

Schedule of Planning Applications

Committee Date: 18th January 2023

Application Number: 06/22/0884/VCF- [Click here to see application webpage](#)

Site Location: Former Waterworks storage and Pipeyard, (land north of 25 St Peters Plain), St Peter's Plain, Great Yarmouth NR30 2LN

Site Location Plan: See Appendix 1

Proposal: Removal of condition 1 of pp. 06/15/0733/F (conversion of existing garage to kitchen and toilets; siting of modular building for use as community workshops) - to allow permanent use/siting of modular building

Applicant: Dr C Winter

Case Officer: Mr R Tate

Parish & Ward: Nelson Ward

Date Valid: 06-10-22

Expiry / EOT date: 06-12-22 (extension requested but no reply received at time of writing)

Committee referral: As requested by Councillor T Wright and Councillor G Plant, noting the community services and heritage officer concerns.

RECOMMENDATION:

REFUSE

REPORT

1. The Site and Context.

1.1 The site is the former waterworks storage yard located to the west of St Peters Plain in Great Yarmouth, adjacent the north side of 25 St Peters Plain. The site is located within the No 4 King Street Conservation Area, within 6 metres of the Town Wall (a Scheduled Ancient Monument) and within the setting of the Wood Hall Hotel (Grade II Listed) - both located to the west on the narrow alley / service road which runs to the rear (west) of the site, and from which the site is separated by a 1.8m red brick wall. Moreover, the site is also adjacent the location of the one of the first places in England to suffer aerial bombardment in World War I.

1.2 Prior to the installation of the existing modular building on the site, and conversion of the former garage, both for community workshop use (pursuant to approval of application 06/15/0733/F), the former waterworks storage yard laid empty. Permission to create a terrace of 3 dwellings on the site had been approved in June 2014 (ref: 06/14/0057/F) but that permission was never implemented and has since lapsed.

- 1.3 Permission was granted for the existing modular building and conversion of the former garage, to create the Willow Tree Works community facility, in February 2016 (ref: 06/15/0733/F - *Conversion of existing garage to kitchen and toilets. Siting of modular building for workshops for general community resource*). The building appears to have been erected by October 2018 (as seen on Google Streetview).
- 1.4 Permission for the siting of the modular portacabin building was granted only on a temporary basis (ref: 06/15/0733/F). The permission was accepted as a medium-term improvement to the vacant site that lay empty in the conservation area, but was restricted to a 10-year temporary permission because the modular building was "not a high quality structure" and it would "degrade over time" (as quoted from the delegated officer report at the time). The Conservation Officer at the time considered the building should only be suitable for 5 years use, but the LPA considered that would be too restrictive and the building was considered likely to be able to last longer just 5 years, but needed a balance to not be seen as a permanent feature when it was otherwise inappropriate in its design, as a permanent addition to the conservation area.
- 1.5 Ultimately, a temporary permission that allowed the building to be sited there for 10 years was considered appropriate in 2016. There were two reasons for the building to be granted only a temporary permission: firstly, the building is built in materials that at the time were expected to be short-lived and could degrade over time, contrasting poorly with the heritage setting of the area; secondly, those concerns were in addition to the overall concerns raised that the form, appearance and positioning of the building would be inappropriate for the site and its heritage context on a permanent or indefinite basis. By allowing a temporary permission at the time, officers were content that the proposed modular building would facilitate a suitable 'meanwhile use' which would provide benefits over and above the empty vacant site whilst it might reasonably be expected to be developed in a more appropriate form for the conservation area and heritage setting.
- 1.6 The modular building is currently used by the Willow Tree Works charity as a centre for people with additional needs, providing a valued benefit to the community. Little additional information was submitted with the application originally to demonstrate what service Willow Tree Works provides, but some information was provided in December to illustrate recent activities. In addition, according to the charity's website, the site is described as: "*WTW is an educational and recreational centre for people with disabilities and additional needs. Family members are welcome. A carer is required at all times*". According to the website they also run a fitness class on a Wednesday with their website stating "*At Willow Tree Works we run non-judgemental fitness class for all levels of ability, disability and energy. Strength, Balance & Endurance - Wednesday 9.15 - 10am*". It is noted that the charity also has the benefit of other centres for activities in the Borough.
- 1.7 It should be noted that the existing permission is for a workshop for "general community resource" so could be multi-purposed and not necessarily limited to sole use by Willow Tree Works, nor limited to servicing people with additional needs.

2. The Proposal

- 2.1 The application seeks to remove condition 1 of planning permission 06/15/0733/F. Condition 1 states:

"This permission expires on 11 February 2026 and 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 modular building shall be removed from the site.

The reason for the condition is:-

In order to retain control over the building which is constructed of short lived materials and in the interests of the visual amenities of the locality."

- 2.2 No other conditions have been requested to be changed or removed. By removing condition 1 it would have the effect of making the permission permanent, and allow use and retention of the building indefinitely.
- 2.3 To justify the proposed removal of the condition, the submitted application form states that there *"is no reason for it not to be permanent"*. The applicant has also explained in an email received on the 1st December that they consider the application necessary because: *"without permanent planning we cannot obtain the funds and so we would have no alternative to close Willow Tree Works"*.
- 2.4 Members will be aware that planning permissions concern the use and development of the land only, and unless permissions are made 'personal' to the applicant (which is only possible in very special exceptional circumstances and which must always relate to the operation of the facility) the individual financial circumstances of an applicant or users of a development are not material planning considerations and must not be taken into account in the decision making process.

3. Site Constraints

- 3.1 The site is located within the development limits as defined by GSP1.
- 3.2 The site is located within the No 4 King Street Conservation Area.
- 3.3 The site is located within the setting of the Town Wall (a Scheduled Ancient Monument).
- 3.4 The site is located within the setting of a Grade II Listed Building (Wood Hall Hotel).

4. Relevant Planning History

- 06/15/0733/F - Conversion of existing garage to kitchen and toilets. Siting of modular building for workshops for general community resource.
 - Application was approved in February 2016 subject to a temporary 10 year permission before the modular building must be removed.
- 06/14/0057/F and 06/14/0059/CC - Demolition of commercial building to allow the erection of a terrace of three 3-bedroomed houses.
 - Approved June 2014 – consent never implemented.
- 06/12/0169/F - Erection of a terrace of four, three bedroomed houses.
 - The application was refused in May 2012, and the refused decision was subsequently appealed.

The application was refused by the LPA for the following reasons:

- Design of the building would obscure view of the Town Wall and create a significant and detrimental visual impact on the monument;
- Over development of the plot;
- Loss of the wall to the front of the site would harm surrounding area;
- Inadequate Parking / Cycle Facilities.

The Appeal was subsequently Dismissed by the Planning Inspectorate; in doing so the Inspector concluded that the development would not preserve the importance of the setting of the Town Wall, in part due to its cramped and overdeveloped form, but did note that only glimpses of the wall are viewable from St Peters Plain and therefore cannot properly be appreciated and should not in itself preclude development on this site.

- 06/12/0238/CC - Demolition of commercial building and erection of a terrace of four, three bedroomed houses. Refused in May 2012 as the associated Full application (06/12/0169/F) had been refused and the demolition of the building was considered premature. The appeal decision (dismissed) is the same as the dismissed appeal for 06/12/0169/F.
- 06/06/0122/F - 2 Detached Houses.
 - Approved May 2006. Consent never implemented.
- 06/92/0928/CU - Temporary use of open enclosed yard for car parking. Approved December 1992.
- 06/91/0211/F - Erection of 3 no. town houses with car parking below. Refused April 1991.
- 06/90/0445/F - 4 one-bedroom flats. Refused May 1990.

5. Consultations

Statutory Consultees

Local Highways Authority (Norfolk County Council)	No objection.
Suggested Conditions	n/a
Officer comment	n/a

Historic England	No comments.
Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.	
Suggested Conditions	n/a
Officer comment	n/a

Internal Consultees

Conservation Officer	OBJECTS
<p>The existing modular portacabin is located within the immediate setting of a Scheduled Ancient Monument (The Mediaeval Town Wall), a Grade II listed building (Wood Hall Hotel) and within the boundaries of King Street Conservation area (No.4).</p> <p>The modular building causes a negative impact on the setting of the heritage assets and in its current form, materials and design is not appropriate as a permanent structure due to the adverse effect on the character and appearance of the historic environment. As a material intervention within the Conservation area, the building does not represent a complementing architectural solution which is in keeping with the area's characteristics.</p> <p>Whilst not physically intervening with the historic fabric, the unit impacts significant views within the historic setting and changes the way the area is experienced. Furthermore the unit is add odds with the predominant architectural language of the area and affects character thus causing less than substantial harm to the significances of designated heritage assets.</p> <p>Views towards the medieval Town Wall and the late 18th century building constructed on the base of a medieval tower could be seen from St Peter's Plain providing visual references to the historic layers of the area and its intrinsic contribution to the local distinctiveness. A permanent intervention in this location should be reflecting and further enhancing the architectural and historic values of the area, contributing to the special sense of place. However, the structure detracts from the existing environment with its materials and form and fails to make a positive contribution to the local character and distinctiveness. (Reference to NPPF, Paragraph 197c)</p>	

The building's temporary characteristics define its impact which was accepted on a temporary basis. However, in its form and design, the unit does not reflect an appropriate permanent solution for this historic environment.

Paragraph 199 of the NPPF (July 2021) states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

NPPF's Paragraph 206 says that *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

Based on the above analysis the Conservation section cannot support the application for a permanent positioning of this unit in this location. This is not to say that the conservation section opposes development of this site but would expect to see any proposal to have undertaken a contextual analysis to ensure that development is appropriate for the setting.

Suggested Conditions	n/a
Officer comment	The harm caused to the surrounding designated heritage assets needs to be balanced against any public benefits of the proposal as required by NPPF paragraph 202. This will be assessed in the report in a later section.

Environmental Services		No objection.
Suggested Conditions	n/a	
Officer comment	n/a	

Public Consultation

A site notice was displayed, expiring on the 25-11-22. Being located within the Conservation Area the proposal was also advertised in the Great Yarmouth Mercury.

Three public comments were received - although it should be noted that one was from the Willow Tree charity voicing how they feel aggrieved that the Conservation Section objected to their proposal. The other comments voice general support for the charity.

6. 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.

Other Material Planning Considerations

National Planning Policy Framework (July 2021)

Section 2: Achieving sustainable development

Section 4: Decision Making

Section 8: Promoting healthy and safe communities

Section 12: Achieving well designed places

Section 16: Conserving and enhancing the Historic environment

7. Planning Analysis

- a. 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.
- b. 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.

- c. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on Local Planning Authorities when exercising any of its functions in regards to a Listed Building or its setting, to: *“pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
- d. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty on Local Planning Authorities when exercising any of its functions in a Conservation Area to: *“pay special attention to the desirability of preserving or enhancing the character or appearance of that area”*.

Main Issues

The main planning issues for consideration include:

- Principle of development
- Amenity
- Parking and Highway Safety

Assessment:

Removal of condition 1 of pp. 06/15/0733/F (conversion of existing garage to kitchen and toilets; siting of modular building for use as community workshops) - to allow permanent use/siting of modular building

8. Principle of Development

- 8.1 As a proposal to vary the conditions of an existing permission, any grant of approval will result in a new permission and the existing permission would remain extent until such time as the development remains unaltered. Case law has established that the proposed development should be assessed only in respect of the amendments proposed, and any subsequent changes in planning policy, national guidance of other material considerations which have come into play since the original permission was granted. In this case, the principle of the use at this location remains supported, as was the case in 2016; the only matter requiring reappraisal now is the question of whether the effects of granting a permanent permission should be considered acceptable.
- 8.2 The Local Plan 2021 continues to be supportive of community facilities and recognises the important role that the voluntary sector plays in the Borough. From a national and local planning policy level, there is a presumption in favour of enhanced community facilities.

Core Policy CS15 recognises this and supports the retention of community facilities. Local Plan Part 2 Policy C1 supports the approach of Core Strategy Policy CS15 and states: *"The retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth, will be encouraged"*.

- 8.3 As such, the principle of the continued use of the site for a community facility is acceptable, subject to compliance with the other relevant development plan policies.

9. Heritage and Historic Environment

- 9.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on Local Planning Authorities when exercising any of its functions in regards to a Listed Building or its setting, to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on Local Planning Authorities when exercising any of its functions in a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 9.3 The site is located within a part of the Borough of noteworthy historic importance, not only due to the quality of the surrounding built environment but also due to the cultural events which have occurred in the near area, for example the first civilian fatalities during an aerial bombardment in the UK happened adjacent the site in 1915.
- 9.4 The immediate area around and alongside the application site is fairly varied, with materials of both rendered terraces and original lighter façade brickwork along St Peters Street all contrasting with the dark red blended brickwork of the application site's 2.4m high detailed perimeter wall. However, the west side of St Peters Plain forms the edge of the Conservation Area and it is that which includes the application site, and which comprises the fine detail brick buildings and buildings of principal historic interest, rather than the smooth rendered post-war buildings of the east side of St Peters Plain.
- 9.5 In the absence of the modular building the interior of the western perimeter wall would be visible from the east, which adds some interest and link to the St Peters Plain frontage, but more pertinently the scheduled ancient monument town wall would previously have been visible from St Peters Plain, had the modular building not been in situ. However, the LPA has previously approved a development of three terraced houses in the same location which would largely also prevent views of the town wall, and to a lesser extent screen part of the Grade II listed Wood Hall Hotel and its double-breasted gable, from St Peters Plain. It is noted that the reasons given for granting only a temporary permission in 2016 were relating to wider impacts on visual amenity, ie not being appropriate as a permanent feature, as well as the quality of materials and appropriateness of the longevity of the structure causing a detrimental impact over the medium term.

- 9.6 The southern part of the building projects forward of 25 St Peters Plain to create an uncomfortable appearance in the streetscene, but this is the converted garage which was in poor repair in 2016 even if the rendered finish arguably makes the structure more prominent. As such, there is no recourse to reconsider the effects of that aspect.
- 9.7 The red brick boundary wall is required by Condition 3 of permission 06/15/0733/F to remain unaltered and not be removed. This adds significant interest and any permission granted should retain this condition.
- 9.8 The design and materials of the existing modular building portacabin detracts from the character of the Conservation Area and this significant historic setting. Because the modular building is sited in the foreground of the setting of the Town Wall, being visible from both St Peters Plain and the access road York Road, it is considered that a form of construction that is temporary in appearance will cause further harm to the setting of the scheduled ancient monument town wall and the Grade II listed building, to the west, as well being uncomplimentary to the setting and character and appearance of the conservation area.
- 9.9 It is considered that the temporary nature and already-unsympathetic and uncomplimentary form of the building in this heritage setting would become especially notable were the building to deteriorate significantly over time, but the nature of modular buildings in current construction practices is that many such buildings can retain a positive appearance for many years even if intending to be temporary; indeed government guidance accepts some temporary buildings have long term lifespans and could be granted successive temporary permissions, such as with classrooms. However, in this instance, no evidence has been provided to suggest how long the modular building might be capable of maintaining a suitable appearance and useful lifespan.
- 9.10 Notwithstanding abilities to retain a suitable outward appearance, the fundamental elements of the development are not considered appropriate to the Conservation Area. The materials used and the roof form are at odds to the general prevalence of brickwork on principal facades, with recessed (ideally timber) windows of sash designs under a varied roofscape. The proposal also has an awkward relationship with the red brick boundary wall to the front of the site and appears crammed in the site.
- 9.11 Although the applicant has recently stated that *"the modular build cannot be seen, because it is set back from the Victorian Wall"*, it is considered a misunderstood position; the modular building portacabin can clearly be seen from outside of the site, rising above all perimeter walls and being clearly visible through the wide central entrance. Furthermore, national guidance and case law has shown that public visibility is not the determining factor when assessing heritage impacts – it is only a part of the range of considerations that need to be taken into account in assessing heritage impacts, and the appropriateness of architectural form as well as the relationship it creates with other buildings and the street scene are all equally, if not more, important than visibility of permanent developments.

- 9.12 In this case, the site is a prominent part of the Conservation Area and will have direct impacts on the character and appearance of the Conservation Area designated heritage asset, as well as indirect impacts through affecting the setting of the Grade II listed building and base of the Scheduled Ancient Monument town wall. Not only is the building visible and considered incongruous, the shape, positioning, materials, scale and articulation are all considered inappropriate for occupying a long term presence in a prominent heritage setting such as this.
- 9.13 The Conservation Section have been consulted on the application and raised an objection to the removal of Condition 1 of 06/15/0733/F. As expressed by the Conservation Officer, the modular building is considered to cause a negative impact on the setting of the heritage assets and in its current form, materials and design is not appropriate as a permanent structure due to the adverse effect on the character and appearance of the historic environment. As a material intervention within the Conservation area, the building does not represent a complementing architectural solution which is in keeping with the area's characteristics.
- 9.14 Conservation Officers accepted that the use of the land for the temporary stationing of the modular building could be supported in light of the public benefits of the proposal as a temporary use, but are clear that this is not an appropriate form of development on a permanent basis, stating:

"The building's temporary characteristics define its impact which was accepted on a temporary basis. However, in its form and design, the unit does not reflect an appropriate permanent solution for this historic environment."

- 9.15 Officers consider that the use of land to site the modular building on a permanent basis would cause a significant level of 'less-than-substantial harm' to the heritage setting of the site. The nature of that harm has been described in part as:

"Whilst not physically intervening with the historic fabric, the unit impacts significant views within the historic setting and changes the way the area is experienced. Furthermore the unit is add odds with the predominant architectural language of the area and affects character thus causing less than substantial harm to the significances of designated heritage assets."

Views towards the medieval Town Wall and the late 18th century building constructed on the base of a medieval tower could be seen from St Peter's Plain providing visual references to the historic layers of the area and its intrinsic contribution to the local distinctiveness. A permanent intervention in this location should be reflecting and further enhancing the architectural and historic values of the area, contributing to the special sense of place. However, the structure detracts from the existing environment with its materials and form and fails to make a positive contribution to the local character and distinctiveness. (Reference to NPPF, Paragraph 197c)."

If it becomes a permanent addition to the conservation area, it is considered to cause harm to the surrounding historic environment due to the appearance of the unit, its visual impact

on the setting of the designated heritage assets and the effect it has on views of the Conservation Area.

- 9.16 Paragraph 194 of the NPPF requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. This approach is expanded upon by policy E5 which requires "Development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment prepared by an individual with relevant expertise." No supporting information assessing the impact of the proposal on the surrounding built environment has been submitted.
- 9.17 Paragraph 199 of the NPPF requires that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.18 Paragraph 200 of the NPPF requires that where any harm to, or loss of, the significance of a designated heritage asset is proposed (from its alteration or destruction, or from development within its setting), it should require clear and convincing justification. The proposal does generate harm to the character and appearance of the Conservation Area and to the setting of the nearby Listed Building and Town Wall (a Scheduled Ancient Monument). Whilst this harm may have been considered acceptable on a temporary basis, the proposal is considered to generate a level of harm towards the higher end of less than substantial harm due to the temporary appearance of the portacabin and the low quality design and use of materials which are at odds with the character and appearance of the surrounding historic context. The application is not supported by any information to justify why the continued stationing of the portacabin is necessary or why this harm on a permanent basis would be suitable, on planning grounds.
- 9.19 The building is not of a sympathetic or complimentary form which preserves the setting of the nationally designated heritage assets, nor would it preserve or enhance the character of the Conservation Area, so the development would amount to a significant level of less-than-substantial harm caused to those heritage assets. To make the permission permanent by removing condition 1 would therefore be contrary to adopted local development plan policy, and be contrary to the expectations of the National Planning Policy Framework, and would fail to uphold the Council's duty under the legal responsibilities of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, unless there were special circumstances to justify the proposal.
- 9.17 In terms of weighing-up any other material considerations, Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. If the application is refused it would involve the removal of the community facility in 2026, although, from the information available on the charity's website it would appear that the portacabin is not in use daily and no evidence has been submitted to dispute this.

Moreover, it has not been demonstrated that the modular building portacabin's function could not be carried out at one of the charity's alternative locations or another site. Given the level of harm that the permanent stationing of the portacabin would generate to the surrounding historic environment, it is not considered that the proposal would offer sufficient public benefit to outweigh the level of harm caused.

- 9.18 As a result, it is considered that the proposal would fail to comply with Core Policy CS10 because it would not conserve or enhance the significance of the Borough's heritage assets and their settings, and would not meet the requirements of Sections 66 and 72. The proposal does not therefore provide sufficient public benefits to outweigh the high level of 'less than substantial' harm and therefore the scheme is considered contrary to paragraph 202 of the NPPF (2021).

10. Amenity

- 10.1 Adopted Policy A1 expands on 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.
- 10.2 The site does not currently appear to generate any of the above concerns. On this basis, it is unlikely that these would be generated if the proposal were to be allowed on a permanent basis, although the absence of any justification cannot rule this out. This is notwithstanding the Council's Environmental Services team raising no objection to the proposal.

11. Highways

- 11.1 The Local Highways Authority (Norfolk County Council) raised no objection to the proposal.

12. Other material planning considerations

- 12.1 As a temporary use of the site the modular building was originally considered to reduce the negative impacts of retaining an unused vacant site in a prominent location in the Conservation Area. However, as a permanent feature, the development is not considered to be architecturally appropriate for the location, and the form, siting, lack of articulation and materials palette only serve to exacerbate the temporary nature and appearance of the building.

- 12.2 In considering whether the temporary use of land should be allowed to continue indefinitely, it is notable that the national planning policy guidance includes the following relevant commentary:

“Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a ‘meanwhile use’).

It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.”

- 12.3 It is therefore clear that the original permission was consistent with guidance in allowing a short-term use on a site where more appropriate longer-term uses would likely come forward. Following the same, it is clear that another temporary permission would not ordinarily be consistent with the same guidance.
- 12.4 In response to the concerns raised, the applicant has noted the condition of some of the surrounding buildings and the benefits of the facility to a section of the community, but these are maintenance concerns, and the community use has not been demonstrated as likely to be unavailable elsewhere from 2026. The predominant concerns of the applicant appear to be financially-linked relating to the need to pay another planning application fee in 2026 and to attract grants for the facility; it is noted that charities have exemption from / discounts on planning application fees, and the ability to secure grant is not a material planning consideration.
- 12.5 Officers have a great deal of sympathy with the applicant and their position in respect of wanting to secure long term use of the site for the community. However, the Local Planning Authority has clear legal responsibilities that it (i) must determine applications in accordance with the development plan unless material considerations dictate otherwise, and (ii) must have special regard and pay special attention to maintaining, preserving and enhancing the setting, character and appearance of designated heritage assets. Ultimately, it is considered that the reasons for requesting a permanent permission do not provide adequate material considerations to justify departing from policy nor leaving the duty unfulfilled.

13. The Planning Balance

- 13.1 As identified by the Conservation Officer, the development causes detriment impact on significant views within the historic setting and changes the way the area is experienced.

Furthermore, the building is at odds with the predominant architectural language of the area and affects the character of the area, thus causing less than substantial harm to the significances of designated heritage assets. In the opinion of Officers, the the modular building is considered to cause a significant degree of 'less than substantial' harm from its presence on the site, detrimentally affecting the character and appearance of the Conservation Area and the significance of the setting of the nearby Grade II listed building and Ancient Schedule Monument due to the uncomplimentary form, and the temporary and low-quality appearance of the building.

- 13.2 In accordance with paragraph 202 of the NPPF (2021), these harms should be weighed against any public benefits that the proposal would generate. As outlined at paragraph 1.6 – 1.7 above, as a principle use facilitated by the temporary building the development enables community group activities to take place from the site, albeit perhaps infrequently used at present. The public benefits of a community resource are undoubtedly important, but the use as a community facility is not considered to be only possible to be provided from this location or from this form of temporary modular building.
- 13.3 This proposal is recognised as a finely balanced consideration, but on balance and in this particular instance, it is considered that the proposal offers some public benefit but they are benefits which are not exclusive to this location and which have not been demonstrated to only be possible from this location using this form of building which has an inappropriate design. As such these benefits are not considered sufficient to outweigh the high level of permanent harm which would be caused by retaining the modular building in this sensitive location.
- 13.4 Further to the principle concerns regarding the nature of development in this context, it is regrettable that limited information has been provided to demonstrate the range of activities undertaken at the site, the need for the activity to continue solely in this location, or the opportunities that might or might not exist for the works to be relocated (contrary to NPPF paragraph 200). Nor has a heritage impact assessment been undertaken (as required by NPPF paragraph 194 and policy E5) which would help provide greater understanding of the heritage constraints and opportunities for limiting some of the harm caused for a permanent alternative development to be successful.

14. Conclusion and Recommendation

- 14.1 The public benefits of the permanent siting of the existing modular building in this location do not outweigh the long-term harms that would be caused to the surrounding designated heritage assets by granting permanent permission. The proposal would fail to comply with Core Policy CS10 because it would not conserve or enhance the significance of the borough's heritage assets and their settings and would not meet the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal does not provide sufficient public benefits to outweigh the high level of 'less than substantial' harm and therefore the scheme is contrary to paragraph 202 of the NPPF (2021). As such, it is the Officers' recommendation that the application should be refused.

RECOMMENDATION:

It is recommended that application 06/22/0884/VCF should be REFUSED for the following reasons:

1. The proposal would be for the permanent stationing of a low quality, temporary, in appearance, portacabin within the King Street Conservation Area (No4) and within the setting of the adjacent Grade II Listed Building (Wood Hall Hotel) and Scheduled Ancient Monument (Town Wall). The appearance, form, character, design and materials of the existing portacabin detracts from the character and appearance and setting of designated heritage assets. The development would cause harm to the visual amenity of the area and have a detrimental impact on the character of the Conservation Area and the significant historic setting, including the adjacent Grade II Listed Building (Wood Hall Hotel) and Scheduled Ancient Monument (Town Wall). The portacabin blocks views of the Town Wall from St Peters Plain and its construction is one that is temporary in appearance and would cause further harm as the building deteriorates. It is also has an awkward relationship with the red brick boundary wall to the front of the site and appears crammed in the site, further detracting from the character and appearance of the significant historic setting. As a permanent feature, the development is not considered to be architecturally appropriate for the location, and the form, siting, lack of articulation and materials palette only serve to exacerbate the temporary nature and appearance of the building and are all considered to be inappropriate for the long term presence in a prominent heritage setting. The permanent stationing of the portacabin would generate a high level of less than substantial harm to the character and historic appearance of the Conservation Area and the setting of the adjacent designated heritage assets, including Grade II listed building and Scheduled Ancient Monument. The proposal does not provide sufficient public benefits which would outweigh the level of harm that would be generated by the permanent siting or indefinite retention of the modular building. The application would fail to comply with Policy CS10 of the adopted Great Yarmouth Core Strategy (2015) and Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021), together with Paragraph 202 of the NPPF (2021) and to approve the proposal would not be consistent with the expectations of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The site is located within the King Street Conservation Area (No4), a designated Heritage Asset. Proposals are required to demonstrate that there are clear and convincing justifications for any harm to the significance of a heritage asset to be outweighed by public benefits derived from the development. The application has not been supported by an appropriate level of adequate supporting information to justify the permanent harm to be caused to the character and historic appearance of the Conservation Area and the setting of the adjacent designated heritage assets (Grade II Listed Building (Wood Hall Hotel) and Scheduled Ancient Monument (Town Wall)). As a result, insufficient information has been submitted and the proposal is contrary to Paragraph 200 of the NPPF (2021) and Policy CS10 of the adopted Great Yarmouth Core Strategy (2015) and Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021), together with Paragraph 202 of the NPPF

(2021), having regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. The site is located within the King Street Conservation Area (No4), a designated Heritage Asset. Proposals that have the potential to impact on Heritage Assets or their settings (such as in a Conservation Area) should be supported by a Heritage Impact Assessment. Such an assessment has not been submitted with the application. As a result, insufficient information has been submitted to demonstrate how the proposal is able to address and respond to the heritage constraints or be modified to reduce its impact, and as such the application fails to comply with Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021) and Paragraph 194 of the National Planning Policy Framework (2021).

Appendices:

1. Site Location Plan



Great Yarmouth Borough Council

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

06/22/0884/VCF

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