

# Development Management Committee Report

Committee Date: **24 January 2024**



Application Number	<b>06/23/0139/F</b> - Click <a href="#">here</a> to see application webpage
Site Location	Brush Quay Car Park, Quay Road, Gorleston, Great Yarmouth
Site Location Plan	See Appendix 1
Proposal	Proposed replacement compound for the storage of bins, barrows and ancillary equipment with separate access off Quay Road; erection of a steel store and a 2m high steel perimeter fence.
Applicant	Mr M Clark
Case Officer	Mr M Joyce
Parish & Ward	Great Yarmouth, St Andrews Ward
Date Valid	19 <sup>th</sup> July 2023
Expiry / EOT date	31 <sup>st</sup> January 2024
Reason at committee	Connected application – GYBC is both landowner and applicant.
Procedural note	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 on 12/01/2024 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 located inside the Brush Quay / Riverside Road car park, approximately opposite 6-8 Riverside Road, Gorleston. The site is positioned along the River Yare riverside. The site is situated south of the RNLI station and the surrounding area is predominantly residential. The carpark can be accessed from both Riverside Road and Quay Road. This application relates to the proposed replacement compound for the storage of bins, barrows and ancillary equipment with a new, separate access proposed off Quay Road; erection of a steel store and a 2m high steel perimeter fence.

- 1.2 Riverside Road consists of rows of semi-detached and terraced dwellings that line the road on its west side. Most of these dwellings are not setback from the road and benefit from low dwarf brick walls and hoop top railings to their frontage that separates them from the highway.
- 1.3 The site does fall within Conservation Area No. 17 Gorleston Conservation Area and is approximately 200 metres from the Grade II listed building 'Lighthouse'. There is currently no bin storage compound that can be seen in the car park or in the surrounding area.

## **2. The Proposal**

- 2.1 A storage compound was previously sited behind the public toilets block on Quay Road across the road from this application's proposed replacement location on the Brush Quay Car Park. The original compound and shed were destroyed by arson attack fire which then caused significant damage to the toilet block which remains unusable; the toilet block has recently been granted permission by the Committee to be demolished.
- 2.2 Accordingly, it is proposed to relocate the bin store and construct it of non-flammable materials. The proposed 2 metre high steel fencing around the bin storage area will protect the public from spread of flames and the steel shed will offer protection to the "Bradshaw" motorised bin.
- 2.3 The proposed new location towards the southeast corner of an existing GYBC owned car park is on the opposite side of Quay Road to its current location and is in a Conservation Area, but 35 metres from the nearest building (dwellinghouse).
- 2.4 There will be a separate access created off Quay Road; erection of a steel store and a 2m high steel perimeter fence. The proposed replacement bin compound will have its own access which will not open onto the car park and will be constructed with a 2m high steel fence. The compound will house a steel store shed within. The proposal will result in the loss of 5 car parking spaces.
- 2.5 The car park is cobblestone surface, cobbles in the vicinity of the new fence posts will need to be lifted to install the posts which will be concreted below ground and the cobbles will be re-laid around the post. Any cobbles that cannot be re-laid will be stored and re-laid should the compound be no longer required at this location.

## **3. Relevant Site Constraints**

- 3.1 The site falls within Conservation Area No. 17 Gorleston and is within the setting of Grade II listed building 'Lighthouse'.
- 3.2 The site is within Flood Zone 3 and is positioned against the tidal flood wall.
- 3.3 Whilst not a part of it, the site is adjacent to the port area.
- 3.4 The site is within the development limits of Gorleston.

#### **4. Relevant Planning History**

- 4.1 There is no relevant planning history at the site.
- 4.2 The toilet block which currently screens the arson-affected bin store was approved for demolition under permission 06/23/0433/F (12<sup>th</sup> July 2023 committee).

#### **5. Consultations**

- 5.1 The consultation period for this application ended on the 30<sup>th</sup> October 2023. This report details all comments received at the time of submission to the Committee.

##### 5.2 Local Highway Authority

###### **Initial concerns - No objection following clarification of plans**

- 5.2.1 The LHA requested additional information with regard to the size of bins, need for vehicle access and frequency of access/use by said vehicles and the type of vehicle services using the site, and asked why a new point of access point is required rather than access being taken from within the car park, given that the fencing creates potential visibility issues.
- 5.2.2 Further information was submitted and in response to this the County Highway Authority considered that on balance given the nature of the “vehicle” and presumed frequency of access, the Highway Authority raise no objection subject to standard conditions relating to inward opening of any gates/potential means of obstruction, and a minimum 2.5 metres separation distance of any part of the proposed structure being achieved from the adjacent highway carriageway. An informative advising that private structures are not permitted on Highway land is also suggested.

##### 5.3 Environment Agency

###### **No objection**

- 5.3.1 No objections to the proposal. However, the EA note that as 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.

##### 5.4 Environmental Health Officer

###### **No objection**

- 5.4.1 No objections to the proposed development.

##### 5.5 Conservation Officer

###### **No objection**

- 5.5.1 There is no objection to the proposed development in principle but advises that a light grey finish for the container and compound should be used as this would blend in better with the surroundings and would make the structure less prominent.

## **6. Publicity and Representations Received**

- 6.1 The public consultation period for this application ended on the 30th October 2023. No public comments have been received.

## **7. Relevant Planning Policies**

### The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS10: Safeguarding local heritage assets.
- Policy CS13: Protecting areas at risk of flooding and coastal change.
- Policy CS16: Improving accessibility and transport.

### The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development limits
- Policy GY6: Great Yarmouth Port and Harbour Seafront Area
- Policy A1: Amenity
- Policy E1: Flood risk
- Policy E5: Historic environment and heritage
- Policy I1: Vehicle parking for developments

## **8. Other Material Planning Considerations**

### National Planning Policy Framework (Dec 2023)

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

### Emerging policy

The emerging Borough-wide Design Code Supplementary Planning Document (draft version July – October 2023).

## **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.*

### Main Issues

9.3 The main planning issues for consideration include:

- Principle of development
- Design
- Heritage and Conservation
- Access highway safety
- Car parking
- Flood risk

## **10. Assessment:**

### Principle of Development

10.1 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. The proposal seeks to re-provide a bin store, albeit in a different location a previous bin store, and seeks to minimise its risk from the potential for future arson attacks. Officers consider that the proposal is acceptable in principle subject to being in accordance with other relevant planning policy and guidance.

### Design

- 10.2 The proposal is of a utilitarian design, accommodating as it does a bin store and security fencing. In its previous location, the bin store could be seen from 3 sides adjacent to the 1950's constructed public toilet block.
- 10.3 In the new location the bin store is viewed on all sides albeit only in long distance views from the east as it backs onto the river flood defence wall, which only offers partial screening as the structure is 2m tall and extends above the wall.
- 10.4 The proposed location is sufficiently far from neighbouring residents to avoid an impact on amenity and is some 40 metres from the King William IV Public House constructed in 1904 (undesigned).
- 10.5 Whilst clearly visible, Officers consider that it is a replacement of a compound in a car park adjoining the flood defence wall and as such would have a neutral or only very minor impact on the visible appearance of the area and as such whilst this would not accord with Policy CS9(g), officers consider this a minor departure which on balance is off set by the need for such a replacement facility at Brush Quay Car Park

### Heritage and Conservation

10.6 Section 72(4) of the Listed Building and Conservation Area Act 1990, requires Local Planning Authorities in the exercise, with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 10.7 The site lies within the Conservation Area No. 17 Gorleston and is c 200 metres from the Grade II listed building 'Lighthouse'. Whilst the Lighthouse is visible from the subject site, it is of a sufficient distance away not to have a material impact on the setting of the Listed Building.
- 10.8 The proposal whilst utilitarian in design, is set within a car park and against a concrete flood defence wall a significant distance from more noteworthy buildings of character within the conservation area. Though the cobbled surface adds character, the car park itself is not an attractive asset to the conservation area, but equally it is not a negative asset and its open character should be retained. Furthermore, it is an open vista to the quay and riverside for residents and visitors, and there are very few utilitarian structures in the area which are not already buildings. As the car park is often busy with parked cars, even outside the holiday period, during the day the compound's position at the eastern perimeter of the site will appear less prominent and fairly well screened by vehicles from views from the north, west and, by the wall and low-level vegetation on the flood plain, from the east.
- 10.9 Views from the south will reveal the west and south elevation unattractive sheet metal compound sides, which are unfortunate and do not maintain or enhance the Conservation Area, but planning conditions can be used to require the colours to be more muted, such as the grey suggested by the Conservation Officer.
- 10.10 Nevertheless, even in a different colour scheme, the compound is not complementary to the character and appearance of the conservation area, a designated heritage asset, nor the longer-distance appreciation of the grade II listed Lighthouse. As a temporary solution to the loss of the existing refuse compound, it is considered acceptable to allow the low level of harm, but nevertheless harmful impact, from the structure's siting in this position. However, every effort should be made by the applicant to seek a less intrusive and more complementary location for use on a permanent basis, and it is noted that nothing has been presented with the application to justify the need for the compound nor explain why this is the only feasible location.
- 10.11 It is considered overall that the development has a low level of harmful impact on the conservation area, but a harmful impact nonetheless, and as such fails to conserve and enhance the character and appearance of the heritage asset which is required by legislation and policy. The Council's Conservation Officer has no objections to the proposal were it to use a different colour, and permission on a temporary basis can mitigate some of the longer term harm that might be associated with the alien structure were it to be approved on a permanent basis. Therefore, officers consider that the proposal as a replacement bin store is broadly able to be in accordance with Policies CS10 and E5 if it is subject to mitigation through planning conditions.
- 10.12 Furthermore, the National Planning Policy Framework (paragraph 208) has a long-established principle that for any development which *"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."* The relevant public benefits weighing in favour of this proposal are the provision of a need replacement refuse management facility which with conditions can be managed and reviewed after a temporary period if members are minded to approve this application.

#### Access, Highway Safety and Car Parking

- 10.13 The proposal seeks to have an alternative access to the site adjoining the main access into the car park. This will contain and secure the site for use only by the Council vehicle and storage of a Bradshaw motorised bin.
- 10.14 Access is required daily during the summer months but less frequently during winter. The access has deliberately been kept independent of the public car park access to reduce any potential health and safety concerns and damage to vehicles.
- 10.15 The County Highway Authority, has on the receipt of further information provided by the applicant withdrawn its objections subject to conditions related to avoiding obstruction relating to inward opening of any potential means of obstruction and a minimum 2.5 metres distance from the adjacent highway carriageway of any part of the proposed structure. An informative advising that private structures are not permitted on Highway land is also suggested and all of the above is considered relevant and reasonable to Officers to mitigate potential harm from an access/traffic safety point of view.
- 10.16 In addition, Officers note the loss of five car parking spaces and the lack of justification. However, the loss is relatively modest compared with the significant number of car parking spaces retained and as such Officers are content that the proposal is in accordance with Policies CS1 and I1 of the Local Plan.

#### Flood Risk

- 10.17 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.
- 10.18 However, it is acknowledged that the application proposes a replacement of a bin store and would be considered a 'de minimis' development in terms of the net-additional flood risks posed by the development. Although relocation of the bin store outside of the flood area would be preferable, on balance, it is considered that there is no worse flood risk, that there would be at a previous location. By virtue of the nature of the proposal, which in flood risk terms is categorised as 'less vulnerable' development, it is not considered proportionate in the circumstances to request a flood risk assessment for this application, however it is recommended that a flood response plan is provided instead, by condition attached to any permission.
- 10.19 The Environment Agency have no objection to the proposal and Officers are satisfied that subject to condition that the scheme accords with CS13 and E5 of the Local Plan.

### **11. The Planning Balance**

- 11.1 The proposed bin store compound, access and fencing is of a relatively modest scale and is a replacement for a facility previously in the vicinity. The alternative of not having such a compound would increase pressure on refuse storage and collection elsewhere, especially during the holiday seasons.

- 11.2 It is considered that the nearest Listed Building's heritage setting is not unduly impacted by the proposal and that it has a low level of negative impact on the character and appearance of the Conservation Area. The Conservation Officer has not objected to this development but recommends the use of more appropriate and muted colours.
- 11.3 The County Highway Authority has removed its objection subject to conditions and the Environmental Agency has no objections. Officers consider that a condition relating to flood risk management should be attached to mitigate potential problems.
- 11.4 Taking the three limbs of sustainable development; economic, environmental and social as set out in paragraph 8 of the NPPF, the proposal has a neutral economic impact as it replaces a previous local authority service and does not in itself create income or employment. On the environmental side, it is harmful in terms of impacts on heritage assets, but neutral in terms of access and car parking issues, as sufficient car parking remains on site and conditions can mitigate potential access and obstruction issues. On the social aspect of sustainable development, the proposal would be slightly positive in re-instating a refuse collection and storage service avoiding pressure on relocation elsewhere in the local authority area.
- 11.5 Nevertheless, the application proposes a low level of harm to the character and appearance of the Conservation Area and has not justified why the harm cannot be avoided through more sensitive site selection elsewhere within or outside the Conservation Area. As such before permission can be granted the public benefits of the proposal must be seen to outweigh the harms of the development on the heritage asset, as required by paragraph 208 of the National Planning Policy Framework.
- 11.6 Officers consider the benefits to be suitable to address the short-term loss of the existing facility through a short-term use of this compound, but the benefits are not sufficient to justify the long term or permanent use of the facility and the associated detrimental impact it would create on the appearance of the Conservation Area and the association with the grade II listed Lighthouse. The public benefits of providing a compound would be much lessened over time through the reduced attractiveness of the area to tourism, causing a deterioration of the tourism offer and subsequent reduced economic investment.
- 11.7 It is therefore not considered to be appropriate to allow the development to cause harm on a permanent basis by granting a permanent planning permission. Instead, the most appropriate form of permission is considered to be a temporary permission for two-years, which affords the applicant sufficient time to appraise the refuse collection and storage options for the area and find a more suitable location or propose a more complementary form of development.

## **12. Conclusion**

- 12.1 In conclusion the proposal represents sustainable development and, when subject to conditions requiring mitigation, can be broadly in accordance with the relevant planning policy and guidance. Subject to conditions, the proposal is recommended for approval.



### 13. RECOMMENDATION

- 13.1 That application 06/23/0139/F be APPROVED subject to the following conditions:

#### Proposed Conditions

##### Standard time limit

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.

##### Development to accord with approved plans and details

2. The development shall be carried out in accordance with the following plans submitted to the Local Planning Authority:
  - PAM-CS-MPC-WBS-01 – Site Location Plan
  - Site Layout Plan: GY Services Proposed Compound, Brush Quay Car Park
  - PAM-CS-MPC-RSBS-01 – Plan and Elevations
  - PAM-CS-BQUAYBIN-02 – Proposed Steel Shed.

Reason: For the avoidance of doubt.

##### Temporary Planning Permission

3. The development hereby approved shall last for two years from the date of this planning permission only. If the use has not ceased before that date, upon the expiry of this permission the use shall cease and the site shall be cleared and the area of the car park re-instated to its former condition, within 28 days of the expiry of the permission hereby granted.

Reason: To minimise the harm to the surrounding heritage asset whilst affording the applicant time to appraise the requirements for the site and seek a potentially more appropriate location for this development in the interests of the preservation and enhancement of the conservation area and visual association with listed buildings.

##### Pre-commencement conditions

##### Flood Response Measures

4. With the exception of ground works and site clearance, there shall be no commencement of development until a flood response plan has first been 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.

#### Materials Details

5. With the exception of ground works and site clearance, there shall be no commencement of development until details of the material to render the compound or the colour of the compound sheeting to be used have first been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of the site and shall be retained as such thereafter.

Reason: In the interests of preserving and enhancing the character of the Conservation Area in accordance with Policies CS10 and E5.

#### Actions required prior to first occupation / use of the development

##### Repair works

6. That prior to the first use of the site any damage to the surfacing shall be rectified in materials which match the existing cobbles.

Reason: In the interests of preserving and enhancing the character of the Conservation Area in accordance with Policies CS10 and E5

#### Ongoing compliance conditions

7. No vehicular access to the car park shall be allowed save for the motorised bin used in conjunction with this use.

Reason: In the interests of highway safety.

8. Any access gates/bollard/chain/other means of obstruction shall be hung to only open inwards.

Reason: In the interests of highway safety.

9. Notwithstanding the details submitted on the approved plans no part of the proposed structure (the compound fencing) shall be erected within 2.5m of the public highway as measured from the near edge of the adjacent highway carriageway

Reason: In the interests of highway safety.

#### Informative Notes

- 1 Informative Note: Highways  
It is the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls will not be permitted on highway land. The highway boundary may not match the applicant's title plan. For further details please contact the highway research team at [highway.boundaries@norfolk.gov.uk](mailto:highway.boundaries@norfolk.gov.uk)
- 2 Informative Note: Heritage and Conservation  
Your attention is drawn to Condition 5 of this permission: The Conservation Officer advises that a light grey finish for the container and compound would likely be preferable as this would blend in better with the surroundings and would make the structure less prominent.

- 3      Informative Note: 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

