

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

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

**Applicant:** Norfolk Archaeological Trust

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

and,

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

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

## **ADDENDUM REPORT**

### **1. Procedural matter**

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

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

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

## 2. **Proposal**

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

## 3. **Consultations:-**

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

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

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

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

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

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

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

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

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

#### **Highways and access**

- 4.7 Paragraph 111 of the National Planning Policy Framework sets out the tests with regard to highway safety and function that should guide decision makers:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*
- 4.8 It is considered that it is not possible to clearly demonstrate impact on highway

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

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

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

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

necessary in order for permission to be granted”.

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

### **Local Finance Considerations**

- 4.20** Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local

finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example.

## **5. The Planning Balance**

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

## **6. Conclusion**

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

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

## **7. RECOMMENDATION 1:**

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

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

And any other conditions considered appropriate by the Development Manager.

## **RECOMMENDATION 2: -**

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

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

And any other conditions considered appropriate by the Development Manager.

**Appendices:**

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

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

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

**Applicant: Norfolk Archaeological Trust**

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

**and,**

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

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

## **REPORT**

### **1. The site**

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

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

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

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

## **3. Proposal**

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

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

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

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

**4. Relevant Planning History**

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

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

**5. Consultations:-**

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

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

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

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

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

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

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

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

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

### **Consultations – External**

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

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

- 5.9 Parking on the highway is not only obstructive to all users of the highway, especially vulnerable road users, it can also be inconsiderate leading to parking on road side verges resulting in mud and debris being discharged onto the road surface and also creating longer maintenance issues. These factors also give rise to conditions detrimental to highway safety. Likewise, such parking can also give rise to other social issues which is a matter for the LPA to consider.
- 5.10 Given the above I am minded that it would be feasible to address parking displacement through the provision of "at any time" waiting restrictions on the highway to prevent parking taking place at inappropriate locations in the interests of highway safety.
- 5.11 Accordingly, I recommend a condition be appended to any grant of permission that *"No works shall commence on the site until the Traffic Regulation Order for waiting restrictions has been promoted by the Local Highway Authority"*, in the interests of highway safety. This needs to be a pre-commencement condition as the impact applies to traffic associated with the daily running of the site.
- 5.12 County Highways have made no bespoke comment on signage but their response letter was referenced to cover both applications and did not raise concerns with driver distraction.

**5.13 Norfolk Historic Environment Team (Archaeology) – No objection.**

Based on currently available information the proposal will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work

**5.14 Broads Authority: No objection.**

We can confirm that we have no objections. However, we would suggest that the size and number of signs should be reduced to a minimum where possible to limit the visual impact.

**5.15 Natural England: No comments.**

**5.16 English Heritage "properties in care": No comment received.**

**Consultation - Internal to GYBC**

**5.17 Conservation officer – Declined to make comment (there is no impact on the designated heritage assets).**

**6. Assessment of Planning Considerations:**

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

**Relevant Policies:**

Core Strategy 2013: policies CS9, CS10, CS15

**Other material considerations:**

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

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

National Planning Policy Framework (2021):

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

National Planning Practice Guidance

**Principle of development – proposed uses**

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

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

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

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

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

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

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

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

### **Amenity (privacy)**

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

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

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

### **Highways and access**

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

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

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

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

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

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

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

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

### **Historic Environment**

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

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

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

### **Ecology and landscaping**

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

### **Local Finance Considerations**

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

## **7. The Planning Balance**

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

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

## **8. Conclusion**

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

## **9. RECOMMENDATION 1:**

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

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

And any other conditions considered appropriate by the Development Manager.

### **RECOMMENDATION 2: -**

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

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

And any other conditions considered appropriate by the Development Manager.

**Appendices:**

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

## APPENDIX 2

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

Notes made by Owen Warnock of Norfolk Archaeological Trust:

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

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

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

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

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

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

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

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

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

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

Other points -

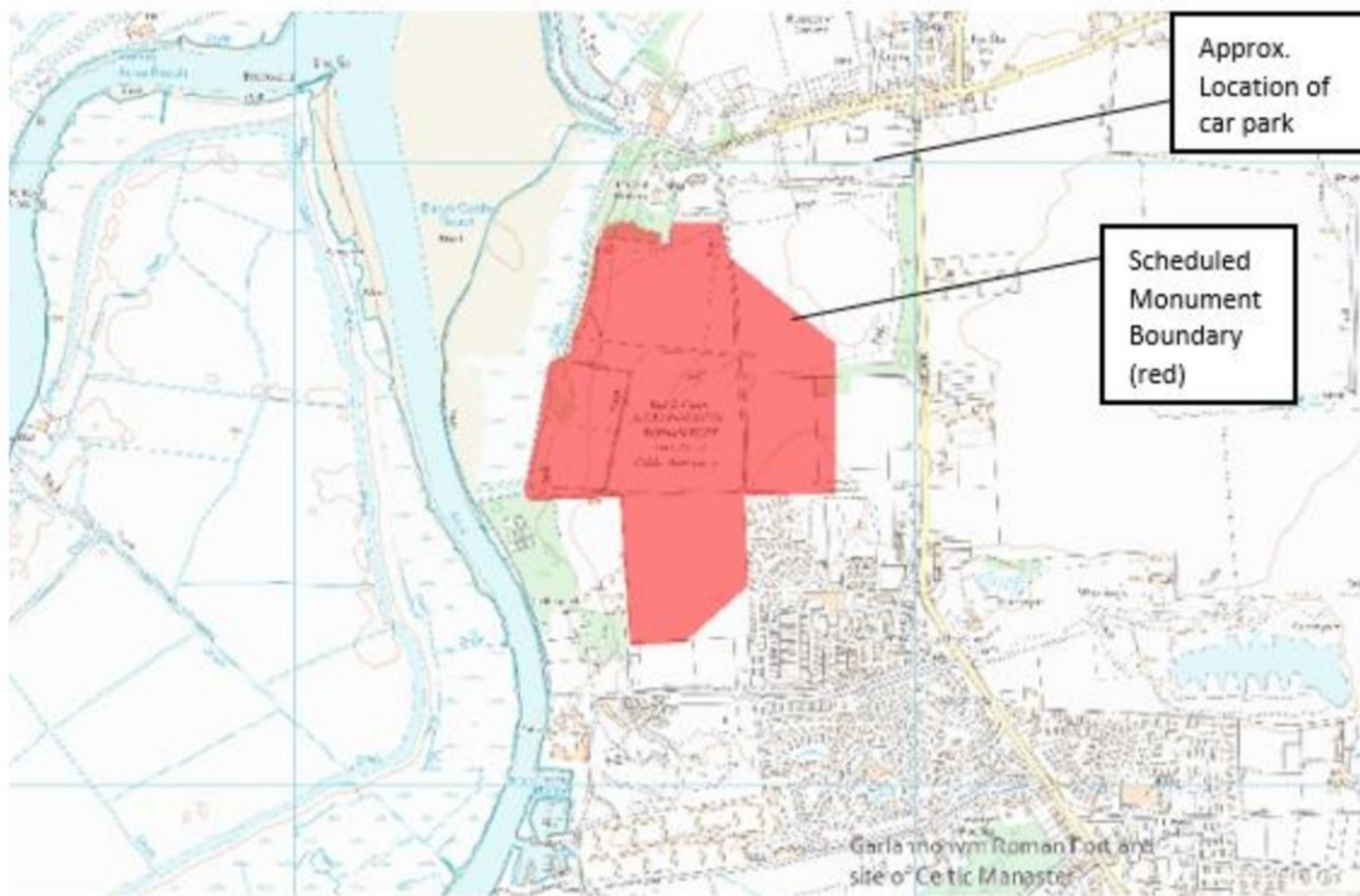
The meeting had a useful discussion about various steps that could be taken. Clearly the NAT sign at the church triangle directing visitor to the Fort to our car park needs to be renewed and, subject to any advertising consents required, it might usefully be made more prominent. Irrespective of this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

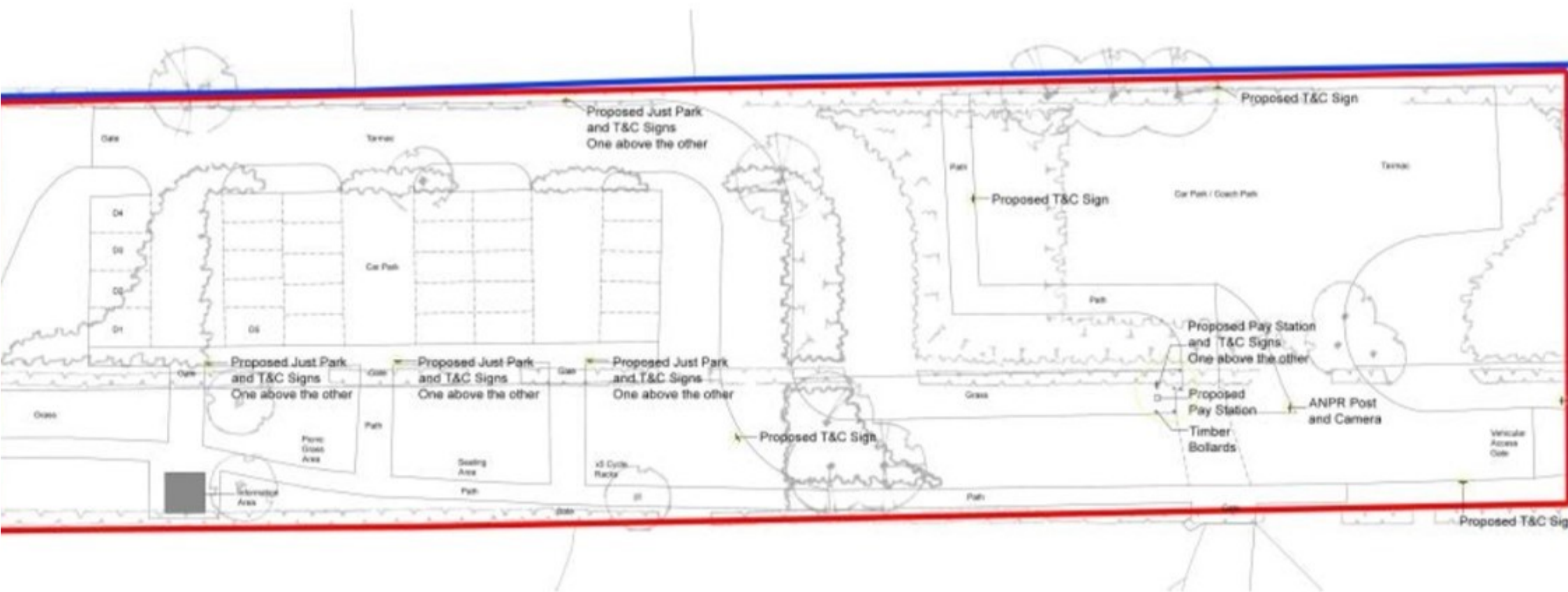
It was thought that some bollards on the verge to the north of the entrance to the Fort car park might deter some roadside parking – some at least of this verge is highway land but to the extent that part is owned by the Trust we would be happy for bollards to be placed there.

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

## Traffic Regulation Order –

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





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

