

Reference: 06/21/0329/F

Ward: Gorleston

Officer: Gordon Sutherland

Expiry Date: 25-06-21

Applicant: Mr L Gray LTH Leisure Ltd

Proposal: Retrospective application for:-

1. Installation of 8ft security perimeter fence
2. Installation of 32ft porta cabin for office/medical room
3. Installation of a wood cabin for cash/token box
4. Installation of a 20 x 8ft approx. cabin for sale of refreshments
5. Re-instatement of small children's fairground rides to site
6. Addition of coin operated small children's rides on site

Site: Pop's Meadow, Pavilion Road, Gorleston

REPORT (Follow Up)

1. Purpose of the report

- 1.1 The Development Control Committee is asked to re-appraise its previous resolution in response to new proposals submitted by the applicant. The Committee required certain information to be submitted to Officers for their approval before planning permission could be issued. The information which has been presented is instead referred on to Committee for its consideration.

2. Background

- 2.1 The applicant has submitted details which vary significantly from those which Committee considered at the time of its decision. Officers consider that the details depart too significantly from the intent and expectation of the Committee's decision that Officers cannot in good faith proceed under the current delegated authority from September 2021.
- 2.2 Committee is asked to vote on an amended recommendation which will provide an updated resolution for the applicant's understanding.
- 2.3 On 15 September 2021 the Development Control Committee considered a retrospective planning application for the stationing of various rides and structures on Pop's Meadow, and for the erection of a boundary fence around

the site perimeter, all associated with the use of the land as a childrens' amusement park, as summarised above.

- 2.4 The DC Committee report and Minutes from 15th September 2021 are provided as Appendix 2a, 2b and 2c to this Item (note the formal record of the Minutes were amended at the DC Committee meeting of 10th November 2021).

- 2.5 There are two parts to the Committee's decision made on 15th September 2021.

Part (1) - Firstly, the Committee decided that application 06/21/0329/F should be approved only once satisfactory details have first been supplied in respect of:

- (a) a revised rides and structures layout plan, with schedules of rides and structures to be used within the site; and
- (b) replacement perimeter fencing designs and details of siting, height, design, materials and finishes (which should be supplied and agreed in consultation with the Conservation Officer by 1st November 2021); and
- (c) plan showing provision of suitable visibility splay at the junction of Pavilion Road and Fiske's Opening, also to be agreed with the highway authority; and
- (d) flood warning and evacuation plan details; and,
- (e) a landscaping scheme shall be provided to soften the boundary treatments alongside the dwellings on the site's southern boundary.

The above details were required before any permission could be issued.

- 2.6 In making their recommendation on Part (1), Officers made it clear that they had confidence of the details being able to be supplied, but the application would not be acceptable without them and would need Committee's reconsideration if the details were not forthcoming.

- 2.7 Part (2) - Secondly, the Committee decided that if retrospective planning permission were able to be granted (once the Part 1 details were supplied), it would need to be subject to the following conditions and restrictions:

Proposed conditions:

- (a) The existing (unauthorised) perimeter fencing would need to be removed and the replacement fencing (which still needed details to be approved under Part 1(b) and (c) above) would need to be installed by Easter 2022, with visibility splay incorporated therein.
- (b) Permission for the children's rides would expire on 1st Sept 2023 (by which time the applicant will have benefitted from 3 easter holidays and 3 full summer seasons).
- (c) Permission for the portacabin, refreshment cabin and cash/token cabin would expire on 1st Sept 2023.
- (d) No rides or structures shall be used on the site other than those specifically included in the schedule to be agreed under Part 1 (a).

- (e) No rides or structures shall be sited within 10m of the boundary with Marine Terrace (and this shall be confirmed by a rides and structures layout plan required by Part 1(a)).
- (f) Permitted development rights would be removed for the erection of any additional Gates, Walls, Fences, or other means of enclosure.
- (g) The site shall not be open to customers outside of 10am-8pm seven days a week.
- (h) There shall be no use of loudspeakers and public address systems (Except for safety announcements).
- (i) There shall be no use of external amplified music.
- (j) Details of the portacabin base anchor shall be provided and the portacabin shall be securely anchored to its base and the anchor shall be retained for the duration of the use of the portacabin.

and any others considered appropriate by the Development Management Manager, which is considered should include a restriction on use of external lighting.

- 2.8 The details which are required to be submitted and agreed before planning permission can be issued are still unresolved and many aspects have not been provided. The information presented to Members today concerns the proposed replacement perimeter fencing.

3. Previous fencing proposals

- 3.1 Members will recall that the unauthorised fence currently installed was considered unacceptable for the conservation area and the amenity of neighbouring residents. In resolving to approve the application Committee decided that a revised form of fence design was required, in a style that would be compatible with the conservation area.
- 3.2 In the meeting Committee was shown an image which the applicant had provided in the week before Committee to illustrate the type of fence the applicant had in mind at the time. The same image is re-provided below. This had been discussed with the Conservation Officer before the meeting, who agreed the proposal would be suitable in principle, but who recommended the proposed fence shown should have a painted finish. The Minutes of the meeting (as amended) record that the applicant agreed to provide the style of fence that the Conservation Officer had up to that point endorsed, and furthermore agreed to paint the fence if Committee considered it necessary.
- 3.3 Debate followed in which Members discussed whether the fence should be galvanised or painted, and some members considered that pre-painted fencing would be more appropriate due to the finish it provides especially in comparison to galvanised fencing. On this issue the Committee decided that the final details of the replacement fence would need to be submitted to Planning Officers who could have delegated authority to agree the final designs with the Conservation Officer.

Image of the fence style which was presented by the applicant to Committee on 15/09/21 as an indicative style and design, for their discussion:



- 3.4 The current Committee decision is therefore that a design for a replacement fence needs to be submitted and it needs to meet with the approval of the Conservation Officer.
- 3.5 However, the applicant has now submitted some proposed details, but these vary significantly from those which the Conservation Officer and the Committee considered at the time of their decision. Officers consider that the details depart so significantly from the intent and expectation of the Committee's decision that Officers cannot in good faith proceed to approve the details and issue a permission under the current delegated authority from September 2021.

4. Amended fencing proposals

- 4.1 The applicant has proposed the following details of pre-painted fencing panel units that would not need to weather before being painted. The style of panel is coated green. The applicant considers the panels are rigid enough to stop intruders but remain very open to view. The panels are of steel construction and come in various colours of green, black or galvanised. The applicant proposes to purchase the green mesh panels to fix to the existing unauthorised fence posts, and then paint the posts to match the same colour of the mesh panels.



- 4.2 The Conservation Officer has been consulted and considers that the proposed fence is not acceptable for the conservation area. The Conservation Officer provided the following advice:

“Whilst the proposed fence has thin profiles and would probably benefit speedy installation, there are concerns regarding its appearance and the impact the fence may have on the character of the Conservation area. The need to have galvanised profiles is recognised, and Conservation advice is to use the previously proposed galvanised alternative, but painted/powder coated to avoid industrial and harsh appearance. Some manufacturers may provide pre-painted fence panels. Such fence panels would better integrate and further enhance the character of the Conservation area.”

- 4.3 Members will note the example presented to the committee meeting and which had been considered acceptable by the Conservation Officer was similar to the styles shown below.



Albany decorative railings for cemetery extension



Vertical bar railings, Parsons Mount, Newark

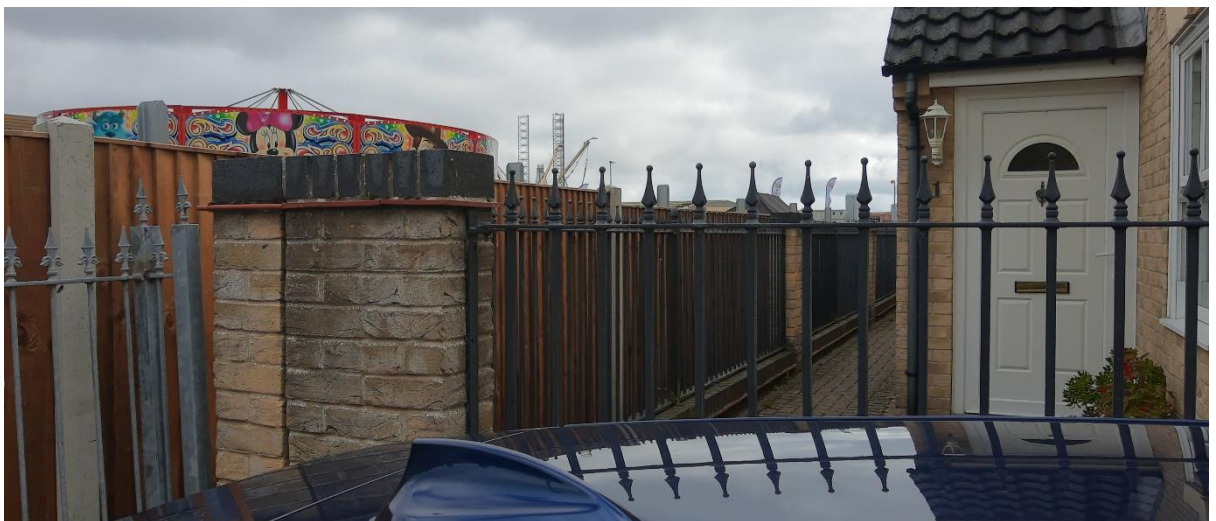
- 4.4 Finally, members are reminded of the appearance of the unauthorised fence that is in place currently.





- 4.5 Members will note the proposed design is markedly different to the style considered originally and may struggle to recall similar fencing used in Conservation Areas. Officers consider the design proposed is particularly inappropriate when considering the line of the replacement fence is proposed as being sited so far forward of the front of the building line on Pavilion Road, making the impact on the conservation area that much more prominent. Members are requested to give their instructions on whether they deem the design of the proposed fence as acceptable in this case.
- 4.6 Members are also reminded that the 'baseline' from which the Conservation Area must be preserved and enhanced is that of the historically well-designed railings around the site which have long been in situ and proven adequate to the long period of use before this application was made, as seen below.

Original fencing in place before being removed or screened. The grey fencing to the left of image is the original, which has been faithfully acknowledged by the design of the adjacent modern housing development's black railings, below.



Policy Considerations

Local Plan Part 2

Policy E5: Historic environment and heritage (extracts)

In accordance with national planning policy and Policy CS10 of the Core Strategy, proposals for development should 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.

Development proposals within conservation areas, or in a location that forms part of its setting, should take into account the special and distinctive character of the area which contributes to its significance and have regard to the relevant Conservation Area Appraisal and Management Plan.

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.

Impact on the conservation area

- 4.7 Pop's Meadow has a long history of recreational use including planning permission for the stationing of children's rides and structures, and in this update to the undetermined application the use of the site is not in question; the principle of the use remains supported where it can be carried out without significant detriment to the locality including the amenity of adjoining uses.
- 4.8 However, all proposals located in a conservation area should *conserve and enhance* the character and appearance of the area. Former permissions and established uses may pre-date the designation of the surrounding conservation area, but the Council as local planning authority still has a legal duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that:
- "In the exercise, with respect to any buildings or other land in a conservation area, of any functions ...[that] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".*
- 4.9 It is considered that the security fence which has been erected without planning permission is of a style and height that is not in keeping with the conservation area, and a more traditional park style is required that also is sympathetic to the amenity and outlook of neighbouring dwellings.
- 4.10 In this case the proposed replacement fence style minus the projecting profile post is commonly used around school grounds and recreational sites, for example. It is considered that the proposed style is undoubtedly considerably more refined than the existing unauthorised fence, but the Committee was clear

in its decision that the unauthorised fence was unacceptable and as such that cannot be considered a comparable proposal.

- 4.11 The current proposal for mesh-style fencing panels is not, in the opinion of Officers, suitable for approval because the applicant's updated proposals do not seek to enhance the character or appearance of the area and would continue to harm the conservation area.

5. Conclusion

- 5.1 Officers do not wish to hinder the continued use of the site but negotiations have so far not resulted in the positive action required to make the scheme acceptable. Committee's requirements have not been addressed in the months since 15th September 2021 and in the meantime the visual harm to the Conservation Area and the amenity of neighbouring residents continues unabated.
- 5.2 Members are asked to consider this revised recommendation from Officers because there is a diminishing window of opportunity to resolve the situation before the summer tourism season begins. A replacement fence should still be required to be installed before the 2022 Easter school holidays begin on 11th April 2022.
- 5.3 Despite various suitable models of fencing being available for use and the Committee's expectations being modest when compared to the original fencing that was removed, the applicant's updated proposals do not seek to enhance the character or appearance of the area. Planning law and local development plan policy all require the development to enhance the appearance of the Conservation Area.
- 5.4 Failure to provide suitable alternative fencing in a timely fashion will not protect the heritage asset as required, and the unauthorised fencing will continue to cause harm to the asset whilst ever it remains unenforced.
- 5.5 Officers recommend the proposals should be rejected and revised proposals should be required in a very timely fashion. Failure to meet these timescales would require Officers to recommend that Committee refuses to grant permission overall, and initiate renewed planning enforcement proceedings.

6. REVISED RECOMMENDATION

There are three stages to the Officers' updated recommendation.

Part (1):

By no later than **01 March 2022** - Satisfactory details should be supplied to Planning Officers in respect of:

- (a) a revised rides and structures layout plan, with schedules of rides and structures to be used within the site; and
- (b) replacement perimeter fencing designs and details of siting, height, design, materials and finishes, to be in general accordance with the style

- considered by Development Control Committee on 15 September 2021, and to the satisfaction of the Conservation Officer; and
- (c) plan showing provision of suitable visibility splay at the junction of Pavilion Road and Fiske's Opening, to be agreed with the highway authority; and
 - (d) flood warning and evacuation plan details; and,
 - (e) details of the portacabin base anchor system shall be provided; and,
 - (f) a landscaping scheme shall be provided to soften the boundary treatments alongside the dwellings on the site's southern boundary.

Part (2):

If the details required by Part (1) are supplied to Officer's satisfaction by no later than 01 March 2022, planning permission should be granted to application 06/21/0329/F, subject to the following conditions:

Proposed conditions:

- (a) The existing unauthorised perimeter fencing shall be removed in its entirety and the replacement fencing (which still needed details to be approved under Part 1(b) and (c) above) would need to be installed in accordance with the details to be approved, by 11th April 2022, with visibility splay incorporated therein.
 - (b) Permission for the children's rides would expire on 1st Sept 2023 (by which time the applicant will have benefitted from 3 easter holidays and 3 full summer seasons).
 - (c) Permission for the portacabin, refreshment cabin and cash/token cabin would expire on 1st Sept 2023.
 - (d) No rides or structures shall be used on the site other than those specifically included in the schedule to be agreed under Part 1 (a).
 - (e) No rides or structures shall be sited within 10m of the boundary with Marine Terrace (and this shall be confirmed by a rides and structures layout plan required by Part 1(a)).
 - (f) Permitted development rights would be removed for the erection of any additional Gates, Walls, Fences, or other means of enclosure.
 - (g) Use of the site for children's rides shall not be open to customers outside of 10am-7pm seven days a week.
 - (h) There shall be no use of loudspeakers and public address systems (Except for safety announcements).
 - (i) There shall be no use of external amplified music.
 - (j) The portacabin shall be securely anchored to its base and the anchor shall be retained for the duration of the use of the portacabin.
 - (k) There shall be no installation of any external lighting whatsoever without the details first being submitted to and approved in writing.
- and any others considered appropriate by the Development Manager.

Part (3):

If the details required by Part (1) are not supplied to Officer's satisfaction by no later than 01 March 2022, the application 06/21/0329/F shall be referred back to the Development Control Committee at the earliest opportunity, pursuant to an Officer's a request to reconsider the merits of the application 06/21/0329/F in its entirety.

Members are advised that such eventuality would likely require Officers to recommend that the application 06/21/0329/F should be refused and enforcement proceedings initiated against the unauthorised fencing in particular.

Appendices:

1. Location Plan
2. Development Control Committee Report from 15th September 2021.
3. Development Control Committee Minutes of 15.09.21 (Initial).
4. 10th November 2021 updates to Development Control Committee Minutes of 15.09.21.

Location Plan Pops Meadow



Local Authority No: 278993
Based upon 1987
Ordnance Survey 1:2500
Made with the permission of
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Year of document publication 1994

DRAWING TITLE
Location Plan: Pops Meadow Putting Green

SCALE 1/1250	DATE December 2020
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BOROUGH OF GREAT YARMOUTH
Great Yarmouth Borough Council

Property and Asset Management
Greysfriars House
Greysfriars Way
Great Yarmouth, NR30 2QE



Reference: 06/21/0329/F

Parish: Gorleston

Officer: Gordon Sutherland

Expiry Date: 25-06-21

Applicant: Mr L Gray LTH Leisure Ltd

Proposal: Retrospective application for:-

- 1. Installation of 8ft security perimeter fence**
- 2. Installation of 32ft porta cabin for office/medical room**
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- 4. Installation of a 20 x 8ft approx. cabin for sale of refreshments**
- 5. Re-instatement of small children's fairground rides to site**
- 6. Addition of coin operated small children's rides on site**

Site: Pop's Meadow, Pavilion Road, Gorleston

REPORT

1. Background

- 1.1** This is retrospective planning application for the stationing of various rides and structures and for the erection of a boundary fence associated with the use of the land as a childrens' park, as summarised above and described more fully below in the "proposal" section of this report.
- 1.2** Pop's Meadow has been open space and in use for recreation possibly since the early 20th century. Until 2021 it was in the ownership of the Borough Council leased as a childrens' play park and café/restaurant. In 1972 planning permission was granted for an 18-hole Arnold Palmer putting course with ticket office and floodlights. Permission was granted in 1993 for use of part of the site as a childrens' fun park for a temporary period and renewed on a regular basis until 2014 (ref 06/14/0397/F) when a permanent permission was granted, subject to conditions limiting the hours of use to between 9am and 9pm daily and to the rides and structures specified therein unless otherwise given approval by the Local Planning Authority.
- 1.3** In 2006 permission was granted for a brick-built cafe/restaurant which replaced various wooden buildings that were on the site (ref 06/05/0934/F). In 2002 permission was granted for the erection of a 1.8m high galvanised wrought iron railing along the perimeter boundary (ref 06/02/0094/F).

1.4 Prior permissions continuously limited the rides and structures allowed to be stationed on the meadow to those specified in the accompanying letter from the applicant for permission ref 06/93/0377/CU, as follows:

- Hoopla (doubling as a shelter) 14ft diameter,
- 3 bay swingboats 14x6x10ft,
- 20x20ft bouncy castle,
- 20x25x15ft high bouncy castle,
- funhouse and mirrors 16x7x8ft,
- sandpit 6x4ft,
- ball crawl 8x8x7ft,
- chair-o-planes 16ft diameter 9ft high,
- 4 trampolines 6x8ft,
- climbing frame and slide,
- tree house and slide,
- kiddies coin operated rides,
- crazy golf and putting green.

1.5 Until January 2021 Pops Meadow was owned by the Council, and as landlord the Council had the ability to control aspects of the use in relation to terms within the lease. The meadow was not in use for several years prior to its sale. The applicant is looking to re-establish recreational use of the site for children. The security of the rides and structures installed on the site is a major consideration for the applicant.

2. Site and Context

2.1 Pop's Meadow is located in a largely residential neighbourhood towards the Quay in Gorleston. It is an area of open space which has Beach Road to the west, Pavillion Road to the east and Fiske's Opening to the north. It is located in Conservation Area No17 Gorleston, designated 19th June 2009 because of its special architectural and townscape characteristics.

2.2 To the south is a modern terrace of houses built on the site of the old Gorleston Marine building. To the west elevated above Beach Road and overlooking the site are houses at Cliff Hill. To the north are houses along Fiske's Opening and to the east an area of open space with walkways which form the waterfront between Pavilion Road and Quay Road. Properties along Pavilion Road to the east of the site look over the aforementioned open space across the River Yare to South Denes.

3. Proposal

3.1 This is a retrospective application for the installation of an 8ft security perimeter fence, a 32-foot portacabin (office/medical room), a wood cabin for cash/token box, a 20x8 foot cabin for the sale of refreshments when the park is open, reinstatement of small childrens' fairground rides to the site and the addition of

coin operated small childrens' rides. Fencing includes a section of 6ft wooden fence to enclose the portacabin and bin storage.

- 3.2** The area of land on which the recreation use takes place has been enlarged from that used previously, to now include a strip of land at the north of the property adjoining Fiskes' Opening. The strip was formerly used as parking by touring motor homes. Additionally, the position of the boundary fence fronting Pavilion Road has been extended towards the road.
- 3.3** The submitted plans include photographs of the rides and location plan showing the approximate locations for bungee trampolines, carousel toy set, formula toy set, mini apple track ride, pony express, activity play centre, monster trucks, teacup ride, swing chairs, coin operated ride on pigs and coin operated ride on bikes, with coin operated bus to be placed around the park in various locations.
- 3.4** The park generally will be at its most busy during school holidays in the spring, summer and autumn. The location of the portacabin, cash box cabin, refreshment cabin and outside seating area for the cafe are shown on the submitted plans.
- 3.5** The proposed hours of opening for the ride area are 10am to 8pm Monday to Friday, weekends and bank holidays. The application also identifies hours of opening for the cafe. It should be noted that the cafe has an existing planning permission without restriction to the hours of opening and it is not deemed reasonable or necessary to restrict the hours of opening for the existing cafe in relation to this current application.

4. Relevant Planning History

06/14/0397/F- Renewal of planning permission for use of part of land as childrens' fun park Approved 2nd September 2014

06/05/0924/F- Erection of Cafe/Restaurant – Approved 1st March 2006

06/02/0094/F - Erect 1.8m high galvanised wrought iron railing along perimeter boundary, cut back hedging and clear from site – Approved 21st March 2002

06/01/0391/F- Renewal of planning permission no 06/00/0229/F for use of part of land as childrens' fun park – Approved 9th July 2002

06/00/0229/F - Renewal of planning permission no. 06/99/0513/F for use of part of land as childrens' fun park – Approved 12th May 2000

06/99/629/A – Advertisement Consent for Hoarding covering gates – Approved 25th August 1999

06/99/0513/CU - Renewal of planning permission no 06/96/0394/CU for use of part of land as childrens' fun park – Approved 9th August 1999

06/96/0394/CU - Renewal of planning permission 06/93/0377/CU for change of use of part of land to childrens' fun park – Approved 12th July 1996

06/93/0377/CU - Change of use of part of land to childrens' fun park – Approved 4th June 1993

5. Consultations: - All consultation responses received are available online or at the Town Hall during opening hours

5.1 There have been a dozen objections from the public with issues summarised as follows:

- Industrial type of fencing erected is out of keeping with the Conservation Area, re 8ft height (in particular in proximity of Marine Terrace), materials and style.
- Removal of parking along Fiske's Opening,
- enclosure of additional land including verge on Pavilion Road,
- potential impact on highway visibility,
- laying a hard surface,
- Questions the need for refreshment cabin, given the existing cafe,
- insufficient details of construction,
- siting and number of rides,
- business out of character, not a pleasure beach,
- rides are not small, different to rides that were here previously, character is changed,
- proximity to residences in regard to potential noise from music and generators every day,
- height of fence oppressive in close proximity to home,
- introduction of powered rides,
- fun park not the same as a fairground,
- detrimental to amenity, including the outlook and living conditions of occupants of Marine Terrace.
- Object to powered fairground rides and music,
- suggestion to erect a solid fence or wall to screen Marine Terrace,
- impact on parking availability for residents,
- potential access issues for emergency service and refuse vehicles,
- application includes 5 powered rides,
- impact on rental and property values of adjoining residences,
- reduction in grassed area for portacabin, additional wooden cabin, and cabin for refreshments,
- what limit to rides, numbers and noise and operation,
- why have works commenced,
- why so many buildings,
- did the applicant receive advice?

A letter of support has been received expressing disappointment for the Council halting the works. A further representation welcomes the investment provided it is sympathetic and respectful to the needs of the residents and operators plan

and maintain the attraction to cause minimum disturbance and disruption to the area.

- 5.2 Highways Authority.** The Highways Authority have provided advice to the applicant and advise that whilst there is no objection to the principle of the development, the security fence along the Pavilion Road boundary obstructs visibility from/to the junction of Fiske's Opening and as such would give rise to conditions detrimental to highway safety. It is acknowledged that the fence is on the applicant's land and NCC records show no highway status. However, on the basis of the height of the fence and it only being set back in the region of 1.8m from the edge of the carriageway, this will restrict visibility below the current standards.
- 5.3** A condition has been recommended to require the resiting of part of the boundary fence to provide the specified forward visibility splays.
- 5.4 Conservation.** The Conservation officer has objected to the style, size and type of fencing that has been installed and provided advice as to what would be a more suitable design solution appropriate to the location.
- 5.5 Environmental Health.** The Environmental Health officer raises no objection. However, as the development has the potential to cause a noise nuisance to neighbouring residential properties, recommends the following conditions for inclusion on any permission:
- That the hours of operation for the children's rides are restricted from 10-7pm seven days a week.
 - That loudspeakers and public address systems (except for safety announcements) are not used; and
 - No external amplified music is permitted.

6. Assessment of Planning Considerations: Policy Considerations:

National policy

- 6.1** Paragraph 47 of National Planning policy Framework (NPPF) states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Local Policy Adopted Core Strategy 2013-2030

- 6.2** The most relevant policies to this proposal from the Core Strategy are:

Policy CS8 "Promoting tourism, leisure and culture" which seeks to ensure that proposals are sensitive to the character of the surrounding area.

Policy CS10 "Safeguarding local heritage assets"; the site lies in a designated Conservation Area; new development is required to conserve and enhance the character and appearance of the area.

Policy CS13 "Protecting areas at risk of flooding or coastal change"; The site is located in designated flood zone 3, so new development must respond to the challenges of flood events; and

Policy CS15 "Providing and protecting community assets and green infrastructure" which seeks promote healthy lifestyles including access to play spaces and open spaces

Final Draft Local Plan Part 2

- 6.3** Policy A1 Amenity has no unresolved objections and as such can be given considerable weight. It states:

Development proposals will be supported where they contribute positively to the general amenities and qualities of the locality.

Particular consideration will be given to the form of development and its impact on the local setting in terms of scale, character and appearance.

Planning permission will be granted only where development would not lead to an excessive or unreasonable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:

- a. overlooking and loss of privacy;
- b. loss of light and overshadowing and flickering shadow;
- c. building and structures which are overbearing;
- d. nuisance, disturbance and loss of tranquility from: • waste and clutter • intrusive lighting • visual movement • noise • poor air quality (including odours and dust); and • vibration.

Where adverse impacts are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate such impact will be expected to be incorporated in the development.

On large scale and other developments where construction operations are likely to have a significant and ongoing impact on local amenity, consideration will be given to conditions to mitigate this thorough a construction management plan covering such issues as hours of working, access routes and methods of construction.

7. Local Finance Considerations:

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. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. 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.

8. Shadow Habitats Regulation Assessment

- 8.1** The site lies within the Green Habitat Impact Zone over 2.5km but less than 5km from an internationally protected wildlife site. The proposal is not a residential or a new tourist development, so as such there should be no significantly increased recreational impact on designated sites and no mitigation is required to satisfy the Conservation of Habitats and Species Regulations 2017.

9. Assessment

- 9.1** This is a retrospective application, where development has taken place without planning permission. The application has arisen as the result of complaint from members of the public to the local planning authority with regard to enforcement of planning legislation.
- 9.2** It is not unusual for development to be undertaken without planning permission, there are extensive development rights for smaller scale development of both residential and non-residential property. Any development carried out without permission and where permission is determined to be required is at risk of enforcement including the requirement of removal where not acceptable or alteration and the inherent expenses involved. Where refused an applicant can appeal to the Secretary of State for the Environment to reconsider that decision.
- 9.3** In determining planning applications all applications are judged on their merits including ones seeking retrospective permission. The Local Planning Authority takes into account the planning permission history of the property, any relevant national and local planning policy that has been adopted for the assessment of the acceptability of new development and any representations received.
- 9.4** The application is proposing the rides and structures currently already installed and used on the site and shown on the submitted layout with accompanying photographs. For the avoidance of doubt the applicant has been requested to provide a schedule of the rides that will be tied to this permission. At the time of writing the report the schedule has not been received so should be a condition of any permission.

Impact on conservation area

- 9.5** In this case planning policy allows for recreational uses where they can be carried out without significant detriment to the locality including the amenity of adjoining uses; where located in a conservation area development should conserve the character and appearance of the area. As documented above, Pop's Meadow has a long history of recreational use including planning permission for the stationing of childrens' rides and structures and for the erection of fencing. These former permissions and established uses pre-date the designation of the surrounding conservation area, but the Council as local planning authority still has a duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that:

"In the exercise, with respect to any buildings or other land in a conservation area, of any functions ...[that] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

- 9.6** It is considered that the current use proposal is materially different from the existing permission, by reason of the different rides, their appearance, siting and their operating characteristics.
- 9.7** It is also considered that the security fence which has been erected is of a style and height that is not in keeping with the conservation area, and a more traditional park style is required that also is sympathetic to the amenity and outlook of neighbouring dwellings.
- 9.8** Furthermore, it is also considered that the portacabin is a temporary structure that would not normally be permitted as a permanent structure in such a prominent location of a conservation area.

Impact on neighbouring residential amenity

- 9.9** Environmental Health Officers have not considered these rides to be significantly or noticeably noisier than rides allowed under the former permission and as such it is not considered necessary to require a change to the current rides on the basis of noise concerns, but precautions should be built into any permission to safeguard future amenity.
- 9.10** It is considered that in the interests of protecting the amenity of the occupants of Marine Terrace abutting the meadow, primarily from noise generated at the site, that there should be no rides or structures sited within 10m of the boundary.
- 9.11** Further conditions will prevent use of loudspeakers, public address system and amplified music.
- 9.12** As aforementioned the front elevations of the houses at Marine Parade are in close proximity to the replacement boundary fence. At this location there is a competing consideration in respect of the outlook of the fence; on one hand there may be a desire by occupants of the houses to screen the site from view with a solid fence, on the other it may be preferable to look through the fence

to the meadow. In this case it is considered that in the interest of the character and appearance of the conservation area which is defined in this location by the open space character of the meadow, that the fence should be of a traditional park railing type. The position of the fence in this location needs to be shown on an amended layout plan and agreed before the issue of any permission.

Highway safety

- 9.13** The Highways Authority raise no objection to the development provided specified visibility splays are provided and maintained thereafter. There is both on street parking and free public car parking in easy walking distance of the site, which is not materially altered by the proposed development, and which can cater for the displaced motor home parking.
- 9.14** As such there is no unacceptable highways impact that the careful positioning of fencing and creation of visibility splay cannot resolve (by condition).

Flood risk

- 9.15** The area of the site previously used for the parking of touring motorhomes has been resurfaced with bitumen for siting coin operated car rides, this is not considered to be a material increase in the impermeable surface area in relation to flood risk. The portacabin has been sited on that existing hard surface. This area was not part of the public highway. In terms of the street lighting column, this is not shown on NCC Highways records as being owned by NCC. Flood risk for visitors should be no greater than the extant use and flood risk should not be increased elsewhere, but a floor evacuation plan and management scheme should be secured by condition.

Other matters

- 9.16** It is the applicant's commercial consideration to have a separate structure from the café to sell refreshments during times when the play park is open.

10. Conclusion

- 10.1** It is therefore considered that in order to determine whether the intensified and materially different use can successfully operate without detriment to the amenity of adjoining residents, the local planning authority should grant a temporary permission for the use and the portacabin for at least 2 years (including the c.6 months use already undertaken without permission during 2021). This will allow factors such as effectiveness of the fencing, noise from rides etc to be reviewed over a reasonable period of time and over both an extraordinary year and hopefully a more usual year of holiday use.
- 10.2** The fence as erected without permission is not appropriate and any new permission to be granted pursuant to this application shall require that the fence be replaced at the end of this tourist season, with one of style compatible with the conservation area. Details of the fence including the height and siting in

relation to Marine Terrace and 27 Pavilion Road have been requested from the applicant to be provided prior to the Committee meeting and should be agreed prior to the issue of any permission. Members will be updated verbally as to the appropriateness of the proposed fencing designs (and siting in relation to the aforementioned dwellings).

- 10.3** A condition of any permission should be that rides and structures approved will be as submitted for the application; details of any replacements to those rides would require express prior written permission from the Local Planning Authority in the form of a further planning application in order to assess that they would be compatible without causing significant disturbance to the amenity of adjoining residents.
- 10.4** Given the site is located in a flood zone, conditions to this permission will require the provision of means to anchor the portacabin and structures in a flood situation and for the use to be supported by an emergency evacuation plan.
- 10.5** In order to demonstrate that the proposed use and activities can be acceptable in the location and in terms of highways safety, the following matters shall need to be revised and confirmed to be acceptable by the LPA before permission is granted:
- Prior to issuing a planning permission a revised rides and structures layout plan shall be submitted and agreed in writing. Details to include a schedule of rides and structures with identifying serial numbers.
 - Prior to issuing a planning permission details of a replacement fence shall be submitted and agreed in writing. Details to include siting, height, design, material and finish.
 - Prior to issuing a planning permission a plan showing the necessary visibility splay shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highways Authority.
 - Prior to issuing planning permission a flood warning and evacuation plan shall be submitted to and agreed in writing with the Local Planning Authority.

In the event that the applicant does not provide suitable details, a permission would not be appropriate as the scheme would not be acceptable, and Officers would recommend that the application is brought back to Committee if so.

- 10.6** In the event that permission can be granted, in order to safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area a list of matters including but not limited to the following would be the basis for conditions to any approval:
- The permission for childrens' rides expires on 1st Sept 2023 (by which time the applicant will have benefitted from 3 easter holidays and 3 full summer seasons).

- The permission for the portacabin, refreshment cabin and cash/token cabin expire on 1st Sept 2023
- There shall be no rides or structures used on the site other than those specifically included in the schedule to be agreed (see paragraph 9.4)
- No rides or structures shall be sited within 10m of the boundary with Marine Terrace (and to be confirmed by a rides and structures layout plan)
- The existing fencing is to be removed and the replacement fencing (to be approved) is to be installed by 01 December 2021, with visibility splay incorporated therein
- The removal of permitted development rights for the erection of any additional Gates, Walls, Fences, or other means of enclosure
- The use of the site for childrens' rides shall not be open to customers outside of 10am-7pm seven days a week.
- No use of loudspeakers and public address systems (Except for safety announcements).
- No use of external amplified music.
- The portacabin shall be securely anchored to its base and anchor retained in perpetuity (details needed if not provided beforehand).

RECOMMENDATION: -

11.1 Approve, subject to:

1) receiving appropriate details of:

- (a) a revised rides and structures layout plan, and
- (b) replacement fencing design, and siting, and
- (c) plan showing provision of visibility splay, and
- (d) flood warning and evacuation plans,

before any permission is issued [as described at paragraph 10.5 above].

- 2) For a temporary period - in order to further assess the impact of the use and safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area – subject to Conditions as listed at paragraph 10.6 above and any others considered appropriate by the Development Management Manager.

11.2 On this basis the development would be deemed in compliance with the aims of Policies CS8, CS10, CS13 and CS15 of the Great Yarmouth Local Plan Core Strategy, also to Policy A1 Amenity of the Emerging Local Plan Part 2

Appendices:

1. Location Plan
2. Area for rides
3. Images of rides
4. Location for token booth
5. Location for Ice Cream and Coffee Unit (Refreshments)
6. Location for portacabin
7. Location of rides (submitted plan)
8. Location of security fence and gates



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 15 September 2021 at 18:00

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Attendees at the meeting

Present :

Councillor Annison (in the Chair); Councillors G Carpenter, Freeman, Flaxman-Taylor, P Hammond, Jeal, Myers, Mogford, Williamson, A Wright & B Wright.

Councillor Candon attended as a substitute for Councillor Hanton

Councillor Borg attended as substitute for Councillor Fairhead

Mr R Parkinson (Development Control Manager), Mr C Green (Senior Planning Officer), Mr R Tate (Planning Officer), Ms C Whatling (Monitoring Officer) & Mrs S Wintle (Corporate Services Manager).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fairhead and Hanton.

2 DECLARATIONS OF INTEREST

Councillor Freeman declared a personal interest in item 4 in his capacity as Ward and Parish Councillor for Ormesby and Scratby.

3 MINUTES

The minutes of the meeting held on the 25 August 2021 were confirmed.

4 APPLICATION 06-21-0538-F - 29 (Seahaven), THE ESPLANADE, SCRATBY, GREAT YARMOUTH

The Committee received and considered the report from the Planning Officer.

The Planning Officer reminded Members that this application had been originally published within the agenda for the Development Control committee on the 25 August 2021, however this item had been deferred from the meeting to enable further consultation to be undertaken. It was noted that the proposal had not been amended but the Officer's report had been updated accordingly following further consultation.

The Planning Officer reported on updates that had occurred following publication of the report as follows :-

- Expiry date is now 22nd September
- Response has now been received from the Parish Council
- One further objection had been received from a neighbour.

The Planning Officer reported that the application was for a replacement dwelling at 29 The Esplanade and the proposal would demolish the existing 4-bedroom bungalow and replace it with a larger chalet-style 3-bedroom bungalow with a detached garage.

The Planning Officer reported that the site lies across both the Indicative Erosion up to 2025 and Indicative Erosion up to 2055 zones identified in the Shoreline Management Plan. The front elevation is currently 32 metres away from the cliff edge and 170 metres away from the mean high-water mark.

The Planning Officer reported that 9 neighbour objections had been received and these were summarised as follows :-

- Overshadowing to no.31.
- Reduced view to no.27.
- No detailed measurements on the plan.
- Increase in scale over existing bungalow.
- Loss of outlook / light from the veranda of no.27.
- Will block sea views to the properties behind.
- Endangerment of the cliff top.
- Application form states no trees/hedges on the site.
- Will devalue neighbouring properties.
- Out of character – should be a bungalow.

The Planning Officer read aloud a neighbour objective that had been received since publication of the report, but advised that the comments were not dissimilar to those already received.

The Planning Officer reported on the comments received from the Parish Council who had advised that the Council would like to comment that the property is located within the government shoreline management plan which states that there should be no new development in this area and would ask that this be considered when making a

decision on the application.

The Planning Officer reported that the application site is situated on a private track and therefore the Highways agency has not provided comments on the application but noted that they could not see any issue to raise an objection for the application as it was for a replacement dwelling.

The Planning Officer reported that no objection had been received from the County Ecologist who had commented that the application site is located within the Orange Habitat Zone, however the application is for a replacement dwelling and therefore is unlikely to result in increased recreational pressure on habitats sites and therefore in their opinion a shadow HRA is not required.

The Planning Officer made reference to the relevant planning policies that had been taken to consideration.

The proposal is for the replacement of an existing dwelling and therefore would not result in a net increase in residential development. Notwithstanding this, the proposal is located within the development limits for Scratby where the principle of new residential development is considered acceptable.

The Planning Officer reported that whilst the current property formed part of a line of bungalows of a similar style, age and form, the property is the penultimate bungalow in the line. No.33 The Esplanade (next but one to the north) is also a chalet bungalow with accommodation at first floor level and a higher roof height; although it's ridge runs north-south and the front elevation is effectively pitched backwards, there are two dormer windows within it which gives the impression of a building of greater scale, mass and a much wider front elevation than is currently proposed. As such, a break in the line of bungalows in this this location would not appear incongruous and the principle of a taller dwelling would be considered acceptable, especially as the general form as a bungalow with low eaves and narrowing roof is still retained when viewed from the front.

The Planning Officer reported that adequate space would be able to be provided for parking of two cars and this could be conditioned to be provided and maintained thereafter.

The Planning Officer reported that the proposal sought an increase in size over the existing dwelling, he referred to neighbours comments in which had raised concern that this would be detrimental to their amenity through overshadowing and the loss of outlook and light. However, it was considered that by virtue of siting the replacement dwelling on roughly the same footprint and maintaining the spacing between the dwellings, the proposed dwelling would not result in an unacceptable increase in overshadowing to the neighbouring property.

The Planning Officer reported that the the application is considered to comply with saved policy HOU07 (E) and core policy CS09 (F), as well as emerging policy A1 from the draft Local Plan Part 2, which seek to ensure that developments do not significantly detrimental to the residential amenities of adjoining occupiers or users of land.

The Planning Officer advised that the Coastal Manager had been consulted on the application but had not provided any comments. It was therefore noted that as a replacement dwelling, the proposal should not change the level of risk or affect

coastal processes, and as the eastern building line remains as existing the future residents should be put at no greater / earlier risk than the existing dwelling. However, an informative note should be included on the decision notice to remind the application of the longer-term potential for coastal change.

Members were asked to note that the proposal did include more hard surfacing and a larger footprint which would mean more run-off from the property, which if not addressed sensitively could serve to concentrate erosion or undermining of dunes / cliffs. The proposed dwelling is to be discharged via soakaway, so a surface water drainage scheme shall be required by condition to ensure that this disperses run-off to an appropriate location at suitable rates.

The Planning Officer reported that the application was recommended for approval subject to the following conditions :-

- Standard 3 year time limit

- In accordance with plans
- Scheme of landscaping/planting to be agreed
- Surface water drainage scheme to be agreed
- Colour of cladding to be agreed
- Provision of 2no. swift terrace boxes
- Parking to be provided
- Bat Informative
- Coastal change informative

And any other conditions or notes considered appropriate by the Development Management Manager.

Councillor Freeman referred to a "Hold the line" comment within the coastal report and commented that this had been revised as this area was now protected by the Gabions.

Councillor T Wright made reference to the Shoreline Management Plan which had advised that no further development should be carried out and whether this application was recommended for approval in light of the development being a rebuild, this was confirmed. Councillor T Wright further asked with regard to sub soil intervention and with this application being so close to the cliff whether this would create any disturbance and cause coastal erosion. The Planning Officer advised that whilst he could not provide comment on this question, this application was similar to applications that have previously been agreed close to the site and the Coastal Manager had provided comment on these.

Councillor T Wright asked where the services for the property were situated, although the planning Officer was unable to provide this answer. The Development Control Manager advised that this was not a material consideration for the planning application although would be looked at as part of the process if approved.

Councillor Myers asked for clarification as to the Chalet being referred to as a bungalow, it was confirmed that a chalet bungalow has living accommodation in the roof space.

Mr Graham Norse, agent reported that the applicant welcomed the recommendation for approval from the Planning Officers, he advised that there were no statutory

consultee objections although noted local neighbour objections. Mr Norse commented that he felt the key element of consideration was the layout of the development and impact of the character of the locality. He commented on the proposed dwelling and its proposed height and dimensions and commented that it could not be considered as a large development. The Proposed scheme was not considered to adversely affect neighbouring dwelling in terms of loss or outlook of light.

Mr Norse advised that the applicants had purchased the property with a view to renovating the property but had found due to the state of the existing structure it was far more practical to rebuild the property. he commented that the applicants had worked hard to ensure the development did not impact neighbouring properties.

In summary Mr Norse advised that the dwelling proposed for a well designed dwelling which reflected existing character of other dwellings in the locality both in terms of scale and design features and would result in a much improved development to that of the existing bungalow. He asked the Committee to approve the application as per the Officers recommendations.

Councillor Wright asked Mr Norse if he was aware of where the services for the development were located whether this was at the front of the bungalows or the rear. Mr Norse confirmed that the existing services were situated at the rear of the properties and this would remain if the new dwelling was approved.

Members hereby entered into a general debate where it is was proposed and seconded that the application be approved as per the Officers recommendations.

RESOLVED :

That application 06-21-0538-F be **approved** subject to the following conditions :-

- Standard 3 year time limit
- In accordance with plans
- Scheme of landscaping/planting to be agreed
- Surface water drainage scheme to be agreed
- Colour of cladding to be agreed
- Provision of 2no. swift terrace boxes
- Parking to be provided
- Bat Informative
- Coastal change informative

And any other conditions or notes considered appropriate by the Development Management Manager.

5 APPLICATION 06-21-0329-F - POPS MEADOW, GORLESTON

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that that the application was a retrospective planning application for planning permission to regularise development that has already taken place, it should be noted that in selling the land to the applicant the purchase form the Council did not override the need to require planning permission.

The Senior Planning Officer reported that the development that has been carried out is deemed to be significantly different from any historic works that have been completed.

The Senior Planning Officer reported that the retrospective application asked for the installation of an 8ft security perimeter fence, a 32-foot portacabin (office/medical room), a wood cabin for cash/token box, a 20x8 foot cabin for the sale of refreshments when the park is open, reinstatement of small childrens' fairground rides to the site and the addition of coin operated small childrens' rides. Fencing includes a section of 6ft wooden fence to enclose the portacabin and bin storage.

The area of land on which the recreations use takes place has been enlarged from that used previously, to now include a strip of land at the north of the property adjoining Fiskes' Opening. The strip was formerly used as parking by touring motor homes. Additionally, the position of the boundary fence fronting Pavilion Road has been extended towards the road.

It was reported that The proposed hours of opening for the ride area are 10am to 8pm Monday to Friday, weekends and bank holidays. The application also identified hours of opening for the cafe. It was noted that the cafe has an existing planning permission without restriction to the hours of opening and it is not deemed reasonable or necessary to restrict the hours of opening for the existing cafe in relation to this current application.

Since publication of the report, the Senior Planning Officer reported that 60 letters in support of the application had been received. It was also noted that a number of objections had been received of which were summarised within the agenda documents/

The Senior Planning summarised comments that had been received from statutory authorities.

The Senior Planning Officer made reference to the relevant planning policies that had been taken to consideration.

The Senior Planning Officer reminded Members that this was a retrospective application, where development has taken place without planning permission. The application had arisen as the result of complaints from members of the public to the local planning authority with regard to enforcement of planning legislation. It was reported that it was not unusual for development to be undertaken without planning permission, there are extensive development rights for smaller scale development of both residential and non-residential property. Any development carried out without permission and where permission is determined to be required is at risk of enforcement including the requirement of removal where not acceptable or alteration and the inherent expenses involved.

The Senior Planning Officer reported that in determining planning applications all applications are judged on their merits including ones seeking retrospective permission. The Local Planning Authority takes into account the planning permission history of the property, any relevant national and local planning policy that has been adopted for the assessment of the acceptability of new development and any representations received.

It was advised that the application was proposing the rides and structures currently already installed and used on the site and shown on the submitted layout with accompanying

photographs.

The Senior Planning Officer summarised the main impacts on the conservation area and the neighbouring residential amenity which had been detailed within the agenda documents.

The Senior Planning Officer concluded that it was therefore considered that in order to determine whether the intensified and materially different use can successfully operate without detriment to the amenity of adjoining residents, the local planning authority should grant a temporary permission for the use and the portacabin for at least 2 years (including the c.6 months use already undertaken without permission during 2021). This will allow factors such as effectiveness of the fencing, noise from rides etc to be reviewed over a reasonable period of time and over both an extraordinary year and hopefully a more usual year of holiday use.

It was reported that the fence as erected without permission is not appropriate and any new permission to be granted pursuant to this application shall require that the fence be replaced at the end of this tourist season, with one of style compatible with the conservation area. Details of the fence including the height and siting in relation to Marine Terrace and 27 Pavilion Road have been requested from the applicant to be provided prior to the Committee meeting and should be agreed prior to the issue of any permission. Members will be updated verbally as to the appropriateness of the proposed fencing designs (and siting in relation to the aforementioned dwellings).

A condition of any permission should be that rides and structures approved will be as submitted for the application; details of any replacements to those rides would require express prior written permission from the Local Planning Authority in the form of a further planning application in order to assess that they would be compatible without causing significant disturbance to the amenity of adjoining residents.

The Senior Planning Officer reported that given the site is located in a flood zone, conditions to this permission will require the provision of means to anchor the portacabin and structures in a flood situation and for the use to be supported by an emergency evacuation plan.

In order to demonstrate that the proposed use and activities can be acceptable in the location and in terms of highways safety, the following matters shall need to be revised and confirmed to be acceptable by the Local Planning Authority before permission is granted:

- Prior to issuing a planning permission a revised rides and structures layout plan shall be submitted and agreed in writing. Details to include a schedule of rides and structures with identifying serial numbers.
- Prior to issuing a planning permission details of a replacement fence shall be submitted and agreed in writing. Details to include siting, height, design, material and finish.
- Prior to issuing a planning permission a plan showing the necessary visibility splay shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highways Authority.
- Prior to issuing planning permission a flood warning and evacuation plan shall be submitted to and agreed in writing with the Local Planning Authority.

In the event that the applicant does not provide suitable details, a permission would not be appropriate as the scheme would not be acceptable, and Officers would recommend that the application is brought back to Committee if so.

It was reported that in the event that permission be granted, in order to safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area a list of matters including but not limited to the following would be the basis for conditions to any approval:

- The permission for childrens' rides expires on 1st Sept 2023 (by which time the applicant will have benefited from 3 Easter holidays and 3 full summer seasons). The permission for the portacabin, refreshment cabin and cash/token cabin expire on 1st Sept 2023
- There shall be no rides or structures used on the site other than those specifically included in the schedule to be agreed (see paragraph 9.4)
- No rides or structures shall be sited within 10m of the boundary with Marine Terrace (and to be confirmed by a rides and structures layout plan)
- The existing fencing is to be removed and the replacement fencing (to be approved) is to be installed by 01 December 2021, with visibility splay incorporated therein
- The removal of permitted development rights for the erection of any additional Gates, Walls, Fences, or other means of enclosure
- The use of the site for childrens' rides shall not be open to customers outside of 10am-7pm seven days a week.
- No use of loudspeakers and public address systems (Except for safety announcements).
- No use of external amplified music.
- The portacabin shall be securely anchored to its base and anchor retained in perpetuity (details needed if not provided beforehand).

The Senior Planning Officer advised that since publication of the report some of the requested information has been supplied although it had been advised that it was problematic to provide a schedule of rides for next season as the rides are yet to be leased and the applicant request that the permission should be not temporary, however it is noted that this is not recommended due to the uncertainty and in order to assess the impact of the use. The Senior Planning Officer advised that the applicant had made a counter proposal that instead of there being no rides or structures within 10 metres of the boundary of marine parade and marine terrace that rides in this location would only be of a low level type, this could be a condition if Committee were minded to agree to state no rides or structures over 8 metres in height within 10 metres of the location.

The Senior Planning Officer reported the application was subject to approval subject to agreement of details, detailed within the report and presentation.

Councillor Myers sought clarification as to paragraph 10.2 within the Committee report and asked whether this agreement had been given on this matter. The Senior Planning Officer advised that this had been agreed and the Conservation Officer had advised that the fence should have a painted finish.

Councillor Flaxman-Taylor sought clarification with regard to the opening times of the venue as listed within the pack as 10am until 7pm and asked whether this was both summer and winter opening times, this was confirmed as summer and winter opening times.

Councillor T Wright sought clarification on paragraph 10.1 within the report with regard to temporary permission for the use of the portacabin for two years including the six months of use already taken as it had been detailed this would take the permission to September 2023 which would allow for 2 and a half years. It was confirmed if approved this would grant permission until the beginning of September

2023.

Councillor Hammond asked whether any noise levels had been recorded by Environmental Health at the site, as he commented in his opinion this would have been helpful to know. The Senior Planning Officer advised that this information had not been presented by the Environmental Health department, the department had advised that they had received no noise nuisance complaints. The Development Control Manager advised that Officers deemed it necessary to issue temporary permission to understand if the rides which are materially different to the existing use are going to create any prolonged nuisance, this will allow monitoring to be undertaken.

Councillor T Wright asked if any discussions had been held with nearby residents of Marine Parade in order to understand preference for fencing.

Mr Lewis, applicant addressed the Committee, he advised that he had answered and provided comments to all neighbour complaints together with the possible proposal terms from the Council. Mr Lewis advised that he had successfully tendered to purchase the site, in the legal documents between Mr Gray and the Council it was always noted that the area was to be solely used a children's amusement park and food outlet facilities. Mr Gray advised that within the legal documents it had also stated terms that the purchasers would not apply for planning permission between the 25 and 50 year period.

Mr Gray advised that he had a young family and wanted to introduce some new business into the area which would attract those of all ages. Comments which had been received by Mr Gray had been positive. Mr Gray advised that they had been more than happy to assist local charities.

Mr Gray reported that he was happy to change the structural fence as specified by the Conservation Officer and is also willing to carry forward the recommendation from the Highway Officer and spray the front corner from the post to the road. Mr Gray referred to some comments that had been made by the Council with regard to the application, firstly he referred to a request for a 10 metre section to be left empty in front of the marine terrace houses, and stated that he felt this should have been stated within the deeds and the terms of conditions when purchasing, he commented that he was more than willing to work with tenants to not restrict light. Mr Gray advised he was happy to supply a full layout of drawings and rides for each year and submit this to the council, although he felt a 2 year temporary planning application should have been advised.

Councillor T Wright asked for clarification from Mr Gray in relation to the fencing at Marine Terrace, Mr Gray confirmed that discussion had been held with the landlord of the properties. Mr Gray felt that a six foot fence would prevent a safety net for the site and those using it and would alleviate any concerns from neighbours with regard to people looking into their properties.

Councillor Williamson asked Mr Gray if he was happy to have the recommended fence painted and Mr Gray confirmed this.

Mr Edwards, objector to the application addressed the Committee, he advised that he would be speaking on behalf of tenants within his properties. He confirmed that the main concerns raised were that of the fence and the main proximity of the rides in situ.

Mr Edwards advised that the close board fence that had been erected had caused an

impact on the amount of light that was being let into the properties. Mr Edwards referred to some shrubs that had been planted prior to the close board fencing which the tenants in place were happier with and would be happier if these could be reinstated.

Mr Edwards advised that a concern had been raised with regard to a gap between the fencing and the galvanised fencing and how rubbish would be collected if found in this area.

Mr Edwards commented that it was disappointing that no consultation had been undertaken with his tenants.

Councillor B Wright commented that she had discussed the facility with Mr Gray and felt that he would be happy to work with everyone to get the best out of the facility.

Members hereby entered into general debate about the application.

RESOLVED :

(i) that application 06-21-0329-F be approved, subject to:

(1) receiving appropriate details of:

(a) a revised rides and structures layout plan, and

(b) replacement fencing design, and siting, and

(c) plan showing provision of visibility splay, and

(d) flood warning and evacuation plans,

before any permission is issued [as described at paragraph 10.5 above].

(ii) For a temporary period - in order to further assess the impact of the use and safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area – subject to Conditions as listed at paragraph 10.6 with the amendment of the existing fencing to be removed and the replacement fencing (to be approved) is to be installed by Easter 2022 (March), with visibility splay incorporated therein above and any others considered appropriate by the

Development Management Manager including lighting.

BRIEFING OF APPLICATIONS

The Senior Planning Officer gave a brief summary of the following applications which were to be considered :-

Works detached from buildings in the public realm

- 06/21/0585/F Town Hall freestanding lighting column

- 06/21/0593/F Tolhouse freestanding lighting column

- 06/21/0587/F Hollywood freestanding lighting column

- 06/21/0586/F St Georges Theatre freestanding lighting Column

Works to buildings or in their grounds

- 06/21/0591/F and 06/21/0592/LB Tolhouse

- 06/21/0589/F and 06/21/0484/LB Gorleston Theatre
- 06/21/0590/F and 06/21/0537/LB St Georges
- 06/21/0590/F and 06/21/0528/LB Minster church

The Senior Planning Officer advised of the terms mentioned :-

- Light emitting diode
- DMX - digital multiplex. Fixture identity, channels 1-512, each with 256 values
- RGB and RGBW
- Wash (beam angle)
- Gobo Projector
- Linear fixture (also known as batten light)

The Senior Planning Officer reported on the general considerations for the Committee as follows :-

- Light pollution
- Distraction to drivers
- Bats
- Note to members that given the subdivision of the sites into separate applications for light post and works attached to the buildings these can be determined separately.

6 APPLICATION 06-21-0589-F AND 06-21-484-LB - GORLESTON PAVILION, PAVILION ROAD, GORLESTON

The Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site was situated within the Gorleston Development boundary. The premises are in use as a place of public entertainment formerly within use Class D2, but now classed as a "sui generis" use. The site is within the Gorleston extended Conservation Area No 17. The opposite side of the street to the south boundary is not within the conservation area. The building is identified in policy and on mapping as a key tourism attraction.

The Senior Planning Officer reported that no public objections had been received and this particular application had received support from the Theatres Trust.

The Senior Planning Officer summarised the policies which were relevant to consideration for the application.

The Senior Planning Officer provided an overview summary of the Principle of Development as follows :-

The proposal is considered to meet with the requirements of the National Planning Policy Framework as it applies to the economic and cultural wellbeing of place where paragraph 8 sets out that sustainable development is defined by the economic objective , the social objective - to support strong, vibrant and healthy communities and cultural well-being; and the environmental objective - to contribute to protecting and enhancing built and historic environment; including moving to a low carbon economy.

The proposal is considered to meet these objectives and the use of LED lighting delivery illumination around five to six times more efficiently than tungsten lighting, on average for a given colour.

Policy CS8 - Promoting tourism, leisure and culture: Encourages the upgrading and enhancement of existing visitor attractions and specifically at sub section c: Safeguards key tourist, leisure and cultural attractions and facilities, such as Gorleston Pavilion Theatre.

The proposal will assist in encouraging the early evening and night-time economy, in an appropriate location that contribute to the vitality of the borough.

This proposal will support the role of the arts, creative industries and sustainable tourism sectors in creating a modern and exciting environment that will attract more visitors to the borough.

Emergent Policy C1: Community facilities reinforces the core strategy policy by seeking the retention of existing community facilities

Retained Policy BNV27 does not apply to this application as the lighting here considered is not of the projected form.

The Senior Planning Officer reported on the Planning Balance and commented that it was considered that the proposal would be positive in enhancing the building, reduces light spillage by directionality and offers some better cable routing. The equipment involved offers energy efficiency. The proposal would increase public awareness of the venue and potentially custom tourism interest.

The Senior Planning Officer reported that application 06-21-0589-F and application 06-21-484-LB were recommended for approval subject to a number of conditions as detailed within the report.

Councillor Jeal asked that consideration be given to the lighting used in order to maintain the lights working due to being in a salt water area, the Senior Planning Officer advised that the lighting to be used was waterproof and LED;s which had a life cycle of around 55 years

Councillor T Wright asked with regard to the lighting on Pavilion road and although noted these were not emitting outwards by virtue these were going to light up the west side of the pavilion where there were a few terraced houses

and therefore asked if residents were consulted and this was confirmed and it was noted that no correspondence had been received.

RESOLVED :

That application 06-21-0589-F and application 06-21-484-LB be approved subject to conditions as outlined within the Senior Planning Officers report.

7 APPLICATION 06-21-0587-F - HOLLYWOOD CINEMA, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported the site is situated within the Great Yarmouth Development boundary. The premises to be lit are in use as a cinema formerly in use Class D1, but now within Class F2 (b) Halls or meeting places for the principal use of the local community. The site is within the Seafront Conservation Area. It was noted that this specific application is for a free-standing column to carry a lighting installation and is set in the south of the forecourt on the centreline of the facade.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack.

Councillor Hammond raised some concern with regard to the siting of the light directly in line with the entrance of the cinema and that this could potentially be damaged.

RESOLVED :

That application 06-21-0587-F be approved subject to conditions as outlined within the Senior Planning Officer's report.

8 APPLICATION 06-21-0590-F AND 06-21-537-LB - ST GEORGES THEATRE, KING STREET, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported the site is situated within the Great Yarmouth Development boundary. The premises are in use as a place of public entertainment formerly within use Class D2, but now classed as a "sui generis" use. The site is within the King Street Conservation Area No 4. The building is identified in policy and on mapping as a key tourism attraction.

It was noted that the premises was a grade one listed building.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack

RESOLVED :

That application 06-21-0586-F be approved subject to conditions as detailed within the Senior Planning Officer's report.

9 APPLICATION 06-21-0586-F - 145 KING STREET AND YARMOUTH WAY (CORNER OF)

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported the site is situated within the Great Yarmouth Development boundary. The premises associated with this application are in use as a theatre formerly in use Class D1, but now a "Sui Generis" use. The site is within the King Street Conservation Area No 4. The theatre building is identified in policy and on mapping as a key tourism attraction

It was noted that the premises 145 King Street was a grade two listed building.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack

Councillor Hammond asked with regard to the situe of the light, and it was advised that the light would be situated on the post.

RESOLVED :

That application 06-21-0586-F be approved subject to conditions as detailed within the Senior Planning Officer's report.

10 APPLICATION 06-21-0585-F - TOWN HALL (LAND TO NORTH OF) HALL QUAY, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site is situated within the Great Yarmouth Development boundary. The premises to be lit are the Great Yarmouth Town Hall, a mixture of use as offices (Use Class E) and (Class F2(b)) 'halls or meeting places for the principal use of the local community'. The site is within the Hall Quay/South Quay Conservation Area No 3. It was reported that this specific application is for a free-standing column to carry a lighting installation and is set in the south west corner of the triangular planted area to the north of the Town Hall, lighting the main public entry point. The town hall is a Grade 2 starred listed building (27/06/53) (abridged).

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack.

Councillor Hammond and Jeal asked with regard to the flag pole in situ at the application site and whether these would interfere with the lighting column. It was confirmed that this matter would be looked into to ensure no interference with the flag poles.

RESOLVED :-

That subject to further investigations with regard to the flag pole height application 06-21-0585-F be approved subject to conditions detailed within the Senior Planning Officer's report.

11 APPLICATION 06-21-0531-F AND 06-21-0593-LB - TOLHOUSE GAOL, 12 TOLHOUSE STREET, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site is situated within the Great Yarmouth Development boundary. The premises to be lit are in use as a museum formerly in use Class D1, but now within Class F1(c) Museums. The site is within the Hall Quay/South Quay Conservation Area No 3. These specific applications are for planning permission and listed building consent for lighting attached to the museum building as described.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended

for approval subject to conditions as detailed within the application pack.

RESOLVED :

That application 06-21-0531-F and 06-21-0593-LB be approved subject to conditions as detailed within the Senior Planning Officer's report.

12 APPLICATION 06-21-0593-F - TOLHOUSE GAOL (LAND NORTH WEST OF) TOLHOUSE STREET, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site is situated within the Great Yarmouth Development boundary. The premises to be lit are in use as a museum formerly in use Class D1, but now within Class F1(c) Museums. The site is within the Hall Quay/South Quay Conservation Area No 3. This specific application is for a free-standing column to carry a lighting installation and is set in the garden to the east of the library and north of the Tolhouse Museum. The museum is a Grade 1 listed building (27/06/53). The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack.

RESOLVED :

That application 06-21-0593-F be approved subject to conditions as detailed within the Senior Planning Officer's report.

13 APPLICATION 06-21-0588-F AND 06-21-0528-LB - THE MINSTER CHURCH OF ST NICHOLAS, CHURCH PLAIN, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site is situated within the Great Yarmouth Development boundary. The premises associated with this application are a church (place of worship) in use Class D1, but now in Class F1(f). The site is within the No 5 St Nicholas/Northgate Street Conservation Area. The minster is not identified in policy and on mapping as a key tourism attraction. The church is a Grade 2 starred listed building.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points

for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack.

RESOLVED :

That Application 06-21-0588-F and Application 06-21-0528-LB be approved subject to conditions as detailed within the Senior Planning Officer's report.

14 DELEGATED DECISIONS MADE BETWEEN 1 AND 31 AUGUST 2021

Committee note the delegated decisions made between the 1 and 31 August 2021.

15 ANY OTHER BUSINESS

There was no other business discussed at the meeting.

The meeting ended at: 20:00



Development Control Committee

Minutes

Wednesday, 13 October 2021 at 18:00

Present

:

Councillor Freeman (in the Chair); Councillors G Carpenter, Fairhead, Flaxman- Taylor, P Hammond, Hanton, Jeal, Myers, Williamson, A Wright & B Wright.

Councillor Candon attended as a substitute for Councillor Annison

Councillor Price attended as substitute for Councillor Mogford

Mr D Glason (Director of Planning and Growth); Mr R Parkinson (Development Control Manager), Mr C Green (Senior Planning Officer), Mr R Tate (Planning Officer), Mr G Bolan (Planning Officer); Ms C Whatling (Monitoring Officer) & Mrs S Wintle (Corporate Services Manager).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Annison and Mogford.

2 DECLARATIONS OF INTEREST

Councillor Freeman declared a personal interest in items 6 and 7 in his capacity as Parish and Ward Councillor for Ormesby and Scratby.

3 MINUTES - 15 SEPTEMBER 2021

The minutes of the meeting held on the 15 September were confirmed subject to the following amendments :-

Item 5 - APPLICATION 06-21-0329-F - POPS MEADOW, GORLESTON

Councillor Williamson commented that he fully supported the recommendations of the Officers, he made reference to the fence which was in obvious need of replacing and suggested that pre coated fencing be considered which would provide for a better finish than galvanised fencing and would be more pleasing to the eye in a conservation area. Councillor Williamson further made reference to the opening times of the facility of 10am until 7pm which in his opinion as restrictive.

Councillor Flaxman-Taylor sought clarification with regard to the opening times of the venue as listed within the pack as 10am until 7pm and asked whether this was both summer and winter opening times, this was confirmed as summer and winter opening times. Councillor Flaxman-Taylor commented that she felt it would be more appropriate to have similar times to that of what was previously agreed for the site of 9am till 9pm. The Senior Planning Officer reported that the applicant had requested 10am until 8pm within their application.

That the recommendation be amended to read :-

RESOLVED :

That application 06-21-0329-F be approved, subject to the following conditions :

- (1) The opening and closing times be amended to 10am to 8pm
- (2) Replacement fencing details to be submitted and agreed in association with the Conservation Area Officer by November 1st 2021.
- (3) Landscape scheme to soften boundary (to dwellings on southern boundary)
- (4) A revised rides and structures layout plan
- (5) A plan showing provision of visibility splay
- (6) Flood warning and evacuation plans submitted, before any permission is issued [as described at paragraph 10.5 above].
- (7) For a temporary period - in order to further assess the impact of the use and safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area – subject to Conditions as listed at paragraph 10.6 with the amendment of the existing fencing to be removed and the replacement fencing (to be approved) is to be installed by Easter 2022 (1 March), with visibility splay incorporated therein above and any others considered appropriate by the Development Management Manager including lighting.

4 MINUTES - 22 SEPTEMBER 2021

The minutes of the meeting held on the 22 September 2021 were confirmed subject to the addition of Councillor Fairhead in those present.