

Reference: 06/16/0784/F

Parish: Great Yarmouth
Officer: Mrs G Manthorpe
Expiry Date: 13/04/2017

Applicant: Mr W Austrin

Proposal: Proposed change of use at first floor and above from nightclub into 16 no. residential flats.

Site: 33 Marine Parade Great Yarmouth.

REPORT

1. Background / History :-

- 1.1 The application is a full application to change the use of the first floor of 33 Marine Parade, known as Caesars, from a nightclub to residential flats and flats at the second and third floor. The total number of flats applied for is 16.
- 1.2 There is extensive planning history at the site dating from 1956 with the most recent being an application in applications for advertisements in 2009 and 2004 and a glazed screen and external bar extension approved in 2001.

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

- 2.1 Neighbours – There have been no public comments received.
- 2.2 Highways – No objection to the lack of car parking provided, requested amended plans to include the provision of secure cycle parking which have been provided but comments not yet recieved.
- 2.3 Building Control – No objections.
- 2.4 BPA – Not in zone of interest.

- 2.5 Environmental Health – Hours of work conditions requested, noise impact assessment submitted following comments and consultation response not yet received. Should the response be received prior to the Committee this shall be reported verbally. Comments were made regarding the size of two flats and these have been amended, comments on flat sizes not yet received. Further advice was given in the consultation response which has been forwarded to the applicants' agent.
- 2.6 Strategic Planning – The proposal seeks a change of use from a night club on the first floor to residential uses on the first, second and third floors to comprise 16 residential flats. It is understood that the second and third floors are already being used for residential purposes.

The site is situated on the Marine Parade seafront above Caesars amusements arcade; it is identified as being within prime commercial holiday area, the Great Yarmouth Seafront Area and the seafront conservation area. Saved Policy TR21, Great Yarmouth Seafront, seeks to ensure that Great Yarmouth's Golden Mile maintains its focus of the Borough's traditional tourist industry. Policy CS8 of the Core Strategy looks to ensure that the tourism sector remains strong, and that all proposals are sensitive to the character of the surrounding area.

Great Yarmouth is allocated as a main town in the settlement Hierarchy. Policy CS2 indicates approximately 35% of new development will take place in the Borough's main towns of Great Yarmouth and Gorleston, and Part E) of this policy also encourages the reuse of existing buildings. Policy CS3 sets the Borough's housing provision for the plan period to at least 7,140 new homes, supporting those with the most capacity to accommodate new homes in accordance with policy CS2.

There are, however, other considerations such as the general compatibility of the proposal with the likely noise generated from the surrounding area which forms part of the Town's night time economy, particularly from the adjacent club venue.

The site has the potential to provide sea view residential accommodation which may help to improve the quality of the Town's residential stock. Though this application is not submitted for the use of tourist accommodation, the site could be suitable for tourist accommodation, and thus maintaining tourism-type uses within the Great Yarmouth Seafront Area, and it could improve the offer of tourist accommodation.

The key consideration of this proposal is whether the potential contribution to meeting the Borough's housing needs and the general suitability of the site outweigh the potential loss of commercial/tourist uses (albeit the first floor as a

night time venue). As part of this weighing up, consideration should also be given to the viable use of the upper floors of the property, and the potential for its vacancy should an appropriate use not be delivered.

From a planning policy perspective, the Strategic Planning team raises no objection to this proposal, but no doubt you may well have other matters to weigh in reaching a decision.

2.8 Conservation – No comments received.

2.9 Great Yarmouth Tourist Authority - No response received.

2.10 GYB Services – No comments received.

2.11 Norfolk Fire Service – No comments received.

3 Local Policy :-

3.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

3.2 Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.

3.3 The Saved Policies listed have all been assessed as being in general conformity with the NPPF, and add further information to the policies in the NPPF, while not contradicting it.

3.4 POLICY TR21 (Partial)

IN THE GREAT YARMOUTH SEAFRONT AREA, WITH THE ASSISTANCE OF ITS STATUTORY DEVELOPMENT CONTROL POWERS, THE COUNCIL WILL:

(A) MAINTAIN AND ENHANCE THE STATUS OF GREAT YARMOUTH'S GOLDEN MILE (THE SEAFRONT BETWEEN EUSTON ROAD AND THE PLEASURE BEACH) AS THE MAIN FOCUS OF THE BOROUGH'S TRADITIONAL TOURIST INDUSTRY, AND PROVIDE THE BALANCE AND RANGE OF FACILITIES AND ATTRACTIONS WITHIN THIS AREA THAT MEETS THE NEEDS AND EXPECTATIONS OF ALL SECTIONS OF THE POTENTIAL MARKET;

4 National Policy:- National Planning Policy Framework (NPPF)

- 4.1 The presumption in favour of sustainable development is set out under paragraph 4.
- 4.2 Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 4.3 Paragraph 50 states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 4.4 Paragraph 63 states that: 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 4.5 Paragraph 17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

- 4.6 Paragraph 111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.
- 4.7 Paragraph 173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

5 Core strategy – Adopted 21st December 2015

- 5.1 Policy CS2: Achieving sustainable growth. This policy identifies the broad areas for growth, sets out the sustainable settlement hierarchy for the borough and two key allocations.
- 5.2 Policy CS4: Delivering affordable housing. This policy sets out the thresholds for the provision of affordable housing. The site is within affordable housing sub-market area 3 Great Yarmouth Town Centre with a threshold of 15 dwellings providing 10% affordable housing.
- 5.3 Policy CS8: As one of the top coastal tourist destinations in the UK, the successfulness of tourism in the Borough of Great Yarmouth not only benefits the local economy but the wider sub-regional economy as well. To ensure the tourism sector remains strong, the Council and its partners will:

b) Safeguard the existing stock of visitor holiday accommodation especially those within designated holiday accommodation areas, unless it can be demonstrated that the current use is not viable or that the loss of some bed spaces will improve the standard of the existing accommodation.

(note only b of a-o is shown)

- 5.4 Policy CS9: Encouraging well designed and distinctive places. This policy applies to all new development.

6 Assessment :-

- 6.1 The proposed plans show a conversion of three floors, one of which is currently in use as a commercial nightclub, to residential use providing 16 flats. The 16 flats are to comprise 9 one bedroom flats and 7 two bedroom flats giving a variation to the offering by providing mixed sizes. The site is located within sub market 3 as identified within the core strategy and therefore 10% affordable housing or a contribution in lieu of affordable housing at the Councils discretion, will be required to comply with policy. In addition to affordable housing contributions shall be required for public open space and children's recreation to mitigate the additional strain that the development will place upon the area as none is able to be provided on site.
- 6.2 Strategic planning have, at paragraph 2.7 of this report provided comprehensive comments and note the need to assess the application against the loss of commercial offering and the need for sustainable development. The commercial offering at first floor level is a nightclub that benefits from an eastward facing balcony which enjoys views along Marine Parade. The applicant has provided some limited financial evidence that the site is not viable as a commercial bar although it is currently operational. Presently there are no policies which specifically relate to the first floor level of Marine Parade and the majority of the first floor and above properties are in residential use. There has been a recent approval for residential conversion at the adjacent property which is part of the Tower Complex which will provide 18 residential flats.
- 6.3 The loss of a first floor use in this location is not deemed to be significantly detrimental to the seafronts commercial vitality. There are no proposed changes to the façade of the building which is an attractive addition to the seafront. The entrance to the bar currently comprises a door to the northern section of the building which does not provide a significant level of commercial frontage. The commercial business of an arcade at the ground floor remains unchanged and does not form part of this application. The ground floor is a valuable part of Great Yarmouth's tourism offering and there would be significant objections to any proposed changes. There have been no comments received from the Great Yarmouth Tourist Authority on the loss of the commercial offering at first floor. Given the lack of objections, specific policy for retention at above ground floor level or objection from Great Yarmouth Tourist Authority the loss of the commercial use and change of use to residential in a sustainable location is not so significantly detrimental to recommend refusal of the application.
- 6.4 Following a consultation response from Environmental Health changes to the layout have been made to seek to provide a higher standard of accommodation. The final consultation response has not been received and shall be reported verbally if received prior to the Development Control Committee. There are no

adopted size requirements in current planning policy and while Environmental Health are consultees the size requirements are not binding. The plans demonstrate that the flats as proposed are adequate in size in planning terms to provide a high quality of accommodation.

- 6.5 The applicant has submitted a noise impact assessment following comments from Environmental Health and while no consultation response has been received adequate conditions can be placed upon any grant of planning permission to seek to ensure that there is no noise disturbance on future occupants. In addition building regulations shall need to be complied with.
- 6.6 There are amended plans required to show additional windows to the western elevation and a covered stairwell but these should not be prohibitive to deciding the planning application and could be conditioned if required. There are no further alterations to the external elevations and as such the eastern elevation is not required.
- 6.7 Highways have no objection to the application and request that adequate cycle storage is provided. The revised plans show an area dedicated for cycle parking and this can be conditioned to be provided or, upon receipt of Highways further consultation response, further details can be submitted to ensure that adequate cycle parking is provided. The application does not propose any parking and there are no highways objections as this is a sustainable location with good access to public transport.
- 6.8 On balance the application will provide housing in a sustainable location without having a significant adverse effect on the tourism offering. The loss of the first floor commercial use is not uncommon along Marine Parade and as such will remain in keeping with the character of the area.

7 RECOMMENDATION :-

- 7.1 It is recommended to approve the application with conditions as requested by consulted parties, those noted within this report and any deemed appropriate to ensure a satisfactory form of development. The permission should not be issued until a s106 agreement in accordance with current policy is signed, the agreement should include payment in lieu of open space and children's recreation and affordable housing.



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