

**Enforcement of planning control
Untidy land and buildings at Marina Quays, Great Yarmouth**
Report by Head of Planning

Summary:	This report relates to buildings at Marina Quays, which are in a very prominent location on the only waterborne entrance to Great Yarmouth from the north, where their poor state of repair is having an adverse effect on the amenity of the area.
Recommendation:	That Members authorise the serving of a s215 Notice requiring remedial works to be undertaken.

Location: Marina Quays, north bank of River Bure, Great Yarmouth

1 Legislative provision

- 1.1 Section 215 of the Town and Country Planning Act 1990 confers on a Local Planning Authority (LPA) the power to take action in respect of land (or buildings on land) which is adversely affecting the amenity of an area through the lack of proper maintenance. It states:
- (1) If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.
 - (2) The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.
- 1.2 These so-called 'Untidy Land Notices' are often used by an LPA to require the repair (and subsequent reuse) of buildings which have fallen into disrepair or to tidy up land which has become derelict. Historically, because land values in the Broads are high which tends to mean that land and buildings are maintained, the Broads Authority as an LPA has not had much occasion to use these powers.

2. Site location and description

- 2.1 The site which is the subject of this report is located at the northern end of Great Yarmouth, adjacent to the river on the east side of the Bure at the Bure Loop. Known as Marina Quays, the site comprises a former bar/clubhouse and a former office building, both constructed of painted brickwork and timber. On the river frontage there are extensive on-line moorings, formerly used as a

marina, associated with the buildings. The site is located at the very north extent of the built development on the river in Yarmouth, with residential development to the south, and a building recently converted to office use and Bure Park to the east. They are the first buildings to be seen when travelling downstream on the river into Great Yarmouth and are prominent in the landscape as a result of their primacy. They are also located on the riverside footpath.

- 2.2 These buildings have been disused for over 15 years and are in a state of disrepair. They have been boarded up, but have been vandalised and have also been the subject of graffiti. Great Yarmouth Borough Council served notice on the owners under the Local Government (Miscellaneous Provisions) Act 1982 in late 2016 to get the properties boarded up following reports of people gaining access and local concerns. Whilst their surroundings have been kept clear (i.e. there are no abandoned vehicles or other detritus) these buildings contribute to a strong sense of neglect and dereliction on the entrance to Great Yarmouth. The riverside piling which was formerly used for mooring is generally in poor condition and becoming very poor in places.
- 2.3 The Enforcement Board at Great Yarmouth Borough Council have referred the matter to the Broads Authority and asked that action be taken on the matter.

3 Proposed action and rationale

- 3.1 As a consequence of their condition, the buildings at Marina Quays are having an adverse effect on the amenity of the area. This effect is manifested through a significantly detrimental impact on the appearance of the area, which is accorded the same status as a National Park, and is exacerbated by the prominence of the location on the only waterborne entrance to the town from the north. This is being experienced by river users and local people using the riverside footpath. The negative impact of the buildings is exacerbated by the condition and appearance of the piling, which reinforces the derelict character.
- 3.2 The Broads Authority has a statutory duty to protect the appearance of the area and is given the powers under s215 of the 1990 Act to require the remediation of land or buildings that are having an adverse effect on local amenity.
- 3.3 It is proposed to serve a s215 Notice on the landowners requiring that they undertake works to improve the external appearance of the buildings. These works will include replacing the metal boards covering the windows with undamaged boards painted white (and maintaining these in good condition), repairing the damaged timber fascias and brickwork and repainting these in white and removing all graffiti from the external elevations.
- 3.4 Whilst the condition of the piling is contributing to the adverse appearance in combination with the buildings, in isolation it is not considered that they are of

sufficiently poor standard to warrant a s215 notice. The repair of the buildings will achieve sufficient improvement to overcome the need for works to the piling in the immediate term.

3.5 Should the Notice not be complied with, the following actions are open to the Authority:

- a) A prosecution in the Magistrates Court for non-compliance with the s215 Notice, which could result in a substantial fine if found guilty of an offence; and/or
- b) Direct action by the Authority to carry out the works required by the Notice followed by action in the County Court to recover all expenses and costs reasonably incurred by such action; and
- c) Registration with HM Land Registry of a charge on the property, recoverable should the property be sold.

3.6 It is recommended that option (a) would be pursued in the first instance.

4 Financial implications

4.1 There will be financial implications if the Broads Authority proceeds with prosecution.

5 Recommendation

5.1 That authority be granted to serve a s215 Notice requiring the buildings at Marina Quays to be tidied.

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Date of report: 16 March 2017

Appendices: Site plan

Marina Quays - Great Yarmouth

