



GREAT YARMOUTH
BOROUGH COUNCIL

Development Management Committee

Date: Monday, 18 December 2023

Time: 18:30

Venue: Council Chamber

Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

1 **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

2 **DECLARATIONS OF INTEREST**

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest

arises, so that it can be included in the minutes.

3 MINUTES

To confirm the minutes of the meeting held on the 29 November 2023.

Minutes to follow.

4 APPLICATION 06 23 0815CU - MILDRED STONE HOUSE, LAWN 3 - 15
AVENUE, GREAT YARMOUTH, NR30 1QS

Report attached.

5 APPLICATION 06-21-0254-F - THE TEE SHIRT SHACK J5, THE 16 - 26
JETTY, MARINE PARADE, GREAT YARMOUTH, NR30 3AH

Report attached.

6 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

Development Management Committee Report

Committee Date: **18 December 2023**



Application Number	06/23/0815/CU (Click here to see application webpage)
Site Location	Mildred Stone House, Lawn Avenue, Great Yarmouth, NR30 1QS
Proposal	Proposed change of use of part of a care home from dementia care facility (Use Class C2) to 20 residential bedrooms (sui generis use) to temporarily house families or individuals deemed as being homeless, for a period of 3 years from first occupation
Applicant	Great Yarmouth Borough Council
Case officer	Robert Tate
Parish & Ward	Great Yarmouth, Central/Northgate Ward
Date Valid	17 November 2023
Expiry / EoT Date	12 January 2024
Reason at committee	This is a 'connected application', where the Borough Council is applicant.
Procedural notes	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 the 8 December to afford the Monitoring Officer an opportunity to check the file and ensure they are 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. Any discrepancies will be raised by the Monitoring Officer prior to the meeting.

SUMMARY OF RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

1. The Site

- 1.1 The application site forms part of Mildred Stone House, a former dementia care home located on the western side of Lawn Avenue, at the junction of Tar Works Road. The home is a complex of interconnected two storey and single storey buildings from the 1970s. There is one two-storey wing to the east and one to the west of a central mass of single storey accommodation. The centre part extends north with numerous projections, offshoots and deviations. The property was originally set in extensive grounds for a town location, with access and parking

area off Lawn Lane and service access to the rear of the site via Tar Works Road. The site is located to the east of the River Yare with Tar Works Road and the grounds of the Yacht Station separating the site from the river. To the north is a two-storey dwelling on Lawn Lane and a cul-de-sac of post war bungalows. A development of town houses has recently been constructed on land to the north west which formerly contained a staff bungalow and latterly an education and training centre for young people.

- 1.2 Mildred Stone House is currently vacant after closing as a residential care home for people with dementia in March 2023. The care home closed because the service was not operationally effective and the owner is currently exploring other potential future uses of the building although no pre-application enquiries have been lodged with the LPA.
- 1.3 The nursing home is currently undergoing a wider refurbishment, with the wing of the building outside of this application being refurbished at present. The part of the building subject to this application has recently been renovated, including the installation of new fire doors/alarm systems.
- 1.4 The site benefits from an extant, but unimplemented, consent to extend the care home. Application reference 06/21/0411/F granted planning permission for "*single and two-storey extensions to enlarge amenity space; detached single storey staff facility building; increase parking provisions*", this was subsequently amended by variation of condition application 06/22/0212/VCF which increased the amount of storage provision.
- 1.5 There is also an extant planning permission for 9 three storey dwellings to the front of the site (reference 06/21/0525/F) either side of the access, which was approved on 17/09/2021 and has not yet commenced.

2. The Proposal

- 2.1 The application proposes to change the use of part of Mildred Stone House from a dementia care facility (Use Class C2) to a facility to provide accommodation to temporarily house families or individuals deemed as being homeless (a *sui generis* use) providing 20 residential bedrooms. The proposed use would last for a temporary period of 3 years from first use. The application does not seek any physical internal or external alterations with the application solely seeking to change the use of the premises.
- 2.2 The application proposes that 20 rooms would be provided on a temporary basis to families and individuals who are defined as homeless. Mildred Stone House will become their main residence in the short term whilst longer term more suitable accommodation is sought. The rooms would accommodate up to 11 families and 9 single people. The application has not stated that a maximum number of persons would reside at the development at any one time, but has explained that rooms for 'families' could be a co-habiting couple, or a single parent with baby or child, or a family of multiple children (though finding temporary accommodation for larger families would be sought in larger housing stock as a preferred option). Planning conditions and the forthcoming Management Plan could require use of single-person rooms and restrict the use of family rooms to use by no more than 5 persons. Occupants would have access to shared communal facilities, including one large kitchen on the ground floor, along with another smaller kitchen on the ground floor and two kitchens on the first floor. The larger kitchens also contain a dining and living area.

- 2.3 The applicant has explained that the facility is intended to house persons of 'low-medium support needs', and occupancy will be restricted only to those persons who are first granted a 'Licence to Occupy a Room', which will set out standards for behavioural requirements within both the facility and surrounding community. Great Yarmouth Borough Council will lease the building and manage the premises through provision of staff during daytime hours. The staff will provide support to occupants and help them find settled accommodation. Staff will not be present overnight. A Management Plan is being prepared by the applicant for consideration by the Committee in advance of the meeting, and will contain details on staffing and occupant responsibilities for example.
- 2.4 The offices and communal spaces will be used by members of Great Yarmouth Borough Council staff and external agencies who are working with occupants and providing the support required to find settled accommodation. Staff may be present during normal working hours but not overnight. There are rooms dedicated for individual staff/occupant meetings – for example to help occupants with benefits claims.

Other background information

- 2.5 People can become 'at risk of homelessness' or become homeless for a range of reasons. Examples include households who are privately renting being issued with a 'no fault' eviction notice by their landlord, or an owner-occupier being re-possessed due to mortgage arrears, or someone being asked to leave by family or friends, or people fleeing domestic abuse. Although the Council seeks to try to prevent households becoming homeless, given the limited availability of affordable accommodation in both the private and social rented sectors, unfortunately, homelessness cannot always be avoided.
- 2.6 Under the Housing Act 1996, if at any point during enquires surrounding a homeless application there is reason to believe that an applicant may be homeless, eligible for assistance, and in priority need, then the Council is required to provide temporary accommodation and to continue until such time as any duty is ended either by an offer of settled accommodation or due to another specified reason.
- 2.7 Currently the Council utilises bed and breakfast accommodation as a form of temporary accommodation, however, this is not ideal particularly for families and temporarily removes properties in visitor accommodation that should be available to the tourist industry.

3. Site Constraints

- The application site is located within the development limits defined by GSP1.
- The application site is located within Flood Zone 3a.
- The application site is within the Orange 400m-2.5km Indicative Habitat Impact Zone.
- There is a parcel of contaminated land within the site boundary (site ref. CL/0027).

4. Relevant Planning History

06/21/0411/F

Single and two-storey extensions to enlarge amenity space; detached single storey staff facility building; increase parking provisions.

Approved - 14/01/2022

06/21/0525/F

Nine three-storey dwellings on land at front of Leaf Care Services care home.

Approved - 17/09/2021

06/22/0212/VCF

Variation of condition 2 of pp 06/21/0411/F - Single and two-storey extension to enlarge amenity space; detached single storey staff facility building; solar panels; increase parking provision - further storage area required.

Approved - 15/07/2022

06/22/0255/F

Proposed first floor extension to the existing care home, and first floor addition to the detached office building (Extensions in addition to those as approved within planning permission 06/21/0411/F).

Approved - 15/07/2022

06/22/0522/CD

Discharge of conditions 4, 5, 12, 14 and 15 of pp. 06/21/0525/F - surface water and foul waste details, contamination report and remediation statement, landscaping scheme and boundary treatment details, agricultural impact assessment.

Pending consideration

06/22/0536/CD

Proposed discharge of conditions 3, 5, 7, 8 and 10 of pp. 06/21/0411/F as varied by 06/22/0212/VCF - Document of flood proofing techniques; Flood Response Plan; Arboricultural report; Landscape Plan; Land contamination.

Pending consideration

5. Consultation responses

5.1 Norfolk County Council Highways

5.1.1 Response: **No Objection**

5.2 Norfolk Constabulary - Designing Out Crime Team

5.2.1 Response: **No objection**

5.2.2 The Designing Out Crime Officer has raised no objection but raised a number of suggestions to provide Secure by Design (SBD) measures.

5.3 GYBC Environmental Services

5.3.1 Response: **No objection**

6. Publicity and Representations Received

6.1 Consultations undertaken via the erection of a Site notice. The consultation period expires on the 10th December 2023. The expiry consultation period extends beyond the publication date of this report. Any further comments received will be taken into consideration and reported to the Development Management Committee prior to their consideration of the application.

6.2 No comments received.

Public Representations

6.3 At the time of writing the report, 4 objections have been received. The issues raised are summarised as:

- Loss of dementia care facility
- Rise in anti-social behaviour
- Impact on property values
(Impact on property values are not considered to be a material consideration when determining planning applications)
- Out of keeping with surrounding character
- The proposal is not suitable for families to undertake any independent activities of daily life
- Noise Impacts on surrounding properties
- This is a short-term solution
- Maintenance of communal areas

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS3: Addressing the borough's housing need
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS11: Enhancing the natural environment
- Policy CS16: Improving accessibility and transport

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy GSP5: National site network designated habitat sites and species impact avoidance and mitigation
- Policy GSP8: Planning Obligations
- Policy A1: Amenity
- Policy H11: Housing for the elderly and other vulnerable users

8. Other Material Planning Considerations

National Planning Policy Framework

- The policies in the Framework are material considerations which should be taken into account in dealing with applications.

Housing Act 1985

- Section 326 sets minimum space standards: Minimum of 6.5m² – 8.4m² (70 - 90 sqft) floor area for 1 adult person bedroom

9. Planning Analysis

- 9.1 Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states:
“In dealing with an application for planning permission the authority shall have regard to–
(a) the provisions of the development plan, so far as material to the application,
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.”
- 9.3 This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework (September 2023).

10. Assessment:

Principle of development

- 10.1 The site is within the development limits set by Policy GSP1 where development will be supported in principle subject to compliance with other relevant policies in the development plan and material considerations.
- 10.2 The application proposes a temporary use of the building for 3 years from the first use of the building, to temporarily house families or individuals deemed as being homeless. This can reasonably be considered a ‘meanwhile use’ of a vacant building whilst a longer-term use is sought. This would accord with CS3 (c) which seeks the reuse of vacant buildings.
- 10.3 CS3 (e) supports the provision of housing for vulnerable people and specialist housing provision, including nursing homes, residential and extra care facilities in appropriate locations and where there is an identified need. The use of the building to house homeless people would be consistent with this.
- 10.4 Policy H11 expands on this and supports the provision of accommodation for vulnerable people where they are located in sustainable locations and whereby appropriate elements of support, shared facilities and/or nursing care/wardens can be provided.
- 10.5 The proposed use is considered to be consistent with the development plan subject to the application of conditions to: make the proposal temporary, in accordance with the applicant’s stated intention; limit the number of occupants; and restrict use to be only for persons who qualify through the GYBC homelessness criteria, and appropriate levels of support workers. There is understood to be a criteria for qualifying for occupancy but such details have not been

provided with the application; further details will be sought before the Committee meeting, and a proposed planning condition will set out what the entry criteria must be.

Character of Use

- 10.6 Policy CS1, amongst other things, expects proposals to reflect the surrounding character and ensure that uses support the function of individual settlements. The application proposes to change the use from a residential institution (C2) to a *sui generis* use to house people deemed as homeless. The surrounding land use is mixed in character, with residential properties along Lawn Avenue and Tar Works Road, car dealerships and commercial premises to the east of the site.
- 10.7 The proposed use does represent a materially different use to the existing lawful use. Occupants will have more independence than residents of a care home and would essentially live independent lives save for the access to communal facilities and support services as needed, and this would likely mean that there are more movements to and from the building compared to the approved planning use. In contrast, use of the building as a care home would have involved staff working overnight and as such would have vehicle movements at unsocial hours. The proposal in this application only requires staff to be on site during the day.
- 10.8 This proposal would not house the most vulnerable people (i.e., not those with addiction issues for example who would be classed as having 'high support needs' because they would require greater levels of support and care). This can be ensured by conditioning that the development is carried out in accordance with a Management Plan and occupation only by those with the relevant Licence to Occupy a Room. Alongside the communal rooms, the offices on site provide suitable private areas for Council staff and support services to actively work with families and individuals to find settled accommodation and help them through this time. This will include Pathway Officers, Move on Accommodation Officers, Private Sector Landlord Liaison Officer, Sustainable Housing Partnership Workers, Domestic Abuse Worker and external agencies such as Social Workers, Family Support Workers and those providing mental health support. There will be links to the Rough Sleeper Team, also based within the Council, and District Direct Hospital Link Workers who support those leaving hospital. The use proposed is not therefore such a clinical use as a care home and would be different in character to the former and adjoining use (were that to resume). Such a use as is proposed in this application is not necessarily considered to be harmful to the surrounding character and concerns can be mitigated by ensuring that the Management Plan is adhered to. Officers have requested that broad details of the management should be provided before the Committee meeting, and a proposed planning condition will set out that the site shall be managed in accordance with the agreed details.
- 10.9 The proposal will provide for active and viable re-use of part of the vacant building. This will overcome some of the issues raised by neighbours, such as the existing dumping of rubbish and appearance of the building.
- 10.10 The proposal is for a temporary period. The proposal is not for a long term or permanent use. It is not considered that the use proposed would be harmful to the overall surrounding character, subject to compliance with the Management Plan, and in some respects the character of the area would be improved as the proposal would bring part of a vacant building back into beneficial use whilst a long term solution can be found.

Amenity (impact on neighbours)

- 10.11 Adopted 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.
- 10.12 Neighbouring residents have raised concerns that the proposal would generate noise and disturbances to neighbouring residents.
- 10.13 With the proposal not intending to be staffed overnight, this will likely mean that any noise from vehicle movements will be lower compared to the existing lawful use. Furthermore, the access and the parking area is to the south of Mildred Stone House, away from the neighbouring dwellings, and background traffic noise can at times be high anyway as Lawn Avenue is a relatively busy road.
- 10.14 It is not considered that the residents of the facility would generate any noticeable increase in noise compared to residents of a residential institution. The facility can be operated in accordance with a Management Plan which should address concerns of anti-social behaviour during the day. Anti-social behaviour outside of the staffed hours would be a matter for police and other agencies should a public nuisance arise but it would not be appropriate in the determination of this application to assume that may be the case automatically.
- 10.15 The application is considered to comply with policies CS09 (f) and A1 in terms of amenity.

Amenity (for residents)

- 10.16 Policies CS09 and A1 also expects that occupants of the development are afforded high levels of amenity, including for developments creating temporary accommodation for homeless people.
- 10.17 The application seeks the change of use of the part of the building which has recently been renovated. The bedrooms in this wing of the property have well sized rooms, all of which are a regular size and have good access to natural light and ventilation. Some rooms have en-suites, although those without are located nearby to the nearest shower room. The submitted floor plans identify which rooms would only house single occupants, and all of these rooms are above the minimum sizes outlined in the Housing Act 1985 Section 326. The larger rooms would house families, but it has not been proposed how many persons would be accommodated so that detail shall be required by planning condition.
- 10.18 The communal areas offer space outside of allocated rooms for residents to cook for themselves and carry out tasks such as laundry that can be difficult or impossible within bed and breakfast accommodation. This will mean that residents will not feel confined to their rooms and will have communal areas to socialise, cook and relax.
- 10.19 There is also a private rear garden to the west of the building. This is screened from the public domain and is shielded from road noise etc. This also means that residents would not be living in an oppressive environment.

- 10.20 The proposal would provide adequate accommodation for people staying at the premises for a short-term basis until they are able to find permanent accommodation. The application therefore complies with policies CS09 and A1.

Impact on designated ecological sites

- 10.21 The application site is located within the Orange 400m – 2.5km Indicative Habitat Impact Zone. It is noted that the application technically does not involve an increase in the population; however, taking a precautionary approach (in line with habitat regulations), it can be assumed that there is no recreational disturbance from the existing C2 use of the property and that the proposed use could lead to some level of recreational disturbance to designated sites. Therefore, assuming that each room constitutes the equivalence of a dwelling (in terms of effect), and that the impact is only a small proportion of the normal lifetime of a development providing permanent accommodation, then the submission of a shadow template Habitats Regulations Assessment has been considered appropriate and the mitigation measure to address the impact for the temporary period would be to provide the total GIRAMS financial contribution of £100 (£5 x 20 rooms for 3 years' occupancy).
- 10.22 The shadow template HRA has been submitted and is deemed acceptable. The GIRAMS contribution has also been paid.
- 10.23 Therefore, the LPA can be satisfied that any in-combination impacts on designated sites for the limited timescale proposed can be suitably mitigated through the financial contribution received. The application therefore complies with policies CS11, GSP5 and GSP8.

Other material considerations

- 10.24 Currently the Borough Council is housing homeless people in Bed and Breakfast accommodation. Great Yarmouth is a coastal resort and tourist accommodation plays a crucial role in the wider economy. Not only is the current situation not the most sustainable financially for the public purse, but it also is reducing the bed spaces on offer to the tourism economy and could be having a harmful impact on the character of these holiday accommodation areas. The application therefore provides an opportunity to reduce the reliance on using B&Bs and forms part of a proactive approach to addressing homelessness with the aspiration of significantly decreasing and, over the longer term, ending rough sleeping entirely.
- 10.25 The Designing out Crime Officer raised several suggestions for ways that the proposal could provide Secure by Design (SBD) measures, including such measures as lighting and types of doors. It is not seen as necessary to require these measures for planning purposes, but the response had been forwarded to the Applicant to make them aware of Secure by Design measures and how these could be incorporated.
- 10.26 The Environmental Services Officer raised no objection to the proposal but in their response did refer to amenity levels and fire safety requirements. These fall outside of the remit of the Council as Local Planning Authority and would be administered by other parts of the Council.
- 10.27 By virtue of the development being requested as a temporary permission, any permission granted will need to specify when the use shall end. It is necessary to allow the development to commence within 3 years of the permission, but the applicant has applied for a period of use of 3 years from the date of first occupation. In discussion with the applicant it has been agreed that any permission should be granted for a duration of 4 years, allowing the applicant

up to a year to resolve leasing and contractual arrangements before commencing occupation for a maximum of 3 years.

- 10.28 Proposed planning conditions will require the applicant to confirm the date that the first occupation begins, and will require the use to cease and the site be returned to care home use or be vacated no later than 3 years from the date of commencement of occupancy.

11. The Planning Balance

- 11.1 The proposal would help to provide accommodation to meet a specific housing need in the town and borough. In this regard, the proposal would also be supported under Policy CS3 (e – supporting the provision of housing for vulnerable people).
- 11.2 It is recognised that the proposal would take away, for a temporary period, the ability to use this part of the building as a C2 care home. Whilst there is an acute demand for such facilities, the building is currently vacant and there is not understood to be a potential operator for such a use immediately available. This proposal would create a beneficial ‘meanwhile use’ of the building until a longer-term solution can be found. The proposal is proposed to be temporary and does not include internal or external alterations, so it should not prejudice any future use of the site as a care home.
- 11.3 Neighbours have raised concerns about the character of the use and the levels of noise or disturbances. It is recognised that such a use would be materially different in character to a care home but the Management Plan shall outline how the use would be carried out to mitigate harms and avoid noise and disturbances to neighbours.
- 11.4 The application is supported by a suitable GIRAMS contribution to mitigate any increase in pressures on designated ecological sites within the Borough.

12. Conclusion and Recommendation

- 12.1 Although the long-term solution to reducing numbers of households in temporary accommodation lies in the provision of additional settled housing stock, be this in the private or social rented sectors, as an interim measure utilising a premises such as Mildred Stone House not only helps reduce the reliance on B & B’s but makes good use of a vacant building whilst the owner considers the long term future of the site and whilst the Council implements other measures to increase the supply of suitable permanent housing.
- 12.2 Having considered the details provided, the application is considered to comply with policies CS3, CS9, CS11 and CS16 from the adopted Core Strategy, and policies GSP1, GSP5, GSP8, H11 and A1 from the adopted Local Plan Part 2. It is considered that there are no material considerations to suggest the application should not be recommended for approval.

13. Recommendation

- 13.1 It is recommended that application 06/23/0815/CU should be **APPROVED**, subject to the proposed conditions listed below, and delegated authority being provided to the Head of Planning to make any required amendments to the published conditions and / or informative notes.

Proposed Conditions

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

Reason: 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 This temporary planning permission shall expire on [specified date] being 4 years from the date of this permission. Unless on or before this date application has been made for an extension to the period of permission and such application is approved by the Local Planning Authority the use shall be discontinued. If by that time the use has not ceased or an application has not been made to reuse the premises for a longer period of time, then the use hereby permitted shall be ceased immediately and the site shall be vacated and/or shall return to the previous use as a care home (C2 use class).

Reason: In order to retain control over the use of the site, to ensure that the development operates in accordance with the particulars of the application as were considered by the Local Planning Authority, and in the interest of the amenities of the locality, in accordance with Policy A1 of the Local Plan Part 2.

- 3 Use of the premises for the purposes hereby permitted shall be limited to a maximum of 3 years duration commencing from the date of the first occupation of the development for the purposes hereby permitted, unless on or before this date application has been made for an extension to the period of permission and such application is approved by the Local Planning Authority the use shall be discontinued.

Reason: In order to retain control over the use of the site and in the interest of the amenities of the locality in accordance with Policy A1 of the Local Plan Part 2.

- 4 Within 14 days of the first use of the premises for the purposes hereby permitted, written notification shall be provided to the Local Planning Authority confirming the date that the residential occupancy began.

Reason: In order to retain control over the use of the site and in the interest of the amenities of the locality in accordance with Policy A1 of the Local Plan Part 2.

- 5 The development shall be carried out in accordance with the following plans received by the Local Planning Authority on the 17th November 2023:
 - Site Location Plan
 - Ground Floor Plan
 - First Floor Plan
 - Bin Storage Plan

Reason: For the avoidance of doubt.

- 6 The occupation of the premises hereby permitted shall be limited to use by persons holding a Licence to Occupy a Room and 'families or individuals deemed as being homeless', as defined within the terms of the Management Plan agreed in relation to condition 8, and support staff connected with that use only.

Reason: In order to retain control over the use of the site, to ensure that the development operates in accordance with the particulars of the application as were considered by the Local Planning Authority, and in the interest of the amenities of the locality, in accordance with Policy A1 of the Local Plan Part 2.

- 7 The office spaces hereby permitted and shown within the approved floor plans shall be used only for a function which is ancillary to the use of the hostel for 'families or individuals deemed as being homeless' (as defined by Condition 6 of this permission) only, and shall not be occupied as a separate entity nor shall it be used for purposes not associated with the use hereby permitted.

Reason: In order to retain control over the use of the site, to ensure the main town centre uses are not undertaken outside of defined centres, and in the interest of the amenities of the locality, in accordance with policies GSP1 and A1 of the Local Plan Part 2.

- 8 There shall be no commencement of the development hereby permitted until a Management Plan for the development has first been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall provide the following details:

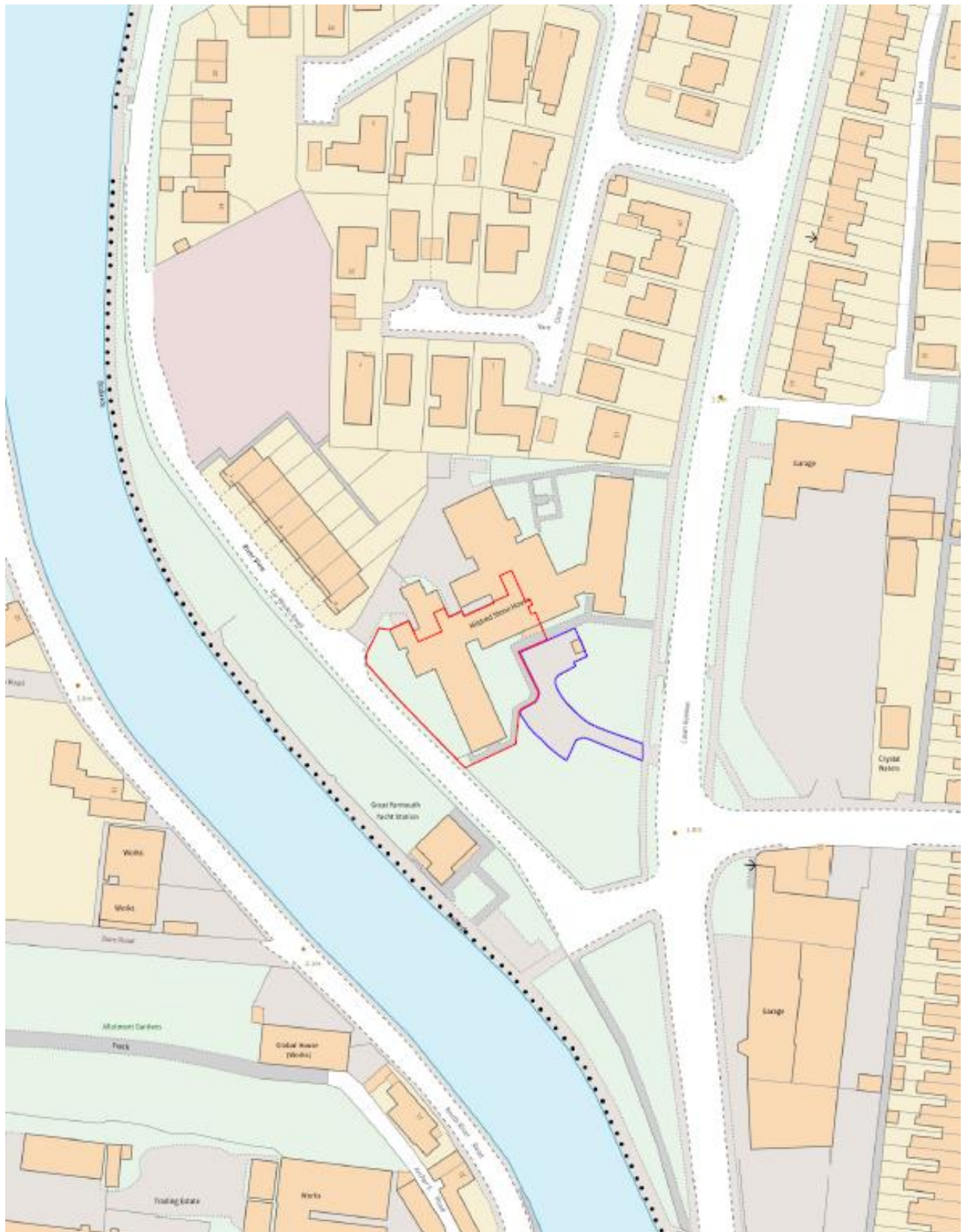
- (i) The maximum number of persons to be occupied in the development, demonstrating how the occupancy will accord with the space standards set out in Section 326 of the Housing Act 1985 which includes the requirement for an adult bedroom to be at least 6.4m² in floor area;
- (ii) Proposed arrangements for managing the day-to-day occupancy of the development;
- (iii) The criteria required to qualify for residence within the development;
- (iv) The proposed staffing levels, hours, activities and responsibilities thereof.

Reason: In the interests of maintaining the amenity of neighbouring residents and character of the area, to ensure that the development operates in accordance with the particulars of the application as were considered by the Local Planning Authority, and to ensure appropriate care and services are available to future residents of the development, in accordance with Policy A1 of the Local Plan Part 2.

Informative Notes

- 1 Statement of Positive Engagement
In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

Appendix 1: Site Location Plan



Development Management Committee Report

Committee Date: **18 December 2023**



Application Number	06/21/0254/F (Click here to see the application webpage)
Site Location	The Tee Shirt Shack J5, The Jetty, Marine Parade, Great Yarmouth, NR30 3AH
Proposal	Proposed replacement of existing unit with a storage container (to be used as a retail unit) (Retrospective)
Applicant	Mr C Meakin
Case officer	Mr M Joyce
Parish & Ward	Great Yarmouth, St Andrews Ward
Date Valid	29/03/2021
Expiry / EoT Date	31/01/2024
Reason at committee	Connected application – Great Yarmouth Borough Council is landowner
Procedural notes	This application was reported to the Monitoring Officer as an application submitted on land owned by the Borough Council, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 08/12/2023, to afford the Monitoring Officer an opportunity to check the file and ensure they are 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. Any discrepancies will be raised by the Monitoring Officer prior to the meeting.

SUMMARY OF RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

1. The Site

- 1.1 The application site is to the east of Marine Parade and is situated on the right-side of the entrance into the Jetty South Car Park. To the south of the site there is a large area of open space which currently hosts a couple of visitor rides/attractions including the Great Yarmouth Observation Wheel. Behind the existing 'Tee Shirt Shack' is the Marine Parade Public Toilets.
- 1.2 To the east is the coastline and to the north and south are several key tourist attractions that form the 'seaside' character of the area and generate the bustling environment at the seafront during the summer periods. The site is within both a conservation area and flood area.

- 1.3 Marine Parade consists of many kiosk structures, not dissimilar to what is proposed, along much of the east side of the parade. Most of these kiosks are situated on the boundary of the highway and some have awnings, signage and seating that overhang onto the highway. These kiosks and units are all colourful and bright in design and respond to the 'seaside' character of the area.
- 1.4 The site does fall within the Conservation Area No. 16 Seafront. The site is also within the setting of three Grade II listed sites: the Far East prisoner of War, War Memorial, the Barking Smack Public House, and the Windmill Cinema.

2. The Proposal

- 2.1 At the time of the submission of the application the proposal was to replace a smaller retailing kiosk with a larger unit proposed in this application.
- 2.2 During the course of the assessment of this application the original kiosk has been replaced with the kiosk proposed in this application.
- 2.3 Although the plans submitted initially did not reflect the works that have actually been undertaken, the plans were revised on 7th December 2023 to reflect what has been provided. The submitted application was originally shown with proposed bifold doors opening into the middle of the longer kiosk. As installed, two roller-shutter doors have been used rather than bi-fold doors.
- 2.4 The kiosk container is 2.8 meters in height, increasing to 4.3 meters in height when including the plywood signage that is currently mounted on top of the container.
- 2.5 The development is for a replacement kiosk unit which occupies a larger site than the existing/former kiosk, due to providing a bigger unit which has extended the site approximately 5.4 metres southwards (i.e. a 5.4m wider kiosk fronting Marine Parade). The container now measures 10m long (north-south) x 2.4m deep.
- 2.6 The former/original kiosk was 10 square meters (sqm) in area (5m x 2m). The proposed kiosk is larger, as the site area is extended to the south, increasing the internal floorspace to 24 sqm, which is an increase of 14 sqm over the existing unit floorspace.
- 2.7 The application has stated that two full-time and one part-employee would continue to be employed at the larger kiosk (as with the original smaller kiosk). No opening hours have been proposed on the application form.
- 2.8 Committee is asked to consider whether planning permission should be granted retrospectively for the development undertaken, which is now presented in the amended application.

3. Site Constraints

- 3.1 The site falls within Conservation Area No.16 and is within the setting of Grade II listed sites the 'Far East prisoner of War, War Memorial', the 'Windmill Cinema' and the 'Barking Smack Public House'.
- 3.2 The site is within Flood Zone 3.

- 3.3 The site falls within the development limits of Great Yarmouth, and within the designated “Great Yarmouth Seafront Area” defined by local plan policy GY6.

4. Relevant Planning History

- 4.1 There is no planning history for the former retail kiosk which has since been removed.
- 4.2 The land adjacent the south side of the former kiosk, which is now also occupied by the larger kiosk, used to also include a portacabin which appears to have last been used by the Safer Neighbourhood Team, as below:

- 4.3 Planning History for Kiosk Site K6, The Jetty, Marine Parade, Great Yarmouth (post-1990):

- 06/14/0617/F
Renewal of planning permission 06/11/0485/F for portacabin for use by safer neighbourhood team.
Approved 28/10/2014.

The development the subject of this permission was required by Condition 1 to be removed by 28th October 2019 at the latest. It is understood to have been removed.

- 06/11/0485/F
Renewal of Planning Permission No:06/08/0515/F for erection of temporary portacabin for use by safer neighbourhood team & partners.
Approved 26/09/2011.
- 06/08/0515/F
Erection of temporary portacabin for use by Safer Neighbourhood Team & Partners during Summer Season 2008.
Approved 20/08/2008.

5. Consultation responses

5.1. Local Highways Authority

Initial objection removed – No objection to the amended plans subject to conditions

- 5.1.1 The original proposed plans showed bifold doors would be used to open out over the public highway and remain over the highway when open, projecting in excess of 2.2m from the container.
- 5.1.2 Under Section 153 of the Highways Act 1980 (as amended) it is an offence for doors to open out over the highway. The Highway Authority objected initially because these doors were proposed; had they been retained they would have obstructed the highway and the highway authority would not have been able to issue a license for the doors to open across the highway.
- 5.1.3 However, the proposals have since been amended such that using roller shutter doors removes the concern and avoids doors / windows opening over the highway. The Highway Authority has accordingly removed their objection and request the use of a condition to ensure no openings occur over the highway in the future.

- 5.1.5 Officer response: The storage container unit kiosk as proposed and installed does not have any doors that overhang and obstruct the highway. However, there are pop-up display stands that are situated on the highway, but these are not fixed and can be moved accordingly, and can be subject to pavement licencing rather than planning as they are not adverts.

5.2. Conservation Officer

No objection

- 5.2.1 Verbal advice received that there are no objections in relation to the impact on the character and appearance of the conservation area. Although the signage is tall, it is acceptable given the surrounding area, as long as the sign is not illuminated.

6. Publicity & Representations received

- 6.1 Consultations undertaken: Letters to neighbours; Site notices; Press advert. Reasons for consultation: Development within the Conservation Area. The overall expiry date for the consultation was the 18 May 2021.

Ward Member – Cllr R. Upton and Cllr B. Wright

- 6.2 No comments received.

Public Representations

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

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS6: Supporting the local economy.
- Policy CS7: Strengthening our centres.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS10: Safeguarding local heritage assets.
- Policy CS13: Protecting areas at risk of flooding and coastal change.

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy UCS7: Amendments to CS7 - Strengthening our centres
- Policy GSP1: Development limits
- Policy GY6: Great Yarmouth Seafront Area
- Policy R1: Location of retail development
- Policy R6: Kiosks and stalls
- Policy E1: Flood risk
- Policy E5: Historic environment and heritage

8. Other Material Planning Considerations

National Planning Policy Framework (September 2023)

- Section 4: Decision Making.
- Section 6: Building a strong, competitive economy.
- Section 12: Achieving well-designed places.
- Section 16: Conserving and enhancing the historic environment.

Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 66: General duty as respects listed buildings in exercise of planning functions.
- Section 72: General duty as respects conservation areas in exercise of planning functions.

9. Planning Analysis

9.1 Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

9.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states:

In dealing with an application for planning permission the authority shall have regard to:

- (a) the provisions of the development plan, so far as material to the application,*
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations.*

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

10 Assessment

Principle of Development

10.1 The application site is situated on Marine Parade which is included in the designated “Great Yarmouth Seafront Area” defined by local plan policy GY6, and already contains a wide variety of different kiosks and units similar to the proposed.

10.2 The proposal is for a replacement storage container to be used as a retail sales unit under the same use class as it’s forerunner but with a slightly larger floorspace. The site falls within the development limits where development will be supported in principle subject to compliance with other relevant policies in the development plan, as stated by policy GSP1. Policy CS6 encourages the development of small-scale businesses and supporting local visitor economies, and Policy GY6 specifically encourages new tourism and leisure facilities in the Seafront Area.

10.3 Retailing is a ‘main town centre use’ defined by the NPPF which should be directed to defined centres and shopping frontage. This is not a designated retail area or local centre. Where new retail development is proposed, ordinarily policy R1 would seek to ensure the location is

appropriate and direct new retail to established designated centres, or where no suitable locations are available within defined centres, to 'edge of centre' locations – which for retail proposals in Great Yarmouth policy R1 defines is sites within 300m of the Primary Shopping Area.

- 10.4 The site is 640m from the Primary Shopping Area at the north-west end of St Georges Road, but is within 120m walking distance of the Local Centre at St Peter's Road.
- 10.5 However, Policy R6 permits some new retail outlets and kiosks in the Great Yarmouth Seafront Area defined by policy GY6. An assessment against policy R6 is provided later in this report.
- 10.6 In summary, the principle of development in this case is concerned with the retail provision. The net increase of only 14sqm is considered a di-minimis increase in the context of the impacts that policy R1 is concerned with and falls into consideration as a kiosk which is supported in principle by policy R6. Whilst there is a slight conflict with local plan policy R1 this is not considered fatal to the outcome of this proposal when noting there has been the same retail activity at this site for a long period of time, just on a slightly smaller area.

Design

- 10.7 The appearance of the proposed storage container is similar to the container this application seeks to replace but differs in being double the length. Units of this design are also along Marine Parade with example such as the line of 'shacks' to the south of Wellington Pier. The jaunty plywood signage above the container is not dissimilar to the previous kiosk and others.
- 10.8 The overall effect of the design on the character of the area is not unacceptable.

Impact on Character of the Area and Heritage Assets

- 10.9 Policy CS10 requires the safeguarding and preservation of local heritage assets through conserving or enhancing their significance. Policy E5 expects development to "conserve and enhance the significance of heritage assets, including any contribution made by their setting, by positively contributing to the character and local distinctiveness of the area."
- 10.10 The site is within No. 16 Seafront Conservation Area which means that that the Local Planning Authority must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to preserving or enhancing the character and appearance of the Conservation Area. The site is also within the setting of Grade II listed sites "Far East Prisoner of War, War Memorial", "Windmill Cinema" and "Barking Smack Public House". Due to the development being within the setting of all three designated listed building assets, when considering whether to grant permission the Local Planning Authority must, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, have 'special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
- 10.11 The impact of the development on the listed buildings' character and their setting can be considered negligible as the area can already be seen to possess a variety of kiosks, units and various other attractions that are clad with colour and bold advertisements. Furthermore, the additional space occupied by the larger kiosk container was until relatively recently also occupied by a portacabin.
- 10.12 In the assessment of 'harm' required by the NPPF, the effect of the development on the character and appearance of the conservation area and setting of nearby listed buildings is

considered neutral, as it doesn't significantly enhance or negatively impact the character of the area. Whilst the roller shutter doors have an industrial appearance and are not sympathetic to the historic elements of the surroundings, their use is predominantly in the off-season and at night and is not too dissimilar to the former building, nor others along Marine Parade. It is considered overall that even with roller shutter doors the development has a more unified appearance in comparison to the two units that occupied the space for a long time beforehand. Therefore, it can be argued that the replacement unit will conserve and enhance the character of the surrounding conservation area.

- 10.13 Listed buildings the Barking Smack Public House and Windmill Cinema can already be seen with colourful, bold signage to the site's frontages. Therefore, it can be considered that the proposed storage unit across the street from them is unlikely to cause adverse impacts on their setting.
- 10.14 The signage that is being displayed does not have the necessary Advertisement Consent and this application does not include an application for advertisement consent. An Informative Note should be included on any grant of planning permission to advise that an application should be pursued.

Access, Traffic and Highways impacts

- 10.15 Highways Officers had raised concerns over the bifold doors initially proposed which would have opened outwards and subsequently overhang onto the highway.
- 10.16 Paragraph 111 of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety*'.
- 10.17 As discussed earlier the Highways Officer responded to the proposal stating that any bifold doors would not be able to remain projecting over the highway. The revised plans with roller shutter doors have removed this concern and the objection has been removed.
- 10.18 The proposed unit which is in place does not have doors that overhang and obstruct the highway. However, a condition is suggested to avoid elements overhanging the highway.
- 10.19 Whilst there are pop-up display stands present outside of the unit these can be moved and are not fixed in place and would only be in situ during hours of business and removed at all other times.

Flood Risk

- 10.20 The site falls within Flood Zone 3, where there is a high probability of flooding from the sea. Policies do require consideration of flood risk for new development, and the NPPF states that whilst applications for some minor development should not be subject to the sequential or exception tests, even those proposals should still meet the requirements for site-specific flood risk assessments.
- 10.21 However, it is acknowledged that the application proposes a replacement of an existing storage container unit and a portacabin with negligible floorspace increase (14 square meters) which would be considered a 'de minimis' amount. By virtue of the nature of the proposal, which in flood risk terms is categorised as 'less vulnerable' development, it would not be reasonable to request a flood risk assessment for this application, however it is recommended that a flood response plan is provided by condition attached to any permission.

Policy R6: Kiosks and Stalls

- 10.22 Policy R6 of the Local Plan Part 2 (2021) relates specifically to kiosks and stalls and states that developing these within Great Yarmouth Seafront Area, as well as other tourist areas, is acceptable in principle, subject to demonstrating that:
- “a. the siting of the proposal, including the curtilage of the kiosk or stall and associated street furniture, does not obstruct either local footways, promenades and esplanades;*
 - b. the design of the kiosk or stall is sympathetic to the surrounding environment, paying particular attention to local street scenes and where applicable, conservation areas, listed buildings and key views;*
 - c. the cumulative impact of the proposal, including any clustering of such uses or particular types of uses on the local area, are not significantly adverse; and*
 - d. adequate provision is made for:*
 - operational refuse storage out of sight; and*
 - litter bin(s) for customers.”*
- 10.23 The policy advises that where necessary, conditions may be imposed on proposals to restrict the amount and extent of any external seating, tables, signage, etc.
- 10.24 The revised plans have removed the bifold doors so they no longer open outwards and overhang onto the highway. The proposal can be considered acceptable against policy R6 criteria (a), subject to a condition requiring that any parts of the structure shall not project over the highway at any time.
- 10.25 As discussed above, it is acknowledged that there are kiosks, units and stalls similar to the proposed along Marine Parade. Marine Parade is characterised by its ‘seaside holiday’ appearance which is associated with a range of colourful, bright and boldly designed stalls and attractions. The overall appearance of the development can be considered in keeping with those forms of structures within the conservation area and in the setting of the surrounding listed buildings. Therefore, the proposal can be considered to address criteria ‘b’.
- 10.26 In terms of criterion ‘c’, the proposal is for the replacement of an existing retail unit, the impacts of the proposal on the ‘clustering of such uses’ will not be significantly changed as the same use is being continued, and only a small increase in the size of the facility is proposed.
- 10.27 Criterion ‘d’ can be considered as slightly less relevant than ‘a’, ‘b’ and ‘c’ as the unit is proposed for retail not hot food takeaways (and is currently selling t-shirts), which will not produce as much waste as opposed to food/ drink kiosks. The plans do not incorporate areas to store and aid the collection of waste, but this should not be considered as a reason for refusal as the stall is unlikely to generate significant amounts of waste, and the waste that is generated will be accommodated by the number of public bins lining Marine Parade.

Local Finance Considerations

- 10.28 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.

11. The Planning Balance

- 11.1 The proposal consists of a replacement storage container for use as a retail unit, increasing ground floor space. The proposal is considered to be of appropriate design which consolidates the appearance of two former temporary structures on the site, and which preserves the character and appearance of the Seafront Conservation Area and the settings of nearby Grade II listed buildings and structures. Despite the use of roller shutter doors being unsympathetic to the historic context, the development is not considered to cause harm overall, taking into account the previous situation at the site. The benefit of using roller shutters is that now the unit does not appear to obstruct the public highway as was the former concern of the local Highway Authority.
- 11.2 It is considered that any harm to the character and appearance of heritage assets has been negated by the context of previous developments and is outweighed or neutralised by the continued provision of employment and attractions for the tourist economy.

12. Conclusion and Recommendation

- 12.1 Despite proposing increased retail in an out-of-centre location, the principle of development is considered acceptable for the Great Yarmouth Seafront Area given the allowances and support of policy R6. The site lies within flood zone 3 but is the same 'less vulnerable' use in flood risk terms, and subject to a similar related condition being attached any flood risk issues can be satisfactorily mitigated.
- 12.2 The expansion of the original kiosk will encourage continued and increased local spend and retain the existing employment related to this retail use.
- 12.3 The proposal is considered to be neutral in heritage terms related to the conservation and enhancement of the Conservation Area, neutral in environmental terms subject to a flood risk mitigation condition being attached, and slightly positive in terms of its economic and social benefits.
- 12.4 Therefore, having considered the details provided the application, it is positive on balance in planning terms if subject to the recommended conditions and is considered to comply with policies CS6, CS9, CS10 and CS13 from the adopted Core Strategy, and policies GSP1, GY6, R6, E1 and E5 of the adopted Local Plan Part 2, and there are no other material considerations identified to suggest the application should not be recommended for approval.

13. RECOMMENDATION

- 13.1 It is recommended that application 06/21/0245/F should be **APPROVED**, subject to the proposed conditions listed below, and delegated authority being provided to the Head of Planning to make any required amendments to the published conditions and / or informative notes.

Proposed Conditions

- 1 The development shall be retained in accordance with the revised plan ref. 1558-1 Rev.A (Nov'23)1, as received by the Local Planning Authority on 7th December 2023.

Reason: For the avoidance of doubt.

- 2 Within three months of the date of this permission, a flood response plan shall be submitted to and approved in writing by the Local Planning Authority. The flood response plan shall include information which confirms the development has signed up to the Environment Agency's Flood Warnings Direct Service, shall include appropriate evacuation plans and mitigation measures, and the approved flood response plan shall be provided to and made available to all future occupiers of the site thereafter.

Reason: In the interests of minimising the risk of flooding to occupants of the development.

- 3 No part of the proposed structure (to include fascia board/rainwater guttering) shall overhang or encroach upon highway land and no door/window or other opening shall open outwards over the highway at any time.

Reason: In the interests of highway safety.

Proposed Informative Notes

- 1 Informative Note: Advertisement consent
The display of advertisements is not part of this planning approval. The applicant is advised that express advertisement consent may be required to display advertisements/signage and is advised to contact the Local Planning Authority for advice on this matter.
- 2 Informative Note: Advertisements and the public highway
This development may involve a sign that affects the public highway. The applicant should note that Norfolk County Council as Highway Authority reserves the right under the general provisions of Common Law and Section 152 of the Highways Act 1980 to seek the removal of any sign causing an obstruction or nuisance, or which obscures or hinders the ready interpretation of a road traffic sign. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact (insert appropriate contact details).
- 3 Informative Note: Trade Waste
The applicant is advised that businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34.
- 4 Statement of Positive Engagement
In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

Appendix 1: Site Location Plan

