



GREAT YARMOUTH BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 09 November 2022
Time: 18:00
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

CONTENTS OF THE COMMITTEE AGENDA PLANNING APPLICATIONS & CONDUCT OF THE MEETING

Agenda Contents

This agenda contains the Officers' reports which are to be placed before the Committee. The reports contain copies of written representations received in connection with each application. Correspondence and submissions received in time for the preparations of the agenda are included. However, it should be noted that agendas are prepared at least 10 Working Days before the meeting. Representations received after this date will either:-

- (i) be copied and distributed prior to or at the meeting – if the representations raise new issues or matters of substance or,
- (ii) be reported orally and presented in summary form by the Principal Officer of the Committee – especially where representations are similar to, or repeat, previous submissions already contained in the agenda papers.

There are occasions when the number of representations are similar in nature and repeat the objections of others. In these cases it is not always possible for these to be included within the agenda papers. These are either summarised in the report (in terms of numbers received) and the main points highlighted or reported orally at the meeting. All documents are available as 'background papers' for public inspection.

Conduct

Members of the Public should note that the conduct of the meeting and the procedures followed are controlled by the Chairman of the Committee or, if he/she so decides, the Vice Chairman. Any representations concerning Committee procedure or its conduct should be made in writing to either –

- (i) The Planning Group Manager, Town Hall, Great Yarmouth. NR30 2QF
- (ii) The Monitoring Officer, Town Hall, Great Yarmouth. NR30 2QF

DEVELOPMENT CONTROL COMMITTEE

PUBLIC CONSULTATION PROCEDURE

- (a) Thirty minutes only will be set aside at the beginning of each meeting to deal with applications where due notice has been given that the applicant, agent, supporters, objectors, and any interested party, Parish Council and other bodies (where appropriate) wish to speak.
- (b) Due notice of a request to speak shall be submitted in writing to the Planning Group Manager two days prior to the day of the Development Control Committee meeting.
- (c) In consultation with the Planning Group Manager, the Chairman will decide on which applications public speaking will be allowed.
- (d) Three minutes only (or five minutes on major applications at the discretion of the Chairman) will be allowed to (i) objectors together, (ii) an agent or applicant and (iii) supporters together, (iv) to a representative from the Parish Council and (v) Ward Councillors.
- (e) The order of presentation at Committee will be:-
 - (1) **Planning Officer presentation** with any technical questions from Members
 - (2) **Agents, applicant and supporters** with any technical questions from Members
 - (3) **Objectors and interested parties** with any technical questions from Members
 - (4) **Parish Council representatives, Ward Councillors and Others** with any technical questions from Members
 - (5) **Committee debate and decision**

Protocol

A councillor on a planning or licensing decision making body should not participate in the decision and / or vote if they have not been present for the whole item.

This is an administrative law rule particularly applicable to planning and licensing - if you haven't heard all the evidence (for example because you have been out of the room for a short time) you shouldn't participate in the decision because your judgment of the merits is potentially skewed by not having heard all the evidence and representations.

It is a real and critical rule as failure to observe this may result in legal challenge and the decision being overturned."

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 MINUTES

5 - 21

To confirm the minutes of the meeting held on the 5 October 2022.

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

22 - 32

Report attached.

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

33 - 43

Report attached.

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

44 - 50

Report attached.

7 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.



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 05 October 2022 at 18:00

PRESENT:-

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

Councillors Bird, Plant, B Walker & Wells were also in attendance.

Mr D Glason (Director of Planning & Growth), Ms C Whatling (Monitoring Officer), Mr R Parkinson (Development Manager), Mr D Zimmerling (IT Support) & Mrs C Webb (Democratic Services Officer).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

Councillors Flaxman-Taylor, Freeman, P Hammond & Hanton declared a personal interest in agenda item number 5 but in accordance with the Council's Constitution, were allowed to both speak and vote on the item.

3 MINUTES

The minutes of the meeting held on 6 July 2022 were confirmed.

4 MINUTES

The minutes of the meeting held on 7 September 2022 were confirmed.

5 APPLICATION 06-20-0278-F THE FORMER FIRST AND LAST PUBLIC HOUSE YARMOUTH ROAD ORMESBY ST MARGARET NR29 3QG

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

The Development Manager reported that The application has been revised three times since its original submission as a result of ongoing discussions with planning officers. The application was originally submitted in June 2020 as a proposal to renew or extend the

life of the previous permission 06/16/0128/F (conversion of the First and Last Public House to a dwelling and 3no. new build dwellings at the rear) but there was no legal mechanism to do so. That proposal was replaced in October 2020 with a new proposal for the demolition of the Public House and its replacement with a two-storey rectangular building on a similar footprint as the pub, comprising 2no. small commercial units located on the ground floor, with 2no. 1-bed residential flats above, and 5no. new-build dwellings were proposed at the rear (2no. 4-bed detached and a terrace of 3no. 2-bed houses). In September/October 2021 the proposal was reduced to contain only 4no. new-build dwellings at the rear (2no. four bedroomed detached houses and 2no. three bedroomed semi-detached houses) and amending the layout and Designs of the commercial unit/flats block.

The Development Manager reported that most recently in August 2022 the proposal was amended to the current version, largely in response to the building's identification as a non-designated heritage asset, removing the proposed demolition of the public house and provision of commercial units and instead reverting to the conversion of the public house into a single four- bedroom detached dwelling as was previously approved in 2017. In addition to the public house conversion and 4no. new-build dwellings with garages, the development will create a landscaped public footpath through-route from Yarmouth Road to the old Yarmouth Road service road along the line of the water mains easement, and provide a semi-circular turning head available for public use. At each revision the application has been subject to full public consultation to neighbours by letters and site notices.

The application is supported by the following plans and documents:

- Location plan, layout plan, floor plans and elevations
- Design and Access Statement
- Noise Impact Assessment report dated 11/10/21
- Contamination Phase I Environmental Report (Parts 1-3) dated 25/06/21
- Contamination investigation and risk assessment Phase II Environmental Report dated November 2021

- Bat Roost Assessment undertaken December 2020
- Demolition justification statement
- Archaeological Trenching and Investigation report dated January 2022.

The Development Manager reported that the main planning issues for consideration are:-

Principle of development – loss of the public house use

- Principle of development – new dwellings outside development limits
- Principle of development – other material considerations
- Impact on heritage assets
- Design
- Impacts on character of the area
- Impacts on neighbouring amenity (commercial and residential)
- Highways safety
- Parking, cycle parking and accessibility
- Ecology and biodiversity
- Drainage
- Habitats Regulations Assessment
- Public Open Space
- Other material considerations.

The Development Manager reported that determining the planning application must be in accordance with adopted policies unless other material planning considerations suggest otherwise. The application has evolved to address policies and concerns raised by the public and consultees, and on each occasion has reduced the areas of conflict with policy. However, two significant areas of policy conflict remain – development of new build dwellings in the countryside, and loss of the community facility public house use. However, there are material considerations to suggest that concerns over the conflict with policy should be tempered, and there are positive aspects of the proposals too, despite the policy conflict.

The Development Manager reported that overall, the planning balance exercise has demonstrated that the application is a finely balanced assessment, but there are merits to the development which Planning Officers consider are sufficiently positive to justify recommending the application for approval. Having considered the details provided, the revised form of this application, when subject to conditions, is considered to comply with policies CS3, CS9, CS10, CS11 and CS13 from the adopted Core Strategy (2015), and policies GSP3, GSP5, GSP6, GSP8, A1, A2, H3, H4, H7, E4, E5, E6, E7, C1 and I3 from the adopted Local Plan Part 2 (2021), and there are no other material planning considerations to suggest the application should not be recommended for approval.

Councillor A Wright was concerned that the committee was being asked to approve planning applications which had outstanding financial contributions or s106 legal agreement, minor clarification and adjustment of plans and proposed conditions.

Councillor P Hammond asked for clarification as to where the water main crossed the site. The Development Manager indicated the brown line on the plans.

Councillor Freeman thanked officers for all their hard work to get the application to where it was this evening and that he supported the officer recommendation.

Councillor Flaxman-Taylor informed the committee that although the borough would

be losing another public house she was fully supportive of the application to prevent the site falling into further disrepair.

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

Following a unanimous vote, it was RESOLVED:-

That application number 06-20-0278-F be approved subject to:-

(i) (A) Receipt of appropriate outstanding financial contributions for both the GIRAMS and Public Open Space mitigation strategies (as detailed in the report) (or appropriate alternative section 106 legal agreement for later payment);

(B) Minor adjustments and clarifications to the plans to confirm window positions and potential overlooking from the converted pub, and internal dimensions of the garages; and

(C) Inclusion of the Proposed Conditions listed below.

(ii) If the contributions are not received, or the amendments to plans are not satisfactory, to refer the application back to the Development Control Committee for re-consideration of the application, on the grounds of failing to secure planning obligations or suitable neighbouring residential amenity, or parking provision, as required by policies CS11, GSP5, GSP8, H4 (obligations), CS9, A1 (amenity), or CS16, I1 (parking).

1. Standard time limit – commence within 3 years;
2. In accordance with approved plans and relevant supporting documents;
3. Phasing –
 - a. No work on the new build dwellings until the pub extensions are removed;
 - b. No occupation of the new-build developments until the former public house has been converted and made available for residential occupation.
- General operating conditions e.g. use restriction
4. Limitation on vehicle access points to be as per the approved plans, with closure of other accesses and reinstatement of the verges as necessary – details to be agreed.
5. Removal of permitted development rights to extend or alter the development.
- Pre-commencement:
6. Update to the Bat Roost Assessment, with appropriate mitigation measures as necessary (and no works to the public house without this).
7. Bat watching brief during the demolition of pub extensions and during any roof replacement during the conversion works.
8. Site levels survey and proposed finished floor levels to be confirmed.
9. Tree protection fencing and geotextile membrane measures to be installed in the areas shown in the Tree Report, and retained throughout construction.
10. Tree protection measure details required for the TPO cherry tree at Tarn House, and implement.
11. Foul drainage strategy to be agreed.
12. Surface water drainage scheme and maintenance to be agreed.
13. No works to the pub conversion until details agreed for retaining and restoring the two historic 'Lacons' pub signs on each of the north and south gables, and the raised lettering on the front elevation
14. Any unidentified contamination to be reported to the LPA and mitigated before works recommence.

15. A Stopping Up Order shall be progressed for the highway land affected by the development.

Prior to foundations / slab levels:

16. Materials to be agreed, with samples – roofs, walls, windows and doors, chimneys.
17. Acoustic glazing / mitigation requirements to be agreed / details to follow requirements of the Environmental Health Officer's comments.
18. Bird and bat boxes on each dwelling and the public house – details needed.
19. Boundary treatments.
 - a. Requires amended plan – lower heights into the footpath route, required hedging on the north; requires change to hedging to vary the privet (centre).
 - b. Change landscape planting labels – privet broken up with other species.
 - c. Not just fencing, introduce low boundary wall or alternative - details needed.
 - d. Hedgehog gaps required in boundaries – details needed.
20. Soft Landscaping scheme details, specification, and provision.
21. Hard landscaping – materials etc required for the footpath link, turning circle etc.

Prior to first occupation:

22. - Contamination measures for safe use of topsoil.
23. Verification of garden creation re contamination.
24. Soft landscaping and planting to be provided for each dwelling.
25. Electric car charging connection points provision.
26. Water saving and efficiency measures.
27. Visibility splays to be provided and maintained – details to be agreed.
28. Accesses, parking, turning areas and turning head to be provided and retained.

Other precautions:

29. All landscaping to be maintained and replaced where fails for the first 10 years
30. No parts of the development shall overhang the highway boundary.
31. Noisy construction works to be restricted to 08:00–18:00 Mon-Fri; 08:30–13:30 Sat.

And any other conditions considered appropriate by the Development Manager.

Informative Notes:

1. Statement of positive engagement.
2. Highways – office to carry out works in a public highway.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149.)
4. Highways – clarify boundary of highway.
5. Highways – stopping up order note.
6. Essex & Suffolk Water advice from 10 July 2017, re working in vicinity of water main.
7. Contamination advice.
8. Construction noise advice.
9. Asbestos advice.
10. Air quality during construction advice.

And any other informatives considered appropriate by the Development Manager.

6 APPLICATION 06-22-0572-VCF - LYNN GROVE ACADEMY, LYNN GROVE, GORLESTON

The Committee received and considered the report from Andy White, Case Officer.

The Development Manager informed the Committee that this had been referred to Committee at the request of Councillor Candon and at the discretion of the Head of Planning due to the connections with original application 06/05/0582/F and the interest shown on previous application 06/20/0514/F. The application is referred to Committee because of the Member request but also because the previous lighting scheme was subject to action by the Council's Environmental Protection Team.

The Development Manager reported that the application is to vary condition 3 of Planning Permission 06/05/0582/F which was allowed on appeal on the 3rd November 2006, with the replacement of approved lighting with led energy efficient lighting. The proposal does not alter the siting or maximum height of the 8 floodlight poles aligned to the north and south of the all-weather pitch.

Condition 3 states:

Notwithstanding the details shown on the approved drawings, each lighting column shall be not more than 15 metres high and shall support 2 KW asymmetric floodlights mounted horizontally, with zero degrees of tilt. The floodlights shall be retained in their approved configuration and shall not be replaced or altered except with prior written approval of the local planning authority.

The school as applicant has engaged the expertise of Kingfisher Lighting (a competent lighting designer) to provide a revised lighting proposal which has provided lighting specifications and measured the effect of the proposed 665w LED 4000k Amnis Match floodlighting, having regard to nearby residential properties.

The Development Manager reported that the operation of the floodlights granted under the previous variation of condition application (06/20/0514/F) has not been implemented successfully. Attempts to find a suitable solution prior and since the determination of application 06/20/0514/F had resulted in light spill outside the site and directly onto residential property windows, when it became apparent to the applicant that the specifications required for successful use would not work within the expected form of development granted by the two permissions prior to this application being made. Consequently, the Council's Environmental Protection Team investigated the matter and served an Abatement Notice under Section 80 of the Environmental Protection Act 1990 which remains in place. Under the terms of the Notice, those responsible for the management of the site are prohibited from causing this nuisance again. The current application has been made to provide the applicant with a lighting strategy that can work with the new LED models, and ensure that statutory nuisance arising from the previous variation of the condition does not happen again. The comments from the Environmental Protection Team in relation to the specification of the proposed lighting scheme within this application are considered to carry very significant weight.

The Development Manager reported that the proposed site has permission for floodlighting to the proposed all-weather pitch which was allowed at appeal (planning reference 06/05/0582/F). The principal objections to this application arise from the effects that previous attempts to light the site had on the amenities of nearby residential properties resulting in an abatement notice being served by the Environmental Protection Team (EPT). The proposed lighting scheme addresses these concerns and the light spill from the floodlights will not extend into the neighbouring properties on the site's boundaries. The Obtrusive Lighting Report submitted has been considered by the EPT together with the details of the lighting specification and no objection has been raised.

Consequently, subject to conditions that will ensure the implementation of the lighting scheme in accordance with the specifications provided and assessed by the EPT together with appropriate management of the lighting, the amendment to the detail of the lighting is considered to be acceptable having regard to the stated adopted local plan policies that seek to protect the amenity of local residents, the character and appearance of the area and those that support community facilities.

The Development Manager reported that it is recommended that application 06/22/0572/VCF should be approved subject to the Conditions as set out in the agenda report.

Councillor Myers asked for clarification in regard to zero degree of tilt. The Development Manager reported that this formed part of condition 3; zero degrees was not specified but that the light should point downwards as this would result in the amount of spill being limited.

Councillor Williamson asked for clarification as to whether the original 10m columns had been objected to.

Ms Blackwell, objecting on behalf of her elderly parents, informed the Committee that the floodlights had caused much stress and ill-health to her parents who were unable to use the rooms at the front of their bungalow after 3.30 pm due to the glare of the floodlights and suggested that a screen of trees should have been planted to offset the glare and noise which emanated from the site and urged Members to refuse the application.

Councillor Plant, Ward Councillor, reported that he had been involved in this application from the beginning and his main concerns were refracted light, height and luminosity. The original application had been refused by the Council and granted at appeal and that the view of Environmental health should be enforced and the application refused to protect the local residents from loss of amenity. Councillor Plant gave Councillor Candon's apologies to the Committee as he was unable to be present at the meeting but had submitted his concerns in writing.

Councillor Myers asked for clarification as to why the Poplar trees had cleared from the site which would have provided some natural screening of the light pollution.

Councillor P Hammond asked for a condition to be imposed stating that the light levels be checked using a lux monitor at night on a regular basis to ensure that what was being proposed was not exceeded. The Development Manager reported that this

would be a deviation from the original consent.

Councillor P Hammond proposed that the application be approved as per the officer recommendation and the conditions set out in the agenda report. This was seconded by Councillor Williamson.

Following a unanimous vote, it was RESOLVED:-

That application number 06-22-0572-VCF be approved subject to the following conditions:-

1. External lighting should be installed as per the details submitted to ensure the lux levels specified in the "Obtrusive Light Compliance Report" produced by Kingfisher Lighting are achieved.

2. The development shall be carried out in accordance with the location plan received 21/09/2022, light compliance report and specifications received by the Local Planning Authority on 30th June 2022.

Information included in the determination of the application and required to be adhered to:

AMN Back Shield KL 4922

Kingfisher Amnis Match Datasheet

Kingfisher Obtrusive Light Compliance Report.

General operating conditions e.g. use restriction

3. The floodlights shall not be operated outside the following hours:
09:00 to 21:30 hours on Mondays to Thursdays (except between Christmas Day and New Year's Day as provided below)

09:00 to 21:00 hours on Friday (except between Christmas Day and New Year's Day as provided below)

09:00 to 20:00 hours on Saturdays, Sundays, Bank Holidays and during the period from Christmas Eve to New Year's Day inclusive. Minimise these if possible.

4. No floodlighting or external lighting shall be installed other than in accordance with the Kingfisher Obtrusive Light Compliance Report. including the AMN Back Shield KL 4922 installed in accordance with the specifications of the Kingfisher Amnis Match Datasheet.

5. Each lighting column shall be no more than 15 metres high and shall have the lighting attached in accordance with the details referred to in other conditions of this planning permission. The light columns shall not be replaced or altered except by the grant of planning permission from the Local Planning Authority or by the Secretary of State at appeal.

6. A 'Floodlights Use Management Plan'– to be implemented, brought into use and provided to all users prior to their first use of the lighting.

7. The perimeter gate to the school site adjoining Heron Close shall be locked between the hours of 17:00 hours on any day and 08:00 hours on the following day. and any other conditions considered appropriate by the Development Manager.

Informative Notes:

Any informative(s) considered appropriate by the Development Manager.

7 APPLICATION 06-21-0285-F - THE CLIFF HOTEL, CLIFF HILL, GORLESTON

The Committee received and considered the report from the Development Manager

The Development Manager reported that the application seeks retrospective permission for the retention of two 'Dining Pods' already installed on the southernmost dining terrace extension. These are transparent domes made of polythene sheeting supported by an aluminium igloo-style structure beneath the sheeting. The application form confirms they were already installed by the time the application was submitted. The Pods have been fixed to the AstroTurf-covered ground and each pod is 3.2m in diameter and 2.5m in height, and each provides weatherproof shelter for 4-10 people. The hotel is currently using them to shelter dining tables for 6-8 people per pod, each with mobile electric heaters for diner's comfort. The application submission comprises application form, location and layout plans, and image of the pods.

The main planning issues for consideration are:

- Principle of development
- Impact on heritage assets
- Design and impacts on character and visual amenity of the area
- Impacts on neighbouring amenity
- Landscape and trees
- Other material considerations

The Development Manager reported that Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The application involves a degree of less than substantial harm to the character and appearance of the two conservation areas and to the extended setting of the pavilion theatre Grade II listed building, but the planning balance exercise has demonstrated that no public benefits exist to outweigh those harms. Similarly the development creates conflict with the residential amenity of neighbouring dwellings and the visual amenity of the surrounding area, but no material considerations are presented to justify allowing a development that is contrary to the requirements of adopted policy.

The Development Manager reported that this application is therefore recommended for refusal as:

- it is considered to fail to comply with policies CS9 and CS10 of the adopted Core Strategy (2015), and policies A1 and E5 of the adopted Local Plan Part 2 (2021),
- it causes harm to heritage assets that is not outweighed by public benefit, and

- there are no other material planning considerations to suggest the application should not be recommended for refusal, and,
- it is also suggested that in the absence of factors in favour of the proposal, a recommendation to approve would not accord with the legal duty on the Council under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Councillor Fairhead asked if these ugly units contained any sound-proofing.

Mr Christophi, applicant, addressed the committee and reported the salient areas of his application and asked the committee to approve it to help his business during these turbulent economic times.

Councillor Wells, Ward Councillor, thanked officers for their clear and concise report and that this application was not appropriate for this area of Gorleston. Councillor Wells urged the committee to refuse the application to ensure that the conservation area was protected.

Councillor P Hammond asked for clarification as if these were considered to be temporary structures, would they require planning permission. The Development Manager reported that he had taken a view that they were semi-permanent and had taken legal advice to be informed that they did require planning permission as they were structures in the curtilage of the hotel and they had exceeded 28 days in situ.

Councillor Myers reported that he felt there was no clear justification for this application in the Conservation Area and that he supported the officer recommendation.

Councillor Williamson proposed that the application be refused as per the officer recommendation. This was seconded by Councillor B Wright.

RESOLVED:-

That application 06/21/0285/F should be refused for the following reasons:-

1. Impact on heritage assets:

The development is clearly visible in vistas from many positions to the east, south and south-west of the application site at both promenade level and from the top of the cliffs. The elevated application site is prominent, and the unscreened domes appear incongruous and out of place which causes a harmful appearance within the otherwise open setting of the Grade II listed Pavilion Theatre, to the detriment of the setting and appreciation of the listed building, which is detrimental to its significance as a heritage asset.

The elevated position and exposed location of the site, and the shape, appearance and temporary nature of the materials used in the development all combine to create an unsympathetic addition to the appearance of buildings and structures within Conservation Area No. 17 Gorleston, being uncomplimentary in form and mass, and out of character to the prevailing built environment. As the pods are visible from vantage points to the east, south and southwest, they are also seen within the setting of the adjoining Conservation Area No. 12 Cliff Hill. As such the proposals do not

enhance the conservation areas and are detrimental to both character and appearance and the setting of these heritage assets with the effect of eroding the significance of these designated heritage assets.

As such the development is contrary to policies CS10 of the adopted Core Strategy (2015) and E5 of the adopted Local Plan Part 2 (2021).

2. Impact on character of the area and visual amenity

The exposed location, prominent site, lack of screening and uncomplimentary form and massing, and the temporary appearance of fragility of the structure and materials all combine to create a harmful impact on the visual amenity and character of the area, being detrimental to the area's appearance and also tourism offer. The inappropriate design is considered to be contrary to policy CS9 of the adopted Core Strategy (2015).

3. Impacts on residential amenity

The development further reduces the already-limited outlook available from the nearest windows within the adjoining Grenfell Court residential complex as the pods are sited in the direct field of available outlook only 2-3m from the windows. Furthermore, the domes increase the impacts of the use, duration and frequency of the dining terrace adjoining the residential garden and close to the windows of dwellings in the neighbouring land, the effects of which are exacerbated due to the unshielded nature of the development, the lack of substantive boundary treatments, and the elevated position of the development.

The reduced outlook, increased noise and disturbance, and increased fear of crime and anti-social behaviour all combine to create an unacceptable relationship with the neighbouring uses and detrimental impacts on residential amenity, contrary to the requirements of policies CS9 of the adopted Core Strategy (2015) and A1 of the adopted Local Plan Part 2 (2021) and paragraph 130(f) of the NPPF.

4. No material considerations to outweigh the conflict with local plan policy

The application has not presented any evidence to suggest there are material considerations which would justify the conflicts with adopted development plan policies CS9, CS10, A1 and E5.

5. Insufficient public benefit to outweigh the harm to significance of heritage assets

The development is considered to cause a low level of less-than-substantial harm to the setting of the Grade II listed Pavilion Theatre, and a moderately high level of less-than-substantial harm to the character and appearance and setting of the two conservation areas surrounding and adjoining the site. There are some very minor economic gains from the development but these are not publicly beneficial, in contrast to the potential longer term erosion of tourism offer and detrimental economic impacts for local businesses. As such there is not considered to be any net gain in public benefits from the development sufficient to outweigh the heritage harms, and the development is considered contrary to NPPF paragraphs 200 and 203.

8 APPLICATION 0-21-0880-F - THE CLIFF HOTEL, CLIFF HILL, GORLESTON

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

The Development Manager reported that this application had been brought before the committee at the request of Cllr P. Wells and the discretion of the Head of Planning in light of the public objection to this and other developments at the site.

The Development Manager reported that the application seeks planning permission for the construction of two holiday let 'cottages' on the land used for the children's play area and extending across part of the wooded slope. These would be a pair of single-storey flat roof semi-detached box-shaped cabins built up to the very eastern edge of the slope. Each would provide two en-suite bedrooms, kitchen/lounge room, shared bathroom, and a raised decking area projecting over the edge of the wooded slope.

An engineering structural report has been submitted which seems to suggest the structure is to be constructed of steel and timber beams and timber walls, floor and roofing, but this is a technical document for structural calculations and Building Regulations rather than a planning application supporting document.

In terms of their external appearance, the revised designs for the cottages are proposed to be flat-roofed with a sedum roof and parapet, and finished in render on the south, west and north facing walls, with timber cladding in the recessed east elevation with render surrounds. The fenestration of windows and doors has been revised from the initial grey upvc windows and doors to now be painted timber. The external decking on the east side is proposed as composite timber decking with artificial hedgerow screening and sections of glass balustrade.

Access to the cottages is proposed from the north car park with the cottage entrance doors facing west. The units would be enclosed by the hotels' existing 2m tall timber fencing. The adjoining car park is shown to be arranged with 7 spaces side by side but the car park is gravel and not marked out and nor do the proposals include a change to the car park surface materials.

The application form states that no trees would be affected by the proposal but the slope area below the site is thickly wooded and the 'fir' tree at the top is within the application site which is almost entirely filled with the footprint of the two cottages

The application submission comprises application form, location and block plans, floor plans and elevations, and the engineers structural report. No arboricultural impact assessment has been provided to describe the impact and any mitigations for the tree. The application plans have been revised, and are now shown on plan P02 Rev C.

The main planning issues for consideration are:

- Principle of development
- Impact on heritage assets
- Design and impacts on character and visual amenity of the area
- Impacts on neighbouring amenity

- Landscape and trees
- Other material considerations

The Development Manager reported that Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The application involves a only a very small level of less than substantial harm to the significance of designated heritage assets and a small degree of detrimental impact on residents of dwellings on Beach Road. However the planning balance exercise has demonstrated that sufficient public benefits exist to outweigh those harms.

Therefore, it is considered that subject to the receipt of satisfactory clarification and additional information, and subject to the proposed conditions, the development will comply with policies CS1, CS2, CS6, CS8, CS9, CS10, CS11 and CS16 of the adopted Core Strategy (2015), and policies GSP1, GSP5, GSP8, A1, E4, E5, E6, E7, I1 and I3 of the adopted Local Plan Part 2 (2021), and the application can be approved. There are no other material planning considerations to suggest the application should not be recommended for approval.

The Development Manager reported that It is recommended that application 06/21/0880/F should be approved, subject to the conditions outlined in the report and reported at Committee.

Councillor A Wright asked that no brick be laid until the plans for the Acorn tree had been received. The Development Manager assured the committee that details of the tree protection measures were contained within the requested conditions.

Mr Christophi, applicant, reported that he did not wish to speak but would any any questions that Members might have.

Councillor Wainwright proposed that the officer recommendation be approved with the suggested conditions. This was seconded by Councillor G Carpenter.

Following a unanimous vote, it was RESOLVED:-

That application number 06-21-0880-F be approved subject to the following conditions:-

(A) Receipt of appropriate outstanding financial contributions for the GIRAMS and habitat mitigation strategy, and Shadow Habitat Regulations Assessment (as detailed in the report) (or appropriate alternative section 106 legal agreement)

And;

(B) Clarification as to the development intentions and implications for the landscaped woodland area and the prominent tree, with further information to show the position and impacts on the tree and any related minor adjustments necessary to the plans to ensure its protection and retention;

And;

(C) Inclusion of the Proposed Conditions listed below.

(ii) If the financial contribution is not received, or the tree retention and protection and relevant plan amendments are not provided, to refer the application back to the Development Control Committee for re-consideration of the application, on the grounds of failing to secure planning obligations, and/or tree protection measures, as required by policies CS11, GSP5, GSP8 (obligations) and CS11, E4 (trees).

Proposed Conditions:-

1. Standard time limit – commence within 3 years;
2. In accordance with approved plans and relevant supporting documents;
3. Details of Arboricultural Implications Assessment and Method Statement to be agreed.
4. Tree protection measures to be installed and retained during construction.
5. Green roof / sedum roof details need to be confirmed and provided.
6. Foul drainage details to be agreed and followed.
7. Refuse storage areas and collection arrangements to be agreed and followed.
8. Materials and balcony screen details & samples to be agreed and followed.
9. Provide bird and bat boxes (at least 1 of each per unit) – details needed.
10. Car park layout, space identification and turning areas are to be defined – details tbc.
11. No occupation or use of the development until the access, parking, turning provided.
12. The development shall operate for holiday let purposes only.
13. There shall be a maximum occupancy duration of 28 days at any one time.
14. There shall be no occupation as a primary residence.
15. A log book of all guests must to be kept and made available for inspection by the LPA.
16. No installation of any plant and machinery on the exterior of the building / in the curtilage without prior details being provided and approved by the LPA and EHO.
17. No installation of any external lighting without bat shielding and glare prevention measures and details being provided and approved by the LPA and EHO.

Informatives:-

2. Trade Waste
3. Works on highways
4. Air quality and construction noise advice.

9 APPLICATION 06-22-0453-F - THE CLIFF HOTEL, CLIFF HILL, GORLESTON

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

The Development Manager reported that this application had been referred to Committee at the request of Cllr P. Wells and the discretion of the Head of Planning in light of the public concern around other developments at the site.

The Development Manager reported that The application seeks planning permission for the retrospective and continued construction of the currently unauthorised square and flat-roofed single storey extension at the rear of the hotel. The extension would provide more kitchen facilities and a new internal access route linking the kitchen and washup/preparation area with the bar, restaurant and external dining terrace. The external appearance is proposed to be in white render and upvc fenestration to match the existing rear

elevation. A start has been made on installing a sizable steel air handling and extraction system on the new flat roof though this is not shown within submitted plans. No parapet detailing or similar device is shown on the submitted plans to help screen or conceal this. The application submission comprises application form, location plan, block plan, and floor plans and elevational views from the east and north. These are provided at Appendix 1 and 2.

The Development Manager reported that the main planning issues for consideration are:

- Principle of development
- Impact on heritage assets, design and visual amenity of the area
- Impacts on neighbouring amenity
- Other material considerations

The Development Manager reported that Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The application involves a only a low level of less than substantial harm to the significance of designated heritage assets, and a small additional impact to neighbouring uses which should be addressed by conditions. Overall, the planning balance exercise has demonstrated that sufficient public benefits exist to outweigh those harms.

Therefore, it is considered that subject to the receipt of suitable amended plans, and subject to the proposed conditions, the development will comply with policies CS6, CS8, CS9 and CS10 of the adopted Core Strategy (2015), and policies A1 and E5 of the adopted Local Plan Part 2 (2021), and the application can be approved. There are no other material planning considerations to suggest the application should not be recommended for approval once amended.

The Development Manager reported that the application was recommended for approval with the conditions as set out in the report.

Councillor Williamson asked for clarification regarding the visibility of the extension as per paragraphs 5.3 and 5.4 on page 115 of the agenda report. The Development Manager reported that the extension was not visible from outside of the applicant building.

Mr Christophi, applicant, reported the rationale behind the much needed kitchen extension which was integral to the continued operation of his business as the current kitchen set-up did not meet the current needs of the business and urged the committee to approve the application.

Councillor Myers asked why this was a retrospective application and why Mr Christophi had not applied for planning permission via the usual channels. Mr Christophi explained that he had chosen the retrospective route due to the current delays in our planning department.

Councillor P Hammond was concerned that works had started prior to building control inspections on the site.

Councillor Wainwright reported that all businesses had to update their kitchens from time to time and that we should approve the application subject to the required conditions as requested by the Development Manager and proposed that the application be approved. This was seconded by Councillor Hanton.

RESOLVED:-

That application number 06-22-0453-F be approved subject to:-

(A) Receipt of satisfactory amended plans to achieve appropriate screening and shielding of the rooftop-mounted extraction and ventilation system;
And;

(B) Inclusion of the Proposed Conditions listed below.

(ii) If the relevant plan amendments are not provided, to refer the application back to the Development Control Committee for re-consideration of the application, on the grounds of failing to respond to the design and character of the area and lessen the detrimental impacts and harm caused to the significance of the conservation area to a level that could be outweighed by the public benefits of the proposal, as required by policies CS9, CS10, E5 and NPPF paragraphs 199, 200 and 202.

Proposed Conditions:-

1. In accordance with approved plans and relevant supporting documents;
2. Details of air handling and extraction / ventilation system noise and odour emissions and controls - details to be agreed and protections installed prior to the first beneficial use of the extension.
3. External walls and roof parapet materials to match the existing building.
4. No installation of any additional plant and machinery without prior approval.

Informatives:

- Air quality and construction noise advice.

10 ANY OTHER BUSINESS

(i) The Chairman wished Mark Turner, Head of Planning, a speedy recovery on behalf of the Committee.

(ii) Councillor Williamson asked officers to pay a site visit to the old Claydon School Site & the Badger Homes site to ascertain ownership of a piece of land approximately 1 to 2 metres wide on the western boundary between the properties which had been retained as a green corridor but been annexed by several property owners who had erected fences to illegally incorporate it in to their property boundary. The Development Manager agreed to an officer site visit and invited Councillor Williamson to attend.

The meeting closed at 19:47.

The meeting ended at: TBC

Schedule of Planning Applications

Committee Date: 9th November 2022

- Application No: **06/22/0805/F**- [Click here to see application webpage](#)
- Site Location: 37-39 Market Place (Former Palmers Store), GREAT YARMOUTH, Norfolk NR30 1LU
- Site Location Plan: See Appendix 1
- Proposal: Proposed demolition of plant room, external wall to plant area and associated flue
- Applicant: Great Yarmouth Borough Council
- Case Officer: Mr N Harriss
- Parish & Ward: Great Yarmouth, Central/Northgate
- Date Valid: 14 September 2022
- Expiry / EOT date: 11 November 2022
- Committee referral: This is a 'connected application', where the Borough Council is applicant.
- Procedural note 1: 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 01 November 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.

RECOMMENDATION: APPROVE SUBJECT TO IMPOSED CONDITIONS

REPORT

1. The Site

- 1.1 The site is located to the rear of the former retail premises and adjoins Howard Street car park. The site is located within Conservation Area No. 2 – Market Place, Rows & North Quay.
- 1.2 The disused plant room and flue is enclosed by a 4 to 5 m high wall attached to the rear of the retail premises which at this point are a mix of building styles at 2-storeys in height. The flue at around 13 m tall stands higher than the flat and pitched roofs on the adjacent buildings.

1.3 The wall/enclosure is a mix of brickwork, blockwork, and concrete forms part of the walls of the plant room that has a flat roof and also encloses a rear yard containing a twin walled stainless steel flue.

2. The Proposal

2.1 The proposal is associated with a wider investment project by Great Yarmouth Borough Council (GYBC) and partners that involves [subject to planning permission] transforming the former Palmers building into a multi-million-pound library and learning centre along with adult learning, registry office and other community services.

2.2 Preparatory work not requiring planning permission has started on removing asbestos and various cosmetic alterations to the inside of the building stripping out the five storey, 5,300 square metre building, and repairing the roof ready for its next chapter.

2.3 Connected to this, there is a need to demolish the disused and outdated rear plant room and associated flue feature and being within a conservation area these works require planning permission given the building volume and wall height.

3. Site Constraints

3.1 Site within Conservation Area No. 2 – Market Place, Rows & North Quay.

4. Relevant Planning History

4.1 No relevant planning history, but these proposals were discussed as part of pre-application enquiries on the whole building's overall transformation.

5. Consultations

5.1. Statutory Consultees

Consultee: Historic England	Response: In this case we are not offering advice.
Comments: Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.	

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again unless there are material changes to the proposals.

Officer comment / response:	n/a
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Any relevant Condition / Informative note?	n/a
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Consultee: Norfolk County Council local Highway Authority	Response: No objection
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Comments:

Whilst raising no objection to the application, I would advise that the proposal is adjacent to a public highway which formed part of the "Rows" (Row 54). Accordingly, I would request the following informative note be appended to any grant of permission your Authority is minded to make:

Inf. 4V This proposal involves works adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: streetworks.north@norfolk.gov.uk

Officer comment / response:	n/a
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Any relevant Condition / Informative note?	Include informative on decision notice
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Consultee: GYBC Conservation Section	Response: No comments to make
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Comments:

There won't be any comments on behalf of the Conservation section. Please don't hesitate to contact us conservation@great-yarmouth.gov.uk if there are any questions or any material changes to the proposed development.

Officer comment / response:	n/a
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Any relevant Condition / Informative note?	n/a
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Consultee: GYBC Environmental Services

Response: Requests conditions / informatives

Comments:

I note the information submitted by the applicant and request the following:

Air Quality- Construction/ Demolition

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

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

Unknown contamination

If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the Council as Local Planning Authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.

Reason: 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, in accordance with section 179 of the NPPF.

Asbestos Note:

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

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

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

Hours of Work:

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

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

Officer comment / response:

n/a

Any relevant Condition / Informative note?

Include as condition/informative on decision notice

6. Publicity & Representations received

Consultations undertaken: Site notices & Press advert – expiry date: 4 November 2022

Reasons for consultation: Conservation Area

6.1. Ward Member – Central and Northgate Ward Cllr(s) Jade Martin; Michael Smith-Clare and Carrie Talbot

Representation	Officer Comment	Relevant Condition/Informative
No comments received	n/a	n/a

6.2. Public Representations

At the time of writing no public comments have been received.

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS10: Safeguarding local heritage assets

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy GY1: Great Yarmouth Town Centre Area
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development

8. Other Material Planning Considerations

- Conservation Area No. 2 – Market Place, Rows & North Quay

National Planning Policy Framework (July 2021)

- Section 16: Conserving and enhancing the historic environment

9. Planning Analysis

9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*

- (a) the provisions of the development plan, so far as material to the application,*
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

Main Issues

The main planning issues for consideration include:

- Principle of development
- Historic environment and heritage
- Amenity

Assessment:

Proposal summary: Proposed demolition of plant room, external wall to plant area and associated flue

10. Principle of Development

10.1 The application site is within the development limits where the principle of development is supported subject to compliance with other relevant policies in the development plan. As such the proposal complies with Local Plan Policy GSP1.

11. Heritage and cultural impacts

- 11.1 The site is within Conservation Area No. 2 – Market Place, Rows & North Quay. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.
- 11.2 In accordance with the NPPF the applicant has assessed the heritage impact of the proposal and clarified what impact the development will have on heritage assets. The application site does not contain features of archaeological or heritage interest and the removal of these utilitarian features will enhance the character and appearance of the conservation area. The development does not affect a listed building or its setting.
- 11.3 Following demolition of the walls and internal features an existing area of concrete hardstanding will be left in situ. All material will be safely removed from site and the area left in a neat, safe and tidy manner. The lower ground windows of the adjoining buildings will be temporarily boarded over for security and to prevent unauthorised access. This will match the current arrangement in place on the existing building. The existing solid site hoarding is a temporary arrangement and sits within the area of the car park that is owned by GYBC, the demarcated area is used with permission of the land owner for the purpose of a site compound for works. An assessment on the security of the site will be made on completion of demolition and solid hoarding (similar to that currently there) may be used to ensure it is secure. If this is undertaken it will be moved so that it does not impact on the car park and is within the demise of the property ownership.
- 11.4 In terms of the wider investment project as described in paragraph 2.1 above, this area to be cleared is likely to be part external landscaping, provision for cycle parking and a new smaller electrical switch room and substation. A Planning Application for the long-term investment project is due to be submitted shortly.
- 11.5 The proposal complies with Local Plan Policies CS10 and E5.

12. Residential Amenity

- 12.1 There are neighbouring residential and commercial premises. The proposed demolition is unlikely to significantly impact on amenity subject to measures raised by Environmental Services in 5.1 above.
- 12.2 It is proposed that conditions be included on the decision notice relating to air quality and unknown contamination. An advisory note or informative will be included relating to Asbestos and hours of work.
- 12.3 Subject to conditions as identified above the proposal complies with Local Plan Policies A1 and E6.

13. Local Finance Considerations

- 13.1 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

14. Conclusion and Recommendation

- 14.1 Having considered the details provided, the application is considered to comply with policy CS10, from the adopted Core Strategy, and policies GSP1, A1, E5 and E6 from the adopted Local Plan Part 2.

RECOMMENDATION:

It is recommended that application 06/22/0805/F should be APPROVED, subject to the following Conditions:

Proposed Conditions

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

The reason for the condition is :-

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

2. The development shall be carried out in accordance with the following plan:

Drawing No. [GYLH-CF-ZZ-XX-DR-A-0500 Plant Room Demolition Plan and Elevation](#)

The reason for the condition is:-

For the avoidance of doubt.

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

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

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

The reason for the condition is :-

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

Informative Notes:

1. Asbestos –

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

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

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

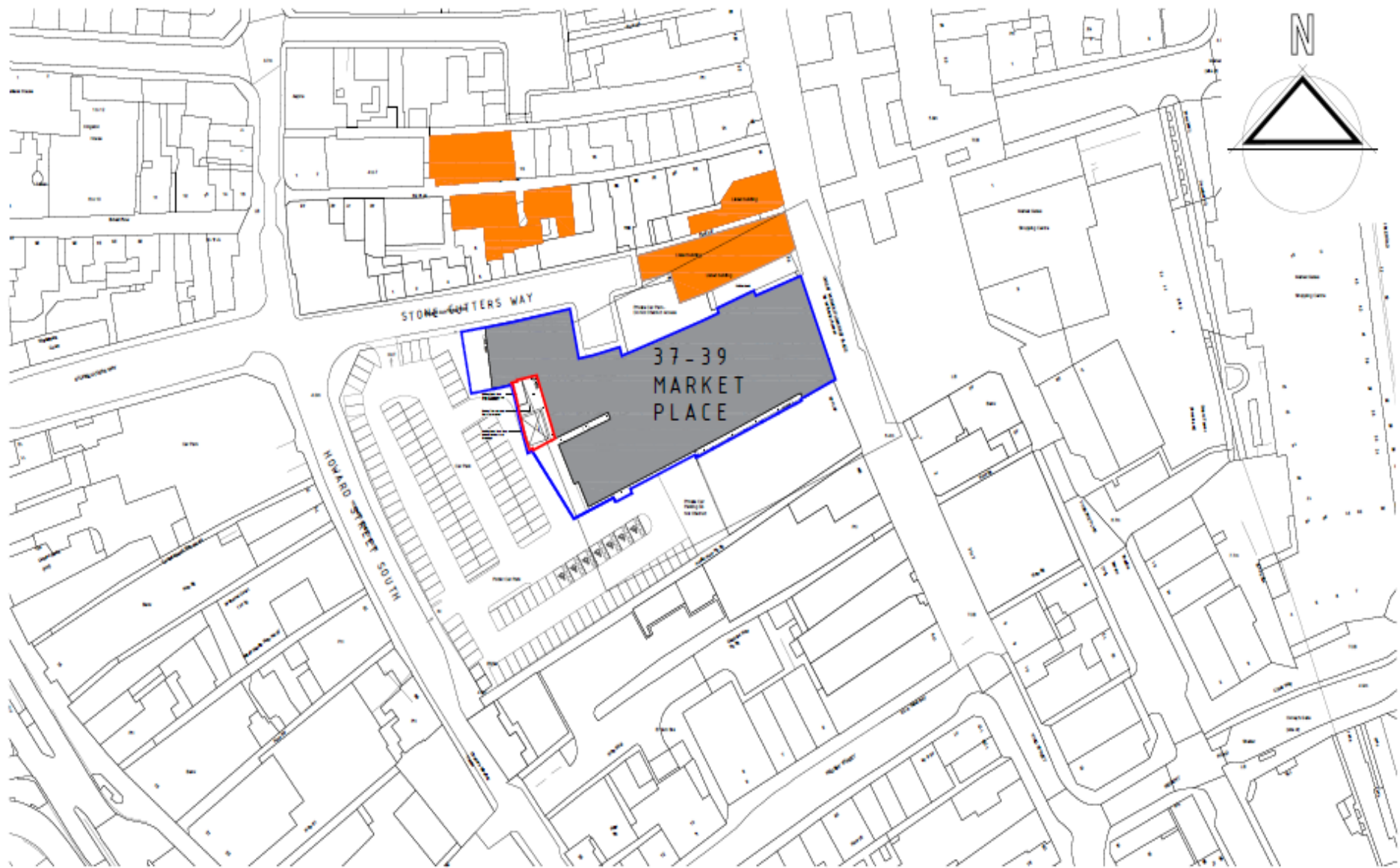
2. Hours of work –
Due to the proximity of other residential dwellings and businesses, the hours of any construction or refurbishment works should be restricted to:
 - 0730 hours to 1830 hours Monday to Friday
 - 0830 hours to 1330 hours Saturdays
 - No work on Sundays or Bank Holidays

3. The site will potentially generate a significant amount of dust during the construction/ demolition process; therefore, the following measures should be employed:
 - An adequate supply of water shall be available for suppressing dust
 - Mechanical cutting equipment with integral dust suppression should be used
 - There shall be no burning of any materials on site, or burial of asbestos, which should instead be removed by an EA licenced waste carrier, and the waste transfer notes retained as evidence.

4. This proposal involves works adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: streetworks.north@norfolk.gov.uk

Appendices:

1. Site Location Plan.



Site Location Plan 1:1250

Schedule of Planning Applications

Committee Date: 09/11/2022

Application Number: **06/22/0731/HH** - [Click here to see application webpage](#)

Site Location: 5 School Corner, Bradwell, Great Yarmouth, NR31 8QL

Site Location Plan: See Appendix 1

Proposal: Proposed replacement of existing hedge with 1.8m wooden fence

Applicant: Mr M Stephenson

Case Officer: Mr T Hadlow

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

Date Valid: 13/09/2022

Expiry / EOT date: 08/11/2022

Committee referral: Constitution (Applicant is employed by the Borough Council).

Procedural note: This application is brought before the Development Control Committee because the applicant is an employee of the Borough Council.

This application was reported to the Monitoring Officer on 01/11/22 as an application submitted by an officer in a personal capacity and on land in their ownership. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and the officer has taken no part in the Local Planning Authority's processing of the application.

RECOMMENDATION: APPROVE subject to conditions

REPORT

1. The Site

- 1.1 5 School Corner is a two-storey end-of-terrace property with a dual-pitched open gabled roof located on the north side of Lords Lane in Bradwell.
- 1.2 The property forms part of a row of two-storey terraced dwellings on the Lords Lane/Church Lane frontage, that are set back by approximately 8m from the road by way of a raised verge and pedestrian footpath. The existing hedgerow comprises the front boundary enclosure of the property at the back of the footpath.
- 1.3 To the south and south-west of the site is Bradwell Community Centre, its car park and hedge alongside Church Lane, and a row of white rendered terraced properties located on Green Lane, enclosed by a brick wall along the length of their frontage.
- 1.4 To the east of the site is a row of terraced properties at 42-48 Church Lane. These are similar to the application site terrace but have hipped roofs. A convenience store with post office is located on the south side of the road between Church Lane and Sun Lane.
- 1.5 To the west of the site are the adjoining terraced properties of 6-8 School Corner (to which the application property shares a party wall) with associated hedgerow fronting

Lords Lane. There is no public visibility of the existing hedge from the north of the property.

- 1.6 In terms of existing boundary enclosures fronting Lords Lane/Church Lane, the original form of boundary treatment on the north side of Church Lane appears to have been hedging, but now the area is relatively mixed.
- 1.7 Hedgerows enclose the front curtilage of the terrace of properties at 42-46 Church Lane to the east, but have been removed and replaced with a timber fence outside 48 Church Lane adjoining the application site to the east. Hedging remains outside the front of 8 School Corner, which is located at the opposite end of the terrace row to the west of the application property.
- 1.8 However, close-boarded fencing is not uncommon in the locality, enclosing the neighbouring property to the east (48 Church Lane) and 7 School Corner to the west.
- 1.9 A brick wall with arched entrance has been built along the front curtilage of the adjoining property to the west (6 School Corner).
- 1.10 There is some variation in boundary treatment on the south side of Church Lane, although the street frontage is largely defined by open spaces. The materials used in existing boundary treatments are predominantly brick: ankle height brick walls to the community centre, open spaces between Sun Lane, and brick walls or brick & railings along the south side of Sun Lane.
- 1.11 The application site's 2m high existing hedgerow is currently highly visible travelling both eastbound and westbound along Lords Lane/Church Lane by road and by foot, travelling in both directions on Green Lane/Sun Lane, and from the convenience store, post office and Community Centre in close proximity to the site.
- 1.12 The raised roadside verge contains a number of trees within the highway boundary and thus under the ownership of Norfolk County Council. Two cherry trees are located approximately 4m from the existing hedgerow between the roadside verge and the subject hedgerow. Therefore, the proposal has potential to affect the root protection area (RPA) of the trees.

2. The Proposal

- 2.1 The application is for the proposed replacement of the existing hedge along the back of the footpath, with a 1.8m high curved wooden fence to form the front curtilage enclosure of the property.

3. Site Constraints

- 3.1 The site is located within the adopted development limits. There are no constraints associated with the site, nor covenants which would restrict the removal of the hedge and erection of a fence (though that is not a planning consideration). As the site is not within a conservation area the removal of the hedge would not require planning permission, and a replacement boundary enclosure could be installed up to 1m high without needing planning permission.

4. Relevant Planning History

4.1 There is no relevant planning history associated with the proposal

5. Consultations

Arboricultural Officer	Response: No Objection subject to condition
<p>No objection to the hedge being removed in terms of Arboricultural matters (despite the loss of habitat and ecological benefit).</p> <p>There are however 2 mature highly valuable cherry tree within close proximity to the proposed site of the fence (These are Norfolk County Council owned). These trees both contribute heavily to the amenity of the surrounding area and landscape. The trees are of good form and condition, with a retention span of 40+ years. It is likely that the construction/installation of the fence will damage these trees by damaging the roots and leading to portions of the canopy to die off. Unsure of the foundation's methods being implemented for the fencing however typical trenching construction type will damage these trees.</p> <p>In future, the rooting structure of these trees will disrupt/damage/distort the installed fencing as their roots become larger to support structurally and physiologically the broadening canopy above. The resident would likely seek to undertake works to remedy this issue by cutting the offending roots. However, this is not possible due to the tree's proximity to the boundary; the only option would be to remove the trees as to sever the roots where required would destabilise the tree.</p> <p><i>The case officer asked whether such matters could be overcome by way of a condition. The below condition was suggested, and the arboricultural officer's response was as follows:</i></p> <p>The construction method within the condition below would work – if no roots are encountered when the pilot holes are dug. There is a pavement between the trees and the property boundary; this may have deterred the roots from growing in the direction of the property or indeed 'pushed' them further towards the property due to lack of resource under the impermeable hard surface. Hard to say until a pilot hole is dug.</p> <p><i>Full Correspondence on the matter can be found on the application webpage</i></p>	
Officer comment / response:	The construction method of the fence should be secured by way of a planning condition to ensure that there is no harm to the trees within the highway boundary – as outlined below.
Any relevant Condition / Informative note?	<p>The fence shall be constructed using the following method:</p> <ol style="list-style-type: none"> 1. 200mm square by 300mm deep Inspection/test holes will be dug where the fence posts are intended to be located; this is to establish if any tree roots are present and to avoid damaging them. 2. If any tree roots are discovered; photos of the roots will be sent to the Arboricultural Officer for review before any further works within the trees RPA are undertaken. If required, the Arboricultural officer is to attend site to assess if the unearthed roots are vital to the tree (structural or fibrous). If this is the case, the post location will be moved accordingly, and another

	<p>inspection/test hole will be dug to establish possible root location.</p> <p>3. Following inspection/test holes being dug and showing that no roots are present; Fence posts will be concreted into the minimum possible depth required - to a maximum depth of 300mm below existing surface of the soil.</p> <p>4. A membrane shall be inserted within the fence post holes before being filled with concrete to prevent cement leaching outside the hole and affecting more roots.</p> <p>5. Fence Panels are to be 8ft or 10ft wide (Depending on availability) to lessen the amount of posts needed within the RPA of the tree to limit the amount of disturbance caused to the tree's root plate.</p> <p>The reason for the condition is: - To ensure that no harm is done to existing trees within the highway boundary in accordance with Local Plan Part 2 Policy E4.</p>
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Property Asset Management	Response: No Objection
<p>On checking the deeds for 5 School Corner it states:</p> <p>'To maintain and keep in repair the existing walls or fences shown marked with a 'T' within the area edged red on the attached plan'.</p> <p>'Not to erect or place on the said property any new or additional buildings nor to carry out any structural alterations to the existing building without the prior consent in writing of the Council'</p> <p>'Not to do or suffer to be done any act or thing which may be or become a nuisance to the occupiers or owners of adjoining or neighbouring property'.</p> <p>Nothing to say that the owner cannot replace hedges.</p> <p>Regarding the trees these as per Graeme Watson comments are NCC responsibility.</p>	
Officer comment / response:	There are no covenants which would restrict the development commencing.
Any relevant Condition / Informative note?	n/a

Norfolk County Council (Highways)	Response: No Objection subject to condition
<p>The Highway Authority raise no objection but would recommend the following conditions and informative note be appended to any grant of permission.</p>	
Officer comment / response:	Agree that the following conditions should be imposed and the informative be appended to any approval of planning permission.

Any relevant Condition / Informative note?	<p>No part of the proposed structure (the fence, its posts and their foundations) shall overhang or encroach upon highway land and no gate shall open outwards over the highway.</p> <p>Reason: In the interests of highway safety.</p> <p>Informative: It is the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls will not be permitted on highway land. The highway boundary may not match the applicant's title plan. For further details please contact the highway research team at highway_boundaries@norfolk.gov.uk.</p>
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6. Publicity & Representations received

A site notice was displayed on a fence immediately adjacent to the hedgerow on 30-09-2022 and expiring on 21-10-2022.

6.1. Bradwell Parish Council

Representation	Officer Comment	Relevant Condition/Informative
No Objection	N/A	N/A

6.2. Public Representations

At the time of writing no public comments have been received.

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- [Policy CS9: Encouraging well-designed, distinctive places.](#)
- [Policy CS11: Enhancing the natural environment.](#)

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- [Policy A1: Amenity.](#)
- [Policy E4: Trees and landscape.](#)

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 12: Achieving well designed places (Inc. Paragraph 130 and 134)

9. Planning Analysis

- 9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for

planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to—*
- (a) the provisions of the development plan, so far as material to the application,*
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
 - (b) any local finance considerations, so far as material to the application, and*
 - (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

Main Issues

The main planning issues for consideration include:

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

Assessment:

Proposal summary: The application seeks the removal of an existing hedgerow and erection of a 1.8m high wooden fence

10. Impact on Character of the Area

- 10.1 Policy CS9 sets out that development should respond to "...the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials". Paragraph 130 of the NPPF, amongst other things, sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character.
- 10.2 The area in question is characterised by two-storey terraced dwellings, within a range of front boundary enclosures, as outlined above. The proposal would remove the existing hedge and replace it with a 1.8m high wooden fence. It is considered that the proposal would erode the softer edge provided by the hedge between the pavement and the dwelling, and remove some of the more traditional forms of boundary enclosure found to the front of these terraces. However, given the assortment of varied boundary treatments in the vicinity, a new 1.8m wooden fence would not be uncharacteristic of the area in this respect.
- 10.3 As the proposal is not located within a conservation area, the removal of the existing hedge in itself would not require planning permission.
- 10.4 It would also be possible to replace the hedge with a new boundary of only 1m height without the need for planning permission.

11. Design

- 11.1 The neighbouring property to the east (48 Church Lane) currently has a dark-green stained fence that reaches a height of 1.8m where it joins the existing hedgerow. It is considered that the staining of the fence this colour would reduce the visual impact on the surrounding area and allow for congruity with existing boundary treatments. The applicant has agreed that the proposed fence may be stained a similar dark green colour, the details of which may be secured by condition prior to the installation of the fence.
- 11.2 Whilst the curved shape of the fence may contrast with the straight lines of the fence to the west and other fences in the vicinity, it will nevertheless reference the curved arch of the brick wall adjoining the site at 6 School Corner.

12. Impact on existing trees

- 12.1 The Borough Council's arboricultural officer was consulted on the application due to the presence of two cherry trees located on a raised highway verge approximately 4m in front of the existing hedgerow
- 12.2 A pavement currently separates the hedgerow from the two cherry trees, though the arboricultural officer considers that the hedge would fall within the Root Protection Area of the two trees.
- 12.3 The trees are not protected by way of a Tree Preservation Order, nor by being located within a conservation area.
- 12.4 The arboricultural officer considers that both trees contribute heavily to the amenity of the surrounding area and landscape and are of good form and condition with a retention span of 40+ years. It is not considered expedient to protect the trees by specific TPO designation as they are subject to good arboricultural management being within the ownership of Norfolk County Council where occasional necessary works may be required owing to their proximity to the carriageway.
- 12.5 However, the trees are considered to be highly visible and significantly contribute to softening the townscape. Therefore, the development should take reasonable action to ensure they are not damaged during the construction of the fence.
- 12.6 Should the development be approved, it is necessary to ensure that appropriate measures are taken to avoid detrimental impacts on the cherry trees. A planning condition should be imposed that would require specific fence construction methods and the digging of inspection/test holes to establish the presence of tree roots, followed by appropriate care in the installation of concrete fence posts. The proposed condition is set out in the officer recommendation below.

13. Residential Amenity

- 13.1 Policy CS9(f) seeks to "protect the amenity of existing and future residents" from factors such as noise, light and air pollution". Local Plan Part 2 Policy A1 adds detail to this by setting out that planning permission will be granted only where development would not lead to an excessive or unacceptable impact on the amenities of the occupiers of existing and anticipated development. The proposal would not have any detrimental impact on residential amenity.

14. Access, Traffic and Highways impacts

- 14.1 The Local Highways Authority have been consulted on the application and raise no objection providing that no part of the proposed structure (the fence, its posts and their foundations) overhang or encroach upon highway land and no gates open outwards onto the highway. This should be secured by planning condition in the event of an approval of planning permission.

15. Conclusion and Recommendation

- 15.1 Having considered the details provided, the application is considered to comply with Core Strategy policies CS9 and CS11, and Local Plan Part 2 policies A1 and E4 and there are no material considerations to suggest the development should not be approved where it is consistent with these policies.

RECOMMENDATION:

It is recommended that application 06/22/0731/F should be APPROVED, subject to the following conditions and informative notes.

Proposed Conditions

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

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

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

- *Location Plan - site plan (1-1250) (Unnumbered)*
- *Proposed site plan (1-500) (Unnumbered)*
- *Proposed Fence Type (Unnumbered)*

The reason for the condition is: -

For the avoidance of doubt.

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

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

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

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

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

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

The reason for the condition is: -

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

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

The reason for the condition is: -

In the interests of the visual amenities of the area as precise details of the materials have not been submitted, in accordance with Core Strategy Policy CS9 and Local Plan Part 2 Policy A1.

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

The reason for the condition is: -

In the interests of highway safety.

And any other conditions considered appropriate by the Development Manager.

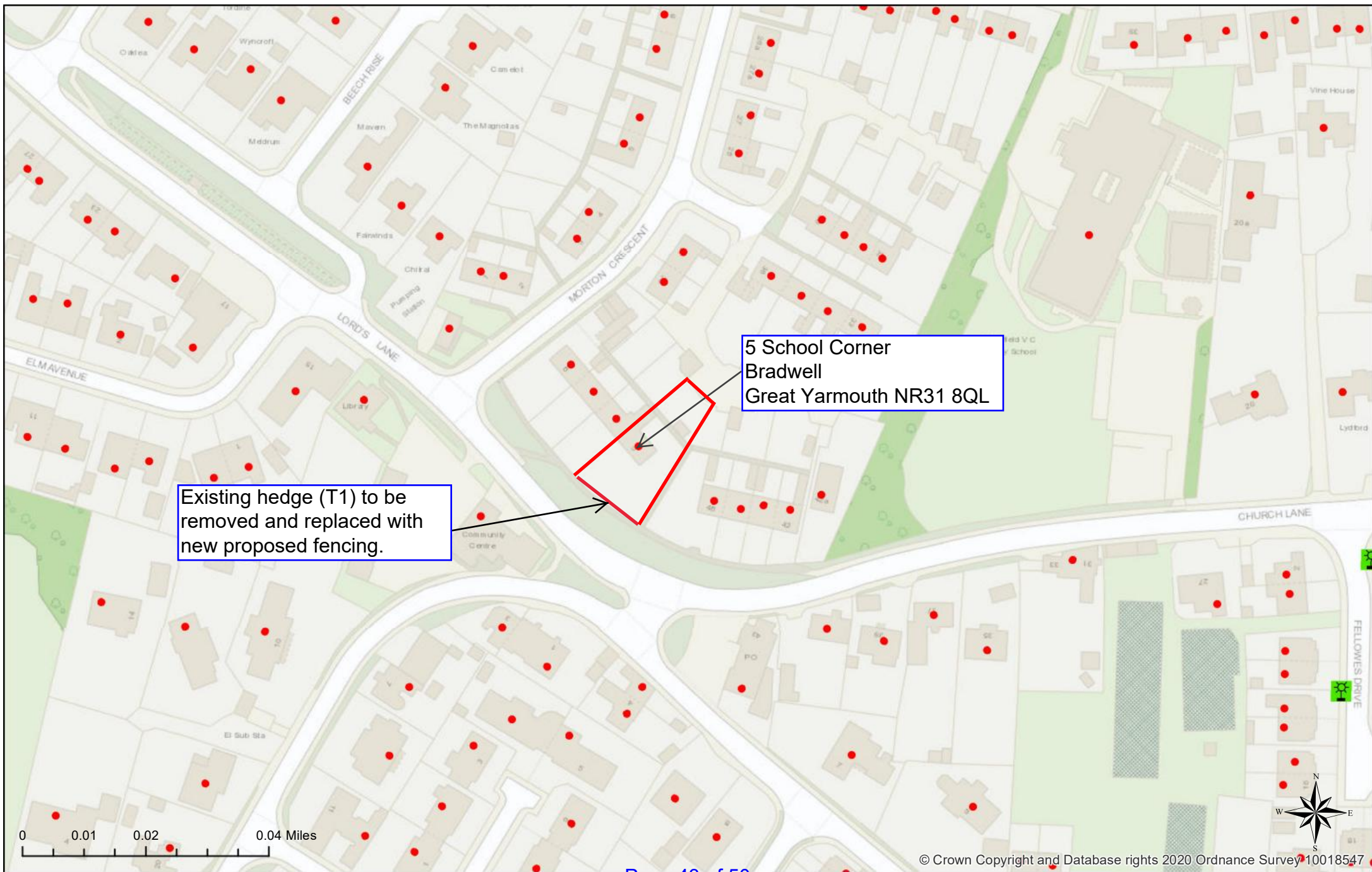
Informative Notes:

1. It is the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls will not be permitted on highway land. The highway boundary may not match the applicant's title plan. For further details please contact the highway research team at highway.boundaries@norfolk.gov.uk.

And any other informatives considered appropriate by the Development Manager.

Appendices:

1. Site Location Plan



Existing hedge (T1) to be removed and replaced with new proposed fencing.

5 School Corner
Bradwell
Great Yarmouth NR31 8QL

Schedule of Planning Applications

Committee Date: 9th November 2022

Application Number: 06/22/0765/TRE - [Click here to see application webpage](#)

Site Location: Land east of 311 Beccles Road, Gorleston, Great Yarmouth, Norfolk NR31 8DD

Site Location Plan: See Appendix 1

Proposal: Proposed works to tree; T1 Acer - Reduce and reshape encroaching branches up to 2m and thin crown

Applicant: Great Yarmouth Borough Services (GYBS)

Case Officer: Mrs H Ayers

Parish & Ward: Gorleston, Claydon Ward

Date Valid: 25-08-22

Expiry / EOT date: 16-11-22

Committee referral: This is a 'connected application', where the Borough Council is both landowner and applicant.

Procedural note: 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 01 November 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.

RECOMMENDATION: APPROVE tree works as proposed.

1. Background / History:-

1.1 The application is for works to 1 protected Acer (silver maple) on an area east of 311 Beccles Road, Gorleston. The tree is protected by TPO No.6 1998 which was confirmed on the 15th October 1998. 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 canopy is encroaching and in close proximity to surrounding properties. The crown is dense with epicormic growth from annual regrowth from historic pruning works.
- 1.3 The tree is a large, tall & wide specimen and takes up a considerable area on the grassed area to the east of 311 Beccles Road as will be demonstrated within the Committee meeting presentation.
- 1.4 The proposal is for the reduction and reshape of the encroaching branches by works to reduce the canopy width by a maximum of 2m on either side, to provide adequate clearance, and to thin the crown by removal of epicormic growth only.

2. Consultations :-

2.1 Public / Neighbour / Local Member comments:

A site notice was posted near to the tree and 21 days public consultation was available as required but at the time of writing the report, no correspondence has been received.

2.2 Consultees -

Arboricultural Officer	Response: No objection
<p>Comments:</p> <p>The tree is impacting upon the adjacent property and the applied for works will alleviate this issue.</p> <p>A 2m reduction of the lower Western Canopy will not ‘unbalance’ the tree and allow for future growth not to impact upon the property for a number of years.</p> <p>The removal of the epicormic growth from the tree’s stem and canopy will reduce the overall sail capacity and light obstruction/absorption so will benefit the tree’s retention span by being less susceptible to storm damage and lessen its impact upon the surrounding area.</p> <p>The works can be classed as good tree management and I have no objection to the works being consented too.</p>	
Officer Response	The works are appropriate and will elongate the trees lifespan and maintain its value to public amenity.
Required conditions	Standard conditions will be imposed.

Local Highways Authority (NCC)	Response: No Objection
Comments: There is no objection to the proposals but recommends an informative note be appended to any grant of permission given.	
Required conditions	Informative to be added to decision

3. Relevant Policies:

3.1 The principal policies are:

The Great Yarmouth Core Strategy (adopted 2015)

Policy CS9: Encouraging well-designed, distinctive places

Policy CS10: Safeguarding heritage assets

Policy CS11: Enhancing the natural environment

The Great Yarmouth Local Plan Part 2 (adopted 2021)

Policy E4: Trees and landscape

3.2 **Other material considerations:**

National Planning Policy Framework

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

4. **Planning Analysis:**

4.1 Part VIII, Chapter 1 of the Town and Country Planning Act (1990) (as amended) sets out the procedure for Tree Preservation Orders and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows applications to seek consent for specified works to be carried out to protected trees.

4.2 Local planning authorities should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. The authority must be clear about what work it will allow and any associated conditions.

- 4.3 When considering an application for works to protected trees the authority should consider:
- the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
 - whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
 - whether any requirements apply in regard to protected species;
 - other material considerations, including development plan policies where relevant.
- 4.4 In general terms, it follows that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is lower and the impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need for the work.

5. **Assessment:** -

- 5.1 The tree is impacting upon the adjacent property and the applied for works will alleviate this issue. A 2m reduction of the lower Western Canopy will not 'unbalance' the tree and prevent future growth impacting the property for a number of years.
- 5.2 The removal of the epicormic growth from the tree's stem and canopy will reduce the overall sail capacity and light obstruction/absorption so will benefit the tree's retention span by being less susceptible to storm damage and lessen its impact upon the surrounding area.
- 5.3 The works can be classed as good tree management and the Arboricultural Officer has no objection to the works being consented to.
- 5.4 The tree contributes to the local environment and its enjoyment by the public as it is highly visible, but the tree works will not reduce this visibility significantly and this maintenance will help improve visual appearance of the tree.
- 5.5 An informative note should be included on any consent reminding the applicant that it is an offence to disturb nesting birds under the terms of the Wildlife and Countryside Act 1981, offering additional protection.
- 5.6 The application would ensure the tree will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, CS10 and CS11.

6. RECOMMENDATION:-

It is recommended that **Consent** be granted.

Consent is 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 is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

The reason for the condition is: -

To ensure an acceptable standard of work, thereby minimising possible damage and decay/disease in the future.

- 3) INFORMATIVE:

Standard of work:

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

- 4) 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.

5) INFORMATIVE:

Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.

6) INFORMATIVE:

Property Rights:

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

7) INFORMATIVE:

Highways works:

This proposal involves works that could affect the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: streetworks.north@norfolk.gov.uk

Appendix:

1. Site Location Plan

