

## **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

<b>Arboricultural Officer</b>	<b>Response: No Objection subject to condition</b>
<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 <a href="#">application webpage</a></i></p>	
<b>Officer comment / response:</b>	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"> <li>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.</li> <li>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</li> </ol>

	<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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<b>Property Asset Management</b>	<b>Response: No Objection</b>
<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>	
<b>Officer comment / response:</b>	There are no covenants which would restrict the development commencing.
Any relevant Condition / Informative note?	n/a

<b>Norfolk County Council (Highways)</b>	<b>Response: No Objection subject to condition</b>
<p>The Highway Authority raise no objection but would recommend the following conditions and informative note be appended to any grant of permission.</p>	
<b>Officer comment / response:</b>	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 <a href="mailto:highway_boundaries@norfolk.gov.uk">highway_boundaries@norfolk.gov.uk</a>.</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](mailto:highway.boundaries@norfolk.gov.uk).

And any other informatives considered appropriate by the Development Manager.

**Appendices:**

1. Site Location Plan

