council in pursuance of the power conferred in them by article 4(1) of the Order hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the Schedule below:

#### **SCHEDULE 1**

- 1) The installation including replacement of new doors and windows (where such installation amounts to development) comprising the enlargement or other alteration of a dwellinghouse being development comprised within Class A of Part 1, Schedule 2 to the said Order and not being development comprised within any other Class.
- 2) Alteration to the roof of a dwellinghouse (including removal, replacement, demolition and/or removal or replacement of chimneys and pots) being development comprised within Class C of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 3) The erection or construction of a porch outside any external door of a dwellinghouse which forms part of the principal elevation of the dwellinghouse being development comprised within Class D of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 4) The erection, construction, maintenance, improvement, alteration, demolition and/or removal of any parts of a gate, fence, wall or other means of enclosure being development comprised within Class A of Part 2 of Schedule 2 to the said Order and not being development within any other Class.
- 5) The painting of the exterior of any building or work where the building has been previously unpainted and forms a principal elevation and/or is visible from the highway, being development comprised within Class C of Part 2 of Schedule 2 to the said Order and not being development within any other Class.

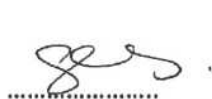


## SCHEDULE 2

This Direction shall apply to those parts of Great Yarmouth shown outlined in red on the attached Plan.

MADE under the COMMON SEAL of Great Yarmouth Borough Council this .... Day of .....20.....

This COMMON SEAL of the Council was affixed to this Direction in the presence of

  
.....  
SHEILA OXTOPY,  
Authorised Signatory



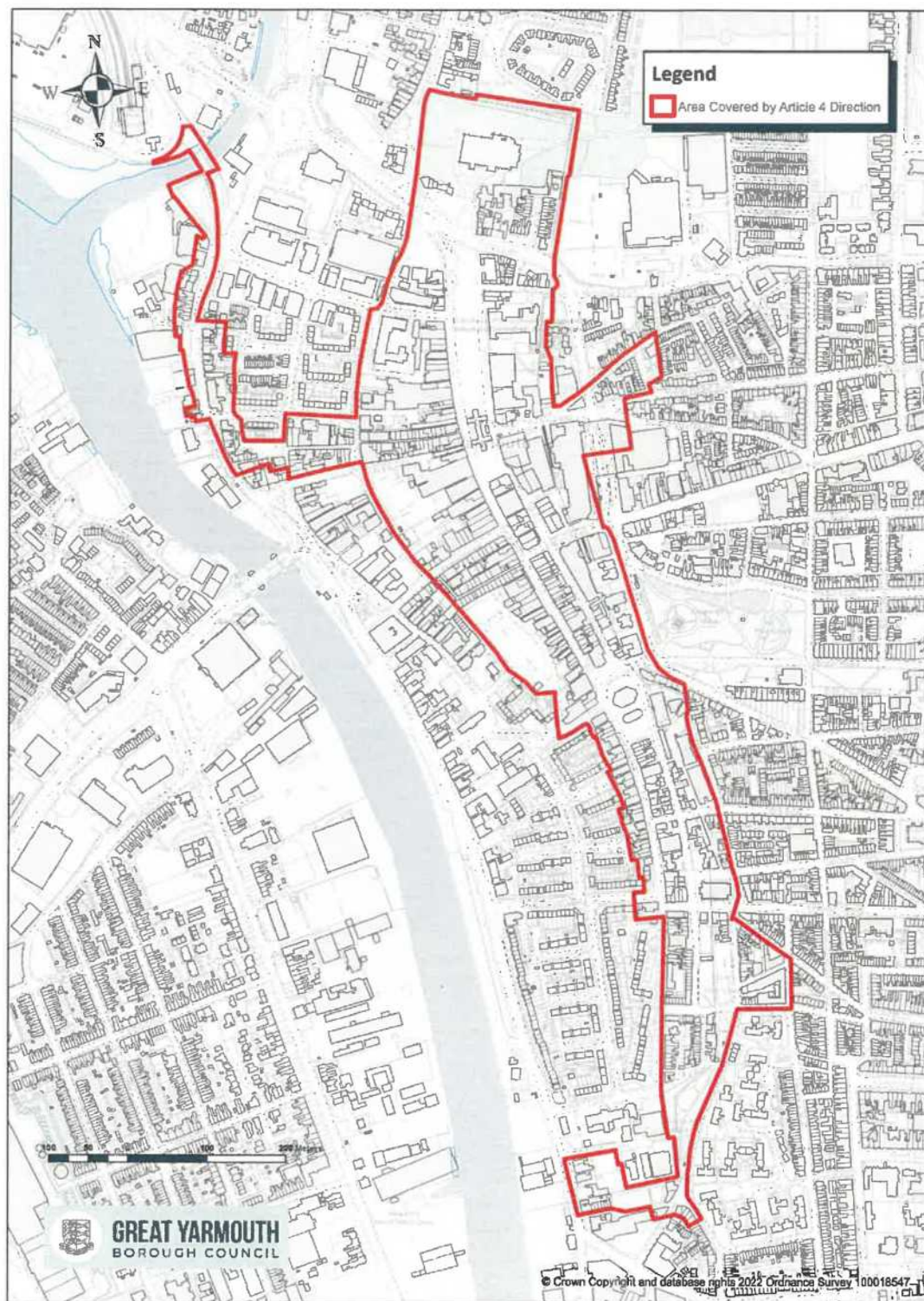
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171224

CONFIRMED under the Common Seal of Great YARMOUTH Borough Council this .....Day of  
.....20....

This COMMON SEAL of the Council was affixed to this Direction in the presence of

.....

Authorised Signatory



80.

## Appendix 2 – Great Yarmouth Article 4 Consultation Statement



### Great Yarmouth Article 4 Direction

Consultation Statement

March 2022



## Introduction

This document sets out the responses received to the consultation and how the Council has taken them into account in drafting the final version of the Great Yarmouth Article 4 Direction.

Consultation on the proposed Article 4 Direction took place for 23 days between 14<sup>th</sup> February and 8<sup>th</sup> March 2022.

The following people/organisations responded to the consultation:

- 3x private individuals
- Historic Environment Services (NCC)

## Summary of main issues raised and how they have been addressed

### Respondent: Private individual 1

#### Summary of Main Issues Raised

Just an observation, maybe relevant – Yarmouth Way corner. Former international store – empty eyesore. Norton Peskett former office conversion is excellent. This section of King Street needs a smarten up.

#### How issues have been considered

Officer's response:

- The areas referred to are within the Great Yarmouth High Street Heritage Action Zone (HSHAZ) which supports the conversion, repair and regeneration of the area's historic buildings and sites. No changes are considered necessary to the proposed Article 4 Direction.

### Respondent: Private individual 2

#### Summary of Main Issues Raised

I would like to congratulate you on the thoroughness in article 4, you certainly have left no stone unturned. Basically taking away the right to do any maintenance or minor works to any part of my own property, a property that you do not own but is unfortunate to be in a conservation area.

If I want to jet wash or repaint my highway fencing I need your permission to do so, or jet wash my highway facing boundary wall I need your permission, what if a vehicle leaves the road and knock's my wall or fence down I need your permission to replace or repair it.

Can you explain why there is the biggest billboard in Yarmouth that is very often not maintained in a conservation area do they need permission to change the advertising.

Why are the windows stained on these flats stained (sic) all other property's in the area are white. Why is a section of the flats built with blocks did they run out of bricks.

What's happening with the building in the middle it's blot (sic) on the landscape seen by every vehicle that comes into Yarmouth the fence looks like it is rotten, is this the picture of Yarmouth that you want badly maintained property's that greet everyone as they drive into town. Below another example of the view coming into town. Life is difficult enough without having to apply to you every time for the smallest thing.

#### How issues have been considered

##### Officer's response:

- The Article 4 Direction removes permitted development rights in limited and prescribed circumstances. It is not a blanket restriction on all types of maintenance or minor works. The Article 4 Direction does not remove property owner's liberties to undertake such work, but requires them to seek planning permission to do so first.
- Jet-washing is not classed as development. In most circumstances the painting of fences, walls etc will not require any consent unless they are statutorily protected e.g. a listed wall.
- As per the Article 4 Direction, permission will be required for the painting of buildings or work only where it had been previously unpainted and only where it forms the principle elevation or faces a highway.
- Advertising consent is needed when new advertising boards go up, but Consent is not required when new adverts are placed on the existing / consented billboards.
- The Article 4 Direction cannot apply retrospectively to any previous use of materials/building work prior to it coming into force.
- The Council cannot comment upon the intentions of buildings within private ownership. The general area is within the Great Yarmouth High Street Heritage Action Zone (HSHAZ) which supports the conversion, repair and regeneration of the area's historic buildings and site. The HSHAZ also makes available small grants to support building repairs within the HSHAZ area.

#### Respondent: Private individual 3

##### Summary of Main Issues Raised

I own a property at [redacted] which would be affected by these changes, and having read the proposed amendment I feel obliged to respond objecting to the various aspects of the proposed changes.

While I respect that there is good intent with providing greater scrutiny over modifications, I object to having the liberty of replacing doors and windows taken away completely. By not incorporating wording to permit replacement with a similar design it provides an additional income from scrutinising those who undertake to upkeep the general appearance of the area.

I also object to the removal of the ability to maintain fences, gates and walls. Again this removes the fundamental need of a property owner to maintain its appearance with this seemingly becoming a property maintenance tax.

#### How issues have been considered

##### Officer's response:

- The Article 4 Direction does not remove a property owner's liberty of replacing doors and/or windows, it only requires those to seek planning permission to do so first.
- In some circumstances or situations it may be considered inappropriate to allow replacement windows and doors to be installed where these are of a similar previous design, particular if the previous design or material was not sensitive to the quality and/or character of the conservation area. The planning application process allow this necessary level of individual scrutiny to take place.
- There is no intention to remove the ability to maintain fences, gates and walls, which does not form 'development', only the requirement to obtain planning permission first for the works that do comprise 'development', such as building a new wall or fence, or replacing windows and doors with non-identical materials or designs.

**Respondent: Historic Environment Services (NCC)**

**Summary of Main Issues Raised**

This type of direction falls very much within the sphere of GYBC's Conservation Officers and Historic England. We have no comments to make.

**How issues have been considered**

No changes necessary.



**PLANNING APPLICATIONS CLEARED BETWEEN 23-FEB-22 AND 23-MAR-22 FOLLOWING DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	<b>06/21/0884/F</b>
PARISH	Belton & Browston 10
PROPOSAL	Installation of metal vandal proof toilet block for use of public when hiring field; Size being 9.75m long by 3m
SITE	New Road Sport and Leisure Centre New Road
APPLICANT	Belton GREAT YARMOUTH
DECISION	Mrs K Ruddick <b>APPROVE</b>

REFERENCE	<b>06/21/1027/F</b>
PARISH	Belton & Browston 10
PROPOSAL	To create an extension 6.2m deep by 6.4m wide on the side of our existing bungalow. All materials to match
SITE	12 Waveney Drive Belton
APPLICANT	GREAT YARMOUTH
DECISION	Mr R Ripkey <b>APPROVE</b>

REFERENCE	<b>06/22/0125/HE</b>
PARISH	Belton & Browston 10
PROPOSAL	Replacement of existing conservatory and provision of new day room and associated works
SITE	2 Bracon Road Belton
APPLICANT	GREAT YARMOUTH
DECISION	Karen Mallion <b>PERMITTED DEV.</b>

REFERENCE	<b>06/21/0781/F</b>
PARISH	Bradwell N 1
PROPOSAL	Removal of existing roof and raise roof to provide first floor accommodation. Plus single storey rear extension
SITE	46 Busseys Loke Bradwell
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	Mr M Baldock <b>APPROVE</b>

REFERENCE	<b>06/21/1046/F</b>
PARISH	Bradwell N 1
PROPOSAL	Demolition of existing conservatory and erection of 2 storey rear extension.
SITE	152 El Alamein Way Bradwell
APPLICANT	GREAT YARMOUTH
DECISION	Mr S Till <b>APPROVE</b>

PLANNING APPLICATIONS CLEARED BETWEEN 23-FEB-22 AND 23-MAR-22 FOLLOWING  
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	<b>06/21/0304/TRE</b>
PARISH	Bradwell S 2
PROPOSAL	A reduction of 2m all over to a T1 Oak Tree
SITE	The Oaks Church Lane Bradwell GREAT YARMOUTH
APPLICANT	Mr D Gray
DECISION	<b>APPROVE</b>
-----	
REFERENCE	<b>06/21/0504/F</b>
PARISH	Bradwell S 2
PROPOSAL	Proposal to remove exisiting boundary wall to front and replace with new 1.8m tall brick wall (rising to 2.1m),
SITE	Holmside Beccles Road Bradwell GREAT YARMOUTH
APPLICANT	Mr L Colby
DECISION	<b>APPROVE</b>
-----	
REFERENCE	<b>06/21/0789/TRE</b>
PARISH	Bradwell S 2
PROPOSAL	Proposing to fell
SITE	2 Roseview Close Bradwell GREAT YARMOUTH Norfolk
APPLICANT	Mr D Mace
DECISION	<b>REFUSED</b>
-----	
REFERENCE	<b>06/22/0038/VCF</b>
PARISH	Bradwell S 2
PROPOSAL	Proposed side and rear extensions. 06/20/0412/F Conditions(s) Condition 2
SITE	Ravensbourne Beccles Road Bradwell GREAT YARMOUTH
APPLICANT	Mr T George
DECISION	<b>APPROVE</b>
-----	
REFERENCE	<b>06/21/0765/PAD</b>
PARISH	Burgh Castle 10
PROPOSAL	Partial demolition of one building allowing for the conversion to three dwellings.
SITE	Burghwell Lodge Market Road Burgh Castle GREAT YARMOUTH
APPLICANT	Mr P Weavers
DECISION	<b>PERMITTED DEV.</b>
-----	
REFERENCE	<b>06/21/0991/F</b>
PARISH	Caister On Sea 3
PROPOSAL	Demolish existing conservatory and construct new single storey rear extension.
SITE	6 Kipling Close Caister-On-Sea GREAT YARMOUTH Norfolk
APPLICANT	Mr S Woolston
DECISION	<b>APPROVE</b>
-----	

**PLANNING APPLICATIONS CLEARED BETWEEN 23-FEB-22 AND 23-MAR-22 FOLLOWING  
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	<b>06/21/1044/O</b>
PARISH	Filby 6
PROPOSAL	Outline planning application (all matters reserved except for means of access) for the erection of 2 no single
SITE	The Thatchers Thrigby Road Filby GREAT YARMOUTH
APPLICANT	Mr A Davies
DECISION	<b>REFUSED</b>

REFERENCE	<b>06/22/0004/CD</b>
PARISH	Fleggburgh 6
PROPOSAL	Demolition of 3 broiler houses and replacement with 3 no. 3 bed detached bungalows and 3 car port/garages and
SITE	Broiler Farm Mill Lane Fleggburgh GREAT YARMOUTH
APPLICANT	Messrs G and J Di-Corpo
DECISION	<b>APPROVE (CONDITIONS)</b>

REFERENCE	<b>06/22/0044/TRE</b>
PARISH	Fleggburgh 6
PROPOSAL	T1 - Eucalyptus - Fell branches
SITE	1 Burgh Hall Residential Caravan Park Tower Road Fleggburgh GREAT YARMOUTH
APPLICANT	Miss S Elsey
DECISION	<b>APPROVE</b>

REFERENCE	<b>06/22/0063/CD</b>
PARISH	Fleggburgh 6
PROPOSAL	Construction of 6no detached dwellings and garages Latest Approval Ref 06/20/0326/F Conditions(s) Number 2
SITE	Land Rear of Church View Fleggburgh
APPLICANT	Mr Waller
DECISION	<b>APPROVE (CONDITIONS)</b>

REFERENCE	<b>06/22/0026/HH</b>
PARISH	Fritton/St Olaves 10
PROPOSAL	Part demolishing existing conservatory and replacing with a new garden room.
SITE	Firdale Beccles Road Fritton GREAT YARMOUTH
APPLICANT	Mr L Cooper
DECISION	<b>APPROVE</b>

REFERENCE	<b>06/22/0184/M</b>
PARISH	Fritton/St Olaves 10
PROPOSAL	Proposal for a development of a cattle underpass
SITE	Bridleway North of Blocka Road Herringfleet and Somerleyton Suffolk
APPLICANT	Mrs S Sanlon
DECISION	<b>PERMITTED DEV.</b>



PLANNING APPLICATIONS CLEARED BETWEEN 23-FEB-22 AND 23-MAR-22 FOLLOWING  
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	<b>06/21/0881/F</b>
PARISH	Great Yarmouth 5
PROPOSAL	Construction of Three Storey Building incorporating 7 no Flats and parking
SITE	Ivy House Burnt Lane Gorleston GREAT YARMOUTH
APPLICANT	CAPs Developers
DECISION	<b>REFUSED</b>
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REFERENCE	<b>06/22/0009/HH</b>
PARISH	Great Yarmouth 7
PROPOSAL	Single storey rear extension.
SITE	94 Upper Cliff Road Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mr & Mrs E Anderson
DECISION	<b>APPROVE</b>
-----	
REFERENCE	<b>06/22/0037/HH</b>
PARISH	Great Yarmouth 7
PROPOSAL	Erection of a single story side extension to accommodate a ground floor Wet room for my clients disabled daughter.
SITE	17 Bately Avenue Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Ms S Tarrant
DECISION	<b>APPROVE</b>
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REFERENCE	<b>06/21/1007/PU</b>
PARISH	Great Yarmouth 11
PROPOSAL	Loft conversion with 'hip to gable' roof modification and rear dormer
SITE	43 Middleton Road Gorleston GREAT YARMOUTH
APPLICANT	Ms M Collin
DECISION	<b>EST/LAW USE CER.</b>
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REFERENCE	<b>06/22/0039/HH</b>
PARISH	Great Yarmouth 11
PROPOSAL	Proposed single storey rear extension. Revised submission with larger extension.
SITE	5 Kent Avenue Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mrs T Richardson
DECISION	<b>APPROVE</b>
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REFERENCE	<b>06/22/0030/PAD</b>
PARISH	Great Yarmouth 14
PROPOSAL	Conversion and change of use of first floor commercial premises to one residential flat
SITE	167 King Street GREAT YARMOUTH Norfolk
APPLICANT	Mr J Davidson
DECISION	<b>DETAILS NOT REQ'D</b>
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**PLANNING APPLICATIONS CLEARED BETWEEN 23-FEB-22 AND 23-MAR-22 FOLLOWING  
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	<b>06/22/0047/VCF</b>
PARISH	Great Yarmouth 14
PROPOSAL	Erection of 3 storey building to create 6no. self-contained flats 06/19/0637/F Conditions(s) Condition No.
SITE	126-127 King Street (Rear of) GREAT YARMOUTH
APPLICANT	Norfolk
DECISION	Optimum Rent <b>APPROVE</b>

REFERENCE	<b>06/22/0041/A</b>
PARISH	Great Yarmouth 15
PROPOSAL	See Application Form
SITE	Land at Fullers Hill (adj. Poundstretcher) Great Yarmouth
APPLICANT	Mr R Page
DECISION	<b>ADV. CONSENT</b>

REFERENCE	<b>06/21/0868/F</b>
PARISH	Great Yarmouth 21
PROPOSAL	Single storey side extension and demolition of existing utility and study to the rear and build new utility and
SITE	1 Seymour Avenue GREAT YARMOUTH
APPLICANT	Norfolk
DECISION	Mr & Mrs Noble-parker <b>APPROVE</b>

REFERENCE	<b>06/22/0010/PAD</b>
PARISH	Hemsby 8
PROPOSAL	Proposed single storey rear extension
SITE	49 Stable Field Way Hemsby GREAT YARMOUTH Norfolk
APPLICANT	Mr & Mrs Campbell
DECISION	<b>APPROVE</b>

REFERENCE	<b>06/22/0017/HH</b>
PARISH	Hemsby 8
PROPOSAL	Single storey side extension and alterations - Revision of 06/21/0624/F - Render changed to horizontal siberian larch
SITE	35 Easterley Way Hemsby GREAT YARMOUTH Norfolk
APPLICANT	S Witheridge and D Puckett
DECISION	<b>APPROVE</b>

REFERENCE	<b>06/22/0043/HH</b>
PARISH	Hemsby 8
PROPOSAL	Erection of front porch
SITE	58 Common Road Hemsby GREAT YARMOUTH Norfolk
APPLICANT	Mr K Dove
DECISION	<b>APPROVE</b>

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**PLANNING APPLICATIONS CLEARED BETWEEN 23-FEB-22 AND 23-MAR-22 FOLLOWING  
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	<b>06/21/1031/TRE</b>
PARISH	Hopton On Sea 2
PROPOSAL	Multiple trees deadwood crown raised removing crosser and rubbers and over hanging branches on road side
SITE	2 Misburgh Way Hopton-on-sea
APPLICANT	GREAT YARMOUTH
DECISION	Wild Tree Surgeons <b>APPROVE</b>

REFERENCE	<b>06/22/0014/PU</b>
PARISH	Martham 13
PROPOSAL	Conversion of bungalow attic into two bedrooms and bathroom. Internal staircase.
SITE	28 Hall Road Martham
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	Mr G Darling <b>APPROVE</b>

REFERENCE	<b>06/22/0028/CU</b>
PARISH	Martham 13
PROPOSAL	Change of use from arable farmland into extension of existing garden adj to field
SITE	2 Daisy Close Martham
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	Mr R Bedford <b>REFUSED</b>

REFERENCE	<b>06/22/0032/PDE</b>
PARISH	Martham 13
PROPOSAL	Extension to form Kitchen/Garden room
SITE	4 Pyman Close Martham
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	R Holland <b>APPROVE</b>

REFERENCE	<b>06/21/0936/F</b>
PARISH	Mautby 6
PROPOSAL	Proposed rear extension to create annex and front extensions to lounge, study and bedrooms
SITE	11 Thrigby Road Runham
APPLICANT	Mautby Great Yarmouth
DECISION	Mr & Mrs King <b>APPROVE</b>

REFERENCE	<b>06/21/0809/O</b>
PARISH	Ormesby St.Marg 16
PROPOSAL	Erection of 2no holiday chalets with off-road parking and turning facilities
SITE	California Halt California Road California
APPLICANT	Ormesby St Margaret with Scratby GREAT YARMOUTH
DECISION	Ms S Watson <b>APPROVE</b>



PLANNING APPLICATIONS CLEARED BETWEEN 23-FEB-22 AND 23-MAR-22 FOLLOWING  
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/22/0015/HH
PARISH	Ormesby St.Marg 16
PROPOSAL	Two single storey side/rear extensions
SITE	16 Penguin Road Scrathby GREAT YARMOUTH Norfolk
APPLICANT	Mr D Scaife
DECISION	APPROVE
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REFERENCE	06/22/0042/CD
PARISH	Ormesby St.Marg 16
PROPOSAL	Erection of a timber single storey granny annex for ancillary use to the main dwelling 06/21/0771/F
SITE	20 Conifer Close Ormesby St Margaret GREAT YARMOUTH Norfolk
APPLICANT	Mr & Mrs Wintle
DECISION	APPROVE (CONDITIONS)
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REFERENCE	06/21/0751/CD
PARISH	Rollesby 13
PROPOSAL	Proposed removal of 2 agricultural buildings; Conversion of single storey barn to dwelling;
SITE	Kemps Farm Back Lane Rollesby GREAT YARMOUTH
APPLICANT	Mr G Roll
DECISION	APPROVE (CONDITIONS)
-----	
REFERENCE	06/21/1006/F
PARISH	Winterton 8
PROPOSAL	Re-development of existing dwelling
SITE	The Wickets Bush Road Winterton-On-Sea GREAT YARMOUTH
APPLICANT	Mr & Mrs C Richardson
DECISION	APPROVE
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\* \* \* \* End of Report \* \* \* \*

PLANNING APPLICATIONS CLEARED BETWEEN 23-FEB-22 AND 23-MAR-22 FOLLOWING DETERMINATION BY THE DEVELOPMENT CONTROL COMMITTEE

REFERENCE	06/21/0796/F
PARISH	Great Yarmouth 7
PROPOSAL	Proposed demolition of the remainder of Edward Worlledge School buildings and construction of a terrace of
SITE	Former Edward Worlledge School Lichfield Road GREAT YARMOUTH Norfolk
APPLICANT	Mr M Warren
DECISION	APPROVE
REFERENCE	06/21/0356/F
PARISH	Great Yarmouth 9
PROPOSAL	The proposal consists of a row of six three storey three bedroom houses with the ground floor comprising of a
SITE	Ex- Edward Worlledge School Site Land West of 63-78 Lichfield Road Southtown GREAT YARMOUTH
APPLICANT	Hammond Property Development Company Limi
DECISION	APPROVE
REFERENCE	06/21/0984/F
PARISH	Great Yarmouth 14
PROPOSAL	The proposal involves the erection of a 50m high observation wheel - including supporting structure with
SITE	South Beach Gardens Marine Parade GREAT YARMOUTH Great Yarmouth
APPLICANT	Mr W Abbott
DECISION	APPROVE

\* \* \* \* End of Report \* \* \* \*

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**APPLICATION APPEALS DETERMINED BETWEEN 23-FEB-22 AND 23-MAR-22**  
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Reference : **06/21/0146/F**

Unique No.

1176

Appellant : Mr D Porter

Site :

35 Yarmouth Road  
Ormesby St Margaret  
GREAT YARMOUTH  
(adjacent)

Proposal :

Detached self-build
four-bedroomed dwelling

Decision : **AC**

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\*\*\*\*\* END OF REPORT \*\*\*\*\*





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## Appeal Decision

Site visit made on 4 January 2022

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 FEBRUARY 2022**

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**Appeal Ref: APP/U2615/W/21/3274278**

**35 Yarmouth Road, Ormesby St Margaret, Great Yarmouth NR29 3QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Del Porter against the decision of the Great Yarmouth Borough Council.
  - The application Ref 06/21/0146/F dated 18/02/2021, was refused by notice dated 26/04/2021.
  - The development proposed is described as full planning permission for a self-build dwelling
- 

### Decision

1. The appeal is allowed and planning permission is granted for full planning permission for a self-build dwelling at 35 Yarmouth Road, Ormesby St Margaret, Great Yarmouth NR29 3QE in accordance with the terms of the application, Ref 06/21/0146/F dated 18/02/2021, and the plans submitted with it, subject to conditions set out in the schedule attached to this decision.

### 2. Procedural Matters

3. The Council has drawn my attention to changes in local planning policy since the submission of the appeal I understand that the Great Yarmouth Local Plan Part 2 (2021) (the Local Plan) has been adopted. The appellant was given the opportunity to comment on this change.
4. Similarly, the National Planning Policy Framework 2021 (the Framework) has been published. The revised Framework does not diverge significantly from the previous version with regard to relevance to this appeal. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

### Main Issues

5. The main issues in this appeal are (i) whether the development would be in a location suitable for a new dwelling and (ii) the effect of the proposed development on the character and appearance of the Ormesby St Margaret Conservation Area.

### Reasons

*Location*

6. The appeal site is located outside of the Ormesby St Margaret development boundary and forms part of the front garden to 35 Yarmouth Road. The site is bounded to the north, east and west by residential properties and gardens, with an equestrian facility to the south and open countryside beyond. For the purposes of development plan policy, the site lies within open countryside.
7. Policy GSP1 of the Local Plan allows for development outside of defined settlement boundaries subject to criteria such as comprising agriculture or forestry development or the provision of utilities and highway infrastructure. The proposed development does not meet the criteria outlined within Policy GSP1.
8. Policy CS2 of the Great Yarmouth Local Plan, Core Strategy 2013-2030 (the Core Strategy) sets out a settlement hierarchy for development. The policy confirms that in the countryside development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs.
9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard to the development plan is to be had then determination of an appeal must be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework also makes it clear; the development plan is the 'starting point for decision making', not its end.
10. The cornerstone of the Council's case in relation to the first reason for refusal is that the proposed development would be outside of the development boundary of the village.
11. Ormesby St Margaret is classified in the Core Strategy and the Local Plan as a primary village, comprising a settlement containing good local services and facilities.
12. The appeal site is adjacent residential properties in an area characterised by large dwellings set within substantial plots. The immediate area does have a rural sense of openness. However, the site is clearly distinguishable from the countryside, and would be located within a residential area close to the settlement boundary of the village.
13. Whilst outside of the settlement boundary the proposed development would spatially read as being part of the village.
14. The appellant has drawn my attention to a planning approval for residential development on the adjacent site<sup>1</sup>. I have not been provided with substantive details relating to the adjacent scheme, however I do note that the adjacent site was approved for a development of 6 new dwellings and a barn conversion. The Council contend this differs from the appeal site and was approved when there was a lack of a five year housing land supply providing a larger number of dwellings.
15. Notwithstanding this I find that the proposed development would relate well locationally to the existing residential dwellings, and the settlement in general, particularly in light of the approval of residential development on the adjacent site which I give significant weight.

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<sup>1</sup> 06/18/0499/F

16. The proposed development would be contrary to Policy CS2 of the Core Strategy, and Policy GSP1 of the Local Plan. In the context of a plan-led system, this must weigh against the proposal. However, I do not consider that the proposed development would undermine the Council's settlement strategy or the purpose of the policies which are seeking to protect rural character and avoid urban/suburban sprawl.
17. I conclude that the proposed development would be in a location suitable for a new dwelling.

*Character and Appearance of the Conservation Area*

18. The site is within a predominantly residential area within the Ormsby St Margaret Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
19. Policy CS10 of the Core Strategy amongst other things requires the conservation and enhancement of designated heritage assets, and their settings. Policy E5 of the Local Plan also seeks to conserve and enhance the significance of heritage assets, including any contribution made by their setting, by positively contributing to the character and local distinctiveness of the area.
20. The Conservation Area in this location is characterised by residential properties, set within large plots set back from the road frontage. This pattern of development accounts for a relatively small linear area, with residential properties nearby being more densely located, albeit some still within generous gardens.
21. Whilst spatially the appeal site and adjacent dwelling are set back significantly on their plots these are, in general, not the common form of development in the conservation area. Notwithstanding this a set back with an open verdant front boundary plays a role in defining the character of the area which is part of the Conservation Area's significance as a heritage asset.
22. The appeal site has a small timber fence separating the site the Yarmouth Road, with an expansive level front lawn. The front garden of the appeal site is open and devoid of landscaping unlike adjacent properties. Landscaping to the front of the surrounding plots adds to the character and appearance of the conservation area.
23. The proposed development of a chalet dwelling includes a set back from the adjacent highway, and whilst this would introduce built form closer to the highway this is not out of keeping with the wider area. There is also opportunity to introduce landscaping to the front boundary which would assimilate the plot into the wider area and enhance the conservation area, this could be controlled by the imposition of a planning condition.
24. I find that the proposed development would not compromise the spatial rhythm or pattern of development thereby would conserve or enhance the Conservation Area.
25. Paragraph 199 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of



a proposal on such an asset. This is irrespective of the level of harm. I find that the proposed development would not harm of the significance of the Conservation Area.

26. I conclude that the proposed development would conserve and enhance the character and appearance of the Ormesby St Margaret Conservation Area. There is no conflict with Policy CS10 of the Core Strategy, Policy E5 of the Local Plan and the Framework which seek to ensure developments preserve and enhance the character and appearance of the conservation area.

### **Conclusion and Conditions**

27. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
28. I have imposed a standard condition relating to the commencement of development. I have included a condition specifying the relevant plans as this provides certainty. In the interest of safeguarding the character and appearance of the area I have imposed conditions relating to details of the external materials.
29. I have imposed conditions relating to the submission of a tree protection plan and method statement, and biodiversity and landscape enhancements in the interest of the protection and enhancement of the environment.
30. The Council have suggested that conditions relating to contaminated land during construction, bin storage, cycle parking and restricting hours of construction. However, no substantive evidence has been submitted to demonstrate the requirement for these conditions. Also given the scale, layout and nature of the proposed development I do not consider it necessary to require the details of bin storage or cycle parking as there is ample room within the site to accommodate these. I therefore consider the proposed conditions to be unnecessary.
31. The Council have suggested a condition relating to removal of permitted development rights relating to garages / outbuildings and fences / boundary treatments to maintain a sense of openness to the frontage. Conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity<sup>2</sup>. The current host dwelling may benefit from permitted development rights, and I am not persuaded that the removal of permitted development rights would be justified.
32. For the above reasons I conclude that this appeal should be allowed.

*C Pipe*

INSPECTOR

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<sup>2</sup> Planning Practice Guidance Paragraph: 017 Reference ID: 21a-017-20140306

## **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Drawing Number 20102-001.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until an Arboricultural Method Statement and Tree Protection Plan, in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- 6) No development shall take place until a scheme to enhance the biodiversity interest of the site, including landscape scheme along the front boundary has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the development hereby approved and retained in perpetuity.
- 7) Prior to the first occupation of the development hereby approved a 2.4metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent carriageway.
- 8) Prior to the first occupation of the development hereby approved the proposed access, on-site car and cycles parking/turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.