

Development Management Committee Report

Committee Date: **24 January 2024**



Application Number	06/23/0837/F - Click here to see the application webpage
Site Location	Site adjacent the ladies' Public Convenience, The Jetty, Marine Parade, Great Yarmouth, NR30 3AH
Proposal	Proposed erection of beach wheelchair store
Applicant	Great Yarmouth Borough Council
Case officer	Rob Tate
Parish & Ward	Great Yarmouth – Nelson Court
Date Valid	17-11-23
Expiry / EoT Date	31-01-24
Reason at committee	Connected application – the Council is both applicant and landowner
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: DELEGATE POWERS TO GRANT PLANNING PERMISSION SUBJECT TO CONFIRMATION OF MATERIALS AND CONDITIONS

1. The Site

- 1.2 The application site forms a small portion of land immediately south of the ladies' public toilets on the eastern edge of South Beach Gardens. The site is currently a grassed area located between two existing single storey buildings and to the south of The Jetty. The promenade running alongside the edge of the beach is immediately east of the site and there are several ramped access points to the beach in the vicinity.
- 1.3 South Beach Gardens comprises a mixture of hard standing, pavements and grassed areas forming public amenity land. The site is within the heart of the Great Yarmouth Sea Front Area; neighbouring uses / buildings include the Sea Life Centre and Winter Gardens to the

south, the remainder of South Beach Garden to the south (which is also the site of the 'Ferris Wheel' tourist attraction' and 'sling shot' tourist ride) and The Jetty and Marina Centre further to the north. Buildings to the west include the various hotels, restaurants and kiosks of the seafront.

2. The Proposal

- 2.1 The application seeks planning permission for the erection of a beach wheelchair store. The proposed building has a 1.97m by 1.70m footprint with a single pitched roof with a maximum height of 1.70m.
- 2.2 In terms of materials, the building would be of buff brick construction, with a profiled sheeting roof and galvanised steel door.
- 2.3 The proposed building would provide shelter/storage for a beach wheelchair.

3. Site Constraints

- 3.1 The site is within the Development Limits defined by GSP1.
- 3.2 The site is within the Great Yarmouth Sea Front Area defined by GY6.
- 3.3 The site is within the Sea Front Conservation Area.
- 3.4 The site is within Flood Zone 3.
- 3.5 The site is within 30 metres of the Coastal Change Management Area defined by GSP4.

4. Relevant Planning History

- 4.1 There is no relevant planning history at the site.

5. Consultation responses

5.1 Environmental Services

No objection

5.2 Conservation Officer

No objection

- 5.2.1 The Conservation Officer raised no objection to the proposal but did request more detail in terms of materials, and confirmed that they did not have concerns with the use of buff brick.

6. Publicity & Representations

- 6.1 Consultations undertaken:
 - Site notices and Press advert.
 - Consultation between 24/11/23 and 15/12/23.
 - Reasons for consultation: Development within a Conservation Area.

6.2 Ward Member – Cllr Robinson-Payne, Cllr Jeal and Cllr T Wright

6.2.1 No representations have been received.

6.3 Public Representations

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

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future
- Policy CS8: Promoting tourism, leisure and culture.
- 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 CS15: Providing and protecting community assets and green infrastructure.

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits.
- Policy GSP4: New development in Coastal Change Management Areas.
- Policy GY6: Great Yarmouth Seafront Area.
- Policy A1: Amenity.
- Policy E3: Protection of open spaces
- Policy E5: Historic environment and heritage

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.

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.

9.1.1 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

The main planning issues for consideration include:

- Principle of development
- Design
- Impact on Historic Environment
- Amenity
- Flood Risk
- Coastal Change

10. Assessment:

Principle of Development

- 10.1 Policy CS8 of the adopted Core Strategy states the potential of the holiday industry should be maximised, and new attractions of a good quality should be supported if they are of good design and with good access and connections to its surroundings.
- 10.2 Policy GY6 specifically encourages year-round, sustainable tourism and new investment in major new tourism, leisure and entertainment facilities.
- 10.3 Policy GY6 does recognise the need to conserve the seafront's heritage assets and so securing a high-quality design of facility is essential as part of this, as is the need to maintain and improve the public realm and the area's open spaces such as South Beach Gardens.
- 10.4 The proposal would facilitate access to the beach for those with mobility problems, opening-up one of the Borough's best tourist assets for a wider range of people, through allowing the beach wheelchair to be stored in a secure location when not in use. The proposed building is central to the beach, located at the mid-point of the Golden Mile and is close by to parking at The Jetty.
- 10.5 South Beach Gardens is an area of public amenity space. Policy E3 seeks to resist the loss of open spaces which contribute to public amenity. The application site is an undeveloped and unused space between two existing buildings. The space provides very little visual amenity benefit and no recreational value. Policy E3 does allow for proposals which result in a loss of local amenity space in limited and specific circumstances, including where the proposal is ancillary to the space and will add to the value and function of the local open space to the benefit of amenity or the local community. The proposal is for a storage building for the beach wheelchair (a specially designed wheelchairs with large pneumatic wheels), and therefore will provide a public benefit and community function. Therefore, the application complies with policy E3 (a) and Core Strategy Policy CS15.
- 10.6 As such, the principle of development should be considered acceptable subject to compliance with the rest of the development plan and mitigations as appropriate. One such necessary mitigation is that the building is not to be used for other uses, because it provides a public benefit and contributes to the tourism attraction of the Sea Front, and other uses are not appropriate as they have not been justified given the proposed building is located within Flood

Zone 3 and evidence has not been provided to demonstrate that other uses would be acceptable.

Design

- 10.7 Core Policy CS1 expects that new development is of a scale and in a location that complements the character of the surrounding area. Core Policy CS9 expands on this approach and expects that development responds to, and draws inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to ensure that the full potential of the development site is realised; making efficient use of land and reinforcing the local identity.
- 10.8 The east of Marine Parade/South Beach Parade contains a mixture of buildings, including the Grade II* Listed Winter Gardens, recently completed Marina Centre and diverse mixture of tourist uses which vary in character and design. In the immediate vicinity of the application site are the ornate public toilets to the north along with the flat roofed Jetty building which contains a number of kiosks, and a single storey, likely immediate-post war flat roof building (which appears to be used by the Great Yarmouth Fishing Federation).
- 10.9 The proposed building would be read in this mixed context of surrounding buildings. The proposed building would be situated between the single storey flat roofed building and the public toilets and due to its limited height (1.7m) would be recessive between the two. It would appear subservient to the surrounding buildings and would read as an ancillary building. This is also in part thanks to its simple form.
- 10.10 There is a mixture of materials in the surrounding area. This includes buff brick and render. The building is proposed to be of buff brick construction and would therefore be in keeping with surrounding context.
- 10.11 It is considered that the proposal represents an acceptable design which will comply with Core Strategy Policies CS1 and CS9.

Impact on Historic Environment

- 10.12 The site is located within the no.16 Sea Front 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. There are a number of Listed Buildings along Great Yarmouth's Sea Front, the nearest is the Grade II listed Prisoner of War, War Memorial, 80m northwest of the site. Section 66(1) of the Listed Buildings Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 10.13 Being that the application affects designated heritage assets, the scheme must comply with Core Strategy Policy CS10 which in part requires that proposals should conserve and enhance the significance of the borough's heritage assets and their settings, such as Conservation Areas and Listed Buildings. This approach is expanded upon by LPP2 policy E5 which requires development to *"seek 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."*

- 10.14 The Sea Front Conservation Area is identified by Historic England as being in poor condition (Heritage at Risk Register, Historic England) and therefore there is a need to ensure that all development proposals both complement and enhance the historic fabric of the Seafront Area, have regard to the setting of designated heritage assets, and be of high quality design in line with Policies CS9, CS10, and E5 and the National Design Guide and emerging draft GYBC Design Code Supplementary Planning Document.
- 10.15 The application proposes a relatively small and simple building within an area where buildings have been added along the promenade in a piecemeal way. The building does not relate well to the space and the general openness of the public area, being somewhat detached from other structures when consolidating it alongside the other various existing buildings would have been a more successful and less intrusive proposal. However, given what has gone before and the small scale nature of the proposal, and character of the area as hosting kiosk-type buildings, this does not on balance appear out of place within this context. The building's small scale and use of materials consistent with the promenade means that it will have limited visibility (mainly from easterly/westerly views) and prominence, and will be read in conjunction with the surrounding buildings.
- 10.16 The Conservation Officer has been consulted on the application and raised no objection but did request that further information be provided with regard to materials.
- 10.17 Paragraph 205 of the NPPF expects that the impact of development on the significance of a heritage asset be assessed during the determination of an application. In this instance, it is considered that the proposal would have a neutral impact on the significance of the Conservation Area, i.e. avoiding harm overall.
- 10.18 It is considered that the application complies with Core Strategy Policy CS10 and Local Plan Part 2 Policy E5. It is considered that the proposal would have a neutral impact on the overall character and appearance of the Conservation Area and setting of nearby listed buildings. The proposal complies with Sections 66 and 72 of the Listed Buildings and Conservation Areas Act in this regard.

Residential Amenity

- 10.19 The application site is located along the Golden Mile and is in close proximity to a number of leisure and entertainment uses. There are no residential dwellings within the immediate vicinity. Adopted policy A1 expands on policy CS9 F to ensure that no significantly harmful amenity issues occur. Due to the scale and proposed use of the proposed beach wheelchair store, no adverse impacts on neighbouring amenity are expected to occur. The application is considered to comply with policies CS9 and A1.

Flood Risk

- 10.20 The site falls within flood zone 3a, where there is a high probability of flooding from the sea. Whilst this has been a consideration, this does not cause significant concerns over being impacted by flood risk as it does not comprise a building that would be vulnerable to users from flood damage. The footprint of the building is considered de minimis in flood risk terms in respect of the possible increased risk of flooding caused elsewhere. As such, a Flood Risk Assessment is not considered proportionate to the assessment and neither that nor a flood risk Sequential Test have been requested.

- 10.21 Given the low vulnerability of the proposed use, the application is considered to comply with policy CS13 and it is not seen as necessary to condition a Flood Response Plan as the building would not involve a use whereby it would contain people during a flood event nor present a risk to residents, visitors or businesses as the building is locked and contained if not in use.

Coastal Change

- 10.22 The application is located outside of the area defined by policy GSP4 as the Coastal Change Management Area but does lie within 30 metres of this line (which runs along the flood wall). As such, according to policy GSP4, the application is required to be supported by a Coastal Erosion Vulnerability Assessment (CEVA) to demonstrate that the development will not result in an increased risk to life or property.
- 10.23 As the development is for a less vulnerable form of development, a 'Type A' (template) CEVA can be appropriate in this instance. This has been received and as such the applicant has recognised the risk posed by Coastal Change. The application complies with GSP4.

Local Finance Considerations

- 10.24 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 proposed wheelchair store will provide a public benefit by allowing storage for a wheelchair which will open-up use of the beach for those who are currently unable to access it. It will make some of the Borough's key tourist assets accessible for a wider group of people. The application site is within the main tourist area within the Borough and complies with the aims of improving tourist accommodation and facilities / attractions, in line with Core Strategy Policy CS8 and Local Plan Part 2 policy GY6.
- 11.2 The application is of simple design but its small scale and location within an area of existing buildings will mean that it will have a neutral impact on the character and appearance of a dwelling when taking into account the surrounds. The application complies with Core Strategy Policy CS10 and Local Plan Part 2 Policy E5 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.3 The proposed building is not proposing a vulnerable use and is considered acceptable in flood risk terms. The application complies with policy CS13 in this regard.

12. Conclusion and Recommendation

- 12.1 The application would provide a building of acceptable design and one which facilitates a public benefit.

- 12.2 Having considered the details provided, the application is considered to comply with policies CS1, CS8, CS9, CS10 and CS13 from the adopted Core Strategy, and policies GSP1, GSP4, GY6, E3, E5 and A1 from the adopted Local Plan Part 2.
- 12.3 It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

13 RECOMMENDATION

- 13.1 It is recommended that powers be delegated to the Head of Planning to **APPROVE**, subject to:
- a) Prior receipt of appropriate confirmation of proposed materials and design; and
 - b) The Conditions listed below with any required amendment to their wording; or the inclusion of other Conditions and / or Informative Notes; as considered to be appropriate by the Head of Planning

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 revised plans received by the Local Planning Authority on the 17th November 2023:

Location Plan

Proposed Building and Location Plan (Drawing Number 001)

Reason: For the avoidance of doubt.

Storage limited to beach wheelchair only

3. The beach wheelchair store hereby permitted shall only be used for storage of the beach wheelchair and any associated equipment and for no other uses whatsoever. No commercial storage or activities shall take place from the beach wheelchair store whatsoever without first gaining the express written permission of the Local Planning Authority.

Reason: The proposed building is considered acceptable on the basis of it being proposed to store something which provides a public benefit and contributes to the tourism attraction of the Sea Front, in accordance with the aims of Core Strategy (2015) Policy CS8; Furthermore, other uses are not appropriate as they have not been justified because the proposed building is located within Flood Zone 3 and evidence has not been provided to demonstrate that other uses would be acceptable.

APPENDIX 1: Site Location Plan

