



GREAT YARMOUTH BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 07 December 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 - 12

To confirm the minutes of the meeting held on 9 November 2022.

4 APPLICATION 06-22-0845-CU 74 RODNEY ROAD GREAT YARMOUTH

13 - 27

Report attached.

5 APPLICATION 06-22-0863-TRE HOLLY FARM LOW ROAD ROLLESBY GREAT YARMOUTH

28 - 33

Report attached.

6 APPLICATION 06-22-0868-TRE 66 BECCLES ROAD BRADWELL GREAT YARMOUTH

34 - 39

Report attached.

7 REQUEST FOR DELEGATED AUTHORITY

40 - 41

Report attached.

8 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, 09 November 2022 at 18:00

PRESENT:-

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

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

1 APOLOGIES FOR ABSENCE

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

2 DECLARATIONS OF INTEREST

There were no declarations of interest declared at the meeting.

3 MINUTES

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

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

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

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

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 Connected to this, there was a need to demolish the disused and outdated rear plant room and associated flue feature and being within a conservation area these works required planning permission given the building volume and wall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

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

- Principle of development
- Historic environment and heritage
- Amenity

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

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

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

Following a unanimous vote, it was RESOLVED:-

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

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

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of

Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following plan: Drawing No. GYLH-CF-ZZ-XX-DR-A-0500 Plant Room Demolition Plan and Elevation
The reason for the condition is:- For the avoidance of doubt.

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

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

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

The reason for the condition is :-

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

Informative Notes:-

1. Asbestos –

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

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

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

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

2. Hours of work –

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

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

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

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

notes retained as evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Following a vote, it was RESOLVED:-

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

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

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

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

Location Plan - site plan (1-1250)

Proposed site plan (1-50)

Proposed Fence Type

The reason for the condition is: -

For the avoidance of doubt:

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

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

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

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

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

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

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

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

The reason for the condition is: -

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

Part 2 Policy A1.

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

The reason for the condition is: -

In the interests of highway safety.

And any other conditions considered appropriate by the Development Manager.

Informative Notes:-

Application Reference: 06/22/0731/HH Committee Date: 09 November 2022 1. It is the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls will not be permitted on highway land. The highway boundary may not match the applicant's title plan. For further details please contact the highway research team at highway.boundaries@norfolk.gov.uk.

And any other informatives considered appropriate by the Development Manager.

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

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

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

- The Great Yarmouth Core Strategy (adopted 2015)
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding heritage assets
- Policy CS11: Enhancing the natural environment
- The Great Yarmouth Local Plan Part 2 (adopted 2021)
- Policy E4: Trees and landscape.

Other material considerations to consider ;-

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

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

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

The Principal Planner reported that the tree contributed to the local environment and its this visibility significantly and this maintenance will help improve visual appearance of the tree. An informative note should be included on any consent reminding the applicant that it is an offence to disturb nesting birds under the terms of the Wildlife and Countryside Act 1981, offering additional protection. The application would ensure the tree will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, CS10 and CS11.

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

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

Following a unanimous vote, it was RESOLVED:-

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

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

The reason for the condition is: -

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

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

The reason for the condition is: -

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

3) INFORMATIVE:-

Standard of work:

Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 399)

INFORMATIVE:

Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does

not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

INFORMATIVE:

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

6. INFORMATIVE:

Property Rights:

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

INFORMATIVE:-

7. Highways works:-

This proposal involves works that could affect the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: streetworks.north@norfolk.gov.uk the work starts8
Recommendations for Tree Work

7 ANY OTHER BUSINESS

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

The meeting ended at 18:25.

The meeting ended at: TBC

Schedule of Planning Applications

Committee Date: 7th December 2022

Application Number: 06/22/0845/CU - [Click here to see application webpage](#)

Site Location: 74 Rodney Road, Great Yarmouth, NR30 2LJ

Site Location Plan: See Appendix 1

Proposal: Retrospective change of use from C3 dwellinghouse to C4 House of Multiple Occupation (HMO)

Applicant: Mrs Anuma Shrestha 13 Stapleford Avenue Newbury Park Ilford, Essex IG2 7RU

Case Officer: Mr R Tate

Parish & Ward: Nelson Ward

Date Valid: 22-09-22

Expiry / EOT date: 15-12-22

Committee referral: As requested by Councillor T Wright and in light of public concerns raised principally concerning impacts on amenity and the local highway network

RECOMMENDATION:

APPROVE SUBJECT TO CONDITIONS

REPORT

1. The Site and Context.

- 1.1 74 Rodney Road is a three storey end-terrace property located within Nelson Ward, in Great Yarmouth. The property has a similar visual appearance to its adjoining neighbour with white render and a red clay pantile roof.
- 1.2 The site is located within a dense part of town where development predominantly consists of dense residential development, mainly terraced properties although there are several examples of flats nearby.
- 1.3 The site is within the restricted parking area – Zone A – where parking within bays is restricted to resident permit holders only between the hours of 8am to 6pm. Outside of these bays are double yellow lines preventing parking.
- 1.4 The application is described as retrospective change of use from C3 dwellinghouse to C4 House of Multiple Occupation (HMO). At the time of the site visit the unit was vacant undergoing a refurbishment; the application form states that this building was first used as a HMO since 2012 and the previous owner had a HMO licence granted in 2018 from Environmental Services which is understood to be limited to 5 persons.

1.5 The change of use of a property from C3 residential use to C4 HMO use is usually considered to be permitted development under Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended). This permitted development right is removed as there is a Borough-wide Article 4 direction in place preventing the change from C3 to C4 being possible as permitted development. As such, this requires express planning permission.

2. The Proposal

2.1 This application seeks planning permission for the change of use of the property to a C4 use class HMO; class C4 is intended to allow up to 6 residents. Information submitted with the application confirms that there would be 5 bedrooms with a maximum of 6 occupants. The following layout is proposed:

- Basement: storage
- Ground Floor: Kitchen, communal room, w/c and Bedroom 1.
- First Floor: Bedroom 2 (inc. an ensuite), Bedroom 3 and Bathroom.
- Second Floor: Bedroom 4 and Bedroom 5.

2.2 The application does not seek to amend the existing location of the bins which are currently stored in a courtyard area to the rear of number 73 Rodney Road. There are currently 2x domestic black bins and 2x recycle green bins which are collected by GYBS.

3. Site Constraints

3.1 The site is within the development limits as defined by GSP1.

3.2 The site is within the Orange 400m to 2.5km Indicative Habitat Impact Zone.

4. Relevant Planning History

4.1 There is no relevant planning history

5. Consultations

Statutory Consultees

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

Internal Consultees

Consultee: Environmental Services		Response: General Comments
<p>Comments:</p> <p>It is likely that the property will come under the requirement for mandatory licencing under the Housing Act 2004, based on the number of storeys and number of individual letting bedrooms. If the property does come under the requirements for licencing, then the owner must apply for a licence, or an offence will be committed under Section 72 of the Housing Act 2004. If the property does not fit the requirements for mandatory licencing it may still be a 'House in Multiple Occupation', and as such will be required to have sufficient amenities and have adequate fire prevention measures and fire detection system installed. The owner must ensure that the property complies with amenity levels and fire safety by liaising with the local authority Environmental Health Services.</p> <p>As this property resides in the selective licencing area the owners must therefore make an application via the Home Safe Scheme to licence the property.</p>		
Officer comment / response:	n/a	
Any relevant Condition / Informative note?	Planning can not require applicants to pursue a licence but whilst the applicant is aware of this requirement, it is helpful to include the advice as an informative on any permission decision notice.	

Strategic Planning	Response: Support in principle
<p>The principle of locating a new HMO within this area is broadly supported through Policy H12, however there remains some uncertainty regarding the precise number of tenants that are likely to occupy the property.</p> <p>If approved, the planning consent should be subject to a condition to a maximum occupancy of 6 persons, as a C4 HMO. However the precise number should be informed in consultation with the Council's Environmental Health Officer who will be best placed to advise of the adequacy and suitability of the proposed bathroom and kitchen facilities, as it may be that a tighter condition restricting a smaller number of tenants is more appropriate.</p>	
Officer comment / response:	The applicant has since confirmed the number of occupants and Environmental Health raised no objection to 6 people occupying the HMO.
Any relevant Condition / Informative note?	Recommended to impose a condition to prevent more than 5 people residing in the property because this is the basis on which the application was presented and assessed, and because there are only adequate facilities for 5 persons at once.

6. Publicity & Representations received

Consultations undertaken: A site notice was posted outside the property and public consultation ended on the 28-10-22.

Ward Member – Cllr Tony Wright

Cllr Tony Wright	Response: Object
<p>Further to my previous e mail regarding 74 Rodney Rd my main concern is that of having an HMO in an area which clearly has a number of Flats with Isabella Square, and Ravelin House to name but two and the majority of properties in the immediate area of this part of Rodney Rd are mainly family homes.</p> <p>The property itself rears on to other family homes in a small courtyard style and whilst I believe having an HMO is not a suitable development which may impact on the neighbouring homes by having 5 individual units, the property would no doubt be more suitable for individual self contained flats (2) and more conducive to what is already established within this area.</p> <p>There is clearly an issue with parking which is within 'zone A' mainly due to the considerable number of individual flats within this area.</p>	

I noted from visiting the area that the bins are at the rear of the property and seeing that the environmental services have had to attach warning notes due to the misuse of the bins that having up to six individual tenants may well increase the problem of incorrect use – this is an issue in other parts of the ward where there are HMO's – although I accept this is not exclusively a problem just with HMO's nor am I determining that any future occupants would not adhere to the rules, merely that overall this appears to be problematic elsewhere and is of concern to the Environmental department already.

I read what the applicant had to say with regard to other comments and that this property would be different by having 'professional's' in occupation and that they would not accept any misbehaviour etc' I do not know how this could be controlled as even with flats there could be no guarantees, but by virtue of having a minimum of 5 individuals in one property sharing facilities is not what I would consider as suitable and would increase the possibility of having neighbour issues.

I have noted the comments by other objectors who live in this area and have witnessed many anti social issues but have myself had no contact with them at this stage but I am aware of some (not all) of the issues raised within some of the comments and have over time raised these concerns with the council.

I also noted that the plans of the proposed layout that the kitchen is adjacent to the WC with just 1 door separating these rooms – this may not be a reason to object to this application but merely raising what I consider to be totally unsuitable to have the communal kitchen immediately next to a toilet whereas if they were flats with self contained facilities – not shared – may be more appropriate.

The above may or may not be considered reasons under 'planning laws' but knowing the area as well as I do, I know that it would be wrong to agree to this retrospective application to have this property as an HMO.

<p>Officer comment / response:</p>	<p>Principle of Development: The principle of development is supported by policy H12 (if other criteria are satisfied) and the site is outside of an area where the Local Plan resists HMOs.</p> <p>Parking: The site is located within walking distance to the town centre and occupants would unlikely be totally reliant on the private car.</p> <p>Anti-social behaviour: HMOs do not lead to anti-social behaviour <i>per-se</i> and this is not a material planning consideration; should any anti-social activities occur then there are other channels in place to deal with this.</p> <p>Internal Layout: Rooms and living spaces are considered appropriate for the intended use. Licensing would address whether there is appropriate separation between kitchen and WC for example.</p>
<p>Any relevant Condition?</p>	<p>n/a</p>

Public Representations

At the time of writing 7 public comments have been received.

Objections / Concerns:

	Representation	Officer Comment	Relevant Condition/Informative
1	No Need for HMOs.	HMOs undoubtedly play an important role in providing lower-cost accommodation in the Borough, and the Council is keen to ensure that where they are proposed (and present) they are of good standard.	Recommended to impose a condition to prevent more than 5 people residing in the property at any one time.
2	Insufficient Parking	The application site is located close to the town centre within a sustainable location. Residents would therefore not be totally reliant on the provide motor car for day to day journeys and the proposal would not necessarily create adverse levels of parking pressures.	No conditions necessary.
3	Lack of larger dwellings within the Borough to Rent	This is not considered to be a material planning consideration in respect of this scheme as this is anecdotal and not substantiated.	n/a
4	Would create noise and disturbance to neighbours	HMOs can sometimes have amenity impacts both on their residents and on adjoining residents. It is therefore important to ensure that occupancy levels are restricted to ensure that these are not over and above what would be normally expected for a dwelling of this size. If a nuisance arose it would be better investigated through other services.	No conditions necessary.
5	Area is primarily residential	The proposal is for a C4 HMO which would accommodate a number of residents to a regular dwelling house. The character of this use does differ from this but the	n/a

		immediate area would not suffer from a proliferation of C4 uses.	
6	Anti-social behaviour	HMOs do not lead to anti-social behaviour <i>per-se</i> and this is not a material planning consideration; should any anti-social activities occur then there are other channels in place to deal with this.	n/a
7	Adverse impact on local community	See point 6.	n/a

General Comments

Representation	Officer Comment	Relevant Condition/Informative
If it was for 6 persons then I would have no objections but for any more the building is not suitable.	C4 use is for a maximum of 6 people and therefore any excess of this would require planning permission in its own right.	

Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future.
- Policy CS2: Achieving sustainable growth.
- Policy CS3: Addressing the borough's housing need.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS11: Enhancing the natural environment.
- Policy CS16: Improving accessibility and transport.

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits.
- Policy A1: Amenity.
- Policy H12: Houses in multiple occupation.

Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

Planning Analysis

- a. 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.

- b. 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
- Amenity
- Parking and Highway Safety

Assessment:

Retrospective change of use from C3 dwellinghouse to C4 House of Multiple Occupation (HMO)

7. Principle of Development

- 7.1 Houses in Multiple Occupation (HMOs) are, for planning purposes, those properties being shared by three to six occupants who form two or more (separate) households and who share a kitchen, bathroom and/or toilet (use class C4). It is noted that there has been financial pressure in the past to convert guest-houses, hotels and C3 dwellings in the Town to C4 and sui-generis HMOs, particularly in the Back of Sea Front Area.

7.2 HMOs undoubtedly play an important role in providing lower-cost accommodation in the Borough, and the Council is keen to ensure that where they are proposed (and present) they are of good standard. However, HMOs can sometimes have amenity impacts both on their residents and on adjoining residents. Any new HMO proposal must therefore be appropriately located and designed, and there must not be an over-concentration of HMOs in any one area, which are criteria set out within Local Plan Part 2 policy H12. Considerations such as parking provision, bin storage and general amenity will help to maintain the quality of the local environment for both existing and new residents, and relevant other Local Plan policies will need to be taken into account (such as CS9, A1 and I1).

7.3 Policy H12 is the principal policy when assessing applications for HMOs. This policy recognises where HMOs have presented a strain on the local character and identifies areas within the Town where new HMOs (both C4 and sui-generis 'large HMO' types) will not be permitted. These are within the 'Great Yarmouth Seafront Area' (Policy GY6), the 'Hall Quay Development Area' (Policy GY3) and the 'Back of Seafront Improvement Area' (Policy GY7) where the Local Plan seeks to develop a different character for those areas.

Policy H12 states:

"New Houses in Multiple Occupation (HMOs) will not be permitted in the designated 'Seafront Area' and 'Back of Seafront Improvement Area' due to the need to protect the character and nature of these areas. New HMOs will also not be permitted in the designated 'Hall Quay Development Area' due to the desire for specific types of high-quality re-development in this location."

7.4 The application site is not within any of the areas where the principle of HMOs is considered in the Local Plan to be unacceptable. As such, subject to the proposal providing sufficient bin storage and not harming neighbouring amenity (which will be explored in later sections of this report), the principle of a C4 HMO in this location is considered to be acceptable and consistent with the requirements of policy H12.

7.5 Policy H12 requires the applicant to state the number of occupants which would occupy each bedroom. According to the size standards outlined in Table 6.1 of the policy supporting text to H12, when comparing the standards to the sizes of rooms in the building, the proposal could result in the following maximum number of persons for each bedroom:

- Room 1 = 12.2sqm – maximum of 2 persons
- Room 2 = 9.9sqm – maximum of 1.5 persons (adult and child (1-10years))
- Room 3 = 12.5sqm – maximum of 2 persons
- Room 4 = 12.8sqm – maximum of 2 persons

- Room 5 = 12.3sqm – maximum of 2 persons

7.6 The applicant has stated that the HMO would be occupied by no more than 6 people, which it should be noted is the maximum allowed under a C4 use, however they have not stated which room would be occupied by more than one person. When considering the layout of the property, it would be recommended to restrict the occupancy of the building to 5 people – i.e. one per bedroom. This would then reduce the intensity of the use and offer some mitigation to neighbours' concerns.

8. Bin Storage

8.1 The bins are currently stored in a courtyard area to the rear of number 73 Rodney Road. There are currently 2x domestic black bins and 2x recycle green bins which are collected by GYBS.

8.2 Information submitted with the application confirms that the bins would continue to be stored in this area.

8.3 Policy H12 A states: "there must be provision of adequate practical bin storage for the number of potential occupants out of sight from the street such as within the curtilage to the rear of the property, or in covered bin storage within a frontage curtilage, of a scale and of a design which maintains or improves the character and amenity of the area". The bins would be stored out of site from the highway although are not stored within the curtilage of the subject property – which in this instance would not be practical. The proposal would not result in any change from the existing situation and therefore would not cause any further harm to the surrounding character or neighbouring amenity.

9. Amenity for future occupants

9.1 With a HMO, occupants share communal spaces such as kitchens, living rooms and bathrooms. The supporting text to policy H12 requires that a minimum ratio of one kitchen and one bathroom for every six occupants is provided. The proposal complies with this and along with the bathroom on the first floor, also provides a w/c, kitchen and communal room on the ground floor. The adequacy of facilities and their availability is a matter for the licensing authority to consider.

9.2 Occupants of HMOs tend to spend more time within their individual bedrooms rather than if the property were to be used as a single family dwelling. It is therefore important that

each room is of a regular size, well sized and provided with suitable levels of natural light and outlook. All of the bedrooms within the property are considered to provide residents with sufficient levels of amenity. As such, in this regard, the proposal is considered to comply with policies A1 and CS09 F.

10. Amenity for neighbouring users

- 10.1 Adopted Policy A1 expands on CS09 F to ensure that no significantly harmful amenity issues occur, including overlooking and loss of privacy; nuisance, disturbance and loss of tranquillity from waste and clutter, intrusive lighting, noise, and poor air quality (including odours).
- 10.2 The supporting text to policy H12 recognises that HMOs can sometimes have amenity impacts both on their residents and on adjoining residents. In general C4 HMOs should have no significantly greater impact on amenity, character and parking (for example) than C3 dwellings, compared to what might be significantly larger impacts which could occur with a sui-generis 'large' HMO of more than 6 persons in residence.
- 10.3 Whilst it is recognised that the staircase is adjacent the shared wall with the neighbouring property, it is not considered that use of this staircase would result in such adverse impacts *vis a vis* noise and disturbance that it would significantly affect the amenity of the neighbours.
- 10.4 In terms of the impact to the wider amenity of the area, the property's use as a HMO does not automatically mean that this would give rise to unacceptable levels of additional noise and disturbance or concerns with anti-social behaviours. Should anti-social behaviours occur then there are channels in place outside of the planning system to deal with this.

11. Highways

- 11.1 There is no off-street parking provided as part of this application. However, it is recognised that the site is located within a highly sustainable location, close to the town centre and its associated shops, services, amenities, and wider public transport links. As such, future residents would not be totally dependant on the private car and would have access to services by sustainable means. Due to the close proximity of the town centre, in this instance cycle storage is not considered imperative.

- 11.2 The Local Highways Authority (Norfolk County Council) have been consulted on the application and raise no objection to the scheme.
- 11.3 Whilst neighbours have raised concerns about the cumulative pressures on on-street parking, members should be mindful of NPPF paragraph 111 which states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* As the area is subject to residential permit parking there is no reason to believe that the levels of car parking will increase in the vicinity.

12. Impact on Designated Sites

- 12.1 In terms of the impact on designated sites within the Borough, a C4 HMO (up to 6 people) and a C3 dwelling are considered to be equal according to the Countywide GIRAMS strategy. As such, a HRA and GIRAMS contribution is not required as there is not considered to be an additional impact.

13. The Planning Balance

- 13.1 The application site is within an area where the principle of HMO uses are considered acceptable and this proposal would not undermine the Council’s strategy for ensuring that HMOs are directed away from areas that are seeing character changes as part of other policies in the Local Plan. The proposal provides suitable levels of amenity for future occupants and each occupant would have a quality of living space which would be in line with policies A1 and H12.
- 13.2 No off-street parking is provided, and the surrounding area does have parking restrictions in place due the existing level of demand. However, the site is located close to the town centre and future occupants would not be reliant on the private car so this proposal would not necessarily directly lead to an increased pressure on parking.
- 13.3 The bin storage is not located within the curtilage of the property and is not covered; however, it is not visible from the street and this proposal would not generate any further harm when compared to the existing situation.
- 13.4 To mitigate the impacts on the surrounding area, and to ensure a high quality of living for future occupants, the occupancy of the property should be limited to 5 people by planning condition.

14. Conclusion and Recommendation

- 14.1 Having considered the details provided, the application is considered to comply with policies CS01, CS02, CS03, CS09, CS11 and CS16 from the adopted Core Strategy, and policies GSP1, H12 and A1 from the adopted Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

RECOMMENDATION:

It is recommended that application 06/22/0845/CU 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 application form and the following plans received by the Local Planning Authority on the 22nd September 2022:

- Site Location Plan
- Floor Plan

The reason for the condition is:-

For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any order revoking or re-enacting that Order, the premises shall only be used as a House of Multiple Occupation (Class C4) with a maximum of five bedrooms only. Only the rooms labelled as Bedrooms 1, 2, 3, 4, and 5 on the approved floor plan (labelled as 74 Rodney Road) shall be used for bedroom accommodation, and all other rooms shall remain available for use as communal facilities.

The reason for the condition is :-

In accordance with what was applied for and to ensure suitable living accommodation for all occupiers.

4. The House of Multiple Occupation hereby approved shall not be permanently occupied by any more than 5 people at any one time.

The reason for the condition is :-

To mitigate the impact on neighbours and parking pressures resulting from any intensification of the use.

And any other conditions considered appropriate by the Development Manager.

Appendices:

1. Site Location Plan

H.M. LAND REGISTRY

TITLE NUMBER

NK65920

ORDNANCE SURVEY
PLAN REFERENCE ©

COUNTY
NORFOLK

SHEET

NATIONAL GRID

SECTION

TG 5207

Q

Scale: 1/1250

GREAT YARMOUTH DISTRICT

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Schedule of Planning Applications

Committee Date: 07/12/2022

Application Number: **06/22/0863/TRE** - [Click here to see application webpage](#)

Site Location: Holly Farm House, Holly Farm, Low Road, Rollesby

Site Location Plan: See Appendix 1

Proposal: Proposed works to tree - T1 Oak: Reduce over extended lower laterals by a maximum of 2m; Remove damaged beam; Reduce and re-shape lateral branches overhanging neighbouring property by a maximum of 2m

Applicant: Great Yarmouth Borough Services (GYBS)

Case Officer: Mr T Hadlow

Parish & Ward: Rollesby Parish, West Flegg Ward

Date Valid: 30/09/2022

Expiry / EOT date: 13/12/2022

Committee referral: Constitution (Connected application)

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 29/11/2022, 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 applied for subject to conditions

REPORT

1. The Site

- 1.1 The application is for works to one protected Oak tree on an area of green space to the west of Holly Farm House in Rollesby. The tree is protected by TPO NO.1 of 2017 which was confirmed on 10th February 2017.
- 1.2 TPO No.1 of 2017 protects a number of trees in the vicinity, including a large tree group containing 7 Ash trees and 1 Oak Tree to the north-west of the site, and a number of trees protected individually that are situated within the rear gardens of Glen Haven, Holly Farm House and the verdant area to the west of Holly Farm house. The Tree is referenced as T5 by the TPO but is hereafter referred to as T1 in line with the application description.
- 1.3 The tree is situated to the south of the boundary with a recent new built development of 10 dwellings off Meadow Way, Rollesby, which were completed in 2021 and are now occupied. The canopy of T1 partially overhangs the rear garden of one of these properties (23 Meadow Way).

1.4 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.

2. The Proposal

2.1 The proposed tree works involve the reduction of over-extended lower lateral branches by a maximum of 2m to reduce end weight and minimise failure; the removal of a lateral branch with a large split/hazard beam; and the reduction and reshaping of lateral branches over-hanging the neighbouring property by a maximum of 2m.

3. Relevant Planning History

3.1 A previous tree works application for the felling of a dead Holly Tree (06/22/0227/TRE) was approved under a 5-day notice exception for dead, dying, and dangerous trees in June 2022. That tree (T3 as protected by TPO No.1 of 2017) was located to the east of the Oak tree the subject of this application and was also within the garden curtilage of Holly Farm House.

3.2 There is no other relevant planning history relating to the site.

4. Consultations

Arboricultural Officer	Response: No Objection
I've no objection to proposed tree works. There is a large, failed limb (being removed) within the canopy. This limb has failed due to a structural defect (hazard beam) which has been caused due to the limb's over extension (reaching for light due to competition with adjacent trees). This limb is dangerous and in jeopardy of failing further; its removal is recommended. The other remaining limbs are being reduced to limit the likelihood of this happening elsewhere within the canopy – with a suitable volume of canopy being removed to alleviate the issue/lessen the likelihood of it happening again but still allow for healthy/structurally sound future growth. Both portions of work will elongate the retention span of the tree and can be classed as sound tree management.	
Officer comment / response:	N/A
Any relevant Condition / Informative note?	N/A

Norfolk County Council (Highways)	Response: No Objection
Given the proposals do not have any highway implications, the Highway Authority have no comment to make in respect of this application.	
Officer comment / response:	N/A
Any relevant Condition / Informative note?	N/A

5. Publicity & Representations received

Consultations undertaken: A site notice was posted on 21/10/2022, expiring on the 11-11-22. No responses from the public have been received.

5.1. Rollesby Parish Council

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

5.2. Public Representations

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

6. 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 E4: Trees and landscape.

7. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 12: Achieving well designed places (Inc. Paragraph 130 and 134)

8. Planning Analysis

- 8.1. 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.
- 8.2. 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.

9. Assessment

Proposal summary: Proposed works to tree - T1 Oak: Reduce over extended lower laterals by a maximum of 2m; Remove damaged beam; Reduce and re-shape lateral branches overhanging neighbouring property by a maximum of 2m

- 9.1 When assessing applications for tree works to protected trees the following list, whilst not exhaustive, indicates the material considerations:
- Amenity value of the tree and the impact of the works
 - Landscape Character Assessment
 - Reasons for the work proposed
 - Likelihood of loss or damage from refusing the works
 - Protected species (normally discharged through informative on consent letter)
 - Planning policies
- 9.2 The tree is of significant scale and benefits from reasonable public visibility. Although views from Meadow Way are only possible as a large portion of the canopy seen from the rear of 23 Meadow Way, the whole tree is visible from Wick Lane and Low Road to the south. As such, the tree provides an important contribution to the visual amenities of the area and forms part of the vista when moving north on Wick Lane.
- 9.3 The Council's Arboricultural Officer has indicated that the proposed works are necessary to remove the danger posed by the large, failed limb within the tree canopy which has been caused by the limb's over extension due to competing with adjacent trees for sunlight.
- 9.4 The Arboricultural Officer considered that the reduction of the other limbs would also constitute good arboricultural practice in an attempt to lessen the likelihood of similar issues occurring with other limbs and in the interests of structurally sound future growth.
- 9.5 The proposed works are therefore considered appropriate to elongate the retention span of the tree and ensure that it would continue to contribute to the visual amenities and character of the area, in accordance with Core Strategy Policies CS9 and CS11 and Local Plan Part 2 Policy E4.

10. Conclusion and Recommendation

- 15.1 Having considered the proposal, the application is considered to comply with Core Strategy policies CS9 and CS11, and Local Plan Part 2 policy 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 06/22/0863/F should be APPROVED, subject to the following conditions and informative notes.

Proposed 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.

Informative Notes:

1. 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
2. Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.
3. 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.
4. 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.

Appendices:

1. Site Location Plan



Dog Grooming

T1

24

Low Rd

Low Rd

Low Rd

Low Rd

Schedule of Planning Applications

Committee Date: 07/12/2022

Application Number: **06/22/0868/TRE** - [Click here to see application webpage](#)

Site Location: 66 Beccles Road, Bradwell, Great Yarmouth, NR31 8HF

Site Location Plan: See Appendix 1

Proposal: Proposed works to trees: T1 Sycamore - Crown lift lower branches by a maximum of 3m; Reduce and shape southern canopy by a maximum of 1m

Applicant: Great Yarmouth Borough Services (GYBS)

Case Officer: Mr T Hadlow

Parish & Ward: Bradwell Parish, Bradwell North Ward

Date Valid: 17/10/2022

Expiry / EOT date: 12/12/2022

Committee referral: Constitution (Connected application)

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 29/11/2022, 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 applied for, subject to conditions

REPORT

1. The Site

- 1.1 The application is for works to one protected Sycamore tree within the garden curtilage of 66 Beccles Road, Bradwell. The tree is protected by Tree Preservation Order (TPO) No.6 of 2007 which was confirmed on 17th March 2008.
- 1.2 TPO No.6 of 2007 protected 3 trees within the garden curtilage of 66 Beccles Road; T1 – An Oak tree located on the front of the plot; T2 – A Sycamore tree located to the west of T1 and further within the plot; and T3 – a pine tree located on the boundary with 68 Beccles Road. This application relates to works to T2. For the avoidance of doubt the tree is referenced as T2 by the TPO but is hereafter referred to as T1 in line with the application description.
- 1.3 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.

2. The Proposal

- 2.1 The proposed tree works involve the crown lifting of lower branches by a maximum of 3m and to reduce and shape the southern canopy by a maximum of 1m.

3. Relevant Planning History

- 3.2 There is no relevant planning history relating to the site.

4. Consultations

Arboricultural Officer	Response: No Objection
I've no objection to proposed tree works. The canopy reduction of lateral limbs is of a suitable measure (1m) to alleviate the loading upon the lateral branches and lessen the likelihood of structural failure but allow for healthy/structurally sound future growth. The crown lift up to 3m is also a good level to allow for future growth of the tree. Both portions of work (c/lift and canopy reduction) will elongate the retention span of the tree and can be classed as sound tree management and allow better use of the properties garden.	
Officer comment / response:	N/A
Any relevant Condition / Informative note?	N/A

Norfolk County Council (Highways)	Response: No Objection
Given the proposals do not have any highway implications, the Highway Authority have no comment to make in respect of this application.	
Officer comment / response:	N/A
Any relevant Condition / Informative note?	N/A

5. Publicity & Representations received

Consultations undertaken: A site notice was posted on 28/10/2022, expiring on the 18-11-22. No responses from the public have been received.

5.1. Bradwell Parish Council

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

5.2. Public Representations

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

6. 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 E4: Trees and landscape.

7. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 12: Achieving well designed places (Inc. Paragraph 130 and 134)

8. Planning Analysis

- 8.1. 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.
- 8.2. 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.

9. Assessment

Proposal summary: Proposed works to trees: T1 Sycamore - Crown lift lower branches by a maximum of 3m; Reduce and shape southern canopy by a maximum of 1m

9.1 When assessing applications for tree works to protected trees the following list, whilst not exhaustive, indicates the material considerations:

- Amenity value of the tree and the impact of the works
- Landscape Character Assessment
- Reasons for the work proposed
- Likelihood of loss or damage from refusing the works
- Protected species (normally discharged through informative on consent letter)
- Planning policies

- 9.2 The tree is of a moderate stature with important public visibility from the A143 Beccles Road. The tree is also readily visible from within the garden curtilage of 66 Beccles Road and from neighbouring dwellings to the north-east. The tree therefore makes a valued contribution to the visual amenities of the area.
- 9.4 The Council's Arboricultural Officer considers that the reduction of lateral limbs by 1m would constitute good arboricultural practice in order to lessen the likelihood of future structural failure and in the interests of structurally sound future growth.
- 9.5 The proposed works will elongate the retention span of the tree and ensure that it will continue to contribute to the visual amenities and character of the area, in accordance with Core Strategy Policies CS9 and CS11 and Local Plan Part 2 Policy E4.

10. Conclusion and Recommendation

- 15.1 Having considered the proposal, the application is considered to comply with Core Strategy policies CS9 and CS11, and Local Plan Part 2 policy Helen, i 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 06/22/0868/TRE should be APPROVED, subject to the following conditions and informative notes.

Proposed 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.

Informative Notes:

1. 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
2. Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.

3. 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.
4. 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.

Appendices:

1. Site Location Plan



Report to Development Control Committee

Committee Date: 07/12/2022

Proposal: Request for delegated authority to be granted to the Director of Planning & Growth and Head of Planning.

Case Officer: Mr R Parkinson, Development Manager

Parish & Ward: Borough-wide

RECOMMENDATION:

To allow ‘connected applications’ for tree works to be determined at Officer level.

REPORT

- 1.1 Applications must be made to the Local Planning Authority (LPA) for consent to undertake prohibited works to trees protected by a Tree Preservation Order in accordance with the Town and Country Planning Act 1990, as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Similarly, written notice must be given to the LPA when works are proposed to trees in a Conservation Area (pursuant to Section 211 of the Town and Country Planning Act 1990 [‘section 211 notices’]). Ordinarily, these applications are determined at Officer level by the Head of Planning under authority delegated to the Director of Planning & Growth by the Development Control Committee.
- 1.2 However, such applications are referred to the Development Control Committee if they are considered a “connected application”, namely when they are submitted by Great Yarmouth Borough Council (GYBC), Great Yarmouth Borough Services (GYBS), or Great Yarmouth Norse (GY Norse), or when the works affect trees on land owned by GYBC or its subsidiaries e.g. Equinox. This referral is no different to planning applications or applications for works to listed buildings when submitted by GYBC or affecting land in the ownership of GYBC, and referrals are made in the interests of maintaining transparency of decision making. All applications are assessed and a recommendation is provided to the Committee by officers of the LPA, and not by officers responsible for management of the land in question.
- 1.3 GYBC as LPA advertises all applications for proposed tree works by displaying a public site notice at the location for 21 days and, in the case of applications submitted by neighbours, by writing to the property where the tree is sited.
- 1.4 In the vast majority of cases applications submitted by Great Yarmouth Borough Council Services, or those affecting trees on GYBC land, do not give rise to public concern and DC Committee will not recall many requiring in depth scrutiny or debate. Some notable exceptions would however include the applications for works to trees in Kent Square, Great Yarmouth, for example, which the DC Committee considered in both March and September 2022.
- 1.5 When a ‘connected application’ is received, LPA officers notify the applicant that it the submission will require determination by the DC Committee, so they

can plan their work schedules accordingly. However, whilst most applications can be considered 'straightforward', some delays do occur given the need to fit into the DC Committee timetable schedules, for example some 'section 211 notices' require decisions to be made within 6 weeks which is not easily achieved without applicant's express agreement. As GYBS provides important services to the Borough's landowners beyond just sites with assets owned by GYBC, it is not just the Council as landowner which might experience the inconvenience of delays.

- 1.6 Officers therefore request authority from the Development Control Committee to determine 'connected' tree applications at Officer level.
- 1.7 If authority is granted, applications will continue to be overseen by the Head of Planning. The Director of Planning & Growth will still retain the ability to defer applications to the Committee at their discretion, such as if an application or notice leads to significant levels of public interest or concern, even in support of proposals as with Kent Square, or if the application proposes works that are not considered appropriate by LPA officers.
- 1.8 This procedure can be introduced with immediate effect and with the following impacts:
 - minimal detriment to the scrutiny given to applications, as all applications would be overseen by the Head of Planning in the same way in which recommendations are currently made to the Committee;
 - significant benefit from expedient determination of tree works applications;
 - small but noticeable benefit for other applications by requiring fewer demands on officer time and resource;
 - noticeable benefits from making fewer demands on Councillor's time;
 - avoids a risk of works to trees in conservation areas being 'automatically approved' if a Committee decision cannot be made within 6 weeks of receipt.

RECOMMENDATION:

To allow 'connected applications' to be determined by the Head of Planning and the Director of Planning & Growth under authority delegated by the Development Control Committee, when an application is made:

- **by Great Yarmouth Borough Services; or,**
- **by Great Yarmouth Borough Council; or,**
- **by Great Yarmouth Norse; or,**
- **on land or to trees owned by Great Yarmouth Borough Council,**

when applications seek consent for prohibited works to trees protected by a Tree Preservation Order; or,
when the submission is a notice of intent to undertake works to trees within a Conservation Area.