

Development Management Committee Report



Committee Date: **21 February 2024**

Application Number	06/23/0758/VCU - Click here to see the application webpage
Site Location	Cliff Top Car Park, East of 70 to 75 Marine Parade, Gorleston, Great Yarmouth, NR31 6EZ
Site Location Plan	See Appendix 1
Proposal	<p>Variation of Conditions 4 and 8 of planning permission 06/21/1018/CU (use of car park for stationing of up to 3 concession units), to amend restrictions on trading periods and:</p> <p>(1) allow trading for up to 220 days per year for the hot food takeaway uses between 1st March and 2nd January the following year; and,</p> <p>(2) change the seasonal opening times as follows: to trade from 7.30am - 6.00 pm between 1st November and 31st March; and, to trade from 7.30am to 8.00 pm between 1st April and 31st October.</p>
Applicant	Great Yarmouth Borough Council
Case Officer	Myles Joyce
Parish & Ward:	Gorleston Ward
Date Valid	23 rd November 2023
Expiry / EOT date	31 st January 2024
Reason at committee	Connected application – The Council is both the applicant and landowner
Procedural note	As an application submitted by the Borough Council as applicant, for determination by the Borough Council as Local Planning Authority, the application was referred to the Monitoring Officer on 12/01/2024 to afford the Monitoring Officer an opportunity to check the file and ensure they are satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application. Any discrepancies will be raised by the Monitoring Officer prior to the meeting.

SUMMARY OF RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

P1. Preliminary Matter

- P1.1 Members are reminded that case law has ruled that an application to remove or vary conditions on a planning permission has the effect of creating a new planning permission altogether. The determination of this proposal must have regard to the permission(s) already granted and the intended variations, and any material considerations relevant to the development since the previous permission was granted.

1. The Site/Background

- 1.1 The site has been utilised as a public car park from at least 1988 and is located at the southern end of the Gorleston seafront and Marine Parade.
- 1.2 The car park has often included an ice cream van located in the car park as approved under 06/10/0616/F (*Renewal of P.P. 06/09/0655/CU - Parking of ice-cream van to sell ice-cream to the public all year round*).
- 1.3 The use of part of the car park for hot drinks sales from a mobile concession unit has been established since mid-2021. During the summer, autumn, and winter of 2021 the Council as landowner rented part of the car park to a mobile coffee vendor concession unit. This began as a use permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended). The Government, under their coronavirus provisions, temporarily extended the ability under permitted development rights to use the land for up to 56 days in a year.
- 1.5 Application 06/21/1018/CU was submitted to formalise the use because the mobile coffee sales unit proved so successful that the use exceeded that allowed under Permitted Development Rights and thus the applicant sought permission for the mobile coffee concession to continue on a permanent basis, for an unlimited number of occasions. At the same time the applicant proposed that the car park should also be allowed to be used for hosting other types of retail and food and drink sales, including hot food takeaways, also on a permanent basis.
- 1.6 Application 06/21/1018/CU was considered and approved by the Development Control Committee on 2nd March 2022. The application was for the change of use of part of the area used for car parking, to allow the stationing of up to three mobile concession units for the purpose of retail and for hot food takeaway at land to the east of 70-75 Marine Parade.
- 1.7 Application 06/22/0762/VCU was a variation of the first permission and was approved by Development Control Committee on 22 March 2023 which in effect created a second new permission subject to new conditions. The new permission allowed for the sale of hot drinks all year (with the exception of February) and relaxed hours of business to start at 07:30 (instead of 08:00) all year round with the closing times unaffected. As advised above this permission co-exists alongside the parent planning permission (06/21/1018/CU).
- 1.8 This application has arisen due to the continued popularity of both the hot drink and hot food take-away concession unit and the Council, as landowner, wishes to allow all of these units to trade on a permanent basis. The original planning permission under 06/21/1018/CU was for the change of use of part of the area used for car parking, to allow the stationing of up to three mobile concession units for the purpose of retail and for hot food takeaway, subject to a number of negatively worded conditions which are not proposed to be changed.

- 1.9 The original submission of this application sought permission to allow for year-round trading for all units and longer opening hours to mirror the hot drink concessionary unit granted under 06/22/0762/VCU. However, officers consider that this would in effect change the description of the proposal and as such the proposal would be outside the scope of a minor material amendment and therefore unable to be considered under section 73 of the Town and Country Planning Act 1990. As such, the proposed description of development was varied as above so as to not vary the description of the parent planning permission under 06/21/1018/CU, whilst taking into account the effect of the minor material amendments which were granted planning permission under 06/22/0762/VCU.

2. The Proposal

- 2.1 The proposal is for the Variation of Conditions 4 and 8 of planning permission 06/21/1018/CU to:
- (1) allow trading for up to 220 days per year for the hot food takeaway uses between 1st March and 2nd January the following year; and,
 - (2) change the seasonal opening times as follows: to trade from 7.30am - 6.00 pm between 1st November and 31st March; and, to trade from 7.30am to 8.00 pm between 1st April and 31st October.
- 2.2 Application 06/21/1018/CU was approved for the *“Proposed change of use of land for the mixed use purpose of car parking and temporary stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use”*, which was subject to conditions.
- 2.3 This application relates to Condition 4 to allow both the hot drink and hot food take away concession units to trade for more months throughout the year, and Condition 8 to amend the trading hours to allow all the concession units to commence its use 30 minutes earlier each day.
- 2.4 This will further extend the relaxation in permitted hours and trading of the hot drinks concession unit beyond those relaxed hours approved under 06/22/0762/VCU.

3. Relevant Site Constraints

- 3.1 The site lies within Gorleston Conservation area and is outside but adjacent to the Coastal Change Management Area. The unadopted Gorleston Masterplan also covers the site.

4. Relevant Planning History

- 4.1 06/21/1018/CU
Proposed change of use of land for the mixed-use purpose of car parking and temporary stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use.
Permission was granted on 11 May 2022, following the meeting of the Development Control Committee on 2 March 2022 and subsequent receipt of necessary additional information from the applicant.

- 4.2 06/22/0762/VCU
Variation of conditions 4 and 8 to allow for the all-year-round trading of the hot drink concession unit and relaxation of the permitted hours of said unit from 0800 to 0730 with no change to the closing times.
Permission granted on 23rd March 2023 following the meeting of the Development Control Committee on 07 March 2023.
- 4.3 06/10/0616/F
Renewal of P.P. 06/09/0655/CU - Parking of ice-cream van to sell ice-cream to the public all year round
Approved 22/11/2010.
- 4.4 06/09/0655/CU
Proposed use of existing car park space for parking of ice-cream van to sell ice-cream to the public all year round
Approved 20/11/2009.

5. Consultations

- 5.1 Public consultation was undertaken by site notice and in the press.

5.2 Local Highway Authority

No objection

5.3 Strategic Planning

- 5.3.1 The Gorleston Masterplan whilst not adopted identifies some of the existing concession offer is limited and recognises that new, small scale, (retail, leisure) and food and drink concessions could help to improve the offer and increase numbers of visitors to the seafront. However, it does recognise that the number of concessions needs to be carefully balanced to ensure the unique character of the area is not undermined, nor detracts business from Gorleston town centre. It is broadly supportive of new retailing uses along the seafront which are complementary and ancillary to the tourism offer of Gorleston seafront, and where these do not impact on the unique character of the area. The most relevant policies for consideration will be Policy L2 and A1.

5.4 Environmental Health Officer

No objections.

- 5.4.1 No complaints have been registered with regard to noise, odour or litter associated with the current activities of the car park. Sufficient litter provisions are in place.

6. Publicity & Representations received

- 6.1 Consultations undertaken: Site notices erected 1.12.23 and Press Advert 1.12.23. The consultation period expired on 22nd December 2023. Reasons for consultation: Development within a Conservation Area.

6.2 Ward Members – Cllr(s) Emma Flaxman-Taylor and Paul Wells

6.2.1 No representations made at the time of writing.

6.3 Public Representations

6.3.1 At the time of writing 15 public comments were received to the original submission; 12 objections, and 2 no objections and 1 public comments. The representations raised are summarised below.

Objections / Concerns

Material planning concerns

6.3.2 3rd parties: obstructing vehicles (highway safety), noise pollution, odour, litter, ASB (amenity) contrary to masterplan (policy), nuisance (ASB), sufficient food and drink facilities (cumulative), cumulative increase in use (amenity), loss of car parking spaces (CP standards), flammable fuels to power units (HSE).

6.3.3 Officers would advise that the Environmental Protection team has confirmed that no noise

Non-planning concerns

6.3.4 Flammable materials. Nuisance and anti-social behaviour, and toilet facilities.

7. Relevant Planning Policies

7.1 The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future
- Policy CS2: Achieving sustainable growth
- Policy CS6: Supporting the local economy
- Policy CS7: Strengthening our centres
- Policy CS8: Promoting tourism, leisure and culture
- Policy CS10: Safeguarding local heritage assets
- Policy CS16: Improving accessibility and transport

7.2 The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy GSP4: Coastal Change Management Area
- Policy A1: Amenity
- Policy L2: New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development
- Policy R1: Location of retail development

- Policy R6: Kiosks and stalls
- Policy R7: Food and drink amenity
- Policy I1: Vehicle parking for developments

8. Other Material Planning Considerations

National Planning Policy Framework (December 2023)

- Section 2: Achieving sustainable development
- Section 4: Decision Making
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well designed place
- Section 16: Conserving and enhancing the historic environment

9. Planning Analysis

9.1 Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

9.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states:

In dealing with an application for planning permission the authority shall have regard to—

- (a) the provisions of the development plan, so far as material to the application,*
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations.*

Main Issues

9.3 The main planning issues for consideration include:

- Principle of development;
- Impact upon amenity (Conditions 4 and 8 of 06/21/1018/CU)
- Whether or not year-round use for the concession units is acceptable (Condition 8).
- Other matters

10. Assessment

Principle of Development

10.1 The principle of the development was established through the grant of planning permission under reference 06/21/1018/CU, which Members resolved to approve at the Development Control Committee on 2nd March 2022.

- 10.2 This application seeks a variation of Condition 4 of 06/21/1018/CU to allow for the two hot food concession units to trade for 220 days between 1st March and 2nd January inclusive (rather than for any 190 days between 1st March and 30th September as currently permitted), and variation of Condition 8 to change the trading hours (to start at 07:30hrs instead of 08:00hrs) for the hot food units in line with the hot drinks concession unit.
- 10.3 This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended), which allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission providing that the development would not require planning permission in its own right and there is no conflict with, for example, pre-commencement conditions where development has commenced. The Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to subsist until it is clear which application is the implemented one if the application is approved. Section 73 does not apply if the original permission was not implemented lawfully or within the in time required for commencement. This is not the case because the original permission was granted on 11th May 2022.
- 10.4 In deciding an application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority may only consider the question of the conditions subject to which planning permission should be granted. A complete re-consideration of the proposal cannot be undertaken. As a result, only the conditions applied for can be considered providing that they do not alter the overall development as applied for (as detailed in the original description of development).
- 10.5 On balance, it is considered the amended form of development still complies with the general aims of Local Plan Part 2 policies CS8 and L2 because it proposes a complementary offer to the tourism trade without creating a cumulative effect whereby the retailing activity would draw trade away from the retail offer in more sustainable locations including defined local centres, which would be contrary to policies CS6 and R1.

Impact upon Amenity

- 10.6 Policy A1 of the Great Yarmouth Local Plan Part 2 (2021) supports proposals where they protect or promote a high standard of amenity to ensure suitable living environment in the locality, and planning permission will only be granted where the development would not lead to an excessive or unacceptable impact on the amenities of the occupiers of existing and anticipated development in the locality in terms of the outlined criteria, including noise.
- 10.7 Planning permission was originally approved subject to the following Condition 4:
- The car park shall only be used for the stationing of the mobile concession units hereby approved, for a maximum of 190 days per year, and only between 01st March and 30th September in any calendar year.*
- Upon first use by a concession unit(s), a log of all occasions of concession unit operation within the car park shall be maintained by the applicant and shall be made permanently available for inspection at any time by the Local Planning Authority.*
- The reason for the condition is:-*
- To enable the Local Planning Authority to retain control over the use of the site because the main town centre retailing uses proposed should ordinarily be directed to defined local*

centres unless evidence justifies their location elsewhere, but in this instance the limited retail offer is considered appropriate to enhance a tourism offer and provide a visitor attraction in line with Local Plan Part 2 policy L2, whilst being necessary to avoid a detrimental impact on local centres sites, and minimising the impact on neighbouring residential amenity, as required by Local Plan Part 2 policies R7 and A1.

- 10.8 The applicant is seeking to amend this condition to extend the total number of trading days and trading periods as set out above for the hot food concessionary units.
- 10.9 Condition 8 of the permission 06/21/1018/CU states:
- The use of the site for mobile concession units hereby permitted shall not be undertaken nor provide for sales to the public outside the hours of:*
- 08:00 - 18:00 Monday to Saturday, between 01 October - 30th April in any year;*
 - 08:00 - 20:00 Monday to Saturday, between 01 May - 30th September in any year; and,*
 - 08:00 - 16:00 on any Sunday, and Bank or Public Holiday in any year.*
- The reason for the condition is:-*
- In the interests of protecting the residential amenities of occupiers of nearby dwellings.*
- 10.10 The applicant seeks to amend this condition to allow the three concession units to all commence at 07:30 instead of 08:00hrs.
- 10.11 The Environmental Protection Team reviewed the request and advised that no noise complaints have been received at the time of their response, as such, they would not be raising an objection on amenity grounds to either condition being varied. They did advise that an informative with regard to noise and disturbance and a contact number be added.
- 10.12 Objections were raised to this proposal with regard to the generation of noise, disturbance and littering. Whilst there are amenity issues, officer consider that the limiting conditions which retained from 06/21/1018/CU are sufficient on mitigate any potential adverse amenity issues arising. On the basis of no objection from the Environmental Protection Team and the distance from the residential properties, it is considered that a starting time of 07:30hrs instead of 08:00hrs is acceptable. It does not mean that the concession units have to operate all of these hours, it would mean that there is the flexibility to operate for all or part of these hours.
- 10.13 In the strictest sense, the extant existing permission was granted to allow up to three retailing use units (which includes hot drinks sales), and all three could have been hot food takeaway units, but only up to a maximum of three units in total at any one time. It is considered necessary and reasonable to allow the variation to apply and this is reflected in the varied conditions proposed by Officers.
- 10.14 On balance officers consider that the proposal would be considered acceptable in accordance with Policies R7 and A1 of the Great Yarmouth Local Plan Part 2 (2021).

Whether or not the amended operating months for the hot food take-away concession unit is acceptable

- 10.15 The original permission was granted with the description of *“Proposed change of use of land for the mixed use purpose of car parking and temporary stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use”*.
- 10.16 As a result, it is not possible to allow a permanent use of the site under this proposal because it would alter the description of development because it would no longer be temporary.
- 10.17 The applicant has confirmed that, on this basis, they are now seeking permission for the two hot food concession units to operate between 1st March and 2nd January the following year, with no operations in February of any year, and for up to 220 trading days annually. Whilst this is longer than the original permission (and the consequent S73 variation) allows, it can still be argued as falling under the “temporary use” definition because it is not to operate throughout the whole year.
- 10.18 The Environmental Health Team reviewed the application and confirmed no complaints have been received to date about the use and, as such, would not raise any objections to the proposal.
- 10.19 Based upon the above together with the applicant accepting that year-round use does not fall under the definition of the original description of development, it is considered that operating between March and January would be acceptable and comply with Policies R7 and A1 of the Great Yarmouth Local Plan Part 2 (2021).

Other Matters

- 10.20 The proposal would not involve any material changes to the external appearance of the existing units or the car park overall and as such would have no material impact on the Character and Appearance of the Conservation Area and therefore would accord with Policies CS10 of the Core Strategy (2015) and E5 of the Local Plan Part 2 (2021).
- 10.21 Some concerns were raised with regard to the impact on traffic and highway safety. However the County Highway Authority do not object to the proposal and officers do not consider there to be any adverse material change in car parking places, vehicular movements or highways safety as a consequence of the more liberal trading restrictions proposed and as such that the proposal accords with Policy CS16 of the Core Strategy and I1 of the Local Plan Part 2 (2021).
- 10.22 The site lies within Flood Zone 1 and as such there are no anticipated issues with regard to flood risk.
- 10.23 With regard to Policy Harm, Strategic Planning have advised that the Gorleston Masterplan identifies some of the existing concession offer is limited and recognises that new, small scale, (retail, leisure) and food and drink concessions could help to improve the offer and increase numbers of visitors to the seafront. However, it does recognise that the number of concessions needs to be carefully balanced to ensure the unique character of the area is not undermined, nor detracts business from Gorleston town centre.

- 10.24 Clearly the extended trading hours and increased permanence of the outlets will be a consideration as to whether this 'tips over' what the Gorleston Masterplan is broadly endorsing, however need to be mindful the Masterplan is not a planning document, albeit formally adopted by the Council's (former) Policy and Resources Committees, therefore should only be given very limited weight in any decision taking. The most relevant policies for consideration will be Policy L2 and A1.
- 10.25 With regard to parking and Highway safety, the County Highway Authority has no objections to this proposal. With regard to Heritage Issues the Conservation Officer has no comments to make. Officers will give the above consultation responses considerable weight in their appraisal of the proposal.
- 10.26 In relation to the other points raised in the public responses: flammable materials is a Health and Safety and not a Planning Matter. Nuisance and anti-social behaviour likewise are not planning matters and toilet facilities are not planning matters.

Local Finance Considerations

- 10.27 Under Section 70(2) of the Town and Country Planning Act 1990, the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

11. The Planning Balance

- 11.1 The application submission sought to amend the trading hours and allow the increase in trading days of the hot food concessionary units from 190 to 220 days per year and to increase the period of trading from 1st March to 2nd January inclusive. In addition, to increase the hours of business to align with the hot drinks concession unit variation which was granted under 06/22/0762/VCU. This would still fall within the scope of a Section 73 application as it retains the same operative description of the original permitted proposal.
- 11.2 The proposal is acceptable due to the small scale and generally benign nature of the operations to which the Environmental Protection team has raised no objection.
- 11.3 Overall, it is considered that the proposal in its amended form, on balance, is acceptable to grant planning permission, because the proposal is able to continue to offer a complementary facility for the tourism sector and maintain an appropriate character of use that does not cause unacceptable detrimental impact to neighbours.

12. Conclusion

- 12.1 The proposal is for the variation of two conditions on a previous and still extant permission, one variation relating to amending the trading hours, the other variation relating to a change in the months one of the three concession units can trade for. This widens the change to cover all three concession units. However, to ensure the application falls within the scope of the original planning permission granted under 06/21/1018/CU, and remain a

'temporary use', it is considered necessary and reasonable to require that no trading shall take place for any unit outside of 1st March to 2nd January annually (ie January and February remain 'fallow' months).

- 12.2 Having considered the details provided, the proposal is considered to be acceptable and the conditions will be amended accordingly, together with the remaining conditions imposed (and amended where appropriate, for example to reflect that the development commenced under the previous permission).

13. Recommendation

- 13.1 It is recommended that the application be APPROVED subject to the following conditions.

Conditions

Development to accord with approved plans and details.

1. The development shall be carried out in accordance with the application form and following approved plans as approved under 06/21/1018/CU:
 - a) Unreferenced Drawing entitled Application Plan & Concession Zones (submitted as the Location Plan and zones for the concession units), (undated);
 - b) Drawing Number MH/10023464346/001, entitled Block Plan (submitted to illustrate individual stall site layout example, with dimensions of stall areas), dated December 2021;
 - c) Sample Barrier Image (unreferenced, untitled and undated).

Reason: For the avoidance of doubt.

Limited number of concession units

2. There shall be no more than three (3 no.) mobile concession units stationed within and operating from the application site shown on approved plan ref: Application Plan and Concession Zones (as submitted and approved under 06/21/1018/CU), at any one time. The concession units shall not be stationed outside the three areas identified as the Concession Zones shown on the approved 'Application Plan & Concession Zones' plan.

For the avoidance of doubt, this does not prejudice the continued parking of a single ice cream van selling ice-cream to the public all year round, between 10am and 6pm on any day, in accordance with the terms of planning permission 06/10/0616/F.

Reason: To minimise the harm to the surrounding heritage asset whilst affording the applicant time to appraise the requirements for the site and seek a potentially more appropriate location for this development in the interests of the preservation and enhancement of the conservation area and visual association with listed buildings.

Limiting Condition - Permitted uses

3. (A) This permission shall endure for the stationing of up to three (3 no.) mobile concession units only, at any one time.
- (B) The car park shall not be used for the stationing of hot food takeaway mobile concession units or retailing (other than the sales of hot drinks from a single concession unit in accordance with part C of this condition) for any more than 220 days per year, and these uses shall not take place at any time between 3rd January and 01st March the following year.
- (C) Hot food takeaway mobile concession units shall not be stationed at, operated from, or undertake sales to the public from the site outside the hours of:
- 07:30 to 18:00 Monday to Saturday, between 01 March - 30th April inclusive;
 - 07:30 - 20:00 Monday to Saturday, between 01 May - 30th September inclusive; and,
 - 07:30 - 16:00 on any Sunday, and Bank or Public Holiday in any year during these months.
- (D) There shall no use of the car park for the stationing of hot drinks sales concession units nor hot food take away units outside of 1st March and 31st January inclusive in any year.
- (E) Hot drink sales mobile concession units shall not be stationed at, operated from, or undertake sales to the public from the site outside the hours of:
- 07:30 to 18:00 Monday to Saturday, between 01 March - 30th April inclusive;
 - 07:30 - 20:00 Monday to Saturday, between 01 May – 31st January inclusive; and,
 - 07:30 - 16:00 on any Sunday, and Bank or Public Holiday in any year during these months when the hot drink sales use is permitted by this condition.
- (F) A log of all occasions of use by all mobile concession units operating within the car park shall be retained by the applicant and shall be made permanently available for inspection at any time by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the use of the site because the main town centre retailing uses proposed should ordinarily be directed to defined local centres unless evidence justifies their location elsewhere, but in this instance the limited retail offer is considered appropriate to enhance a tourism offer and provide a visitor attraction in line with Local Plan Part 2 policy L2, whilst being necessary to avoid a detrimental impact on local centres sites, and in the interests of minimising the impact on the residential amenities of occupiers of nearby dwellings in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Limit to use of concession unit

4. Mobile concession units providing hot food takeaway use (sui generis use) (note, this does not include hot drinks) shall be located only in the 2no. Concession Zones on the eastern side of the car park. Hot food takeaway concession units shall not at any time be located within the Concession Zone on the western side of the car park, as shown within the approved plan reference 'Application Plan & Concession Zones'.

Reason: In the interests of protecting the residential amenities of the occupiers of nearby dwellings in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Limit to use of concession units

5. The mobile concession units hereby approved shall not be larger in area than one demarcated parking space measured at 2.5m wide by 5.5m length as shown on approved plan reference MH/10023464346. Concession units shall occupy only one parking space at any one time and shall only be sited within a single parking space.

Reason: In order to minimise the loss of available parking spaces, to avoid a detrimental impact on the local traffic network, and to ensure satisfactory off-street parking facilities remain in place for visitor parking in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Heritage and Conservation

6. The mobile concession units utilising the concession zones operating pursuant to this permission shall not exceed 3m in height at any time.

Reason: To protect the visual impacts of the setting of the historic environment within Conservation Area No. 17 Gorleston Seafront in accordance with Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Heritage and Conservation

7. All mobile concession units shall be removed from the Gorleston Cliff Top Car Park when not in use. No mobile concession units shall be parked anywhere within the car park application site nor the adjoining car park outside the application site outside the permitted hours of use. All concession units shall be removed from the car park within 30 minutes of the end of the permitted hours of trading use set out within the Conditions of this permission.

Reason: In the interest of the visual impacts of the setting of the historic environment within Conservation Area No. 17 Gorleston Seafront in accordance with Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Amenity Considerations

8. No mobile concession units operating pursuant to this permission shall include or use any externally located generators.

Reason: In the interest of protecting the amenity of nearby dwellings and minimising noise and air pollution in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Amenity and Highway Considerations

9. Each individual mobile concession unit parking area, as shown in approved plan reference MH/10023464346, shall at all times be demarcated with appropriate division between adjoining parking spaces, in accordance with the intention proposed within the approved 'sample barrier image' detail approved under 06/21/1018/CU. The barriers shall be installed and retained for the full duration of the period that the mobile concession unit(s) is in use. The site management / car park operators shall ensure that these are installed before the commencement of the use on each occasion of a concession unit being stationed within the

site, and shall ensure that these are removed by site management at the cessation of each concession unit's parking within the site.

Reason: To allow suitable separation between the users of the mobile concessions and the moving traffic and to ensure there is minimal disruption to the availability of parking spaces within the site in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Amenity Considerations

10. Each mobile concession unit operating pursuant to this permission shall be responsible for providing a refuse bin for use by its customers during its hours of operation, and shall be responsible for removing the waste from the site after each use for appropriate disposal.

Reason: In the interests of the amenity of local residents and businesses and to protect the visual attraction and amenity of the area, to ensure a satisfactory form of development, and to ensure the development is accountable for its own waste and to not increase pressure on existing facilities in and around the application site in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Amenity Considerations

11. With the exception of a single temporary sandwich board / 'A'-frame board per concession unit, there shall be no signage, banners, separate stalls, picnic benches, tables or chairs installed associated with the use without first gaining the express written permission from the Local Planning Authority.

Reason: In the interest of protecting the visual quality of the setting of the historic environment within Conservation Area No. 17 Gorleston Seafront, to avoid creating a sense of permanent retailing activity, and to protect the visual amenities of the adjacent residential properties in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Amenity Considerations

12. There shall be no use of amplified music or amplified loudspeaker/tannoy/audio systems associated with the use or as part of any mobile concession unit operating pursuant to this permission.

Reason: In the interests of the residential amenities of the occupiers of nearby dwellings in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

Informative Notes

- 1 Informative Note: Amenity
The applicant is reminded that noise and odour complaints received by the Environmental Protection Team would be investigated under the Environmental Protection Act 1990 (Sections 79 & 80) and can result in an abatement notice being served if a statutory noise nuisance is identified.
- 2 Informative Note: Statement of Positive Engagement
In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

Appendix 1: SITE LOCATION PLAN

