

AGENDA ITEM NO: 8/3(g)

Parish:	Hunstanton	
Proposal:	Proposed commercial units with associated first floor and ground floor seating (4 units in total to be for A1,A3 and A5 uses)	
Location:	Land West of 2 and 4 Seagate Road South Promenade Hunstanton Norfolk	
Applicant:	Rainbow Amusement Park Ltd	
Case No:	16/01694/F (Full Application)	
Case Officer:	Mr C Fry	Date for Determination: 13 December 2016 Extension of Time Expiry Date: 13 January 2017

Reason for Referral to Planning Committee – Called in by Councillor Bower and the views of Hunstanton Town Council are contrary to the Officer recommendation.

Case Summary

The application site lies within the development boundary for Hunstanton.

The site comprises of a retail unit which is concrete block and corrugated roof and part children rides.

The site is adjacent to the oasis centre and the sea life centre.

The proposal seeks consent to erect retail units (used for A1, A3 and A5 purposes) on the site with a seating/decked area.

Key Issues

Principle of Development
Impact upon Visual Amenity
Impact upon Neighbour Amenity
Highway Safety
Flood Risk
Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

The application site is within the development boundary of Hunstanton.

The site comprises of a single storey retail unit with portal framed roof and play equipment on the eastern side of Hunstanton Promenade.

Adjacent commercial premises in the form of Hunstanton Sealife Centre and Oasis Centre are to the north and south of the site. To the east are the residential properties on Seabank Road. The properties are separated from the site by a service road.

The application seeks consent to demolish the current building and provide 4 retail units that are accessed via a ramp to a seating/decking area.

The floor level of the units will be 200mm above existing ground level.

The shops will have glazed frontages and a balcony area, which is accessed from Unit 2.

The building scales 23.8m (w) x 17 (d) x 4.8m (h) and is steel framed.

During the lifetime of the application revisions have been made that removes the ability of the retail units to from being serviced at the rear (east).

SUPPORTING CASE

The application has been supported by a letter which states the following:-

- The proposed retail units will receive deliveries and be serviced via the promenade before 10am. Access via Seagate Road to the turning point adjacent to the Oasis and public toilets will allow for deliveries to be barrowed to the front of the retail units – a method also adopted by the Oasis and other businesses.
- There is adequate turning point in question also allows for delivery vehicles to manoeuvre and turn around, driving back south down Seagate Road in forward gear. The proposed opening through the site boundary wall has now been omitted following public consultation
- Overlooking will not occur by virtue of the rear wall of the roof deck to be 1.8m from the floor level. No views looking east upon neighbouring properties will be possible due to the height of the proposed rear wall of the development.
- The height of the rear of the building is approximately 4.65m
- The height of the balustrading, is approximately 4.5m
- The loss of a private view is not a planning consideration
- The design and materials of the building proposed reflect that of the buildings in close proximity to the application site. The colours are sympathetic to its surroundings – merlin grey, wedgewood blue and anthracite
- The hours of opening are from 8am to 10pm. There will be no 24hr access to the roof as the access to the staircase is internal.
- Staff parking is available within the town centre.
- The noise output of the proposed development, will be reduced compared to existing levels of noise. The current use of the site involves the operation of amusement rides and machinery of which can be noisy and consistent throughout the day, therefore by changing the sites use to permanent retail units the level of noise pollution will be significantly reduced following the change of use of the site; I feel that this is difficult to disagree with.

PLANNING HISTORY

No recent relevant planning history

RESPONSE TO CONSULTATION

Town Council: SUPPORT the amended plan has removed the gate at the rear of the proposed development and the town council finds this acceptable. Furthermore a letter from the agent has addressed all the issues of local residents.

NCC Highways: OBJECTION The proposal does not incorporate adequate facilities for the servicing of the premises and involves the delivery vehicles parking on double yellow lines at a point where road is already narrow thereby obstructing highway users. Inadequate turning facilities exist forcing delivery vehicles to drive on the footway to turn around. Contrary to development plan policies.

Environment Agency: NO OBJECTION it is strongly recommended that the applicant incorporates flood resilient measures to the design of the development in order to render it as resistant as possible to flooding.

Emergency Planner NO OBJECTION subject to conditions in respect to the EA Floodline warnings direct and a flood evacuation plan.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

REPRESENTATIONS

FOURTEEN letters received in regards to the original set of plans

- The proposed gate in the sea wall would weaken the wall.
- Overlooking into neighbouring bedrooms
- Should be single storey scale only.
- Overshadowing
- Noise pollution
- Odour
- Loss of view
- Incongruously modernistic appearance
- No thought in regards to deliveries
- Elevation annotation is incorrect
- No mention of any extraction fans
- Where will staff park
- How will emergency services be able to access the site

THREE received in regards to the amended plans

- Overlooking
- Overshadowing
- Loss of view
- Staff are likely to park close by
- Smell from the retail units and bins
- Can the seating and viewing be controlled that this area is not accessible 24 hours a day.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS05 - Hunstanton

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM21 - Sites in Areas of Flood Risk

OTHER GUIDANCE

Hunstanton Parish Plan

PLANNING CONSIDERATIONS

The main planning considerations in regards to this application are:-

- Principle of Development
- Impact upon Visual Amenity
- Impact upon Neighbour Amenity
- Highway Safety
- Flood Risk
- Other Material Considerations

Principle of Development

Hunstanton is a “main town” according to Policy CS02 of the Local Development Framework Core Strategy. “Main Towns” will provide significant development with a focus on maintaining and enhancing their roles in delivering essential services, opportunities for employment and residential development and enhancement of tourist facilities.

Policy CS10 – “The Economy” policy of the Core Strategy states that “retail, tourism, leisure and cultural industries are key elements of the economic and social vibrancy of our borough, and contributes to the regeneration and growth of the area... and the council will seek to retain land or premises as used for employment purposes...”

The existing site has a premises and associated land that have been used for employment purposes. This proposal retains and intensifies the use of the land for employment purposes and thus principally the proposal adheres to policy CS10.

The proposal therefore could be acceptable in principle although other material considerations also need to be considered.

Impact upon Visual Amenity

The site is to the east of the seafront promenade between the Sealife Centre and The Oasis – leisure facility. These buildings demonstrate the use of portal framed steel cladding.

The site currently contains a single storey mono-pitched building that has a portal framed roof and pieces of play equipment.

The building and play equipment is set back behind the promenade wall.

To the west of the site are the residential dwellings on Seagate road.

These dwellings are two storey brick painted and carrstone semi-detached properties. The properties have rear gardens that back onto a service road that splits the site from these properties.

The proposal is to demolish the brick built buildings and replace them with a larger building that is split into 4 units.

The building will be steel framed and has glass bi-folding doors that lead onto a decked area. The building will have a roof decked area which is accessed from inside unit 2. The decked area will have glass balustrading on the west elevation and a combination of steel screening and glass balustrading on the south elevation.

It is considered that the design and scale of the building is visually acceptable and draws reference from the design and scale of other buildings in the vicinity.

Impact upon Neighbour Amenity

The area is characterised by mixed uses with residential to the west and commercial uses to the north and south.

The hours of use of the premises 08:00-22:00 Monday –Friday including Sundays and Bank holiday would not cause a detrimental impact upon residential neighbour amenity given that the area is characterised by mixed uses that includes some night-time opening hours. Furthermore the site is currently being used for a commercial use.

Whilst no information has been provided in regards to any flues/mechanical ventilation systems in association with the use of the A3 and A5 retail units, such details can be submitted to discharge a condition that covers these particular issues.

Third party representations raise issues in regards to the scale of the building and the layout causing overshadowing and overlooking issues. The site is on lower land than the residential properties to the west. Taking into account the level of the service road to the rear and the height of the building being little over 5m in height it is not considered that their amenity spaces will be detrimentally overshadowed.

It is considered that the overlooking issues raised by third parties into upper floor windows of the properties on Seagate Road can be addressed by imposing a condition that a scheme for screening along the proposed northern elevation be submitted to the Authority for determination in order to protect the neighbour's amenity.

The siting and scale of the building does not cause overbearing issues upon the neighbours.

Highway Safety

Initially it was proposed that the units were to be serviced from the service road between the properties on Seagate Road and the site, this would have involved puncturing into the wall that runs along the rear of the rear of the site. This way of servicing the building has since been revised by removing the service gates in the wall following third party objections.

The proposed method to serve the building involves delivery vehicles being stationed on Seagate Road, whilst goods are barrowed round to the promenade. The agent also refers within the statement that the proposed retail units will be serviced via the promenade before 10am. The delivery vehicles will use the turning head at the bottom of Seagate road to enable the vehicles to leave Seagate Road in forward gear. The agent makes references to the barrowing of goods as the current method use to serve The Oasis Centre and other business in the vicinity of the area.

Notwithstanding the ability to service the retail units in the area via the promenade, the highways department have responded objecting to the proposed delivery arrangements. The highways department state that "the intention is to service the retail units by vehicles parking on the double yellow lines where the road is already narrow. Given the narrowness of the road, vehicles will have no alternative but to also obstruct the footway preventing free passage by pedestrians... whilst the applicants state delivery vehicles would be able to use the turning point on Seagate Road, I would point out that the turning area is actually positioned further back along the road. Accordingly rather than reverse along Seagate Road to the turning area, the service/delivery vehicles will drive on the footway and use the footway to turn around".

Whilst the Oasis and other businesses service their premises in the way described by the agent, it is considered that this proposed arrangement for servicing the 4 units would cause highway safety issues contrary to the provisions of Policy CS 11 – transport of the core strategy 2011 and paragraph 35 of the NPPF which requires development to be located and designed, where practical, to accommodate the efficient delivery and supplies.

Flood Risk

The site lies in flood Zone 2.

The Environment Agency (EA) has no objection to the proposal provided that the finished ground floor levels will need to be set at 6.40m Aod as indicated on the submitted drawings.

Contrary to the Environment Agency's comments the proposal is not required to pass the exception test as the proposed use is classified as being "less vulnerable" in terms of floor risk and is contained within flood zone 2.

The Emergency Planner has suggested conditions be imposed that occupiers of the units ought to sign up to EA Flood warnings direct service and a flood evacuation plan being prepared and submitted to the council. It's your officer's opinion that it would be a reasonable to impose such conditions should members wish to approve this application.

Other Material Considerations

The units will require bin storage. The storage area is located to the rear of the units. The Waste and Recycling manager's comments in respect to the adequacy of the area will be reported in late correspondence.

CONCLUSION

The proposed building does not cause any detrimental impact in terms of visual amenity as its scale and appearance is considered to be satisfactory. Neighbour Amenity issues can either be addressed by way of condition or are already addressed in the design of the proposal.

Whilst the site currently has a commercial use in the form of an amusement arcade and children's rides, the proposal will involve an intensification of commercial uses on the site, with very little space in which these buildings can be serviced. These premises will need to be serviced and in order to do so, the agent has detailed that vehicles be stationed on Seagate Road. NCC highways have stated that in order to turn around in Seagate Road, this is likely to result in the mounting of footpaths putting pedestrian users of the highway at risk. The proposal would therefore be contrary to the provisions of ensuring that development must be located and designed where practical to accommodate efficient delivering and supplies in accordance with paragraph 35 of the NPPF.

It is considered that this reason alone outweighs the benefits of the scheme, and leads to a recommendation of refusal.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposal does not incorporate adequate facilities for the servicing of the premises and involves delivery vehicles parking on double yellow lines at a point where the road is already narrow thereby obstructing highway users, inadequate turning facilities exist forcing delivery vehicles to drive on the footway to turn around, causing a hazard to pedestrians. The benefits of the scheme do not outweigh this harm, and the proposal is therefore contrary to paragraph 35 of the National Planning Policy Framework and Policy CS11 of the Local Development Framework Core Strategy.