



Development Control Committee

Minutes

Wednesday, 02 March 2022 at 18:00

PRESENT:-

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

Councillors Smith & Wells.

Mr M Turner (Head of Planning), Ms C Whatling (Monitoring Officer), Mr R Parkinson (Development Manager), Mr G Bolan (Planning Officer) & Mrs C Webb (Executive Services Officer).

Mr M Brett (IT Support) & Mr M Hollowell (Property Services).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There was no declarations of interest declared at the meeting.

3 MINUTES

The minutes of the meeting held on 2 February 2022 were confirmed.

4 APPLICATION 06/21/1018/CU CLIFF TOP CAR PARK EAST OF 70-75 MARINE PARADE GORLESTON

Councillor Jeal wished it to be minuted that he would not speak or vote on this item.

This application is brought before Committee as Great Yarmouth Borough Council is the applicant. This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The Monitoring Officer has checked and made a record on the file that she is 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.

The Committee received and considered the report from the Planning Officer. The Planning Officer reported that there were several updates from the time of writing the agenda report.

The Planning Officer reported that the application is for the change of use of part of the area used for car parking, for the proposed stationing of up to 3 no. mobile concession units for the purpose of retail and for hot food takeaway at land to the east of 70-75 Marine Parade.

The site has been utilised as a public car park according to our records from at least 1988 and is located at the southern end of the Gorleston seafront and Marine Parade. There is no formal current or past relevant Planning History to report on. The car park has often included an ice cream van located in the car park throughout the summer months.

The Planning Officer reported that 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 which had extended the ability to use the land for up to 56 days in a year under the Government's Coronavirus provisions. It has become apparent that the limited number of days that the site can be used under 'permitted development rights' has been reached if not exceeded. This application has therefore been submitted to enable the mobile coffee concession and other types of food and drink sales to continue on a permanent basis, for an unlimited number of occasions.

The Planning Officer reported that there was an amended description as follows:-
Previous: Proposed change of use of land for the 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.

Revised: 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.

The Planning Officer reported that following negative and positive aspects of the application before the Committee this evening as follows:-

Negatives

Proposed retail use outside of designated centres or edge of centre sites. Conflict with policies (R1 & CS7)

Design and the setting of the mobile units have not been able to be assessed within conservation area no.17

Loss of parking facilities.

Positives

Provides expanded tourist facilities outside of development limits and holiday accommodation areas. Complies with policy (L2)

Providing facilities not currently on offer at the southern end of the sea front

Will not detract from uses within the holiday accommodation areas, town centre locations and Great Yarmouth seafront. Partial compliance with policy (R6).

The Planning Officer reported the following changes to the proposed conditions as outlined in the agenda report as follows:-

- 1) Commence permission within 3 years
- 2) To be in accordance with approved plans:
 - Example and dimensions of stall areas
 - MH/10023464346 - Application Plan and Concession Zones
- 3) Only 3 Concession units shall occupy the application site at any one time.
- 4) The site shall only be used by mobile concession units for a total of (up to a maximum) 190 days in any calendar year, and a log of all usage shall be maintained by the applicant and shall be made permanently available for inspection at any time by the Local Planning Authority.

This condition had been questioned by objectors on enforceability of the condition. The applicant had asked why the proposal was not allowed for year-round use. However,
Officers recommend no change to the condition.
- 5) Mobile units providing hot food takeaway use (sui generis use) shall be located only in the 2 zones proposed on the eastern side of the car park, and hot food takeaway uses shall not be located within the zone on the western boundary at any time.

Neighbours had objected to any hot food takeaway uses. Officers recommend no change for the tourism benefit reasons given in the report.
- 6) The mobile concession units hereby approved shall not be larger than one demarcated parking space measured at 2.5m wide by 5.5m length and shall occupy

only one space at a time and shall only be sited within a single parking space at any one time.

Neighbours had objected to towing vehicles being parked in the car park.

Officers recommend no change – not enforceable nor reasonable.

7) The mobile units using the application site shall not exceed 2m in height.

The condition was imposed as a precaution in case the entrance barrier was ever removed, on the basis that the car park height barrier was restricted at 2m and fixed, but the applicant had confirmed this can be removed for temporary access by taller vehicles.

Officers recommend the height restriction for concessions should be raised to 3m in height.

At paragraph 5.18; the impact on the Conservation Area should not change if the installations do not exceed the scale of a vehicle using the car park but it would be difficult to notice a significant impact on heritage from an additional 1m height on a temporary installation.

8) The concession units shall not be used for sales to the public outside the hours of:

08:00 - 18:00 Monday to Saturday during October – April;

08:00 - 20:00 Monday to Saturday during May – September;

08:00 - 16:00 on any Sunday, and Bank or Public Holidays.

Neighbours had objected to these and request the latest use should be 18:00 only.

Officers clarify that the hours of use were intended to mean the trading hours. It was recommended no change to the hours of trading: the use will support seasonal tourism.

9) All mobile units shall be removed from the application site when not in use. No mobile units shall be left anywhere within the car park (application site and adjoining car park) outside the permitted hours of use.

Neighbours consider vehicles should be prohibited from parking on the adjoining Marine Parade road.

Officers cannot enforce parking of such vehicles on the public highway, but units should not take up parking spaces in the car park when not contributing to the tourism economy.

The condition should include: All units shall be removed from the car park within 30 minutes of the end of the permitted hours of trading use set out within Condition 8 of this permission.

10) No mobile units using the car park shall have any externally located generators.

Neighbours consider the condition should prohibit refrigeration and cooking equipment too.

Officers recommend no change: refrigeration should not be noticeable and cooking equipment is needed.

11) The use shall be undertaken in accordance with the details to be provided that will show detailing and demarcating the areas for the mobile units to use.

Areas will be marked out by temporary barriers (ropes & posts) which are accepted by Environmental Health Officers. These will be installed by site management.

12) The use shall be undertaken in accordance with waste management plan details to be provided before the grant of permission, which shall include details on refuse provision, collection and signage for customers.

13) There shall be no signage, banners, separate stalls, picnic benches, tables and chairs associated with the use without express permission from the Local Planning Authority. Neighbours support these measure.

14) An additional condition - There shall be no use of amplified music or amplified tany systems associated with the use or as part of any unit.

The applicant had agreed to this as there are similar requirements in leasing terms.

The Planning Officer reported that it was recommended to approve the application, in

line with the amended conditions and with the revised description as follows:-

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; as it satisfies the criteria of adopted policies R7, L2 and A1 of the Local Plan Part 2 and is consistent with the aims set out in Core Policies CS6, CS8 and CS16.

Councillor Myers was concerned that the concession unit and the towing vehicle would lead to a loss of 6 parking bays.

Councillor P Hammond was not satisfied with the grant for 190 days of trading only. Councillor Hammond reported that the aim of the Council was to extend the seasonal offer and proposed that this be increased to 250 days as a compromise on the proviso that additional waste bins were sited in the area.

Councillor A Wright was concerned regarding condition 13 and what individual signage each concession could display in the Conservation area. Councillor Williamson seconded Councillor Wright's concerns that there should be no free-standing signage allowed.

Councillor Williamson raised further concerns regarding the increased height of the concession unit which had been increased from 2m to 3m which was incompatible with this Conservation area.

Mr Hollowell, Property Services representative, addressed the Committee and reported the salient areas of the application. Mr Hollowell reported that the concessions would not operate on a lease basis but on a seasonal or annual licence which gave the Council more control.

Councillor Fairhead asked if the three concessions included the ice-cream van. The Planning Officer responded that the ice-cream van was additional to the three concessions. The Monitoring Officer asked for clarification as to whether the three concessions had to include the ice-cream van or whether the ice-cream van was outside of the three concessions applied for this evening. The Development Manager assured the Committee that the 3 concessions and the ice-cream van could all operate on the same day.

Mrs Wheelhouse, objector, reported her concerns to the Committee and urged them to refuse the application so that Gorleston Cliff Top remained uncommercialised. She outlined her fear of noise, unpleasant cooking fumes, litter, vermin and anti-social behaviour resulting from the car park if the application for 3 concessions was approved and the detrimental effects it would have on the quality of life for local residents.

Councillor Wells, Ward Councillor, reported that he supported the application in principle, but for 1 concession only; the tuk-tuk concession who had operated during 2021 on a temporary licence selling hot drinks on the car park. Councillor Wells reported his concerns regarding conditions 7,9 & 10 and asked if an additional condition could be imposed that the towing vehicles to be removed from the car park once the concession unit was in situ. It was essential that all conditions were fully explored to ensure that all concerns raised by local residents could be mitigated.

Councillor A Wright reported that if the condition to remove the towing vehicle was

imposed that this would be self-defeating as the vehicle could park elsewhere in the car park which was free of charge to all users.

The Development Manager reiterated that the grant of use for 190 days was considered to be a suitable threshold.

The Executive Services Officer asked the Committee if they were collectively minded to agree the proposed changes to the conditions as reported by the Planning officer for clarity of the minutes.

Councillor P Hammond reported the need to increase the days of operation and once again, reiterated his proposal that they be increased from 190 days to 250 days as there was always a demand for refreshments in this area; or for the period of use to be set between only March & October in any year.

Councillor Myers reported that a balance must be achieved so as not to over-commercialise Gorleston Cliffs which was a great asset to the borough. Councillor Williamson once again highlighted the proposed increase in height of the concessions from 2m to 3m which should not be allowed in this sensitive Conservation area.

Councillor Mogford was concerned regarding cooking smells emanating from the site which could be very unpleasant and of which he had personal experience of and would not want to subject local residents too.

Councillor Freeman asked how the car park would be policed; would it be self-policed and would the concessions pay for the additional cleansing of the site which would be required to keep the area clean.

Councillor A Wright reported that the Committee was making heavy work of this application and proposed that the 190 days trial period stand and that 3m high concession units be allowed as people would need to be able to stand inside them to serve the public. Councillor Wright suggested that the opening hours should be 8am to 4pm Monday to Saturday and 10am to 5pm Sunday and Bank Holidays with the onus on the concession owners to clear their own rubbish from the site on a daily basis.

The Monitoring Officer clarified that it would not be a trial period of 190 days but a permanent grant of 190 days as proposed. Members must not forget that planning permissions, if granted, were permanent, unlike licensing permissions which could be revoked and if Members were minded to grant a 190 day trial period this would require a motion.

The Development Manager reported that the applicant had advised that concession licenses would only be issued once planning permissions had been approved by Committee.

Councillor Myers was concerned that the 190 days could include trading on Christmas Day which would be detrimental to the amenity enjoyed by local residents in their own homes during the festive holiday period. The Development manager reported that condition 8 could be altered so that hot food takeaway could not be served on specific bank holidays only hot and cold drinks. The Monitoring Officer suggested removing bank holidays from any grant of permission.

The Head of Planning interjected to summarise that he felt that the Committee would be able to approve the grant permission to last for 190 days between March &

October, agree the hours and days of operation as laid out in condition 8, approve the 3 concessions which did not include the ice-cream van who would continue on site and that the height of the concessions be agreed at 3m. This was proposed by Councillor P Hammond and seconded by Councillor Freeman.

RESOLVED:-

That application number 06/21/1018/CU be approved as it satisfies the criteria of adopted policies R7, L2 and A1 of the Local Plan Part 2 and is consistent with the aims set out in Core Policies CS6, CS8 and CS16. Whilst recognising that it falls short on complying with Core Policy CS7 and Local Plan Part 2 Policy R1 and E5, when assessed on balance it is considered the public benefits the application brings are sufficient to enable a recommendation to approve the application.

Approval is recommended subject to the conditions suggested below:-

- 1) Commence permission within 3 years.
- 2) In accordance with approved plans:
 - Example and dimensions of stall areas - MH/10023464346
 - Application Plan and Concession Zones
- 3) Only 3 concession units shall occupy the car park at any one time.
- 4) The car park shall only be used by mobile concession units for a total of (up to a maximum) 190 days to be used only between 1st March & 30th September, in any calendar year, and a log of all usage shall be maintained by the applicant and shall be made permanently available for inspection at any time by the Local Planning Authority.
- 5) Mobile units providing hot food takeaway use (sui generis use) shall be located only in the 2 zones proposed on the eastern side of the car park, and hot food takeaway uses shall not be located within the zone on the western boundary at any time.
- 6) The mobile concession units hereby approved shall not be larger than one demarcated parking space measured at 2.5m wide by 5.5m length and shall occupy only one space at a time and shall only be sited within a single parking space at any one time.
- 7) The mobile units using the car park shall not exceed 3m in height.
- 8) The concession units shall not be used for sales to the public outside the hours of:
 - 08:00 - 18:00 Monday to Saturday during October – April;
 - 08:00 - 20:00 Monday to Saturday during May – September;
 - 08:00 - 16:00 on any Sunday, and Bank or Public Holidays.
- 9) All mobile concession units shall be removed from the car park when not in use. No mobile units shall be left anywhere within the car park (neither the application site nor the adjoining car park) 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 Condition 8 of this permission.
- 10) No mobile units using the car park shall include or use any externally located

generators.

11) The use shall be undertaken in accordance with the details (to be provided prior to permission being issued) that will show detailing and demarcating the areas for the mobile units to use. Areas will be marked out by temporary barriers (ropes & posts) to the satisfaction of the Local Planning Authority. These will be installed by site management before the commencement of the use and shall be removed by site management at the cessation of each day's use.

12) The use shall be undertaken in accordance with waste management plan details (to be provided before the grant of permission), which shall include details on refuse provision, collection and signage for customers.

13) There shall be no signage, banners, separate stalls, picnic benches, tables and chairs associated with the use without first gaining the express written permission from the Local Planning Authority.

14) There shall be no use of amplified music or amplified tannoy systems associated with the use or as part of any unit; and any other conditions considered appropriate by the Development Manager.

5 APPLICATION 06/21/0984/F SOUTH BEACH GARDENS, MARINE PARADE, GREAT YARMOUTH

The Committee received and considered the report from the Development Manager.

This application was brought before the Development Control Committee as a connected application by virtue of the application site being land owned by Great Yarmouth Borough Council. The applicant had served 'Certificate B' notice on the landowner as required by Articles 13 & 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the application has been reported to the Monitoring Officer on 23rd February 2022.

The Development Manager reported that the application was for the proposed erection of a 50m high observation wheel including supporting structures, decking, ramp access and a ticket office. This was a continuous permission for a period of 3 years until 1 February 2025.

The Development Manager reported updates to the proposed scale; there was a change to the height reported at paragraph 3.3, the overall height above ground would be 50m. For comparison, the Giant Wheel erected in 2021 had a wheel diameter of 48m and was circa 50m tall too.

The Development Manager highlighted the main issues of the application as follows:-

- Principle
- Design
- Heritage impact - setting of the Conservation Area
- Economic impacts - tourism attractions; and
- Duration of use/permission.

The Development Manager reported the benefits of installing the wheel as a visual

attraction within the sea front, and the benefits the temporary use would bring for the tourism economy, would help boost the attraction of Great Yarmouth and the wider Borough over the next 3 years as the economy continued to recover. Immediate jobs creation might be modest but the benefits were wider through linked trips and encouragement to invest in the town. As a tourist destination it would complement the regeneration taking place within the town, and in some respects would provide an alternative focus for visitors whilst regeneration works were ongoing.

The Development Manager informed the Committee that its role within the seafront should remain temporary, however, whilst there were other initiatives being concluded such as completion of the Marina Centre, the Gorleston Seafront Masterplan project, and the ambitions of the Local Plan Part 2, which should all be given time to be realised. Notwithstanding this, the applicant had requested a 3 year and seasonal permission, it was not considered appropriate to entertain a longer permission anyway, given the need to monitor economic benefit and heritage impact.

The Development Manager reported that the application was recommended for approval subject to the conditions as specified in the agenda report.

Councillor A Wright reported that there had been significant damage to the surrounding land when the last Ferris Wheel had been removed, whereby tarmac had been ripped up and damage to the grassed area had resulted on the land which was in the ownership of the Sealife Centre. Councillor Wright asked if a condition could be added to ensure that reparation of the land would be undertaken when the latest Ferris Wheel was dismantled.

The Development Manager reported that he would amend condition 1 to reflect Councillor Wright's request along the lines of the following:-

1. This permission shall expire on 01 February 2025. By this date the use shall be discontinued and the structure and its associated equipment including the kiosks, shipping containers, stores, platform, fencing and all associated infrastructure shall be removed from the site and the site and garden land shall be returned to its previous state and restored with replacement landscaping as necessary within two months of the cessation of the use.

The reason for the condition is:-

The time limited restriction is imposed in order to retain control over the use of the site, to ensure that the detrimental impact on heritage assets is temporary and repairable, and in the interest of the amenities of the locality.

The Chairman reported that the application was good for the tourism offer in Great Yarmouth and would be very popular with local residents and visitors alike.

RESOLVED:-

That application number 06/21/0984/F be approved as the proposal complies with the aims of Policies CS1, CS6, CS8, CS9, CS10, CS13 and CS16 of the Great Yarmouth Core Strategy, and also Policies GY6, A1, E1 and E5 of the Local Plan Part 2.

Subject to the following conditions:-

1. This permission shall expire on 01 February 2025. By this date the use shall be discontinued and the structure and its associated equipment including the kiosks, shipping containers, stores, platform, fencing and all associated infrastructure shall be removed from the site and the site and garden land shall be returned to its previous

state and restored with replacement landscaping as necessary within two months of the cessation of the use.

The reason for the condition is:-

The time limited restriction is imposed in order to retain control over the use of the site, to ensure that the detrimental impact on heritage assets is temporary and repairable, and in the interest of the amenities of the locality.

2. The development shall be undertaken in strict accordance with the revised plans and details.

All works shall be completed before the Wheel is first brought into use and thereafter shall be maintained in accordance with the approved scheme, unless otherwise first agreed in writing with the Local Planning Authority.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area.

3. There shall be no use of the development hereby permitted until the ticket office and sides of the platform structure have first been painted white to match the colour of the wheel and its supporting structure, which shall be retained as such thereafter.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area.

4. There shall be no use of the development hereby permitted until a scheme for providing detail and articulation to the external walls of the platform structure has first been submitted to and approved in writing by the Local planning Authority, which shall be installed in accordance with the approved details prior to the first use of the development, and which shall be retained as such thereafter.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area and to provide a high quality of design and visual interest to support the tourism economy and reflect the heritage of the area.

5. There shall be no use of the development hereby permitted until a scheme for providing public art or graphic designs at the development, for example upon the external walls of the platform structure, has first been submitted to and approved in writing by the Local planning Authority, which shall be installed in accordance with the approved details prior to the first use of the development, and which shall be retained as such thereafter.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area and to provide a high quality of design and visual interest to support the tourism economy and reflect the heritage of the

area.

6. In the event of the observation wheel ceasing to be operational for any longer than 21 consecutive days, the use hereby permitted shall cease on the site and the structure and equipment constructed or brought onto the land in connection with the use shall be removed within 3 months of the use ceasing.

The reason for the condition is :-

To ensure in the event of the observation wheel falling out of use that the site is left in a satisfactory condition.

7. There shall be no use of the development hereby permitted until all staff and operatives have first been made aware of the requirements to comply with the measures set out in the submitted High Tide Action Plan, and have first received training to implement the Flood Evacuation Plan. The High Tide Action Plan and Evacuation plan shall thereafter be maintained and retained in accordance with those submitted details for the duration of the development.

The reason for the condition is :-

In the interests of the safety of the public and site operatives in the event of extreme weather and/or flooding.

8. There shall be no use nor installation of any flashing or strobe lighting or advertisements added within the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of the visual amenities of the area and to ensure any lighting does not compromise navigational safety for vessels at sea and to maintain residential and neighbouring amenity.

9. There shall be no use nor installation of any amplified sound systems within the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of maintaining residential and neighbouring amenity.

10. There shall be no use nor installation of any advertisement or signage on the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of maintaining residential and neighbouring amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no fencing of any type or height shall be installed or erected or used in association with the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of highway safety and pedestrian movement and visual amenity.

12. The observation wheel shall not be operational outside the following times:-
- 11:00 - 21:00 Monday – Friday
 - 11:00 – 22:00 Saturdays
 - 11:00 – 21:00 Sundays, Bank and Public Holidays

The reason for the condition is :-

In the interests of neighbouring amenity and in accordance with the application form.

13. No part of the proposed structure (the observation wheel, including any support frames and platform etc.) shall overhang or encroach upon highway land and no gate/barriers, etc, shall be erected on the highway or door shall open outwards over the highway.

The reason for the condition is :-

In the interests of highway safety.

14. There shall be no use of the development hereby permitted until the applicant has first notified the Defence Estates Safeguarding service, and the National Air Traffic Control Service (Norwich Airport) of the following information:-

- a) precise location of development
- b) dates of intended use period and decommissioning
- d) the height above ground level of the tallest structure
- e) the maximum extension height of any construction equipment
- f) details of any illumination of the site

The reason for the condition is :-

To ensure that aeronautical charts and mapping records can be updated.

(Note - Defence Estates Safeguarding can be contacted at Kingston Road, Sutton Coldfield, West Midlands B75 7RL; and National Air Traffic Control is based at Norwich Airport).

Informatives:-

1. To be noted that it was the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls would not be permitted on highway land. The highway boundary might not match the applicant's title plan. For further details please contact the highway research team at highway.boundaries@norfolk.gov.uk.

2. In dealing with this application Great Yarmouth Borough Council had actively sought to work with the applicant in a positive and proactive manner;

and any other conditions considered appropriate by the Development Manager.

6 SUPPLEMENTARY REPORTS

The Committee received, considered and noted the supplementary reports.

7 ANY OTHER BUSINESS

The Chairman reported that there was no other business being of sufficient urgency to warrant consideration at the meeting.

The meeting ended at: 20:00