

Schedule of Planning Applications

Committee Date: 7th September 2022

Application Number: 06/22/0415/F - [Click here to see application webpage](#)

Site Location: North Drive Esplanade (adj to North Drive Car Park), Great Yarmouth

Site Location Plan: See Appendix 1

Proposal: **Construct 43 no. beach huts with associated supporting foundations, retaining wall and new 1.1m hairpin fencing; change of use, conversion and alterations to eastern side of Pavilion into an amenity block for beach huts; removal of existing vegetation and 7 concrete/timber benches**

Applicant: Great Yarmouth Borough Council

Case Officer: Mr R Tate

Parish & Ward: GY Central/Northgate Ward

Date Valid: 21-06-22

Expiry / EOT date: 15-09-22

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

Procedural note: This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 13th July 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

RECOMMENDATION: APPROVE subject to conditions.

REPORT

1. The Site

- 1.1 The application site is located off North Drive in Great Yarmouth and includes ~190 metre part of The Esplanade behind the basketball courts and North Drive Car Park. Also included in the site is the North Drive Pavilion building and the footpath linking The Esplanade to North Drive.

- 1.2 Whilst still part of the Great Yarmouth Sea Front area, as defined by policy GY6, this part of the sea front is outside of the Golden Mile and has a quieter and less commercial feel. To the western side of North Drive sit the historic hotels and this part of the sea front also includes the Venetian Waterways.
- 1.3 The Esplanade is approximately 7 metres wide and apart from the regular benches is unobstructed. The Esplanade is separated from the carpark and basketball courts by a concrete plank fence, planting (including shrubbery and palm trees) and a grassed strip. This planting helps to soften the edge of the car park and distracts from the expanse of paved surfaces.
- 1.4 The site is within the Seafront Conservation Area No. 16
- 1.5 The beach is approximately 230 metres wide at this point so the beach huts will be outside of any defined coastal erosion epoch.

2. The Proposal

- 2.1 The proposal seeks to remove the existing concrete plank fencing, 7 benches and planting, to install a concrete pad of 4.2m width and then install 43 no. beach huts. The concrete pad will be retained behind a wall constructed of facing brickwork and a hairpin top fence 1.1m high is proposed to be installed on top of the brick wall, behind the beach huts.
- 2.2 The beach huts are separated to form five blocks (1 block of 7 huts and 4 blocks of 9 huts), with the existing footways between The Esplanade and the car park retained. The Beach Huts will have 2 x 3 metre footprints and be constructed out of timber. There will be glazing to the doors. The beach huts will be of traditional form with a pitched roof and a variety of colours.
- 2.3 The Beach Huts would be available for sale on a long lease with an annual ground rent, with the Council to build and dispose of individual huts. This will allow the Council to have control over the design and colour of the huts.

- 2.4 The application also includes converting the eastern side of the North Drive Pavilion into an amenity block purely for the use of hirers or owners of these beach huts. This would include a WC, disabled WC, hand wash and baby change facilities together some small storage areas for items needed for the day to day running of this facility. The external alterations would include bricking up existing door openings and creating a new door.

3. Site Constraints

- 3.1 No.16 Sea Front Conservation Area.
- 3.2 Great Yarmouth Sea Front as defined by policy GY6.
- 3.3 Flood Zone 3.

4. Relevant Planning History

- 4.1 No relevant planning history.

5. Consultations

Statutory Consultees

Consultee: Environment Agency		Response: NO OBJECTION
Thank you for your consultation which was received 22 July 2022. We have reviewed the documents submitted and can confirm we are removing our holding objection.		
Officer comment / response:	A holding objection was initially raised because due to lack of a Flood Risk Assessment which was subsequently addressed by the applicant A Flood Response Plan has been submitted to identify what actions need to be taken in the event of a flood event. This should be made available to people using the beach huts before they begin using them.	
Any relevant Condition / Informative note?	<ul style="list-style-type: none">• No use of the site for overnight accommodation.• The flood advice and emergency procedures should be provided to all users prior to use.	

Consultee: Local Highways Authority (Norfolk County Council)	Response: No objection
Comments: The proposals do not have any highway implications, and no objection is raised.	
Officer comment / response:	n/a
Any relevant Condition / Informative note?	n/a

Internal Consultees

Consultee: Environmental Services	Response: “No comment”
Officer comment / response:	n/a
Any relevant Condition / Informative note?	n/a

Consultee: Strategic Planning Officer	General Comments
<p>Location and principle of development</p> <p>The proposed beach huts are to be located along a stretch of the North Drive Esplanade, immediately adjacent the North Drive Car Park. The location of the existing Pavilion buildings, which is to be partly altered, is set behind the proposed beach huts, south of the aforementioned car park. The site area is situated within the Development Limits (GSP1), Great Yarmouth Seafront Area (GY6) and Seafront Conservation Area (CS10, E5).</p> <p>The proposal should be considered in the context of Policies CS8 and GY6 which seek to encourage new, high quality tourist facilities/attractions which help to encourage year-round tourism. The proposal is within close walking distance of existing attractions, including the Winter Gardens, restaurant and dining opportunities along North Drive and many others along the ‘Golden Mile’ a short distance away. With no other beach huts in the vicinity, the proposal would likely provide a complimentary ‘draw’ for the existing attractions, helping to enhance the overall tourism offer across the year.</p>	

The formation of the amenity block within the existing Pavilion building provide a complimentary facility for the beach huts and would bring back toilet facilities, albeit for restricted public use, within the area.

The proposal is in an area of high (tidal) flood risk. Whilst 'beach huts' are not classified under the Planning Practice Guidance's Flood Risk vulnerability classification,. Their use (which excludes sleeping accommodation) and intended functional design (i.e. near to the beach) would be classified under 'water-compatible development'. Such development is considered appropriate within areas of high flood risk, and would not require sequential or exception testing under Policy E1.

Officer comment / response:	The principle of beach huts in this location is supported as they will contribute to the tourist attraction facilities and the economic investment created both directly and indirectly are considered to outweigh the relatively low level of 'less than significant harm' caused to the Conservation Area and other nearby heritage asset settings.
Any relevant Condition / Informative note?	n/a

Consultee: Conservation Officer	Response: Requires further details
Comments: We request specifications for the new door and railings to be installed at the south elevation of the existing pavilion.	
Officer comment / response:	Property & Asset Management have confirmed that "Both the door and railings to the pavilion will match the existing ones in style and finish which were fitted to the west side building of the building in 2013". Planning Officers consider this to be appropriate.
Any relevant Condition / Informative note?	n/a

Consultee: Coastal Protection Officer		Response: No objection
Officer comment / response:	Please see Officer Report section 14.	
Any relevant Condition / Informative note?	n/a	

6. Publicity & Representations received

Consultations undertaken: Site notice and Press advert

Reasons for consultation: Development is within a Conservation Area

7. Public Representations - At the time of writing 2 public comments have been received:

Objections / Concerns: None

Support:

Representation	Officer Comment	Relevant Condition / Informative
I am delighted to support this application as I think if these Beach huts are carefully managed and maintained they will be a great enhancement to the seafront and will help to improve the image of Great Yarmouth seafront similarly to what has happened in Gorleston	n/a	n/a

Objecting

Representation	Officer Comment	Relevant Condition / Informative
<p>I am aware that beach huts are to be built on the promenade on North Drive.</p> <p>I would like to register my concerns about how this would constrict the size of the walk way to users particularly many who use mobility scooters. I fear</p>	The beach huts will be located on a new concrete pad sited on the position of the existing planter features at the	n/a

<p>that an accident may occur resulting in someone going off the wall.</p> <p>As you will see in the photo I am forwarding showing the huts at Gorleston, people place chairs etc in front of the huts which creates, in my view, a hazard for other members of the public.</p> <p>Please also think about the scooters that are available to the public as they too regularly use the promenade along with cyclists. Maybe restrictions should be put in place and at least warning signs should be shown.</p> <p>It would be a good idea for the council to monitor the area for a short while to be sure on the safety aspect of the proposed huts.</p> <p>Would it not be possible to put them on the sand below the wall?</p>	<p>back of the current promenade, so will not in themselves obstruct the existing area used as a promenade footway.</p> <p>There are no planning control mechanisms available to restrict chairs on the promenade, although it should be noted that the removal of the benches does free up some width. Use of the promenade footway is a licensing matter.</p>	
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8. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS08: – Promoting tourism, leisure and culture
- Policy CS09: – Encouraging well-designed, distinctive places
- Policy CS10: – Safeguarding local heritage assets
- Policy CS11: – Enhancing the natural environment

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy L2: New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas
- Policy E3: Protection of open spaces
- Policy E4: Trees and landscape
- Policy E5: Historic environment and heritage

Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- NPPF Paragraph 8
- NPPF Paragraph 111
- NPPF Paragraph 130
- NPPF Paragraphs 159-167
- NPPF Paragraph 195
- NPPF Paragraph 197
- NPPF Paragraph 199
- NPPF Paragraph 200
- NPPF Paragraph 201
- NPPF Paragraph 202

9 . Planning Analysis

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

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

Main Issues

The main planning issues for consideration include:

- Principle of development
- Heritage and Character
- Amenity
- Landscaping
- Coastal erosion risk
- Tidal Flood Risk

Assessment:

10. Principle of Development

- 10.1 Core Strategy Policy CS8, parts d), e) and j), in particular, seek to enhance the tourist offer in terms of facilities and its relationship to the surrounding area. This proposal has the potential to offer facilities increasing the quality and variety of facilities to Great Yarmouth as a coastal resort. This approach is reiterated in Local Plan Part 2 (LPP2) policy L2. The proposed beach huts would sit outside of the Golden Mile but within an area of a quieter type of attraction – such as the Venetian Waterways.
- 10.2 The Esplanade provides an area of open space that is well used for recreation, including by runners, walkers and families. Adopted LPP2 Policy E3 seeks to protect such open-spaces, only allowing development where the proposal is ancillary to the space and will add to the value and function of the local open space to the benefit of amenity or the local community. In this case, the beach huts will be sat off The Esplanade itself behind where the existing concrete fence is, as such allowing for the full width of the Esplanade to be used.
- 10.3 The huts have been designed without a veranda at the front. However, any impact on The Esplanade is likely to be negligible and as such, the loss of a small proportion of the defined open space is acceptable in this location.
- 10.4 The changes to form the amenity block within the Pavilion do not raise any policy concerns.

11. Heritage and Character

- 11.1 The site is located within the No 16 Sea Front Conservation Area. The decision maker has a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure there is special attention paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Furthermore, NPPF paragraph 202 states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.* It is considered that the level of harm to the conservation area and any other designated heritage assets would be less than substantial, and so any favourable decision on this application would need to be satisfied that the level of public benefit provided is sufficient to outweigh the level of harms caused.

- 11.2 Beach huts are a traditional seaside attraction and providing the design and materials are satisfactory, they are an appropriate form of development in the area. The beach huts add vibrancy and have a positive contribution to the character of the area, but it is not considered necessary to condition the final colour scheme of the beach huts as variety in the final appearance will ensure that the beach huts contribute to the seaside character of the Conservation Area.
- 11.3 The five sections of beach huts are not aligned centrally to the section of the Esplanade adjacent the car park; whilst this may look undesirable in plan view, in person / ‘on the ground’ it is considered that this would not have an adverse effect on the Conservation Area.
- 11.4 The existing concrete fencing runs the entire length of the North Drive Esplanade. This is utilitarian and unattractive. The proposed replacement black hairpin fencing which will sit ~4.2 metres further west than the existing fencing, behind the proposed beach huts, will be an improvement and a more sympathetic fencing treatment.
- 11.5 The changes to the North Drive Pavilion building are relatively minor and only relate to the installation/removal of windows and doors and the installation of a disabled ramp. These changes will not materially change the appearance of the building or adversely impact the wider character of the Conservation Area. As confirmed with the agent, the new door(s) will match the existing.

- 11.6 Subject to conditions, the proposal is considered able to be compliant with policies CS09 A and CS10 and the additional beach huts will have a positive contribution to the Conservation Area and wider beach setting.

12. Amenity

- 12.1 Adopted LPP2 policy A1 expands on policy CS09 F to ensure that no significantly harmful amenity issues occur, including *overlooking and loss of privacy; loss of light and overshadowing and flickering shadow; building and structures which are overbearing; nuisance, disturbance and loss of tranquillity from waste and clutter, intrusive lighting, visual movement, noise, poor air quality (including odours and dust); and vibration*. Given the distance to dwellings, none of these are expected to occur, and the potential for impacts between beach huts or with other users of the Esplanade are considered limited.
- 12.2 It is recommended that a condition is imposed to prevent overnight accommodation use, to ensure that the huts are not used as living accommodation in the future. This is also required as the application has been assessed on the basis that the proposal would generate no overnight accommodation and therefore no Habitats Regulations Assessment (HRA) or contribution to the county-wide mitigation (GIRAMS) scheme has been submitted as part of this application.
- 12.3 A condition is also required to ensure the amenity block is made available to serve these new huts prior to their first use. This is to ensure that users will have adequate facilities available to them whilst visiting.

13. Landscaping

- 13.1 Behind the existing concrete fencing there is a line of planting, mostly consisting of shrubs and palm trees. Whilst not being particularly visible from the beach side of the concrete fence, they do soften the edge of the car park and concrete basketball courts, something that grass alone would not achieve.
- 13.2 The loss of the concrete wall and replacement with a hairpin fence and colourful beach huts will improve somewhat the situation but would still represent a 'hard' edge to the car park and the loss of visual amenity and some albeit limited biodiversity.

- 13.3 A landscaping plan has been submitted which includes some limited tree planting (4no. Acer pseudoplatanus 'Spaethii) as well as planting beds 2m wide behind each block of beach huts. A variety of planting is proposed and this should help to soften the edge of the car park and provide sufficient amenity value. The application would comply with LPP2 policy E4.

14. Coastal erosion and coastal change

- 14.1 Survey data is available from the Anglian Coastal Monitoring Programme for the time period from 2011 to 2021, for a beach profile towards the northern extent of the proposed beach hut frontage. This shows that the sandy foreshore fronting the site of the proposed beach huts is extremely wide, being a width of approximately 260-270 metres including low-level sand dunes showing relative stability up to approximately 180 metres seawards from the promenade. A more active zone of beach movement has been recorded seawards of this point, including a zone which sits within the range of predicted low and high tides at this location. The profile also shows that the height of the sandy and low-level sand dune foreshore is above the predicted highest astronomical tide, up to a point approximately 230-240 metres seawards of the promenade.
- 14.2 Given the above information, combined with the nature of the proposed development, no objection is being raised to this planning application on coastal erosion grounds, as on a normal, day-to-day basis sea water does not come near or reach the promenade due to the presence of the extremely wide foreshore comprised of a sandy beach and low-level sand dunes. In extreme, rarer, storm surge events it may be possible for sea water to reach the promenade, initially from the northern and southern extremities of the proposed beach hut frontage, where the beach is still extremely wide but there are areas of foreshore which whilst being sandy have no low-level sand dunes.
- 14.3 As such there is considered to be minimal risk and the conditions requiring no overnight accommodation will further reduce the risk of being exposed to extreme weather events and/or flooding.

15. Coastal Flood Risk

- 15.1 A Flood Risk Assessment has been submitted due to the location of the site within Flood Zone 3. The Environment Agency have been consulted on the application and raised no objection – removing their previous holding objection.

- 15.2 The flood risk can be mitigated by use of appropriate planning conditions requiring no overnight accommodation, which reduces the vulnerability of the use. A condition should be imposed to ensure that the beach huts are securely fastened to their bases to ensure they remain in place during a flood event.
- 15.3 A Flood Response Plan has been provided by the agent. The Flood Response Plan demonstrates what appropriate measures will be in place during a flood event and ensure that occupants are aware of the EA early warning system.

Local Finance Considerations

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

16. Conclusion and Recommendation

- 16.1 It is considered that whilst there is a small level of 'less than substantial' harm to the conservation area, the public benefits provided through the improved tourist offer is sufficient to outweigh the level of harms caused. There are no other material considerations to suggest the application should not be recommended for approval, and planning conditions can be used to ensure the satisfactory operation and appearance of the proposed beach huts.
- 16.2 It is considered therefore that the proposal complies with the aims of Policies CS8, CS09 and CS10 of the Great Yarmouth Local Plan: Core Strategy and adopted policies L2, E3 and E5 from the adopted Local Plan Part 2. Subject to securing a

suitable landscape planting scheme, the application would also comply with adopted Local Plan Part 2 policy E4.

RECOMMENDATION:

It is therefore recommended that application 06/22/0415/F should be APPROVED subject to the following Conditions:

Proposed conditions:

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

The reason for the condition is :-

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

2. The development shall be carried out in accordance with the details contained in the planning application forms and following drawings received by the Local Planning Authority – *subject to being revised in accordance with satisfying the Environment Agency concerns and including landscaping areas within the proposal:*

- Location Plan: 003A, received on 21 June 2022
- Proposed Plan and Location: 001A, received on 18 August
- Beach hut East and West elevations: 002, received on 21 June 2022
- Beach hut side elevation: 004, received on 21 June 2022
- Beach hut side section: 005, received on 21 June 2022
- Beach hut front elevation: 006, received on 21 June 2022
- Beach hut door section: 007, received on 21 June 2022
- Beach hut front elevation section: 008, received on 21 June 2022

- Beach hut floor plan: 009, received on 21 June 2022
- Pavilion Proposed Elevations: 012, received on 21 June 2022
- Pavilion Proposed floor plan: 013, , received on 21 June 2022
- Proposed Landscaping Plan: 014, received on 18 August 2022.

The reason for the condition is:-

For the avoidance of doubt.

3. No use of the beach huts hereby approved shall take place until the amenity block within the Pavilion Building has first been made available to users of the beach huts approved as part of this permission, and such facilities to be available for use at all times that the huts are in use.

The reason for the condition is :-

In order to ensure permanent availability of the amenity block to users of all of the beach huts on The Esplanade.

4. The beach huts shall be securely anchored to their bases.

The reason for the condition is :-

To ensure they remain in-situ should there be a flood event. To prevent damage to property and the wider environment.

5. The approved planting scheme as shown on plan 014 (received by the Local Planning Authority on the 18th August 2022) shall be carried out in its entirety within the first planting and growing season following the first use of the beach huts hereby permitted. For the duration of a period of 10 years from the first use of the beach huts, any trees, shrubs or hedges planted in accordance with the planting scheme which die, are removed or become seriously damaged or diseased shall be replaced in the next immediate planting season with others of similar size and species, unless the Local Planning Authority gives its first written consent to any variation thereof.

The reason for the condition is :-

To ensure a high quality form of development and in the interests of ensuring appropriate visual amenity for the local area and to enhance biodiversity.

6. The beach huts hereby permitted shall not be used for any form of overnight accommodation.

The reason for the condition is :-

In order to allow the Local Planning Authority to retain control over the use of the huts and to minimise the flood risk vulnerability of users of the huts.

7. There shall be no use of any beach hut until a copy of the Flood Response Plan dated 25th July 2022 and received by the Local Planning Authority on the 18th August 2022 has first been circulated to and made available to the prospective users of that beach hut, and also displayed within the beach hut. The evacuation response plan shall thereafter remain available in each beach hut and the operation of the beach huts shall thereafter be in accordance with the details of the approved Flood Evacuation Response Plan.

The reason for the condition is :-

To ensure appropriate flood protection measures are in place in order to minimise the flood risk vulnerability of users of the huts.

And any other conditions considered appropriate by the Development Manager.

Appendices:

1. Site Location Plan

