

Schedule of Planning Applications

Committee Date: 12 July 2023

Application Number: **06/23/0433/F** - [Click here to see application webpage](#)

Site Location: Public Convenience north of King William IV Public House, Quay Road, Gorleston, Great Yarmouth, NR31 6BZ

Site Location Plan: See Appendix 1

Proposal: Demolition of former public convenience block

Applicant: Great Yarmouth Borough Council

Case Officer: Mr R Parkinson

Parish & Ward: Great Yarmouth, St Andrews Ward

Date Valid: 26-05-23

Expiry / EOT date: 21-07-23

Committee referral: This is a connected application submitted by the Borough Council.

Procedural note 1: This application was reported to the Monitoring Officer as an application submitted 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 04/07/23, 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 and grant planning permission subject to conditions

REPORT

1. The Site

- 1.1 The site is the former 'Brush Quay' public convenience block on the west side of Quay Road at its junction with Pier Walk and opposite Riverside Road. The block is sited on a small area of open amenity land to the north of the garden to the former William IV public house and east of Limmer Road and opposite the terraced houses at the north end of Pavilion Road.
- 1.2 The building is rectangular and with a pitched and hipped plain-tiled roof, of cream-painted bricks above a black plinth and with red-stained timber framed leaded windows and steel-shuttered security door screens. The building presents no active frontage or architectural interest to the street and at best is described as a utilitarian building reflecting a former public service. There is an open-sided store for paladin refuse bins behind the building, through it is unclear where the refuse stored there originates. The toilet block building has a footprint of 75sqm and a ridge of approximately 2.5m height.

- 1.3 The applicant states the building has been closed to public use for approximately 20 years due to being surplus to requirements, and in recent months has been subject to an arson attack which has left the building beyond economic repair.
- 1.4 The building is not Listed but it does feature in the No. 17 Gorleston Conservation Area. There are mature trees adjacent the site on land to the south, protected by virtue of being within the conservation area.
- 1.5 Surrounding uses are the Riverside Road surface car park to the north, the open space landscaping and the terraced houses of Pavilion Road approximately 20m to the west facing the site, a concrete substation or pumping station enclosure building in the same open space on Pavilion Road, and the King William IV public house to the south (the building is 29m south, but the beer garden extends to within 5m of the toilet block).

2. The Proposal

- 2.1 The development proposes demolition of the toilet block. The application does not propose any replacement facilities, works or landscaping in its stead. The applicant states the reason for the demolition is because the building has served its purpose and is in very poor condition, with a fire-damaged roof and being very unsightly, beyond economic repair.
- 2.2 The applicant intends to clear the building to slab level and if there is a future use for the site it would be determined and subject to a separate application.

3. Site Constraints

- Within the No. 17 Gorleston Conservation Area
- Within the Development Limits defined by policy GSP1

4. Relevant Planning History

- 4.1 There is no relevant planning history.

5. Consultations

- Local Highways Authority (Norfolk County Council) – No objection.
- Conservation Officer – No comments received at the time of writing.

6. Publicity & Representations received

Consultations undertaken: Site notices and Press advert

Reasons for consultation: Affecting a Conservation Area

6.1. Ward Members – Cllr(s) B Wright and R. Upton

- No comments received at the time of writing.

6.2. Public Representations

- No comments received at the time of writing.

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 CS15: Providing and protecting community assets and green infrastructure.

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy A1: Amenity.
- Policy E5: Historic environment and heritage.
- Policy C1: Community facilities.

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 12: Achieving well-designed places
- Section 16: Conserving and enhancing the historic environment

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.

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

Assessment

10. Principle of development

- 10.1 The principle of development is acceptable subject to ensuring the demolition does not deprive the community of a public service or facility. This is not considered to be the case as the block has been unused for a reported 20 years and clearly presents a risk of more community harm through the evidence of arson, than it provides benefits.
- 10.2 As suggested by the applicant, it is not unreasonable to assume the building cannot be put to beneficial use again, so the principle of the loss of the facility is accepted, subject to there not being any unacceptable harm caused to the character and appearance of the conservation area.
- 10.3 The development is considered to comply with policies CS09, CS15, and C1.

11. Impact on the historic environment

- 11.1 The site is located within the no.17 Gorleston Conservation Area. Section 72(1) of the Listed Buildings Act 1990 states that in the exercise of various functions under the Planning Acts in relation to land in conservation areas (including determination of planning applications) the Council is required to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 11.2 The Conservation Area surrounds and includes the building but it is weakened by the presence of the utilitarian structure which detracts from the character of the area because it presents a wholly inactive and unwelcoming frontage to the public realm in all directions (although it is not to say anything else would have been expected at the time of its design, given its role and former use).
- 11.3 The demolition and removal of the toilet block would cause an impact on the character and appearance of the conservation area, which Officers suggest would be a 'neutral' impact in terms of the level of 'harm' caused to the area.
- 11.4 However, the effects of the removal of the building could also cause a visual detriment to the character and appearance of the area, in terms of the way the site is used and the condition it is left in once the building is removed. The application has not presented any proposals for the re-use or restoration of the site; a cleared site will appear prominent and potentially a greater eyesore than if the building were retained (and repaired).
- 11.5 Therefore it is recommended that any permission granted should be subject to a condition requiring a scheme of site restoration and making good, and re-use through temporary landscaping or public realm feature, which could be achieved at relatively little cost and in very short timescales.
- 11.6 Committee Members are advised that paragraph 196 of the NPPF states:

"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

Regardless of the deteriorated state of the building from recent arson, the demolition is considered to represent an opportunity to provide improvement to the character and appearance of the conservation area, and should other development not be forthcoming, it is considered to cause a neutral impact at worst compared to the retention of the (repaired) existing building.

- 11.7 The proposal is therefore not considered to generate harm to the character and appearance of the Conservation Area. As such, the proposal complies with policies CS10 and E5.

12. Residential and neighbouring amenity

- 12.1 The impact of the development must also be considered from the perspective of nearby residents of Pavillion Road facing the site, dwellings which include east-facing balconies. Although a benign use, the building's retention could attract further anti-social behaviour and undesirable activities and it is likely that the building's removal would improve the amenity of those residents in the short term.
- 12.3 Similarly, the presence of the redundant toilet block (even assuming it is repaired) and potential for anti-social behaviour could be a deterrent to further investment in the area and in particular the re-use and rejuvenation of the adjoining King William IV public house. Therefore its removal could promote further regeneration and enhancement of the conservation area (subject to appropriate designs being secured on any future development in the site itself or in the vicinity).
- 12.3 The development is considered to comply with policies CS09 F and A1.

Local Finance Considerations

- 12.4 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.

The Planning Balance and Conclusion

- 12.5 The development is not considered to cause any long-term harm to the conservation area's character or appearance, and may promote an enhancement in the medium term, though on a short term basis the development must be subject to conditions to ensure there is no detrimental impact from the sites restoration or use being

overlooked; conditions are proposed to ensure the development restores the site in an appropriate manner with a temporary or 'meanwhile' solution.

RECOMMENDATION:

It is recommended that application 06/23/0433F should be APPROVED subject to the following 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 plans received by the Local Planning Authority on the 26th May 2023.

The reason for the condition is:-

For the avoidance of doubt.

- 3 No works of demolition shall commence until such time that full details of a proposed site restoration, landscaping and public realm enhancement or 'meanwhile' use proposal has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and the site shall be restored to beneficial use in accordance with those details within 28 days of the removal and clearance of the building and shall be retained as such thereafter.

The reason for the condition is:-

To ensure that regard is paid to protecting the character and appearance of the Conservation Area and protection of the public realm in accordance with the requirements of Core Policy CS10 and Local Plan Part 2 policy E5.

and any other conditions and informative notes considered appropriate by the Development Manager.

Appendices:

1. Site Location Plan

Location Plan

Site Address: Public Convenience North King William IV Public House, Quay Road, Gorleston, Great Yarmouth, NR31 6BZ

Date Produced: 26-May-2023

Scale: 1:1250 @A4



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