

**Reference: 06/15/0540/F**

**Parish: Gorleston**

**Officer: Jason Beck**

**Expiry Date: 12-11-2015**

**Applicant: Mr Scales**

**Proposal:** Variation of condition 2 of PP 06/76/901/F and 06/08/0059/F and condition 3 of PP 06/15/0153/F - to allow opening hours 8am to 1am

**Site:** 4 and 5 Beach Road and 16 Limmer Road, Gorleston

## **REPORT**

### **1. Background / History:-**

1.1 The application site composes of 3 properties that have combined to form a restaurant in addition there is living accommodation situated above. The site is on the corner between Beach Road and Limmer Road, Gorleston. Currently each part of the application site has been subject of a different planning application, but each has been conditioned to the same opening and closing times.

1.2 The restaurant was originally given planning permission under planning application 06/76/901/F in 1976. The restaurant was subsequently expanded into the adjacent shop under planning application 06/08/0059/F and into 16 Limmer Road under application 06/15/0153/F.

1.3 There have been several applications to increase the opening times of the restaurant most recently was in 2006.

#### **1.4 Planning History:**

06/76/0901/F- Change of use from electrical shop. Approved 30-11-1976 (4 Beach Road)

06/77/1106/F – Use of existing restaurant from 7am to 12 pm each day for commercial use. Refused 05-01-1978 (4 Beach Road)

06/77/1210/F – Extension to existing restaurant to provide toilet and kitchen facilities. Approved 05-01-1978 (4 Beach Road)

06/83/0920/F – New shop front for existing restaurant. Approved 29-09-1983 (4 Beach Road)

06/83/1338/CU – change of use to grocers shop. Approved 30-01-1984 (5 Beach Road)

06/84/0130/F – Kitchen extension. Refused 22-03-1984 (4 Beach Road)

06/84/0481/F – Kitchen extension and construct fire escape stairs. Approved 23-05-1984 (4 Beach Road)

06/90/1147/F – New front entrance screen and other alterations. Approved 21-11-1990 (4 Beach Road)

06/91/1116/A – Illuminated wall sign. Advert consent 09-01-1992 (4 Beach Road)

06/93/0785/F – Extension of restaurant opening hours to 12 midnight Mon-Sat to 11.30 pm Sundays. Refused 15-10-1993 (4 Beach Road)

06/93/0995/CU – Change of use for first floor to be used in conjunction with restaurant business carried out on the ground floor. Refused, appeal allowed 15-12-1994 (4 Beach Road)

06/93/0996/F – Variation of restaurant opening hours to midnight Monday to Saturday and 11.30 Sunday. Refused, appeal refused 15-12-1994 (4 Beach Road)

06/02/1070/F – Change of use from shop to self-contained flat including revisions to front elevations. Approved 12-03-2003 (5 Beach Road)

06/04/1162/CU – Change of use from restaurant to residential. Refused 11-01-2005 (4 Beach Road)

06/06/0090/F – Removal of existing planning condition on pp. 06/76/0901/F to allow business during the hours of 11pm to 7am. Refused 22-03-2006 (4 Beach Road)

06/08/0059/F – Change of use from shop to restaurant (expansion of existing restaurant Gamba's 4 Beach Road). Approved 18-03-2008 (5 Beach Road)

06/15/0153/F – Change of use 3 storey residential dwelling, to ground floor restaurant and bar area. First and second floors to be used as (3 bed) flat. Approved 27-05-2015 (16 Limmer Road)

## **2 Consultations :-**

- 2.1 Neighbour/public – 8 Limmer Road has objected to the building work, parking noise.
- 2.2 Licencing – No comment.

2.3 Property Services – No comment.

2.4 Environmental Health –. Have objected to the development predominantly on the basis of noise. They highlight noise breakout from outdoor customers and openings in the building.

2.5 Highways - No objections.

### **3 Policy :-**

#### **3.1 Borough Wide Local Plan:**

##### **POLICY SHP8**

EXTENSIONS TO SHOPS WILL BE PERMITTED PROVIDED THEY WOULD NOT:-

- (A) SIGNIFICANTLY ADVERSELY AFFECT THE VITALITY OR VIABILITY OF AN EXISTING SHOPPING AREA;
- (B) RESULT IN OVER-DEVELOPMENT OF THE SITE OR THE LOSS OF OFF-STREET PARKING, ACCESS, LOADING OR UNLOADING SPACE; OR
- (C) BE SIGNIFICANTLY DETRIMENTAL TO THE OCCUPIERS OF NEARBY PROPERTIES OR GIVE RISE TO TRAFFIC CONGESTION;
- (D) BE OUT OF KEEPING WITH THE SCALE, DESIGN AND APPEARANCE OF THE SURROUNDING AREA.

(Objective: To ensure the retention and allow the expansion of existing shops provided environmental safeguards are met.)

#### **3.2 Core Strategy:**

##### **Policy CS1 – Focusing on a Sustainable Future**

- A) Sustainable growth, ensuring that new development is of a scale and location that complements the character and supports the function of individual settlements
- B) Mixed adaptable neighbourhoods, that provide choices and effectively meet the needs and aspirations of the local community
- D) A thriving local economy, flourishing local centres, sustainable tourism and an active Port.

##### **Policy CS6 – Supporting the Local Economy**

- G) Supporting the local visitor and retail economies in accordance with Policy CS7 and CS8
- H) Encouraging the development of small scale business units including those that support the rural economy and rural diversification

#### Policy CS7 – Strengthening Local Economies

- J) Ensure that all proposals are sensitive to the character of the surrounding area and are designed to maximise the benefits for the communities affected in terms of job opportunities and support for local services

### 3.3 National Planning Policy Framework:

Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts<sup>27</sup> on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts<sup>27</sup> on health and quality of life arising from noise from new development, including through the use of conditions;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;<sup>28</sup> and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

## 4 Assessment :-

- 4.1 The Restaurant has expanded twice into the neighbouring premises each time the permission has been restricted to ensure the restaurant does not open later than 11pm. Currently the time restrictions ensures that the restaurant cannot open outside of the hours of 7am to 11 pm. The proposal is to open the restaurant from 8 am to 1am on any given day. The result will be the restaurant opening 1 hour later in the morning and 2 hours later at night.
- 4.2 The site includes 4/5 Beach Road and 16 Limmer Road. The area is predominantly residential, with residential properties adjacent to the east and residential properties opposite on both the south and west elevations. A garage unit is situated to the north of the site. Further north are a cluster of commercial businesses including a public house and bar.
- 4.3 Highways have not objected to the proposal, the increased opening hours is unlikely to significantly impact upon the existing parking and access or significantly and detrimentally create additional traffic congestion.

- 4.4 The previously approved applications allowed the restaurant to open until 11 pm on the basis that the noise levels should be acceptable to the amenities of the neighbouring properties until that time. The increased opening time is not expected to increase the noise levels, but will result in the existing noise levels for a longer and later duration. Environmental Health has raised concerns that this may create an unacceptable level of noise disturbance to the occupiers of the neighbouring properties.
- 4.5 1 objection from a member of public was received. They have objected to the parking issues and noise levels which they believe will be exacerbated by the longer opening times.
- 4.6 The potential for significant noise disturbance is not known at this stage, but it is a strong possibility so a period of assessment to ascertain whether or not the noise is significantly detrimental to the amenities of the neighbouring properties should be considered. A period of a year could be used to assess the potential impact; any noise complaints that arise during this period could also be assessed.
- 4.7 It is recognised there is the potential for a noise disturbance during the assessment period so it is recommended that any permission attempts to lessen the impact to reasonable levels. The outdoor space to which significant noise generation could be created should have stricter time restrictions and should not be open to the public later than 11pm. This will reduce the potential noise escaping the premises. Further time restrictions could be placed upon weekdays to ensure that any extended opening hours is limited to the Friday and Saturday only. These combined measures will ensure that noise disturbance is reduced during the assessment period.

## 5 RECOMMENDATION :-

- 5.1 **Approval subject to conditions:** A condition limiting extended opening times to a year will allow the council to assess the potential impact, particularly in regards to the noise generation. Providing temporary approval for a year will allow an assessment of the potential impact, after a year if the application is not successfully renewed the opening times will return to the previous approved levels.

The impact of the extended opening times can be further reduced by limiting the later opening times to weekends (Friday and Saturday).

The extended opening times could be conditioned to not include any outside non-public space which is to the rear of the restaurant. This will mean the outdoor areas will not be able to open any later than its present level. A condition ensuring music cannot be heard outside the premises could also ensure the impact on residential amenities is reduced.

# **MEMORANDUM**

## **From Environmental Health**

To: Head of Planning and Development,  
**Attention:** Jason Beck

Date: 06-11-2015

Your ref:06/15/0540/F

Our ref: 063932

Extension: 846617

Please ask for: Justin Hanson

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### **DEVELOPMENT AT- Gambas, 2 and 5 Beach Road and 16 Limmer Road**

#### **These comments are on behalf of Environmental Health**

I have concerns about the proposed variation of the existing planning condition to allow opening till 1am

There are residential properties in close proximity to Gambas both down Limmer Road and Beach Road with the nearest residence approximately 5 metres from the premises boundary. Given the proximity of the neighbouring residents then a venue that is open till 1am will likely lead to noise disturbance. There is specifically an outdoor area at the rear of Gambas for people to sit out and have a drink and smoke that has been the subject of a complaint to Environmental Health when the premises was open earlier than 1am.

Granting the variation will likely lead to a significant adverse impact on the amenity of the neighbouring residents from noise from people gathering out the front and the back of the premises, customers entering/leaving the premises and from vehicles arriving/leaving. Noise breakout from the premises is also a consideration as such noise will be more noticeable in the early hours of the morning when background noise levels are lower. Noise breakout from the opening of doors and windows is also a source of complaint to Environmental Health from late night opening of bars

Overall, Gambas is located in an area surrounded by residential housing and granting permission till 1am will likely impact heavily on residents especially during the summer months when people have their windows open for ventilation.

I have not seen any supporting evidence with the application that demonstrates that the proposal will not have an adverse noise impact.

I therefore recommend the application be refused, however, if you are minded to approve then I would recommend considering granting permission temporarily for 12 months as this would give an opportunity to review should there be justified noise complaints.

**Justin Hanson**  
**Environmental Health Officer**  
**Great Yarmouth Borough Council**

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Community and Environmental  
Services  
County Hall  
Martineau Lane  
Norwich  
NR1 2SG

NCC contact number: 0344 800 8020  
Textphone: 0344 800 8011

Jason Beck  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Your Ref: 06/15/0540/F  
Date: 23 October 2015

My Ref: 9/6/15/0540  
Tel No.: 01603 638070  
Email: [stuart.french@norfolk.gov.uk](mailto:stuart.french@norfolk.gov.uk)

Dear Jason

**Great Yarmouth: Variation of condition 2 of PP 06/76/901/F and 06/08/0059/F and condition 3 of PP 06/15/0153/F - to allow opening hours 8am to 1am  
4 and 5 Beach Road and 16 Limmer Road Gorleston GREAT YARMOUTH NR31 6BH**

Thank you for your recent consultation with respect to the above.

In highway terms only I have no objection to the proposed variation of condition as outlined.

Yours sincerely

*Stuart French*

Highways Development Management & Licensing Officer  
for Executive Director for Community and Environmental Services



ACK 13/10/15

8 Limmer Road  
Gorleston  
NR31 6BJ

12 October 2015

Planning Services  
Development Control  
Town Hall  
Hall Plain  
GT YARMOUTH  
NR30 2QF

Dear Sirs

**Application 06/15/0540/F**  
**4/5 Beach Road and 16 Limmer Road, Gorleston**

I am writing to voice my objections to the proposed extension of opening hours to 8 am to 1 am by Gambas Restaurant. As a resident of Limmer Road of 4 years standing I have to say that my quality of life and pleasure in my home has been severely worsened by the extension of this restaurant and the thought of longer opening hours fills me with horror.

When I first moved in the restaurant was closed. Since it re-opened we have been subjected to months of building work with workmen continually not only blocking or limiting access to our property but also leaving their tools all over the pavements. On an average day Gambas vehicles - either vans or vehicles belonging to their staff are predominantly parked on our small road. If a resident moves their own vehicle or any time one of theirs invariably takes the space. If the opening hours were to be extended we would lose the small respite time we now have.

The noise has increased considerably; not least because Gambas have tables outside fronting our road. Especially on Fridays and Saturdays, the noise is considerable as late as midnight and beyond on occasions with customers loudly returning to their cars. Contrary to popular belief we are not a road of complainers - we just want a quiet life and the thought of now having this potential noise to 1 am and beyond is just not on in a residential neighbourhood.

This is not the location for a business that wants to be open such long hours. Please, please for the sake of our sanity DON'T sanction this extension!

Yours faithfully

Debra Gates

06/15/0540/F

17 SEP 2015

# 4/5 Beach Road & 16 Limmer Road, Gorleston

DEPARTMENT  
COUNCIL



**GREAT YARMOUTH**  
BOROUGH COUNCIL

10 0 10 20 30 40 50 60 70 80 90 100  
Metres



Scale = 1:1250 @ A4

Property Services,  
Town Hall, Great Yarmouth,  
Norfolk. NR30 2QF

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