



# Development Management Committee

**Date:** Wednesday, 29 November 2023  
**Time:** 18:30  
**Venue:** Council Chamber  
**Address:** Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

## AGENDA

### CONTENTS OF THE COMMITTEE AGENDA PLANNING APPLICATIONS & CONDUCT OF THE MEETING

#### Agenda Contents

This agenda contains the Officers' reports which are to be placed before the Committee. The reports contain copies of written representations received in connection with each application. Correspondence and submissions received in time for the preparations of the agenda are included. However, it should be noted that agendas are prepared at least 10 Working Days before the meeting. Representations received after this date will either:-

- (i) be copied and distributed prior to or at the meeting – if the representations raise new issues or matters of substance or,
- (ii) be reported orally and presented in summary form by the Principal Officer of the Committee – especially where representations are similar to, or repeat, previous submissions already contained in the agenda papers.

There are occasions when the number of representations are similar in nature and repeat the objections of others. In these cases it is not always possible for these to be included within the agenda papers. These are either summarised in the report (in terms of numbers received) and the main points highlighted or reported orally at the meeting. All documents are available as 'background papers' for public inspection.

## Conduct

Members of the Public should note that the conduct of the meeting and the procedures followed are controlled by the Chairman of the Committee or, if he/she so decides, the Vice Chairman. Any representations concerning Committee procedure or its conduct should be made in writing to either –

- (i) The Planning Group Manager, Town Hall, Great Yarmouth. NR30 2QF
- (ii) The Monitoring Officer, Town Hall, Great Yarmouth. NR30 2QF

## DEVELOPMENT CONTROL COMMITTEE

### PUBLIC CONSULTATION PROCEDURE

- (a) Thirty minutes only will be set aside at the beginning of each meeting to deal with applications where due notice has been given that the applicant, agent, supporters, objectors, and any interested party, Parish Council and other bodies (where appropriate) wish to speak.
- (b) Due notice of a request to speak shall be submitted in writing to the Planning Group Manager two days prior to the day of the Development Control Committee meeting.
- (c) In consultation with the Planning Group Manager, the Chairman will decide on which applications public speaking will be allowed.
- (d) Three minutes only (or five minutes on major applications at the discretion of the Chairman) will be allowed to (i) objectors together, (ii) an agent or applicant and (iii) supporters together, (iv) to a representative from the Parish Council and (v) Ward Councillors.
- (e) The order of presentation at Committee will be:-
  - (1) **Planning Officer presentation** with any technical questions from Members
  - (2) **Agents, applicant and supporters** with any technical questions from Members
  - (3) **Objectors and interested parties** with any technical questions from Members
  - (4) **Parish Council representatives, Ward Councillors and Others** with any technical questions from Members
  - (5) **Committee debate and decision**

## Protocol

A councillor on a planning or licensing decision making body should not participate in the decision and / or vote if they have not been present for the whole item.

This is an administrative law rule particularly applicable to planning and licensing - if you haven't heard all the evidence (for example because you have been out of the room for a short time) you shouldn't participate in the decision because your judgment of the merits is potentially skewed by not having heard all the evidence and representations.

It is a real and critical rule as failure to observe this may result in legal challenge and the decision being overturned."

## **1 APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

## **2 DECLARATIONS OF INTEREST**

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

## **3 MINUTES**

**5 - 18**

To confirm the minutes of the meeting held on the 6 September 2023.

## **4 MATTERS ARISING**

To consider any matters arising from the above minutes.

## **5 & 6 APPLICATION 06-23-0557-F and APPLICATION 06-23-0558-LB - WINTER GARDENS, SOUTH BEACH PARADE, GREAT YARMOUTH, NR30 3JF**

**19 - 65**

Report for Items 5 and 6 attached.

## **7 APPLICATION 06-23-0752-F - ANCHOR GARDENS CAR PARK, GREAT YARMOUTH, NR30 2ER**

**66 - 75**

Report attached.

## **8 APPLICATION 06-23-0751-CU - ANCHOR GARDENS CAR PARK, GREAT YARMOUTH, NR30 2ER**

**76 - 85**

Report attached.

**9     APPLICATION 06-23-0753-A - ANCHOR GARDENS CAR PARK,     86 - 93**  
**GREAT YARMOUTH, NR30 2ER**

Report attached.

**10    ANY OTHER BUSINESS**

To consider any other business as may be determined by the  
Chairman of the meeting as being of sufficient urgency to warrant  
consideration.



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# **Development Management Committee**

## **Minutes**

Wednesday, 06 September 2023 at 18:30

### **PRESENT:-**

Councillor A Wright (in the Chair); Councillors Annison, Bird, Boyd, Capewell, Galer, Green, Martin, Mogford, Pilkington & Williamson.

Councillor Lawn attended as a substitute for Councillor Murray-Smith.

Mr A Chrusciak (Interim Head of Planning), Mr R Parkinson (Development Manager), Mr R Tate (Planning Officer), Mr M Brett (IT Support) & Mrs C Webb (Democratic Services Officer).

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Freeman & Murray-Smith.

Councillor Lawn attended as a substitute for Councillor Lawn.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest declared at the meeting.

### **3 MINUTES**

The minutes of the meeting held on 26 July 2023 were confirmed.

Councillor Galer questioned the validity of the minute which could be found at page 8 of the agenda pack. The Chairman reported that Councillor Galer's recollection of events which had not been minuted per se would not affect the Committee decision. The Chairman suggested that if Members were unhappy with the minutes of the meeting, that they should approach the Democratic Services Team to discuss and amend prior to the meeting.

### **4 06-22-0546-F LAND NORTH OF SCRATBY ROAD SCRATBY GREAT YARMOUTH**

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

The Development Manager informed Members that he had been advised that the Monitoring Officer required that the presentation of the application could only be an overview of the responses to the reason for deferral of the application at the previous committee meeting and the changes to the application and the updates to the three earlier reports following the deferral of the application at the Development Management Committee of 19th April 2023. The Development Manager identified the three earlier reports and minutes of the two previous committee meetings which had been provided within the circulated appendices of the report provided for this meeting and advised that he would not repeat all the information which had been given at the previous committee meetings as this was all detailed in the agenda report.

The Development Manager informed the Committee that this application was initially presented to the Development Management Committee on 22nd March 2023; the original published Committee Report is attached at Appendix 1 to this meeting's report. An Update Report was released prior to the consideration on 22nd March 2023 (see Appendix 2). Committee resolved to defer consideration for a site visit, which took place on 31st March 2023. On 19th April 2023, the Committee considered the application again. A second Update Report was released prior to that meeting (see Appendix 3). At the meeting on 19th April 2023, it was resolved to defer consideration of the application to allow for further appraisal and discussion with the applicant in regard to the scheme's viability in relation to the proposed affordable housing mix. The relevant extracts of the minutes of the 19th April 2023 Committee are attached at Appendix 5 of this meeting's report.

The Development Manager reminded Members that they should also consider the Development Management Committee Addendum Report dated 5 September 2023 and he reported the information to the committee which had been received after the agenda for this meeting had been published.

The Development Manager reported that following the April 2023 committee, the applicant had revisited their viability appraisal calculations with updated figures and subsequently amended their proposals to include an additional affordable housing dwelling of Shared Ownership tenure property within the

'Exception Site' part of the development (the area of 'countryside' land located outside the adopted development limit boundary). To enable this, the applicant has changed an 'open-market' house into an affordable dwelling, so the overall development remains as 41 dwellings, but the overall mix of affordable housing increases from the 14 proposed originally (34%) to 15 now (37%).

The Development Manager reported that the part of the site within the adopted development limits remains as 22 dwellings, comprising 4 affordable homes and 18 open market dwellings. The 22 dwellings proposed inside the development limits is required to provide 20% (4no.) affordable homes as expected by policy UCS4; this is proposed and this part of the development is therefore policy-compliant. The part of the site outside the development limits remains as 19 dwellings, but it now comprises 11 affordable homes. For the purposes of assessing the viability of the development, 8 of the 11 are affordable rent tenure and 3 are intermediate (shared ownership) tenure. In this 'exception site' area, the 11 affordable homes for 'local needs' are now required to be supported by 8 open market units (compared to the previously proposed 10 affordable homes being supported by 9 open market dwellings). The overall development proposal is for 15 affordable housing dwellings, comprising 11 no. affordable rent and 4 no. intermediate tenure (shared ownership).

The Development Manager reported that of the overall development the 15 dwellings amount to 37% of the 41 proposed, with 73% of that as affordable rent and 27% as intermediate tenure. Officers have obtained independent viability advice from BNP Paribas. Their advice received 5 June 2023 is available on the Council's website. In addition to the applicant amending the level of affordable housing being offered, they also provided further evidence on: private residential values; affordable housing revenues; and abnormal costs. These elements have also been considered within the advisor's re-appraisal of the scheme.

The Development Manager reported that in summary, the advice received highlights that when assessing the quantum of private housing units on the rural exception part of the site only, the provision of 8 private market units to support the provision of 11 affordable housing units generates a deficit of -£324,827 against the viability benchmark. The advice received by officers is that this shows the level of affordable housing has been maximised for this part of the development.

The Development Manager informed the Committee that of the planning obligations listed in the original Committee Report(s), the following changes are necessary; as follows:-

- a) The Affordable Housing provision shall need to increase to 15no. units overall.
- b) The GIRAMS habitats mitigation contribution shall need to increase to £8,644.44 (reflecting the 2023-24 value of £210.84 per dwelling to address habitat impact).
- c) The County Council's planning obligations monitoring fee should be interpreted as £500 per obligation (£1,000 total).

The Development Manager gave a verbal update to comments received since the publication of the report in regard to the current position in respect of the garages, the

comments received from a Ward Councillor in respect of highways concerns, and the effect of overlooking and impacts on amenity at a bungalow at the rear of Woodland Close from plot number 11 which could be mitigated by condition to secure and protect the neighbours privacy. An email had also been received from the applicant detailing the agricultural use of the site which had last been used for wheat production in 2001/2002, yielding a profit of £600 for the arable use. In the intervening years, the land had been used for PYO soft fruits, car boot sales, parking and use by a travelling circus.

The Development Manager informed the Committee that it was recommended to delegate authority to the Head of Planning to approve the application subject to:-

a) Prior Completion of a Section 106 Agreement to secure the details as set out in Appendix 5 and any amendments to the financial contributions deemed both reasonable and necessary in light further consultee comments;

and,

b) If the Section 106 Agreement is not completed within three months of the date of this decision, to delegate authority to the Head of Planning (at their discretion) to:

(i) refer the application back to the Development Management Committee, for re-consideration of the application; or

(ii) to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied);

and,

c) The Conditions as set out below (and any amendments to those conditions as deemed necessary)

### Conditions

1. Standard time limit – commence in 24 months
2. Development to be in accordance with the approved plans and details

### Pre-commencement:

3. Archaeological Written Scheme of Investigation details and undertake trial trenching
4. M4(2) building design standard details to be agreed
5. Water conservation and efficiency measures to be agreed
6. Details of surface water drainage scheme
7. Foul drainage details to be confirmed (capacity and flow rates)
8. Details of pumping station and electric substation layout and appearance
9. Existing vehicle access to be closed from Scratby Road – detail & provide
10. On-site parking for construction workers, loading and delivery areas to be agreed
11. Off-site highways scheme to be agreed
12. On-site highways details to be agreed
13. Fire hydrants scheme layout to be agreed



14. Tree protection measures to be installed prior to commencement
15. Construction management plan to be agreed and followed: inc. avoid the open space area (a) being delayed in its provision, and (b) being compromised by the construction process/squashed and unable to drain, and include dust, noise, air quality, hours of work measures, phasing sequence

During construction:

16. Contamination precautions
17. Construct in accordance with the submitted Arboricultural Method Statement

Prior to constructing beyond DPC / slab levels:

18. Hard landscaping scheme details
19. Soft landscaping scheme details - Planting plan, landscaping schedules & protection
20. POS details
21. Recreational Avoidance Strategy details to promote PROW and minimise visiting designated sites
22. Biodiversity Method Statement
23. Lighting design strategy and ecology mitigation
24. Cycle parking details for each dwelling

Prior to occupation:

25. Visibility splays to be in place
26. The off-site highways works to be completed
27. All highways works to be in place and complete – binder course level for first dwelling
28. All highways works to be complete – to adoptable standard before final dwelling
29. Topsoil certification and soil management plan
30. Removal of permitted development rights to the rear of plots 8-11 and / or other alterations to plot 1.

Councillor Annison was concerned that the present Committee was comprised of different Members to those who had heard the two previous presentations and were therefore not being given a full presentation this evening to enable them to reach an informed decision.

The Development Manager informed the Committee that the Committee had been provided with a full report which contained all the information which Members would need to determine the application. Councillor Annison disagreed with the Development Manager as the Committee would not hear all the evidence and be able to question the planning officers fully.

The Interim Head of Planning informed Members that the Committee was a "body" which represented the Council which allowed for changes in its membership but must be consistent in its approach. The Committee, as a body, had deferred the application for further clarification in regard of the proposed affordable housing remit on the application site. The planning officers, had then acted upon the resolution of the Committee and had prepared the update report which had been presented to the Committee this evening.

The Chairman reported that he had raised similar concerns at his Chairman's briefing and that the Interim Head of Planning had assured him that only providing the requested Affordable Housing update report was required at the meeting.

Councillor Boyd asked if the planning officers had undertaken any viability studies on alternative uses for the site apart from housing. The Development Manager reported that officers had no data to support alternative uses for the site apart from the information the applicant had submitted overnight and described in the presentation as a verbal update, concerning viability of agricultural use.

Councillor Martin was concerned regarding the width of the proposed footways and concerns regarding safe pedestrian access to the village centre and local primary school in Ormesby St Margaret. The Development Manager advised Councillor Martin that a safe pedestrian off-road route had been proposed as part of the previous refused application for 67 houses but was not considered by the applicant to be possible as a reasonable financial solution for the developer, which had been considered entirely necessary for this application as described in earlier reports (Appendices). The Development manager advised that even if it were considered necessary to provide a path it may not prove to be deliverable anyway, even , and a decision had to be made on the merits of this application.

Mr Harper, applicant's agent, reported the salient areas of the application and he addressed the Councillor's concerns in respect of footway provision. Mr Harper also addressed the neighbour's concerns regarding overlooking to their bungalow. Mr Harper stressed that Scratby was the only parish in the borough which did not have any affordable housing in the village. Mr Harper respectfully asked Members to support the application which was a 100% policy compliant scheme.

Parish Councillor Nathan, addressed the committee on behalf of the residents of Ormesby St Margaret with Scratby. He informed the committee that the application was not in line with the Local Plan and was contrary to policies CS7 and CS1. The village did not have the infrastructure to support such a development and it was not the type or scale of development that the village wanted. He was concerned that there was no need for the development and it may lead to a fear of increased crime and stated that the Police should provide comments on the application. The future occupants of the affordable housing units would probably have only one car, or no car at all, and would therefore require access to a bus stop to use public transport to access the school, shops and doctors surgery in Ormesby.

Councillor Martin took offence over Parish Councillor Nathan's remarks over the assumptions made in regard to the prospective affordable housing occupants. Affordable housing schemes were aimed at those who had family in the village, but who could not afford to get on the local housing ladder, to allow them to stay where they were born and raised.

Councillor Freeman, Ward Councillor, reported an unfortunate email exchange which had resulted in unfair criticism of himself shared across the borough and via Facebook in respect of this application. Councillor Freeman had always remained impartial and had only reported information which had been verified and he asked for an apology to absolve him from this misrepresentation.

Councillor Freeman informed the committee that he was not convinced that the proposed footway would be wide enough to allow pedestrians to walk safely, especially if a mother was walking with a pushchair or a double buggy. The proposed development did not accord with the adopted Design Code which formed part of the

Local Plan. Councillor Freeman also raised concerns in regard to the affordable housing tenants who would possibly be on limited incomes, pensions or benefits and who might not have access to a car and would need to rely on limited public transport, highlighting the poor connectivity and sustainability of the site.

The Development Manager reminded the committee that all the houses, apart from 19, were within the development limits and that the Core Strategy had designated Scratby as a tertiary village.

Councillor Martin reported, that once again, she took offence at the Ward Councillor comments in regard to the affordable housing tenants and reminded him that the majority of residents living in Scratby were retired and relied on their state pensions. Most affordable housing tenants were working and struggling to buy a home and just wanted to remain close to where they had grown up and had family support.

Councillor Pilkington reported that we needed to build homes across the borough and that he supported the application. Councillor Pilkington also raised concerns regarding the Parish Council and Ward Councillor's comments that the provision of affordable housing units on the development might attract a "type of resident which were considered to be unwanted".

Councillor Williamson also highlighted the need for affordable housing units in the northern parishes and he also took offence to the "labelling" of people. Councillor Williamson highlighted that Great Yarmouth had the lowest income levels in the whole of East Anglia. Councillor Williamson reported that he would support this application as NCC had raised no objections to the proposed footways and highway provision.

Councillor Williamson proposed that the application be approved as per the recommendation and conditions reported by the Development Manager at the meeting and detailed at pages 22, 23 & 24 of the agenda. This motion was seconded by Councillor Capewell.

Following a vote, it was RESOLVED :-

That application 06/22/0546/F be delegated to the Head of Planning to approve subject to:-

- a) Prior Completion of a Section 106 Agreement to secure the details as set out in Appendix 5 and any amendments to the financial contributions deemed both reasonable and necessary in light further consultee comments; and,
- b) If the Section 106 Agreement is not completed within three months of the date of this decision, to delegate authority to the Head of Planning (at their discretion) to:
  - (i) refer the application back to the Development Management Committee, for re-consideration of the application; or
  - (ii) to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied); and,
- c) The Conditions as set out (and any amendments to those conditions as deemed necessary) on pages 23 & 24 of the agenda pack.

## **5 06-22-0008-F LAND AT THAMESFIELD WAY GREAT YARMOUTH**

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

The Development Manager referred the Committee to the Addendum Report dated 5 September 2023 and he reported the additional information to the Committee which had been received since the committee agenda had been published.

The Development Manager reported that this was an update report following consideration of the application at the Development Management Committee of 22nd February 2023. This report should be read in conjunction with the previous report of 22nd February 2023 and the addendum Update Report also dated 22nd February 2023 which remain part of the consideration of the scheme and which are attached as appendices to this agenda report.

The Development Manager informed the Committee that following the meeting of 22 February 2023, as officers were drafting the proposed conditions for the permission, it became apparent that the applicant's Noise Impact Assessment report had not been accessible to public view through the Council website when originally subject to public consultation and the Committee's consideration. Officers are of the view that the application was consequently incomplete when available for public inspection and the Committee's determination, and as such have re-advertised the application and undertaken a further 21 days formal public consultation between 09 August 2023 and 01 September 2023.

The Development Manager reported that, in addition to making sure the Noise Impact Assessment was visible, the application has also been subject to further public consultation because the applicant also provided further information relating to some of the conditions due to be imposed on any permission granted, including the results of surveying the proposed drainage outflow into the IDB network and liaison with the IDB regarding drainage consent requirements, which were noted to have been of concern to the Committee in February 2023. Other information included details of proposed opening and delivery times which had not been formally proposed previously.

The information which has been available to public consultation is as listed below:

- Noise Impact Assessment ref 8219/FD
- Confirmation that the proposed surface water drainage outflow point has been agreed with the Internal Drainage Board
- Applicant's proposed opening hours
- Applicant's proposed delivery hours
- Final Draft Section 106 Agreement (see Appendix 4)
- LPA Officers' proposed planning conditions (see Appendix 5).

Further information has also been supplied and available to consultation; these are documents received originally but which have been updated to account for and reflect the revised site layout plan ref 7723L-20 Rev G which included the proposed attenuation pond and electricity substation (see Appendix 7 to this report). The layout and designs of these were all considered and resolved to be approved by Committee on 22nd February 2023, so the updates to documents are points of housekeeping:-

- Tree Protection Plan
- Landscaping Plan
- Lighting Plan
- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Planning and Retail Statement.

The Development Manager reported that the majority of the Committee's original resolution has been concluded, but Members are requested to consider the following matters which were not originally available:-

- Opening hours in relation to noise and retail impacts
- Delivery hours in relation to noise and disturbance
- Residential amenity mitigations
- Surface water drainage scheme outfall position
- Minor adjustments to proposed landscaping scheme

The Development Manager informed the committee that Officers did not consider these to be so fundamental as to require reconsideration of the whole development or section 106 agreement, only the relevant proposed planning conditions. The applicant had since agreed a final draft version of the s106 agreement in accordance with the committee resolution of 22 February 2023 and have accepted the terms of most of the Officer's proposed conditions required, including the pre-commencement conditions.

The proposed opening hours to the public are as follows:-

08:00 to 22:00 Monday to Saturday

10:00 to 17:00 Sundays and Bank/Public Holidays

Delivery hours:-

07:30 to 23:30 Monday to Saturday

09:00 to 18:00 Sundays and Bank/Public Holidays

Between 07:30 - 08:30 and 21:00 - 22:30 vehicles shall only reverse using broadband reversing alarms or with other forms of reversing alarms disabled and a banksman employed.

The Development Manager reported the concerns of the third-party, Tesco Stores Ltd, in regard to the proposed planning conditions, including the need for the store to be used by a "Limited Assortment Discounter" only and with no more than 2000 individual product lines, after their example of a Lidl store approved in Downham Market with such restrictions imposed.

The Development Manager then outlined the Officers' proposed amendments to the conditions as follows:-

(i) The application's Retail Impact Assessment is so orientated towards the store being operated by a 'deep-discount' retailer that it should be a requirement of any permission that it is used by a "Limited Assortment Discounter" only.

(ii) This should be restricted to a limit of 2000 individual product lines.

The Development Manager explained the reasons for doing so with the following points:-

There are sufficient controls available through other conditions to influence the general operation.

However, a "Limited Assortment Discounter" restriction does ensure the Retail Impact is consistent with the permission and therefore the reason for any favourable decision being made.

The applicant has agreed to the condition and has suggested how this could be enforceable.

On balance, a condition is necessary to ensure the very particular retail impacts of the development continue to reflect the evidence put forward.

As the condition can be seen to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, a condition can be justified. - satisfying NPPF paragraph 56.

The applicant has acknowledged 'Limited Assortment Discounted' retailer is a clearly defined type of retailer, albeit not a different Use Class. This means the retailer type and characteristic should be understandable and sufficient to avoid confusion. If a non-LAD retailer were to use the premises it would be possible to enforce.

The condition would require a formal planning application to vary or remove the condition.

The Development Manager informed the Committee that the updated recommendation is to introduce the condition as number 43, in addition to those listed in the committee report; notwithstanding the (i) small net increase of retail floorspace, and (ii) there being no such restrictions on the existing Lidl store.

The Development Manager reported the following in regard to the proposed Section 106 agreement:-

Tesco Stores Ltd requested a change to the legal agreement to build-in protection against a possible future concern.

There is no evidence of likely future problem procedurally.

Whether or not the clause identified is included in the Section 106 Agreement:-

The process would still need to involve a formal Deed of Variation of the Section 106 Agreement

The LPA would be expected to advertise the changes if they affected planning merits of the application

Suitable evidence would be needed to justify a change.

Any change would need to be agreed by all parties in the first 5 years.

After 5 years there is a 'right of appeal'.



The Development Manager reported that the application was recommended for approval, subject to the matters at Section 6.1 of the officer agenda report and to introduce a new Condition 43 as follows:-

The development hereby permitted shall only be used as a Class E(a) retail foodstore and shall be restricted to a 'Limited Assortment Discounter' and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) (Amendment) Regulations 2020 (or any order revoking or re-enacting or amending that order with or without modification). A 'Limited Assortment Discounter' shall be taken to mean the sale of no more than 4,000 individual product lines.

The reason for the condition is: -

For the avoidance of doubt and to ensure that the development hereby permitted does not have a negative impact on the vitality and viability of nearby defined centres in the locality in accordance with the NPPF and Development Plan.

Councillor Boyd asked for clarification as to whether any other stores in the borough were subject to the conditions as set out in Condition 43. The Development Manager reported that he was unaware of any in the Borough but that this type of condition was being used more widely, as in Downham Market in 2020. The Interim Head of Planning informed the committee that this Council must ensure that it made a robust planning decision in case the decision was challenged by a third party.

Councillor Mogford reported that he agreed with Councillor Boyd and Condition 43 left a sour taste in his mouth as it smacked of bullying tactics by Tesco.

Councillor Galer asked if the neighbouring Gypsy & Travellers site had been consulted in regard to potential noise nuisance from the site. The Development Manager assured Members that the application had been subject to the additional consultation as would be expected of this type of application which included site notices being posted at the application site in a position visible to the traveller site.

Councillor Pilkington questioned what benefit agreeing to Condition 43 would have for the town as limiting the goods on offer to 4000 items would ultimately only benefit Tesco's. The Development Manager informed the committee that Tesco had originally suggested a maximum of 2000 items.

The Interim Head of Planning reported that the Council had a duty to protect retail in the Town Centre. However, a condition limiting the use of the new unit would not normally be considered necessary if the submitted retail impact assessment had not been focussed on the impacts from a Lidl operation. The new store replaced an existing store without this level of restriction upon it, but there would be an obligation in the proposed Section 106 to prevent the existing store being used as a Class E(a) retailing use once the new store had opened, in order to prevent an increase in cumulative retail impact over and above that of the proposed new foodstore. The net increase in floorspace resulting from the proposed was 348 square metres.

Councillor Martin asked for clarification as to whether the committee would have been asked to impose Condition 43 if Tesco had not raised it as an issue, and would Tesco have challenged the committee's decision if they did not impose it. The Interim Head of Planning reported that the committee would need to weigh up the impacts of a possible unfettered retail use outside of the Town Centre when reaching their

decision. A challenge to the decision would be a matter of judgement and the Council would need to be able to defend its decision to a third party at judicial review by having an audit trail of how the decision was reached.

Councillor Pilkington informed the Committee that the existing Lidl store was not fit for purpose in regard to access and traffic concerns. Although he was against imposing Condition 43 as a matter of course, he was happy to support its use on the application as Lidl were happy to consent to Condition 43, and he proposed that the application be approved. This motion was seconded by Councillor Williamson who was also concerned regarding the safe access to the existing site.

Councillor Boyd informed the committee that he was unable to support the application because even though the Town Centre was suffering at the hands of out-of-town retail parks as he was a firm supporter of a "free market", he could not support the implementation of Condition 43 because it imposed too many restrictions on the operator.

Following a vote, it was RESOLVED:-

That application number 06/22/0008/F be delegated to the Head of Planning to approve, subject to:-

- a) Prior Completion of a Section 106 Agreement in the form as set out in Appendix 4 to restrict future uses of the existing foodstore on Pasteur Road; and,
- b) If the Section 106 Agreement is not completed within three months of the date of this decision, to delegate authority to the Head of Planning (at their discretion) to:
  - (i) refer the application back to the Development Management Committee, for re-consideration of the application; or
  - (ii) to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied); and,
- c) The Proposed Conditions 1 – 41 as set out in Appendix 5 (and any amendments to those conditions as deemed necessary; and,
- d) The following proposed Condition 42 (an amendment to that proposed in Appendix 5):  
42: No deliveries shall be taken at or dispatched from the site for the purposes of the development the subject of this permission outside the following hours:-

0730 hours to 2230 hours on Mondays to Saturdays,

and,

0900 hours to 1800 hours on Sundays and Bank Holidays or Public holidays.  
Where unloading and deliveries must occur between 0730 – 0830 and 2100 – 2230 vehicles shall only reverse using broadband reversing alarms or with other forms of reversing alarms disabled and a banksman employed to provide appropriate safety assessment.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses, and to ensure the possible highways impacts of the development are not focussed on the peak hours of



use of the local highways network, and to provide a degree of consistency of approach with the permitted delivery hours of the existing retail store which has been assessed to be replaced by the proposed development so as to control the retail impacts of the development, in accordance with policies CS6, CS7, CS9 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021), and the principals of the NPPF.“

and,

e) The following proposed Condition 43:

The development hereby permitted shall only be used as a Class E(a) retail foodstore and shall be restricted to a 'Limited Assortment Discounter' and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) (Amendment) Regulations 2020 (or any order revoking or re-enacting or amending that order with or without modification). A 'Limited Assortment Discounter' shall be taken to mean the sale of no more than 4,000 individual product lines.

The reason for the condition is: -

For the avoidance of doubt and to ensure that the development hereby permitted does not have a negative impact on the vitality and viability of nearby defined centres in the locality in accordance with the NPPF and Development Plan.”

## **6 06-23-0472-F 3 THE FAIRWAY GORLESTON-ON-SEA**

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

The Planning Officer reported that the proposal sought conversion and change of use of the integral garage to use as a hair salon. The works included the replacing of the garage door with full height windows.

The Planning Officer informed Members that the application would see a homeworking salon created which would be in accordance with the flexible working aims of Core Strategy Policy CS06 which was consistent with paragraph 82 of the NPPF, so long as the main town centre use does not detract from the vitality and viability of defined local centres, which a condition can ensure.

The Planning Officer reported that the small-scale nature of the development was unlikely to cause unacceptable highways impacts, but the use of an appointment only system limiting the number of clients to two at any one time with a space of 15 minutes between appointments and restricting hours of operation should ensure that unacceptable impacts on neighbouring amenity should not occur.

The Planning Officer reported that the application was recommended for approval with the proposed conditions as set out on pages 202 to 203 of the agenda report.

Councillor Williamson proposed that the application be approved with the conditions set out in the agenda report. This motion was seconded by Councillor Boyd.

Following a vote, it was RESOLVED:-

That application 06/23/0472/F be approved subject to the conditions as set out on pages 202 to 203 of the agenda report.

## **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: TBC

Application Numbers: **06/23/0557/F** - [Click here to see application webpage \(06/23/0557/F\)](#)

And **06/23/0558/LB** - [Click here to see application webpage 06/23/0558/LB](#)

Site Location: Winter Gardens, South Beach Parade, Great Yarmouth NR30 3JF

Site Location Plan: See Appendix 1

Proposals: **Application 06/22/0557/F** (application for full planning permission):

Refurbishment and renovation of the Winter Gardens, with associated alterations; Demolition and removal of redundant extensions added to original structure; Erection of single storey extensions to west facade; Erection of plant and servicing building, substation, and installation of air source heat pumps and below-ground rainwater tanks; Change of use to a mixed use facility for provision of food, drink and restaurant/cafe dining, community and education spaces, and activity/events/gallery venue (sui generis use class).

**Application 06/22/0558/LB** (application for listed building consent):

Refurbishment and renovation of the Winter Gardens, with associated alterations; Demolition and removal of redundant extensions added to original structure; Erection of single storey extensions to west facade; Erection of plant and servicing building, substation, and installation of air source heat pumps and below-ground rainwater tanks; Change of use to a mixed use facility for provision of food, drink and restaurant/cafe dining, community and education spaces, and activity/events/gallery venue (sui generis); Removal of internal floor plan and installation of new structures and facilities.

Applicant: Great Yarmouth Borough Council (GYBC)

Case Officer: Mr R Tate

Parish & Ward: Nelson Ward, Great Yarmouth

Date Valid: 07-09-23

Expiry date: 07-12-23

Committee referral: These are connected applications submitted by GYBC which is also land owner.

Procedural note: This application was reported to the Monitoring Officer as an application submitted on land owned by the Borough Council, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 21/11/23, to afford the Monitoring Officer an opportunity to check the file 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.

## **RECOMMENDATIONS:**

**06/23/0557/F - Approve and grant planning permission subject to conditions.**

**06/23/0558/LB – Approve and grant listed building consent subject to conditions.**

## **REPORT**

### **1. The Site**

- 1.1 Great Yarmouth Winter Gardens is the last surviving Victorian cast iron and glass winter gardens in the country. Originally designed and constructed in Torquay between 1878-1881 the Winter Gardens was relocated to Great Yarmouth Sea Front in the early 1900s by J.W.Cockrill, the Borough Surveyor at the time. It is Grade II\* Listed.
- 1.2 The Winter Gardens sits within a prominent position on the Sea Front, between the Sea Life Centre and the Wellington Pier towards the southern end of the 'Golden Mile'. The Sea Front is the Borough's main tourist and leisure draw with a wide array of restaurants, arcades, hotels and other leisure facilities. To the east of the site is Great Yarmouth Beach. The Winter Gardens is visible from almost every part of the Sea Front, thanks in part to the 25m height of its lantern, meaning that it is an iconic landmark of the town.
- 1.3 The Winter Gardens has been closed to the public since 2008, having had multiple, short term uses over the previous century, many of which, the applicant states, proved unviable.
- 1.4 The building has been altered and extended multiple times, including several unsympathetic extensions which detract from the significance of the structure. A 'Zimmer frame' was installed in 1995 to support the original structure but even with this, the building remains in a fragile state and the building has been on the Historic England 'At Risk Register' since 2010 as a Category C building. In Historic England's categorisation of buildings at risk, this means the building has "slow decay; no solution agreed".
- 1.5 In terms of the building itself, the Winter Gardens is cruciform in floor plan and consists of a 52m long east-west open plan section (called the nave) with gabled transepts projecting to the north, south and west at the western end. The building is also raised on the western side by the addition of the tower and lantern which raise the height to approximately 25m. There is a bricked arch entrance porch which dates from the early 20<sup>th</sup> century and further 'bolt-on' extensions have been added to all sides of the building. The building is currently supported internally by a scaffold frame due to the fragility of the building.
- 1.6 The structural condition of the building has been assessed by the applicant's surveyors who have considered it to be 'low-end moderate to poor' and continues to deteriorate.

Particular issues include the continued rotting of the timber glazing frames (which has caused displacement to the lantern), water damage and corrosion of the metal work. The building is also vulnerable to vandalism.

## **2. The Proposal**

- 2.1 The proposal aims to restore the Winter Gardens for use as a visitor and community resource and attraction, providing a year-round indoor environment for public enjoyment and leisure. Specifically in terms of use, the application is proposing a mixed use facility including providing of food and drink, as well as a restaurant/café, community and educational spaces, and an activity/event/gallery venue.
- 2.2 The application proposes extensive interventions including:

### **GENERAL INTERVENTIONS**

- Removing all later 'bolt on' extensions.
- Removal of all redundant sanitaryware and M&E items such as radiators, cabling, lights, electrical distribution boards, power sockets, etc. Installation of new M&E systems, sanitaryware and appliances.
- New front extensions either side of the entrance porch.
- Construction of a single storey services block to the south side of the Winter Gardens, including external fire escape route from the first floor of the mezzanine. Ground water harvesting tanks below.
- Installation of Air Source Heat Pumps to the south side of the Winter Gardens and M&E equipment to the roofs of the front extensions and services blocks, including ventilation and photovoltaic panels.

### **ENTRANCE HALL**

- Strip-off the obscured glazed roof finish to the Entrance Porch/Hall, replaced with clear self cleaning toughened laminated single glass.
- Ironwork retained and repaired. Blast cleaning of ironwork back to metal and apply new protective paint coating (oil rig paint) – off white finish.
- Strip-out the timber flooring, replaced by terrazzo floor and entrance barrier in a matwell.
- Infilling the existing door openings to either side of the front block extensions and creating new openings within these to access the new facilities.
- Removal of existing front door and glazed sidelights, replaced by new raised and fielded timber panelled doors.
- Existing front Entrance Porch/Hall elevation wall retained, elevation re-rendered (in lime) and repainted.
- Existing Winter Gardens sign removed.

### **FABRIC**

- Strip-off the glazing to the Winter Gardens roof, replaced by clear self cleaning toughened laminated single pane glass.

- Strip-out the square headed glazed timber screens and replace with new glazed Accoya timber screens/ frames and toughened laminated glass.
- Strip-out of the 2no. layers of wood flooring in the Winter Gardens. Herringbone flooring (1903) within the Tower is to be discarded, as has been damaged by the overboarding and is not salvageable. The maple flooring (1910) to be set-aside for re-use where possible.
- New foundations, slab and floor build up allowing for the construction of new internal volumes, planters, perimeter plants, services runs, underfloor heating, trench heaters.
- Ironwork retained and repaired to address corrosion, failing fixings and fractures. Blast cleaning of ironwork and application of new protective paint coating (oil rig paint) - off white finish.
- Cast iron rainwater goods including gutters and downpipes to be retained and repaired to working order.
- Cockrill-Doulton tiled concrete plinth to be cleaned and repaired like for like. Paint to be removed internally.

## **LANTERN**

- Installation of 'Microabsorber' sound absorbing system to the internal face of the glazed roof.
- Top panels of new timber screens to be openable. These are also to be reinstated as arched openings.

## **TOWER**

- Removal of the existing Zimmer frame and replacement with a new steel frame to strengthen the historic ironwork.
- Top panels of new timber frames to be openable.
- Installation of roller blinds to the underside of the glazed roof.
- Installation of M&E equipment such as suspended luminaire, track lighting along the low level trusses, destratification fans etc.
- New first floor gallery and Hellerup connecting the ground and first floor levels.

## **WEST TRANSEPT**

- New first floor gallery and Hellerup connecting the ground and first floor levels.
- Existing timber organ balcony retained, repaired and repainted.
- New enclosed stair to the north side.
- New enclosed storage, comms room and WCs to the south side.
- New single door opening to the plinth and new glazed timber (Accoya) screens on north elevation.
- Section of plinth to be rebuilt on the west side.

## **NORTH TRANSEPT**

- Installation of 'Microabsorber' sound absorbing system to the internal face of the glazed roof.

- The top panelled sections of the new arched timber (Accoya) frames to the south and north elevations to be openable.
- New double door opening to the plinth and new timber glazed screens on the north elevation (full width).
- New first floor gallery level, floor build up to abut new timber (Accoya) screens, with integrated impact balustrade.
- New built-in planters to the perimeter.

## **SOUTH TRANSEPT**

- Installation of 'Microabsorber' sound absorbing system to the internal face of the glazed roof.
- The top panelled sections of the new arched timber frames to the south and north elevations to be openable.
- New first floor gallery level, floor build up to abut new timber screens, with integrated impact balustrade.
- New single door opening at high level of the new timber screen on the east elevation leading to an external raised fire escape walkway.
- New single door opening to the plinth and new timber (Accoya) glazed screens on the west elevation.

## **NAVE**

- Strip-out of the internal partitioning to the east elevation.
- Strip-out of the existing raised platform. Strip-out of the planter at perimeter, guarding rails, jungle theme panelling.
- Installation of 'Microabsorber' sound absorbing system to the internal face of the glazed roof.
- Installation of roller blinds to the underside of the glazed roof to the south side.
- Installation of M&E equipment such as suspended luminaire, track lighting along the low level trusses, destratification fans etc.
- Construction of an enclosed internal volume to the south of the Nave for kitchen and toilets, as well as an open first floor level above it.
- New single door opening at high level in the new timber screen on the south elevation leading to an external raised walkway.
- New single and double door openings to the plinth and new glazed timber (Accoya) screens on the south, east and north elevations
- New built-in planters to the perimeter on the north side.

## **3. Site Constraints**

- The site is within the development limits defined by GSP1.
- The site is within Great Yarmouth Sea Front defined by GY6.
- The site is within Flood Zone 3.
- The site is within the no.16 Sea Front Conservation Area.
- The building is Grade II\* Listed.
- The building is on the Historic England 'At Risk Register' – Category C.
- The site is within 30m inland of the Coastal Change Management Area.

#### 4. Relevant Planning History

- 4.1 There is extensive planning history for the Winter Gardens although none are directly relevant to this proposal, available to view on the website. Prior to these current applications, the most recent application was in 2009 for listed building consent for repairs to the existing fabric (06/09/0507/LB).

#### 5. Consultations

##### 5.1. Statutory Consultees

###### Historic England

###### Support

Historic England supports the proposals for the repair and reuse of the building [and] consider the application meets the requirements of the NPPF in particular paragraph 197.

###### OFFICER COMMENT RESPONSE

/ Historic England are broadly supportive of the proposals although identify areas within their response where the application is not currently supported by sufficient detail. However, they are confident that such matters can be overcome by way of condition.

Historic England recognise that some aspects of the scheme does generate a 'less than substantial' level of harm, such as the insertion of the mezzanine floor. When considered as a whole however, the proposals would enhance the significance of the Winter Gardens and the proposed use would provide a significant public benefit.

As will be discussed within the main report body, some of the detailed aspects that Historic England have requested to be secured by condition have already been provided and as such not all requested conditions are considered to be necessary.

###### Suggested Conditions

Historic England have requested that the following details are conditioned:

- Repair of fabric
- Replacement of fabric
- Reuse of floor
- Structural Work
- New external work (plant room)
- ASHP
- Escape Route
- Extensions to front elevation
- Fence
- Gates
- Internal alterations



- Opening Windows
- Roof Blinds
- Acoustic Screening
- Pendant heaters and lights, spotlights and large fans

#### **Historic Environment Service**

#### **No objection**

Based on currently available information the proposal will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

**OFFICER COMMENT / n/a**  
**RESPONSE**

**Suggested Conditions** n/a

#### **Local Highways Authority**

#### **No objection**

Having regards to the previous uses of the site/building and given its location, the highway authority raise no objection to the proposal. However, the building is clearly in an area of high footfall and public interaction as well as being directly adjacent to the public highway.

Clearly the proposed works to refurbish and renovate the building are likely to result in significant works that could impact on the public highway, not only by contractor's vehicles and access for delivery of materials, etc., but also possibly temporary works/barriers in the interests of health and public safety.

Whilst appreciating the development of detailed construction matters is still possibly progressing, it is appropriate in highway terms that a Construction Traffic Management Plan is required to detail matters relating to construction access routes, site compounds, contractor parking and any temporary works/barriers that may affect the public highway are duly considered and mitigated.

**OFFICER COMMENT /** These issues can be overcome by way of conditions. The  
**RESPONSE** Highways Officer suggested 4 conditions which would be required.

#### **Suggested Conditions**

- No part of the structure to overhang the highway
- Detailed scheme of on-site parking for construction workers
- Construction Traffic Management Plan and Access Route
- Compliance with Construction Traffic Management Plan

#### **Designing Out Crime Officer**

#### **No objection**

Comments noting the vulnerability of the building in its current state and the need to incorporate measures to contribute to a safe and secure space without creating a fortress environment.

Their response included a number of suggestions to reduce crime and the risk of terrorism.

**OFFICER COMMENT / RESPONSE** / Some of these measures included with the response are broad and unlikely to be achievable given the historic importance and the constraints of the building. However, the agent has agreed to a condition which requires a plan to be agreed for identifying crime prevention measures.

**Suggested Conditions** • Crime prevention plan

**County Ecologist** **No objection**

It is recommended that full details of external landscaping proposals be secured by condition, preferably utilising a range of native tree, shrub and wildflower species.

The removal of existing trees and shrubs should be carried out between September and February inclusive so as to avoid any impacts to nesting birds.

In addition, it is advised that a range of bird nesting boxes are provided to ensure an overall net gain in biodiversity.

**OFFICER COMMENT / RESPONSE** / Details of external planting are included within the landscaping strategy. Compliance with this should be conditioned.

**Suggested Conditions** • Biodiversity Enhancement Plans

**Environment Agency** **No objection**

The site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the refurbishment and renovation of the Winter Gardens with a change of use to a mixed facility for provision of food, drink and restaurant / café dining, which is classified as a 'less vulnerable' development, as defined in Annex 3: Flood Vulnerability classification of the National Planning Practice Guidance.

**OFFICER COMMENT / RESPONSE** / n/a

**Suggested Conditions** n/a

**Resilience Officer** **No objection**

**OFFICER COMMENT / RESPONSE** / n/a

**Suggested Conditions** • n/a

Anglian Water and Norfolk County Council as Minerals and Waste Authority responded with no comments on the application.

## 5.2 INTERNAL CONSULTEES

### Conservation Officer

### No objection

The scheme has been carefully developed to preserve the key elements that make up the significance (architectural and historic character) of the asset. Whilst the scheme will result in less than substantial harm to some elements of the asset, this is outweighed by the considerable public benefit of the overall scheme. The scheme will result in full public access and use with comprehensive interpretation and educational elements which all contribute to the substantial public benefit.

Overall, the scheme has now been advanced to a stage where it is acceptable from the heritage perspective and further detail can be secured by various conditions.

The Conservation Officer has highlighted the following concerns with the proposal:

- The scheme appears to take an inconsistent approach to the flooring with a mixture of tiled and timber floor areas in the main space. A consistent approach would create less interruption to how the open space is experienced; the tiled terrazzo floor could be replicated in a vinyl version on the first floor if tiles are too heavy. It is understood that the timber floor has been specified on the first floor in order to reflect the 1920 flooring of the ice-skating use of the structure. However, such a distinctively different flooring finish will be visually disruptive.
- It appears that most existing glazing is proposed to be replaced with plain glass (laminated and toughened). I wonder if the option of thermally more efficient glass has been considered.

### OFFICER COMMENT RESPONSE

/ The Conservation Officer has advised that some of the detail requested by conditions from Historic England is already available on submitted drawings and therefore such details would be secured through approving the submitted drawings.

The Conservation Officer's comments are noted regarding the flooring and the glazing: -

- The agent has confirmed that increasing the thermal efficiency of the glazing has been explored but would mean that the glazing would be too heavy for the frame, potentially causing structural issues.
- Likewise, providing replica terrazzo flooring tiles would be too heavy for the mezzanine flooring and a vinyl flooring is not considered an appropriate material in terms of its sustainability credentials.

Full details of materials (external and flooring) can be secured by way of condition to ensure that they are suitable and relate well to each other. If the visual impact of the proposed timber flooring at first floor is too disruptive it would be possible to include a scheme of heritage interpretation measures within the first floor area which identified to the public why the flooring is proposed in this particular way (ie. Picking up the historic references to the ice skating uses).

**Suggested Conditions**

- Full details of the Terrazzo tiled flooring at ground floor.
- Full details of first floor floor coverings.  
(The existing plain parquet flooring is not particularly significant, and should it become too difficult to salvage any for the first-floor area as specified, this area could be covered in the same material/finish/colour as the rest of the first floor).
- Details of heritage interpretation images / scheme to explain the use of different flooring materials & designs.
- External finishes and landscaping (fences/gates/timber cladding/metal sheeting)
- Details of internal fixtures such as lighting and radiant heaters, blinds, fans and suspended acoustic screens.
- Overall colour scheme and finishes – internal and external
- Details of balustrade to mezzanine and steps in multi-purpose space.

**Environmental Services****No objection**

I note the content of the Acoustic Report produced by Buro Happold. The proposed equipment should not result in noise disturbance at nearby noise sensitive receptors. However, I note from the information provided that the plant equipment may be subject to change- if the decibel levels of any equipment to be installed differs significantly to the predicted levels provided by Buro Happold, noise data sheets should be submitted to the Environmental Protection Team for approval prior to installation.

I note the proposed development may be used for events. If the venue is to be used for regular or prolonged periods of amplified music, a full Noise Impact Assessment may be required to determine noise breakout and the likelihood of nearby noise sensitive receptors being disturbed.

**OFFICER COMMENT  
RESPONSE**

/ A condition can be imposed to ensure that plant is installed as per the submitted details, any change from this would require further information being submitted.

**Suggested Conditions**

- Full details of external lighting

**Arboricultural Officer****No objection**

No Arboricultural objection to the species selection – external plants may struggle due to exposed location, however it is appreciated that the heritage of the site needs to be demonstrated through planting species selection.

Good to see *Quercus ilex* and *Tamarisk* are included within the proposal – and *diminutive Pinus sp.* being used.

*Ilex* sp. included within the hedging and native hedge mixed species detailed upon the plan. Also *Sorbus aria* is a good addition within south eastern planting.

Understood that the heritage of the site needs to be demonstrated through species selection – some plants selected for external planting may struggle to establish however presume there will be full time gardening staff employed as part of the project to maintain/manage.

**OFFICER COMMENT / n/a  
RESPONSE**

**Suggested Conditions** Planting scheme should be conditioned.

## **6. Publicity & Representations received.**

Consultations undertaken: Site notices and Press advert (expiry on the 29-09-23)

Reasons for consultation: Affecting the Listed Building and Conservation Area, Major Application

### **6.1. Ward Members – Cllr(s) T Wright, M Jeal and K Robinson-Payne**

No comments received at the time of writing.

### **6.2. Public Representations**

At the time of writing no public comments have been received.

## **7. Relevant Planning Policies**

### **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 CS8: Promoting tourism, leisure and culture.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS10: Safeguarding local heritage assets.
- Policy CS11: Enhancing the natural environment.
- Policy CS12: Utilising natural resources.
- Policy CS13: Protecting areas at risk of flooding and coastal change.
- Policy CS15: Providing and protecting community assets and green infrastructure.
- Policy CS16: Improving accessibility and transport.

### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

- Policy GSP1: Development Limits.
- Policy GSP4: New development in Coastal Change Management Areas.

- Policy GY6: Great Yarmouth Seafront Area.
- Policy A1: Amenity.
- Policy R7: Food and drink amenity
- Policy E1: Flood Risk.
- Policy E4: Trees and landscape.
- Policy E5: Historic environment and heritage.
- Policy E6: Pollution and hazards in development.
- Policy C1: Community facilities.
- Policy I1: Vehicle parking for developments.
- Policy I3: Foul Drainage.

## 8. Other Material Planning Considerations

### National Planning Policy Framework (September 2023)

- Section 2. Achieving sustainable development
- Section 4. Decision-making
- Section 6. Building a strong, competitive economy
- Section 7. Ensuring the vitality of town centres
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment
- 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.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

## Assessment

**Application 06/22/0557/F** (application for full planning permission):

Refurbishment and renovation of the Winter Gardens, with associated alterations; Demolition and removal of redundant extensions added to original structure; Erection of single storey extensions to west facade; Erection of plant and servicing building, substation, and installation of air source heat pumps and below-ground rainwater tanks; Change of use to a mixed use facility for provision of food, drink and restaurant/cafe dining, community and education spaces, and activity/events/gallery venue (sui generis use class).

**Application 06/22/0558/LB** (application for listed building consent):

Refurbishment and renovation of the Winter Gardens, with associated alterations; Demolition and removal of redundant extensions added to original structure; Erection of single storey extensions to west facade; Erection of plant and servicing building, substation, and installation of air source heat pumps and below-ground rainwater tanks; Change of use to a mixed use facility for provision of food, drink and restaurant/cafe dining, community and education spaces, and activity/events/gallery venue (sui generis); Removal of internal floor plan and installation of new structures and facilities.

**Main Issues**

The main planning issues for consideration include:

- Principle of development
- Impact on historic environment
- Design
- Amenity
- Highways
- Flood Risk
- Coastal Change
- Local Economy
- Sustainability
- Landscaping
- Ecology

**10. Principle of Development**

10.1 Great Yarmouth's Seafront Area provides the main focus for holiday makers with the greatest concentration of tourist attractions and range of other related tourism and entertainment uses. It is therefore strategically important to the Borough's economy. The Winter Gardens is located within the Golden Mile and is a vacant building in what is otherwise a vibrant and vital part of the town.

10.2 Core Strategy Policy CS6 supports the local visitor and retail economies along with Core Strategy Policy CS8 which supports the development of new, high-quality tourist, leisure and cultural facilities, attractions and accommodation that are designed to a high standard, easily accessed and have good connectivity with existing attractions. Policy CS15 takes a positive approach to the development of new and enhanced community facilities, including the promotion of mixed community uses in the same

building. Policy GY6 seeks to encourage new vibrant and visually active uses along the Seafront, particularly those who provide tourism, leisure and cultural offer.

- 10.3 The application proposes a mixed use within the Winter Gardens, in part recognising the previous challenges of providing a viable use in a building which has such unique maintenance needs. The inclusion of a restaurant/café, along with the adaptability of the functional space within the tower aims to ensure that appropriate uses are provided year-round. The proposal also includes facilities for educational use which again adds another means for knowledge of the importance of the heritage asset to be shared.
- 10.4 Policy GY6 seeks to ensure that café/restaurants, drinking establishments and takeaways provide a complementary function to the tourist and leisure offer along the seafront and that any concentration of these uses does not undermine the vitality of the town centre. The proposal includes a dedicated outdoor restaurant offer of 95sqm along with an internal seating area of 85sqm and bar area of 28.5sqm (note this does not include the areas required for the kitchens and staffing areas). Usually, GY6 would expect proposals which provide over 200sqm (net) of floor space to only be considered acceptable subject to a retail sequential and impact assessment to ensure that there is not a draw on the town centre, however in this case due to the previous use of the building (when it was last in operation) also providing some form of food/drink offer the net increase in floor space is therefore likely less than 200sqm and as such the proposal does not need to go through the retail sequential test process, and in any case their offer would be consistent with that of the prevailing area and would be complementary and ancillary to the main function as a tourist attraction.
- 10.5 Although not specifically referenced in the main policy of LPP2 policy GY6, the supporting text does recognise that the Grade II\* Winter Gardens and Seafront Conservation Area are both identified by Historic England as being in poor condition (Heritage at Risk Register, Historic England) and the GY6 policy actively encourages proposals which seek active, viable uses of key seafront heritage assets for the benefit of maintaining the long-term maintenance and integrity of heritage assets.
- 10.6 The principle of the proposed use is therefore acceptable, and the scheme would allow full public access and use with comprehensive interpretation and educational elements which all contribute to the substantial public benefit. The scheme does therefore comply with Core Strategy Policies CS6 and CS8 and Local Plan Part 2 Policy GY6.

## **11. Impact on Historic Environment**

- 11.1 The subject property is a Grade II\* Listed Building and within the setting of a number of other listed buildings, including the Grade II Masonic Royal Assembly Rooms and Mayflower Hotel on the western side of South Beach Parade.

Section 66(1) of the Listed Buildings Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting,



the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

- 11.2 The site is also located within the no.16 Sea Front Conservation Area.

Section 72(1) of the Listed Buildings Act 1990 states that in the exercise of various functions under the Planning Acts in relation to land in Conservation Areas (including determination of planning applications) the Council is required to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

- 11.3 Being that the applications affect designated heritage assets, the scheme should comply with Core Strategy Policy CS10 which in part requires that proposals should conserve and enhance the significance of the borough's heritage assets and their settings, such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, archaeological sites, historic landscapes including historic parks and gardens, and other assets of local historic value. This approach is expanded upon by LPP2 policy E5 which requires development to "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."
- 11.4 Both the Winter Gardens itself and the Sea Front Conservation Area are identified by Historic England as being in poor condition (Heritage at Risk Register, Historic England) and therefore there is a need to ensure that all development proposals both complement and enhance the historic fabric of the Seafront Area, have regard to the setting of designated heritage assets and be of high quality design in line with Policies CS9, CS10, and E5 and the National Design Guide. The National Planning Policy Framework requires harm to be assessed on a scale which categorises harm into three areas: substantial harm; less than substantial harm; and no harm. For this assessment, harm will be assessed on a scale from 0 (no harm) to 5 (substantial harm). Any level of 'less than substantial harm' needs to be balanced against any public benefits which may outweigh the harm.

#### Existing historic value

- 11.5 The Winter Gardens is the last surviving seaside Victorian cast iron and glass winter gardens in the country. The structure has an unusual prominent, tiered lantern and good quality decorative treatment to the exterior and interior cast iron frame. When it was constructed, it was one of the three largest cast iron and glass seaside winter gardens in England and although some of the glazing and window heads have been replaced, it is largely intact. However, as raised earlier in the report the Winter Gardens is in a continually deteriorating state in part due a prolonged absence of beneficial use but also due to the long exposure to the elements.
- 11.6 The significance of the Winter Gardens derives from the scale and decorative quality of the cast iron frame which represents the culmination of Victorian cast iron and glass technology. Its size and decorative character make it a prominent landmark on the seafront. The large open volume internally illustrates its traditional function as an entertainment space and is equally impressive. It is now the last survivor of the seaside winter gardens and one of a highly significant collection of seaside entertainment buildings in Great Yarmouth.

- 11.7 The Winter Gardens also has considerable group value with the Edwardian entertainment architecture of Great Yarmouth's seaside resort and sits within the setting of a number of other Grade II listed buildings.

### Impact of the Proposals

#### *Repair of fabric*

- 11.8 The original iron frame of the Winter Gardens remains although has suffered from corrosion and other damage, in part due to the proximity to the sea. The proposals seek to address the corrosion, failing fixings and fractures within the iron work by blast cleaning it and applying a new protective paint coating off white finish.
- 11.9 The proposal also seeks to retain the existing iron rainwater goods including gutters and downpipes and repair them to working order where needed. This will solve water ingress issues which is contributing to the corrosion of the frame.
- 11.10 The application also seeks to clean and repair the Cockrill-Doulton tiled concrete plinth. This was not part of the original structure built in Torquay and was constructed when the Winter Gardens was re-erected in Great Yarmouth and provides historic value through the reference of local materials and style.
- 11.11 The repair of historic fabric is supported and the reintroduction of lost historic details will enhance the significance of the Winter Gardens, and therefore does not generate any level of harm. Historic England did request a condition to cover the extent of the historic fabric removal; however this is clearly shown on the "Strip Out Plans" which shows the fabric which will be retained, repaired, reused or removed and therefore, after discussions with the Conservation Officer, such conditions are not considered to be necessary.

#### *Replacement of Fabric*

- 11.12 The application seeks to remove the existing roof glazing which dates from the 1950s and is of low significance, along with the glazed timber screens. These elements are not original and therefore do not contribute to the overall significance of the Winter Gardens, but their pattern, rhythm and proportions are reflective of the original glazing. The application proposes to replace the glazing with clear, self-cleaning, toughened laminated single pane glass and the glazed timber screens with new glazed Accoya timber screens/ frames and toughened laminated glass. Historic England requested that details of such replacement glazing should be secured by condition and the Conservation Officer did raise concern about whether the glazing would also offer thermal retention (which would provide a sustainability benefit). It is considered that a condition which required details of all external materials in the roof, walls and glazing of the building would cover the requirement to fully understand the proposed glazing.
- 11.13 The timber floor on the ground floor is proposed to be removed. The maple wooden flooring dates from 1910 and therefore does provide historic value and also contributes to the significance of the building through providing a reference to former uses. The flooring is proposed to be removed, mainly due to the concern about this possibly being damaged during any flood event, and as such a flood-resistant terrazzo flooring is proposed on the ground floor. The application seeks to reuse some of the existing ground floor timber on the mezzanine floor to provide some form of mitigation and to ensure that this original flooring is still visible. The loss of this flooring and its only-partial reuse and relocation would therefore generate a low level of 'less than

substantial harm' that is considered to be impact level 1 out of 5 (being the lowest level of impact used as a measurement in this particular consideration of an application).

- 11.14 The Conservation Officer has raised concern that this could provide a visual interruption when attempting to consider the ground and first floor as a 'whole', and suggested that a consistent approach to flooring across the whole building would be more appropriate. This is a laudable intention and is supported in principle, but it does appear to be logistically challenging from a construction perspective, given the fragility of the structure and the extra weight this would create. It is recommended that a condition is imposed to secure details of internal materials, such as flooring, and therefore it will be possible to fully assess the visual and historic relationship between the types of flooring when full details have been received.
- 11.15 Any loss of significance, or possible confusion of heritage appreciation, could be mitigated by the use of a condition requiring a scheme for public interpretation and understanding of the heritage interest and architectural value of both ground and first floor coverings, to be displayed within the building.
- 11.16 The application also proposes to remove the herringbone flooring which dates from 1903 and is of higher significance, and its loss would be more keenly felt than the timber being replaced. However, this has been damaged by the subsequent overboarding and it is therefore not possible to reuse this; the loss of this flooring would therefore generate a low level of 'less than substantial harm' that is considered to be impact level 2 out of 5.

### *Structural Work*

- 11.17 As discussed earlier in the report, the Winter Gardens is in a vulnerable position due to the poor condition of the existing iron frame. The tower is currently supported by a 'Zimmer Frame' which was installed in 1995 and this essentially acts as a brace to prevent the building from twisting in high wind conditions and to shore it up. This existing Zimmer Frame, whilst having provided crucial structural support, is temporary in appearance and detracts from the space. Moreover, this Zimmer Frame is not currently sufficient and the Winter Gardens is currently supported internally by scaffolding to prevent further structural issues.
- 11.18 The application includes introducing a new mezzanine floor as well as a gallery area around the tower, which are to be connected to the ground floor by a Hellerup Staircase. This also provides part of the structural support to the building and allows for a more integrated solution and more of the cast iron frame to be retained.
- 11.19 As will be discussed later, the proposed new frame and new mezzanine floor will somewhat compromise the volume of the space and the way in which the original building would be experienced. However, in terms of the approach to providing a structural solution it is considered a considerable improvement over the existing situation and would enable the building to be brought back into use. These newly-introduced structural aspects of the proposal do however create a higher level of 'less than substantial harm' to the significance of the heritage asset, by compromising the appreciation of the original space, and that harm is considered to be scored 3 out of 5.

### *External changes*

- 11.20 The Winter Gardens was initially designed as a free-standing structure although there have been numerous bolt-on extensions all of which compromise the character, experience and appearance of the Winter Gardens. These modern additions are poorly related to the original Winter Gardens building, being flat roofed and of inconsistent floor plan. Moreover, these recent extensions prevent key views and experiences through the building; for example, the extension on the eastern elevation prevents views and movement through the building from South Beach Parade to the Beach.
- 11.21 The proposal does seek to remove all of these later extensions. This will enhance the significance of the Winter Gardens and remove elements which are compromising and causing harm to the integrity of the Listed Building. The removal of these elements will also facilitate the opening-up of the eastern elevation, allowing new movements and views through the building and create a new central line of sight, further adding to the experience of the original character created by the cruciform floor plan of the building.
- 11.22 The application does however affect the original plan form of the building as it includes new extensions to the western elevation, adjacent the entrance porch, to create areas for staff facilities and learning spaces. These proposed additions do have a lesser impact than the former modern extensions, proposing a more recessive and contemporary approach with a smaller footprint. These are proposed to be clad in a standing seam metal cladding and Historic England did raise concern about how successfully this proposed material would integrate into the historic structure.
- 11.23 These additional elements will stand apart from the original building and in some respects the use of the contrasting material makes them become more distinctive. The prevailing mood amongst heritage experts is that the means of restoring heritage assets should ensure new additions are read separately from the original building wherever possible rather than being a pastiche or trying to force a new addition to blend into the original, but that is a difficult balance to find before a new addition becomes over-prominent itself. Historic England have raised concerns that the material might not integrate with the structure, perhaps being concerned that it could be too contrasting and uncomplimentary to the original building.
- 11.24 By proposing that this be resolved by conditions, the blending of materials must be carefully handled. The decision maker must be content at this stage that they understand the implications of the proposed new materials being added to the original structure. It is not possible to amend the material type through condition, if the general positioning and principal of introducing this new proposed material into the original building is not appropriate in the first place. As discussed earlier in the report, it is recommended to use conditions to agree the appearance, finish, colour and profiling of the new metal cladding, but Officers will present further information to the Committee in respect of intended manufacturers specifications of the external materials, so that any conditions to be used can be imposed with confidence that details of the proposed cladding would appropriate to be covered by a condition.

- 11.25 The application also includes the erection of a free-standing structure to the south of the Winter Gardens, providing a services block and an area for plant equipment and bin storage. This free-standing structure will detract from the appearance of the Winter Gardens being within its immediate curtilage; however, this building is positioned to the south side of the Winter Gardens, between the Listed Building and the Wellington Pier complex. Being a transitional space between the listed building and non-listed structured, the level of harm this element would cause is considered to be rated as moderately-low, because this area is already compromised due to the limited separation distance between the two buildings. The impact is that the inclusion of this utilitarian building causes an impact score 2 out of 5 in the 'less than substantial' scale of harm.
- 11.26 However, in mitigation it is considered that views into this area are limited and therefore there would be limited public visibility from outside of the site, contributing to a lower impact level. There would be visibility of the new structure from inside the Winter Gardens, however the insertion of the Hellerup stair core would also limit views of the building from the ground floor. The new plant and machinery building is proposed to be clad in green although full details of this has not been provided, these should be secured by way of condition prior to any works on the plant building commencing. The roof of the plant building is suggested to also act as the fire escape route from the first floor mezzanine, but full details of how this route would be provided should be agreed by conditions along with the details of any necessary screening and balustrade, which has potential to cause further undesirable visual impact.
- 11.27 The application also proposes 3no. air source heat pumps to the southern elevation. These are free standing which will ensure that they do not result in the removal of the historic fabric of the Winter Gardens itself. However, their installation does detract from the benefits of revealing the original historic building, causing a degree of harm to the setting and immediate appearance. Whilst the air source heat pumps are to be screened by new green mesh fencing, that screening will also cause an alien feature and detract from the overall appearance. The details of this screen should be agreed by conditions, along with the gates to the enclosure, to ensure that these are not utilitarian in appearance and do not unduly increased the compromise being caused to the setting of the listed building. The impact of the air source heat pumps and screening is that the inclusion of these utilitarian features which lack historic context causes an impact score 2 out of 5 in the 'less than substantial' scale of harm.
- 11.28 Overall, the proposed alterations to the exterior of the Winter Gardens will enhance the character and appearance of the Winter Gardens, returning the appearance of the building more towards the original structure and once again emphasising the cruciform floor plan.
- 11.29 Where there are compromises being made, these are as a result of the introduction of new features to the surroundings / setting, or as ancillary extensions to, the original listed building. The impacts these cause must be minimised and conditions can ensure

these are sufficiently minimal if it is considered the impact can be sufficiently low in the first place that the benefits will outweigh the harms. In this case the harms of the new materials and the extensions, the new building and the air source heat pumps and enclosures are to the setting and a consequence of better revealing the original fabric. It is considered these are able to outweigh the benefits of restoring and better revealing the historic form of the building, but the decision maker must be certain that they can use conditions effectively to minimise those harms in the first instance. Further details will be presented to the meeting.

### *Internal Alterations*

- 11.30 The application proposes new internal structures including a kitchen with an upper mezzanine floor in the nave, and additions within the tower including a gallery and Hellerup stair case. The reason for these interventions is to ensure that there can be an on-going and viable long term use for the building which has not been possible during the last century when there were frequent short term uses of the building.
- 11.31 As described earlier in the report, part of the significance of the building is the open internal volume of the tower area and the lantern which, save for the existing scaffolding, is uninterrupted. The proposed new internal structure would detract from this and lessen the openness of the volume, which would cause harm to the significance of the building. This level of harm is considered to be towards the higher end of 'less than substantial' harm (4 out of 5). The new internal structure has largely been designed to be free standing and allow for the ongoing maintenance and repair of the historic fabric. It also allows for open views from the western entrance through to the eastern elevation and beach beyond. The mezzanine would allow closer public visibility of the cast iron frame of the building so provides a public benefit in this regard.
- 11.32 A number of partitions are required, although these have mainly been integrated within the Hellerup Staircase to reduce the impact on the internal space of the building. Again this interruption of the open volume also causes a level of harm, however this is limited to the tower area on the ground floor. There have been attempts to lessen the interruption to the open plan form by installing rooms under the staircase, which does mitigate the extent of this form of harmful impact, but this overall harm from the loss of openness within the building plan form is considered to be moderate-low on the 'less than substantial harm' impact scale, scoring 2 out of 5. However, it is nevertheless considered necessary to use conditions to agree the detailing of partitions and balustrading along with manufacturers specifications of materials.
- 11.33 A number of measures are proposed to improve the acoustic and thermal performance of the building; this includes: blinds on the southern roof slope of the nave and tower, acoustic fabric, pendant heaters, lights and fans. Details of these have not yet been provided and there is some concern that these could be poorly related to the structure or limit views out of the building and interrupt the volume and height of the internal space. Details of the appearance, siting, location and number to be used therefore need to be agreed by conditions to ensure that these are recessive and not over dominant, and ensure the cumulative impact of does not increase the levels of harm.



### *Summarising the impacts and need for public benefits*

11.34 Paragraph 197 of the NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraphs 199 and 200 of the NPPF sets out that great weight should be given to the conservation of heritage assets and any harm requires clear and convincing justification, and the greater the significance of the asset the great weight should be applied. The NPPF and Town and Country Planning (Listed Building and Conservation Areas) Act 1990 make clear that “great weight” should be given to a heritage asset’s conservation, irrespective of whether the level of impact is considered to range from anywhere between total destruction or ‘less than substantial harm’.

11.35 As a Grade II\* listed building the Winter Gardens is a building of great and very particular special interest, and in planning terms the NPPF paragraph 200 describes Grade II\* buildings as “assets of the highest significance”. Paragraph 200 defines how that significance should be taken into account, stating:

*“Any harm to, or loss of, the significance...from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Substantial harm to or loss of...assets of the highest significant [inc Grade II\* buildings] should be wholly exceptional.” (author’s emphasis)*

11.36 This sets out the clear requirement that, regardless of the level of harm or intervention caused, where there may be an erosion of the historic value or significance of the listed building, it should be firmly established in the decision maker’s mind that there is ‘clear and convincing justification’ for permitting that harm to occur.

11.37 Furthermore, were the decision maker to consider any of the proposed development, whether individually or cumulatively, to amount to ‘substantial’ harm or loss of the asset, then the justification must be that the proposal is “wholly exceptional”. Whilst there is no clear definition of either term in the NPPF, case law has outlined a general definition of ‘substantial’ harm as being in broad terms almost the complete removal / demolition of an asset, and ‘wholly exceptional’ being something of national significance.

11.38 With this background, there is increased importance in understanding where a development sits on the scale of “less than substantial harm”, because the corresponding level of public benefits must outweigh that harm if a development is to be permitted, in accordance with the requirements of NPPF paragraph 202, which states:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

- 11.39 It is documented in the application that the Winter Gardens is unique in being the last Victorian glass Winter Garden remaining. As a Grade II\* building, the building's national importance is increased even further, and consequentially it is recommended that the ability for development to "secure its optimum use" particularly for a use in the public interest, must be given great weight even where that development might involve degrees of 'less than substantial harm'.
- 11.40 The proposal would help bring the Winter Gardens back into use. The proposal includes many elements which will enhance the significance of the building, especially the removal of the unsympathetic extensions and the repair to the original cast iron structure and repair works to the plinth, along with the proposed planting/landscaping which will contribute to the wider understanding of its original use.
- 11.41 It is considered that elements of the proposal do lead to less than substantial harm to the significance of the listed building. Some aspects have minimal impacts which can be further reduced, such as including contemporary materials and screens, but some interventions are much more drastic and create notable harm in the sliding-scale of 'less than substantial harm', such as the loss of original flooring and proposed introduction of new mezzanines and internal structures in the otherwise-open original space. Notably the insertion of the mezzanine floor and Hellerup staircase would result in a disruption to the open volume, compromising somewhat the experience of the building, notwithstanding that the mezzanine also provides structural benefit.
- 11.42 Elements of the proposal do also cause harm to the setting of the listed building. For example, the proposed new services block to the south of the Winter Gardens generates a level of 'less than substantial harm' and would put an end to the appearance of the building as a free standing cruciform.
- 11.43 However, the cumulative impacts of the overall development are that the proposal is considered to sit within the moderate-lower end of the scoring scale of harm. A corresponding level of public benefits must be clear and convincing to the decision maker, and those can include facilitating the building's return to viable use. Officers present their recommendations in respect of those benefits in the concluding paragraphs of this report.

## **12. Design**

- 12.1 The general approach to design is set out in Core Policy CS09 A. Here, it is expected that new development responds to, and draws inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to ensure that the full potential of the development site is realised; making efficient use of land and reinforcing the local identity. This is an approach which is consistent with NPPF 130 paragraph which states:

*Planning policies and decisions should ensure that developments:*



*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- 12.2 The interventions to the exterior of the building have been discussed in detail in the above section of the report and therefore need not be repeated in this section. However, it is important that the proposed external materials used, both in the existing structure and the new additions, is complementary to the appearance of the Winter Gardens and appropriate in the surrounding context. Full details of external materials can be secured by way of condition.
- 12.3 The removal of the bolt-on extensions is considered to represent an improvement to the appearance of the Winter Gardens, allowing the cruciform floor plan of the building to again be more clearly visible. The proposed front extension is considered suitably recessive in form and scale and would not provide a dominant or ungainly addition to the front elevation. The plant building is sufficiently screened to the southern elevation of the building that it will not cause a significantly harmful element to the overall character of the area or public visual amenity when viewed from both South Beach Parade or the promenade adjacent the beach.
- 12.4 The proposal is considered to accord with good design principles and complies with Core Policy CS09 along with the design expectations within the NPPF.

### **13. Amenity**

- 13.1 The application site is located along the Golden Mile and is adjacent to a number of leisure and entertainment uses. There are no residential dwellings within the immediate vicinity but there are hotels on the opposite side of South Beach Parade, approximately 80 metres to the west of the Winter Gardens.
- 13.2 Adopted policy A1 expands on CS09 F to ensure that no significantly harmful amenity issues occur.
- 13.3 The application proposes a mixed use for the Winter Gardens, including a restaurant/café and a 'flexible' area within the tower which can be used for events such as performances, demonstrations and the like. These potentially noise generating uses do have the potential to give rise to noise disturbances and there are methods indicated to mitigate these, such as blinds and acoustic fabric. The application is supported by an Acoustic Assessment, which also covered the noise from plant equipment. This concludes that plant noise would have a negligible impact on nearby noise receptors and as such would not be detrimental to neighbouring amenity. The Environmental Services team have also confirmed that the proposed equipment should not result in noise disturbance at nearby noise sensitive receptor. The proposal would comply with A1 in this regard.

- 13.4 Policy R7 expects that the impacts of food and drink uses on the surrounding area, such as disturbances, smells, litter and late-night activities are considered. As discussed above, the area is surrounding by leisure and other entertainment uses and the proposal is not considered to cumulatively lead to an unacceptable impact on these amenity issues. The application is considered suitable in this regard.
- 13.5 The Environmental Services team did note that a full Noise Impact Assessment may be required if the venue is to be used for regular or prolonged periods of time, although at this stage, given the description of the proposed use within the Design and Access Statement, this is not considered to be necessary. The application form states that opening hours would be 09:00 till midnight and conditions will be imposed in this general respect; it is recommended that opening hours to the public be limited to 0830 – 00:30 to allow for some arrival and departure around the intended hours of use.
- 13.6 The proposal is not considered to result in significant harmful impact on neighbouring amenity and as such is considered to comply with Core Strategy Policy CS09 F and Local Plan Part 2 Policies A1 and R7.

#### **14. Highways**

- 14.1 Core Strategy Policy CS16 expects that new development does not have an adverse impact on the safety and efficiency of the local road network for all users.
- 14.2 The application site is located within a sustainable location, close to nearby amenities and within the town's main tourism offer. The proposal does not provide any cycle or car parking spaces. The Highways Officer (Norfolk County Council) noted the previous uses of the site and the location of it and did not raise any objection in this regard.
- 14.3 The proposal would obviously require significant works during the refurbishment and renovation of the Winter Gardens, and this could have a resultant impact on the highway network through barriers, deliveries and contractor's vehicles. It is therefore considered necessary to condition a Construction Traffic Management Plan to ensure that any impacts are suitably mitigated and that there is not an unacceptable impact on the highway network (pedestrian or vehicular).
- 14.4 Subject to securing the conditions requested by the Local Highway Authority, the proposal would comply with the expectations of Core Strategy Policy CS16.
- 14.5 To lessen the impact from likely extensive areas of hoarding for a prolonged period of time, it is recommended that the construction site is enhanced with artworks or heritage interpretation, or tourist information facilities, to improve the pedestrian environment. A suitable scheme can be agreed by conditions.

## **15. Flood Risk**

- 15.1 The application site is located within Flood Zone 3 defined by the Environment Agency and is particularly vulnerable to coastal flooding due to the proximity of the North Sea – around 90m to the east of the application site beyond the beach. Core Policy CS13, along with Policy E1, seeks to ensure that development is not susceptible to an unacceptable level of flood risk and that uses are directed to the most appropriate locations.
- 15.2 The submitted Flood Risk Assessment shows that Finished ground floor levels have been proposed at 4.06m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 4.81m AOD and therefore at risk of flooding by 0.75m depth in this event. The proposed mezzanine floor does provide a form of safe refuge above this flood water level, and the roof of the new outbuilding allows external access and rescue if needed.
- 15.3 The proposed use is a “less vulnerable use” according to the NPPF vulnerability matrix and therefore the level of risk is considered appropriate in this situation. The Environment Agency has been consulted on the application and raised no objection.
- 15.4 The site has no form of safe vehicular access to the building during a flood event. The Environment Agency raised no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant. This suitably provides details of what should happen during a flood event, including signing up to warnings from the Environment Agency. The Resilience Officer has no objection to the proposals.
- 15.5 The proposal is not considered to present an unacceptable level of flood risk, nor create additional flood risk elsewhere, and suitable measures have been included within the Flood Response Plan to mitigate risk during a flood event; these proposals should be required to be used by conditions, and should be disseminated to future users of the site. The application is considered therefore to comply with Core Strategy CS13 and Local Plan Part 2 Policy E1.

## **16. Drainage**

- 16.1 The Winter Gardens site is confined in extent and has little external space. As such, it is proposed to install a soakaway to the north of the building. At present the drainage water disposal system is combined, taking rainwater from the west and the north west of the building into the sewer, as well as foul connections. In the proposed arrangement, a reduced area of roof will be drained into the combined system, with the majority being drained to the soakaway. The rainwater collected from the majority of the downpipes will be intercepted by large rainwater storage tanks located to the

south of the building, from which irrigation water can be drawn off. When the storage tanks become full, the excess water will then be routed to the soakaway. This is a preferred solution to disposing surface water in the combined sewer according to the drainage hierarchy in the PPG. It represents a net-improvement to the existing drainage situation, improving the proposal's sustainability credentials and reducing the risk of surface water flooding overall. Anglian Water have not raised an objection to the application.

- 16.2 In terms of foul water, the existing system will largely be replaced and there will be a continued connection to the existing mains sewer.
- 16.3 The proposal is considered acceptable in this regard and the application is considered to comply with policies E1 and I3.

## **17. Coastal Change**

- 17.1 Whilst not located within the Coastal Change Management Area defined by policy GSP4, the application site is within 30 metres inland of this. As such, a type B CEVA form (Coastal Erosion Vulnerability Assessment) has been submitted whereby the applicant (Great Yarmouth Borough Council) have recognised and confirmed that they have made the application with the full understanding and acceptance of the risks associated with coastal change. This is considered sufficient given the vulnerability of the use and the risk area that the application site falls into. The application is therefore considered to comply with GSP4.

## **18. Local Economy**

- 18.1 The application site is located within the Golden Mile, the heart of the Borough's tourist economy. Marine Parade and South Beach Parade contain a range of including restaurants, leisure and entertainment and hotels and the restored Winter Gardens will create another tourist attraction and a combined draw which can lead to linked trips and visitors spending time and money at more than one facility, contributing to the local economy.
- 18.2 The redevelopment of the Winter Gardens will bring back into use an iconic landmark along the seafront. This in itself will be a draw to visitors, both who are interested in the historic environment, but also those keen to experience the unique glasshouse and those visiting the proposed uses (i.e. the café/restaurant or entertainment space). This could also lead to an indirect impact on the local economy whereby visitors to the Winter Gardens also visit other businesses along the Seafront (such as kiosks etc) providing an important contribution to the local economy.

- 18.3 The proposal would also provide direct employment, with the application form indicating a total of 10 full time and 30 part time employees. This scheme would therefore provide a beneficial long-term contribution to the workforce, in addition to the short-term jobs provided during the renovation phase of the project.
- 18.4 The proposal therefore provides key economic and public benefits, complying with the aims of Core Strategy Policies CS06 and CS08 and these must be taken into account when considering the planning balance that weighs these benefits against the harms identified earlier in the report.

## **19. Sustainability**

- 19.1 Core Strategy Policy CS12 supports the use of renewable energy and CS11 addresses overall efforts to mitigate the impacts of climate change. The application has been supported by a sustainability statement to demonstrate how it will address issues surrounding climate change, nature and waste.
- 19.2 In terms of resilience to climate change, the proposal does seek the use of low carbon energy sources, including the use of photovoltaic panels and air source heat pumps. Other efforts are indicated to reduce water consumption and to limit embodied carbon in new materials. It is noted that at this stage it is not likely to include thermally efficient glazing, but this is because this would generate additional weight which the historic frame would be unable to support, even with the extra support provided by the mezzanine and new staircase.
- 19.3 In terms of nature, the proposal seeks extensive planting as well as rainwater harvesting for watering the plants. The County Ecologist has also recommended that biodiversity enhancement measures are conditioned.
- 19.4 There is an aim to ensure that this project to renovate the Winter Gardens is 'net zero'. A key element therefore is the reuse of certain materials; an example of this is the reuse of the existing timber flooring to be used on the mezzanine level, though that in itself is not without problems as discussed in the heritage appraisal.
- 19.5 The proposal is therefore considered to comply with the broad aims of CS11 and CS12.

## **20. Landscaping**

- 20.1 A crucial element of the proposal is the landscaping which is proposed, both internally and externally. The need for suitable planting to be provided internally relates to restoring the historic and original function of the Winter Gardens as a glass house. A

landscaping strategy has been submitted demonstrating how an exotic plant environment can be provided within such a structure. The Landscaping Report is well detailed with proposed species and locations of planting, and it is not considered necessary to use conditions to secure further details. However, compliance with the submitted landscaping strategy should be conditioned.

- 20.2 As discussed earlier in the report there is great importance to the restoration of key movement routes and lines of sight through the building, particularly on the east/west axis. The submitted floor plans show the positions of planters which would initially seem to block a clear axial line (east/west); however, it has been confirmed that these are movable and their positioning is indicative only. The Landscaping Strategy also shows how planting in these would be of a low height and would therefore not disrupt this axial route. The benefit of the moveable planting structures, whether enabling or disrupting a movement route or view, is of course that the internal spaces become much more useable and adaptable, to the benefit of the overall use of the building and meeting the community's needs for a multi-functional space. The Council's Arboricultural Officer has no objection to the landscaping scheme's species selection.
- 20.3 In terms of the external plants, the Council's Arboricultural Officer has noted that the location requires very hardy plant choices for planting to establish due to the northerly/easterly winds. However, he recognised the unique heritage constraints of the site and the proposed species, and accepts that whilst some might struggle, they are otherwise suitable in terms of the proposed size and appearance at planting.
- 20.4 The proposed planting should be conditioned to be undertaken in accordance with the submitted details. With this secured by condition, the proposal does comply with Core Strategy Policy CS11 and Local Plan Policy E4, and acts as a beneficial heritage feature.

## **21. Ecology**

- 21.1 Core Strategy Policy CS11 also seeks to protect the Borough's biodiversity network. The application has been supported by a Preliminary Ecological Appraisal which does identify that the building only has negligible potential for bat roosting.
- 21.2 The external landscape strategy will provide some but limited biodiversity opportunities, for example for pollinators and as habitat for other species such as nesting birds. The County Ecologist was consulted on the application and raised no objection to the proposal but did suggest that that nesting opportunities are conditioned to provide ecological enhancements. A condition can be included to secure 3 nesting bird boxes and 3 bug hotels and/or bee posts to provide enhancement for invertebrates, as suggested by the Preliminary Ecological Appraisal.

- 21.3 The proposal is therefore not expected to have an adverse impact on protected species and through conditioning the measures described above it would provide a net enhancement in terms of ecological opportunities on the site. The proposal therefore complies with CS11 in this regard.

## **22. Local Finance Considerations**

- 22.1 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.

## **23. The Planning Balance**

- 23.1 The applications represent a significant opportunity to renovate the Winter Gardens and return the landmark building back into a viable use. The use proposed is one which is consistent with the surrounding uses and is one which would provide an important and very significant contribution to the Borough's tourist economy, directly and indirectly, and the principle of development is therefore considered acceptable.
- 23.2 Elements of the proposal do lead to a concern over the impacts on heritage assets. There are aspects which create a degree of 'less than substantial harm' to the significance of the Grade II\* heritage asset. These in particular include the insertion of the mezzanine floor (which would compromise the experience of the open volume), the loss of the herringbone timber flooring (which would result in the loss of historic fabric) and the erection of the services building off the south elevation (which would detract from the appearance of the building appearing as a free standing cruciform). However, when viewed as a whole, the proposal does result in the net increase in significance of the building, whilst the restoration of the original cast iron frame and the removal of the later unsympathetic extensions will greatly enhance the significance.
- 23.3 The proposal also includes a number of public benefits. The proposal represents an opportunity to have a positive impact on the seafront and neighbouring uses through the creation of jobs and bringing back into use a vacant building, and contributing to the collective value of Great Yarmouth as a source of heritage interest.



- 23.4 There are elements of the proposal which are still to be fully detailed, but these elements are nonetheless considered acceptable in principle and with careful use of conditions the details should be appropriate to the heritage setting and value of the building. Many of these elements can be secured by way of condition to the satisfaction of Historic England and the Conservation Officer.
- 23.5 Overall, when considered holistically, the proposal is considered to enhance the significance of the Winter Gardens by removing features which have gradually and incrementally detracted from the building over time, and by enhancing the Sea Front Conservation Area by greatly improving the character and appearance of the listed building and its immediate surrounds, i.e. the curtilage.
- 23.6 When considering the application as a whole, the proposal would lead to the net enhancement of the significance of the structure and the proposal is a significant opportunity to secure the much-needed repair and enable the beneficial reuse of this highly significant seaside landmark, which, when against the alternative of remaining unused must be considered an optimum viable use of the heritage asset.
- 23.7 Although there are aspects of the restoration project which would be considered a regrettable necessity, the proposal does also provide numerous public benefits, including the estimated creation of 10 full time and 30 part time employees, the bringing back into use an important historical landmark, the new education and community use facilities being made available, and the notable contribution the building should make to the overall improved vitality and offer at the Sea Front. These public benefits are considered to be significant and of a scale which outweighs the level of harm caused by some elements of the proposal.
- 23.8 In heritage terms, the proposal is therefore considered to comply with Core Strategy Policy CS10 and Local Plan Part 2 Policy E5. The proposal would provide a net enhancement to the significance of the listed building and the improvements to the exterior to the building would have a positive impact on the overall character and appearance of the Conservation Area and setting of nearby listed buildings. The proposal complies with Sections 66 and 72 of the Listed Buildings and Conservation Areas Act in this regard. In terms of the NPPF and requirements of paragraph 202, the level of less than substantial harm is considered by Officers to be outweighed by the opportunity presented by the development and the range of its public benefits.
- 23.9 There are no identified conflicts with the development plan nor have any other material considerations been identified which would suggest the applications do not comply with adopted policy or should not be approved.
- 23.10 Accordingly therefore, the proposals should, on balance, be considered favourably.

## **24. Conclusion and Recommendation**



- 24.1 The application is a detailed and comprehensive scheme to restore and renovate the Winter Gardens for wider public benefit. The proposal involves measures to remove modern extensions which have harmed the significance of the building and proven detrimental to the surrounding Conservation Area. The development not only proposes to remove aspects which currently detract from the Grade II\* listed building, but also proposes to restore original elements of the building, and introduce largely sympathetic interventions which allow for a long-term, valued and viable use.
- 24.2 The application is considered to comply with Core Strategy Policies CS1, CS2, CS6, CS8, CS9, CS10, CS11, CS12, CS13, CS15 and CS16, and Local Plan Part 2 Policies GSP1, GSP4, GY6, A1, R7, E1, E5, E6, C1, I1 and I3, whilst addressing the aims of the NPPF (September 2023). The applications are recommended for approval and it is not considered that there are any other material considerations which would suggest otherwise.

### **RECOMMENDATION 1:**

It is recommended that application 06/22/0557/F for full planning permission should be APPROVED subject to the following proposed Conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the following plans and documents received by the Local Planning Authority on the 7<sup>th</sup> September 2023:

- |  |                              |
|--|------------------------------|
| - Location Plan:                                 | GYWG-BFF-ZZ-ZZ-DR-A-0001 PL1 |
| - Strip-Out Ground Floor Plan:                   | GYWG-BFF-ZZ-00-DR-A-0121 PL1 |
| - Strip-Out Level 1 (First Floor) Plan:          | GYWG-BFF-ZZ-01-DR-A-0122 PL1 |
| - Strip-Out Roof Plan:                           | GYWG-BFF-ZZ-RF-DR-A-0125 PL1 |
| - Strip-Out West Elevation (South Beach Parade): | GYWG-BFF-ZZ-ZZ-DR-A-0140 PL1 |
| - Strip-Out North Elevation:                     | GYWG-BFF-ZZ-ZZ-DR-A-0141 PL1 |
| - Strip-Out East Elevation (Promenade):          | GYWG-BFF-ZZ-ZZ-DR-A-0142 PL1 |
| - Strip-Out South Elevation:                     | GYWG-BFF-ZZ-ZZ-DR-A-0143 PL1 |

- Strip Out Section B2: 0152 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Strip Out Section D: 0154 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Strip Out Section E: 0155 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Strip Out Section F: 0156 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Strip Out Section H: 0158 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Site Plan: 0200 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Block Plan: 0201 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Key: Proposed Gas: 0219 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Basement Plan: 0220 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Ground Floor Plan: 0221 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed First Floor Plan: 0222 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Roof Plan: 0225 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Ground Floor RCP: 0310 PL1	GYWG-BFF-ZZ-00-DR-A-
- Proposed First Floor RCP: 0311 PL1	GYWG-BFF-ZZ-00-DR-A-
- Proposed West Elevation (in context): 0410 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed West Elevation: 0420 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed North Elevation: 0421 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed East Elevation: 0422	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed South Elevation: 0423 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed South Block Elevation: 0424 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Section B2: 0522 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Section F: 0526 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Section H1: 0528 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Section H2: 0529 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Floor Finishes – Ground Floor Plan: 0901 PL1	GYWG-BFF-ZZ-00-DR-A-
- Proposed Floor Finishes – First Floor Plan: 0902 PL1	GYWG-BFF-ZZ-00-DR-A-
- Proposed Roof Finishes: 1200 PL1	GYWG-BFF-ZZ-RF-DR-A-

- Proposed Elevation Repairs: 2510 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Elevation Repairs (Tower And Lantern): 2511 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed External Repairs To Plinth 1/2: 2515 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed External Repairs To Plinth 2/2: 2516 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Schedule Of Accommodation: 5000	GYWG-BFF-ZZ-ZZ-SH-
- Small Power & Data Layout Ground Floor 1000 P02	GYWG-BHE-ZZ-00-DR-E-
- Lighting Layout Ground Floor 2000 P01	GYWG-BHE-ZZ-00-DR-E-
- Fire & Security Layout Ground Floor 3000 P02	GYWG-BHE-ZZ-00-DR-E-
- Containment Layout Ground Floor, Low Level 4000 P02	GYWG-BHE-ZZ-00-DR-E-
- Containment Layout Ground Floor, High Level 4001 P02	GYWG-BHE-ZZ-00-DR-E-
- Heating & Cooling Layout Ground Floor 1000 P02	GYWG-BHE-ZZ-00-DR-M-
- Ventilation Layout Ground Floor 2000 P02	GYWG-BHE-ZZ-00-DR-M-
- MEP Below Ground External Services MX-8000 P02	GYWG-BHE-ZZ-00-DR-
- Above Ground Drainage Layout Ground Floor 1000 P02	GYWG-BHE-ZZ-00-DR-P-
- Domestic Water Layout Ground Floor 2000 P02	GYWG-BHE-ZZ-00-DR-P-
- Small Power & Data First Floor 1001 P02	GYWG-BHE-ZZ-01-DR-E-
- Lighting Layout First Floor 2001 P01	GYWG-BHE-ZZ-01-DR-E-
- Fire & Security Layout First Floor E -3001 P02	GYWG -BHE -ZZ -01 -DR -
- Containment Layout First Floor 4002 P02	GYWG-BHE-ZZ-01-DR-E-
- Heating & Cooling Layout First Floor 1001 P02	GYWG-BHE-ZZ-01-DR-M-
- Ventilation Layout First Floor 2001 P02	GYWG-BHE-ZZ-01-DR-M-
- Above Ground Drainage Layout First Floor P -1001 P02	GYWG -BHE -ZZ -01 -DR -
- Domestic Water Layout First Floor P -2001 P02	GYWG -BHE -ZZ -01 -DR -
- LV Schematic Sheet 1 of 4 7000 P02	GYWG-BHE-ZZ-XX-DR-E-
- Heating & Cooling Schematic 7000 P02	GYWG-BHE-ZZ-ZZ-DR-M-
- Ventilation Schematic 7001 P02	GYWG-BHE-ZZ-ZZ-DR-M-
- Above Ground Drainage Schematic 7000 P02	GYWG-BHE-ZZ-ZZ-DR-P-

- Domestic Water Schematic 7001 P02 GYWG-BHE-ZZ-ZZ-DR-P-
- Conservation Management Plan: 510 GYWG-BFF-ZZ-XX-RP-A-
- Refuse And Waste Management Strategy: 5106 GYWG-BFF-ZZ-XX-RP-A-
- Landscape Sketch Plan: 0001 01 281-CDLA-A1-00-DR-L-
- Landscape Report: (281-CDLA-R-002\_02 GYWG\_Landscape Report\_Planning)
- Structural Survey: (Structural Survey\_Appendix B - 20587 - Stage 3 Report - 2023 Condition Update)
- Drainage Strategy (20587 - The Winter Gardens Proposed Drainage Strategy)
- Utilities Statement (230807\_GYWG\_BH - Utilities Statement)
- Ventilation Statement (230807\_GYWG\_BH - Ventilation Statement)
- Lighting Statement (230807\_GYWG\_BH - Lighting Statement)
- Acoustic Statement (230807\_GYWG\_BH - Acoustic Statement)
- Flood Risk Assessment (AMA879\_WinterGardens\_FRA\_Rev0\_July2023\_LowRes)
- Flood Response Plan (230814\_GYBC\_WG\_Flood Response Plan v1)
- Topographic Survey (44123\_01\_P-Topographic survey0)
- CEVA (GYWG-230814-CEVA type A)
- Ecological And Protected Species Survey (230714 J21296\_Winter Gardens Great Yarmouth\_PEA\_July 2023)
- Sustainability Statement (230807\_GYWG\_Sustainability Statement- Winter Gardens P01)

The reason for the condition is:-

For the avoidance of doubt.

- 3 The development hereby permitted shall not commence until a scheme for providing public artwork / heritage interpretation / visitor information on the construction hoardings to be installed around the construction site has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be installed prior to the commencement of construction works and shall be retained as such for the duration of the construction period.

The reason for the condition is:-

To minimise the impacts of the extensive construction hoardings on the public realm, to mitigate the temporary impact on the conservation area and to promote an understanding of the works being undertaken to the listed building, in accordance with Core Strategy (2015) Policies CS09 and CS10 and LPP2 policies E5. This needs to be a pre-commencement condition as it deals with the construction period of the development.

- 4 The development hereby permitted shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has first been submitted to and approved in writing by the Local Planning

Authority. The scheme shall be implemented throughout the construction period in accordance with the details as approved.

The reason for the condition is:-

To ensure adequate off-street parking during construction in the interests of highway safety, in accordance with Core Strategy (2015) Policy CS16. This needs to be a pre-commencement condition as it deals with the construction period of the development.

- 5 The development hereby permitted shall not commence until a Construction Traffic Management Plan and Access Route, which shall also incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities, has first been submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic).

The reason for the condition is:

In the interests of maintaining highway efficiency and safety, in accordance with Core Strategy (2015) Policy CS16. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

- 6 For the duration of the construction period all traffic associated with the construction of the development shall comply with the approved Construction Traffic Management Plan and shall where practicable use only the 'Construction Traffic Access Route' and no other local roads unless otherwise first approved in writing with the Local Planning Authority.

The reason for the condition is:

In the interests of maintaining highway efficiency and safety, in accordance with Core Strategy (2015) Policy CS16.

- 7 There shall be no installation of any external fabric which the items listed below relate to, until full details of external materials within the roof, walls and glazing of the proposed development have first been provided to and approved in writing by the Local Planning Authority, including detailed manufacturers specifications.

For the avoidance of doubt, this shall include:

- (a) Details of glazing.
- (b) Details of external paint work and finish.

- (c) Details of proposed cladding to new extensions, to include appearance, finish, colour and profiling and, if necessary, the likely colour from weathering over time.
- (d) Details of the external finish of the new Services Block.
- (e) Details of parapet screening and any balustrading/barriers to fire escape route.
- (f) Details of all fencing and gates and enclosure screens.

The development shall be carried out in accordance with the approved details which shall be retained as such thereafter.

The reason for the condition is:

To ensure that full details are provided and demonstrated to be appropriate to the historic building, and to ensure that the external appearance of the Winter Gardens is finished to a high quality, in accordance with Core Strategy (2015) Policy CS10 and LPP2 policy E5.

- 8 There shall be no installation of any new internal features used in the construction of the development until details of their internal finishes and materials have first been submitted to and approved in writing by the Local Planning Authority, including detailed manufacturers specifications.

For the avoidance of doubt, this shall include (but not be exclusive to):

- Full details of the Terrazzo tiled flooring.
- Overall colour scheme and finishes.
- Details of balustrade to mezzanine and steps in multi-purpose space.

The development shall be carried out in accordance with the approved details and shall remain in accordance with thereafter.

The reason for the condition is:

To ensure that full details are provided and demonstrated to be appropriate to the historic building, and to ensure that the internal appearance of the Winter Gardens is finished to a high quality, in accordance with Core Strategy (2015) Policy CS10 and LPP2 policy E5.

- 9 There shall be no installation of any new internal features to be used in the fittings and furnishings of the development until details their internal finishes and materials have first been submitted to and approved in writing by the Local Planning Authority, including manufacturers specifications.

For the avoidance of doubt, this shall include (but not be exclusive to):

- Details of Lighting.

- Details of Radiant heaters.
- Details of blinds, fans and suspended acoustic screens.

The development shall be carried out in accordance with the approved details and shall remain in accordance with thereafter.

The reason for the condition is:

To ensure that full details are provided and demonstrated to be appropriate to the historic building, and to ensure that the internal appearance of the Winter Gardens is finished to a high quality, to ensure that these are recessive and not seen to become over dominant individually or collectively given the requirement to retain an open character to the interior as much as possible, and to ensure that the cumulative impact of these does not lead to detrimental levels of harm, in accordance with Core Strategy (2015) Policy CS10 and LPP2 policy E5.

- 10 There shall be no installation of any external lighting until full details of the proposed external lighting have first been submitted to and approved in writing by the Local Planning Authority. This scheme should provide information about layout and beam orientation, a schedule of the light equipment proposed including luminaire type, mounting height, aiming angles, colour and lumen unit levels.

The development shall be carried out only in accordance with the approved details and shall be retained in the approved form thereafter.

The reason for the condition is:

To limit the impact of obtrusive lighting in the interests of neighbouring and visual amenity, and to maintain an optimal setting to the listed building, in accordance with Core Strategy (2015) Policies CS09 and CS10, and LPP2 (2021) Policies E5 and E6.

- 11 Both the external and internal planting scheme(s), as detailed within the Landscaping Report (281-CDLA-R-002\_02 GYWG\_Landscape Report\_PLANNING) approved within Condition 2 of this permission, shall be carried out and provided in their entirety in strict accordance with the approved details, no later than within the first planting and growing season following the first use of the development hereby permitted. Each specimen shall be afforded suitable protection and growing mediums to ensure suitable establishment and growth, and shall be retained as such thereafter.

The reason for the condition is :-

To ensure a high quality form of development and to enhance the setting of the listed building and infer the historic importance of the site, and in the interests of ensuring appropriate visual amenity for the local area, to enhance biodiversity and to secure appropriate planting for the historic Winter Gardens in accordance with Policies CS09, CS10 and CS11 of the adopted Great Yarmouth Local Plan Core Strategy (2015), and LPP2 (2021) Policies E4 and E5.

- 12 For the duration of a period of 10 years from the first use of the building – if any trees, shrubs or hedges which are planted in the external grounds of the development in accordance with the approved landscaping scheme die, are removed, or become seriously damaged or diseased - they shall be replaced in the next immediate planting season with others of similar size and species in accordance with the approved planting scheme schedules, unless an alternative scheme is first agreed otherwise, in writing, by the Local Planning Authority.

The reason for the condition is :-

To ensure a high quality form of development and to enhance the setting of the listed building and infer the historic importance of the site, and in the interests of ensuring appropriate visual amenity for the local area, to enhance biodiversity and to secure appropriate planting for the historic Winter Gardens in accordance with Policies CS09, CS10 and CS11 of the adopted Great Yarmouth Local Plan Core Strategy (2015), and LPP2 (2021) Policies E4 and E5.

- 13 No use of the building shall take place until details of measures to enhance biodiversity on the site have first been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt this shall include:

- 3 nesting bird boxes
- 3 bug hotels and/or bee posts

These shall be installed in accordance with the approved details prior to the first use of the building and shall be retained in the approved form thereafter.

The reason for the condition is:

To secure biodiversity enhancements in line Core Strategy (2015) policy CS11 and with the NPPF.

- 14 No use of the building shall take place until such a time that a schedule of proposed crime reduction measures has first been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the details of the approved schedule, the features of which shall be installed and made operational prior to the first use of the building, to be retained as approved thereafter.

The reason for the condition is:

To ensure the appropriate consideration of crime prevention measures within the development whilst ensuring these do not detract from the significance of the listed building, in accordance with Core Strategy (2015) Policy CS9.



- 15 No part of the proposed structure (to include fascia board/rainwater guttering) shall overhang or encroach upon highway land and no gate/door/ground floor window shall open outwards over the highway.

The reason for the condition is:

In the interests of highway safety, in accordance with Core Strategy (2015) Policy CS16.

- 16 During the works, if any structural issues are revealed, the works shall be halted, and the Local Planning Authority should be notified immediately. Works shall not recommence on that aspect of the development until a suitable scheme of mitigation has first been submitted to and approved in writing by the Local Planning Authority and shall only be recommenced in accordance with such a mitigation strategy as approved.

The reason for the condition is:-

In the interests of protecting the special architectural and historic interest of the Listed Building in accordance with Core Strategy Policy (2015) CS10.

- 17 During the works, if hidden historic features or archaeology are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Works shall not recommence on that aspect of the development until a suitable scheme of mitigation has first been submitted to and approved in writing by the Local Planning Authority and shall only be recommenced in accordance with such a mitigation strategy as approved.

The reason for the condition is:-

To ensure that historic features are recorded and preserved as part of the special character of the Listed Building in accordance with Core Strategy Policy (2015) CS10.

- 18 All original external and internal historic features which are not proposed to be removed as part of the works shall be preserved and protected from any damage throughout the works. Any damaged fabric should be repaired in a like for like manner with relevant matching materials and techniques.

The reason for the condition is:-

To ensure that regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 19 No use of the building shall take place until the Flood Response Plan approved within the application has first been made available to all operators of the site and management and staff thereof. The development shall continue to be operated thereafter in accordance with the Flood Response Plan in perpetuity.

The reason for the condition is :-

To minimise the risk to the occupants in the event of flooding in accordance with Policy CS13 of the adopted Great Yarmouth Local Plan Core Strategy (2015).

- 20 There shall be no public use of the development hereby permitted until a public heritage interpretation scheme has first been submitted to and approved in writing by the Local Planning Authority which provides for public heritage interpretation measures to be installed within the building.

The details of the scheme shall provide an awareness of the works undertaken, shall recognise where interventions have been made and assets which have been retained (such as any relocated flooring and the significance thereof), shall promote an appreciation of the significance of the building to the community, and shall present an understanding of the historic value of the site as a heritage asset and identify and illustrate its original features where retained and where removed. The heritage interpretation scheme shall thereafter be installed prior to the commencement of the public use of the building and shall be retained as such for the duration of the use hereby permitted.

The reason for the condition is:-

To ensure that full details are provided and demonstrated to be appropriate to a greater public understanding of the historic building, and to ensure that the appearance of such measures is of a high quality, in accordance with Core Strategy (2015) Policies CS09 and CS10, and LPP2 (2021) policy E5.

- 21 The development hereby permitted shall not be open to the public between the hours of 00:30 and 08:30 on any day.

The reason for the condition is :-

In the interests of maintaining neighbouring residential and business amenity in accordance with Policy CS09 of the adopted Great Yarmouth Local Plan Core Strategy (2015) and Policy A1 of the adopted LPP2 (2021).

- 22 And any other Conditions and / or Informative Notes considered to be appropriate for inclusion by the Head of Planning in discussion with the Committee Chairperson.

## **RECOMMENDATION 2:**

It is recommended that application 06/22/0558/LB for listed building consent should be APPROVED subject to the following Conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is:-

Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the following plans and documents received by the Local Planning Authority on the 7<sup>th</sup> September 2023:

- |  |                      |
|--|----------------------|
| - Location Plan:                                 | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0001 PL1   |                      |
| - Strip-Out Ground Floor Plan:                   | GYWG-BFF-ZZ-00-DR-A- |
| 0121 PL1   |                      |
| - Strip-Out Level 1 (First Floor) Plan:          | GYWG-BFF-ZZ-01-DR-A- |
| 0122 PL1   |                      |
| - Strip-Out Roof Plan:                           | GYWG-BFF-ZZ-RF-DR-A- |
| 0125 PL1   |                      |
| - Strip-Out West Elevation (South Beach Parade): | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0140 PL1   |                      |
| - Strip-Out North Elevation:                     | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0141 PL1   |                      |
| - Strip-Out East Elevation (Promenade):          | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0142 PL1   |                      |
| - Strip-Out South Elevation:                     | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0143 PL1   |                      |
| - Strip Out Section B2:                          | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0152 PL1   |                      |
| - Strip Out Section D:                           | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0154 PL1   |                      |
| - Strip Out Section E:                           | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0155 PL1   |                      |
| - Strip Out Section F:                           | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0156 PL1   |                      |
| - Strip Out Section H:                           | GYWG-BFF-ZZ-ZZ-DR-A- |
| 0158 PL1   |                      |

- Proposed Site Plan: 0200 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Block Plan: 0201 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Key: Proposed Gas: 0219 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Basement Plan: 0220 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Ground Floor Plan: 0221 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed First Floor Plan: 0222 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Roof Plan: 0225 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Ground Floor RCP: 0310 PL1	GYWG-BFF-ZZ-00-DR-A-
- Proposed First Floor RCP: 0311 PL1	GYWG-BFF-ZZ-00-DR-A-
- Proposed West Elevation (in context): 0410 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed West Elevation: 0420 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed North Elevation: 0421 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed East Elevation: 0422	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed South Elevation: 0423 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed South Block Elevation: 0424 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Section B2: 0522 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Section F: 0526 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Section H1: 0528 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Section H2: 0529 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Floor Finishes – Ground Floor Plan: 0901 PL1	GYWG-BFF-ZZ-00-DR-A-
- Proposed Floor Finishes – First Floor Plan: 0902 PL1	GYWG-BFF-ZZ-00-DR-A-
- Proposed Roof Finishes: 1200 PL1	GYWG-BFF-ZZ-RF-DR-A-
- Proposed Elevation Repairs: 2510 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed Elevation Repairs (Tower And Lantern): 2511 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed External Repairs To Plinth 1/2: 2515 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Proposed External Repairs To Plinth 2/2: 2516 PL1	GYWG-BFF-ZZ-ZZ-DR-A-
- Schedule Of Accommodation: 5000	GYWG-BFF-ZZ-ZZ-SH-

- Small Power & Data Layout Ground Floor 1000 P02	GYWG-BHE-ZZ-00-DR-E-
- Lighting Layout Ground Floor 2000 P01	GYWG-BHE-ZZ-00-DR-E-
- Fire & Security Layout Ground Floor 3000 P02	GYWG-BHE-ZZ-00-DR-E-
- Containment Layout Ground Floor, Low Level 4000 P02	GYWG-BHE-ZZ-00-DR-E-
- Containment Layout Ground Floor, High Level 4001 P02	GYWG-BHE-ZZ-00-DR-E-
- Heating & Cooling Layout Ground Floor 1000 P02	GYWG-BHE-ZZ-00-DR-M-
- Ventilation Layout Ground Floor 2000 P02	GYWG-BHE-ZZ-00-DR-M-
- MEP Below Ground External Services MX-8000 P02	GYWG-BHE-ZZ-00-DR-
- Above Ground Drainage Layout Ground Floor 1000 P02	GYWG-BHE-ZZ-00-DR-P-
- Domestic Water Layout Ground Floor 2000 P02	GYWG-BHE-ZZ-00-DR-P-
- Small Power & Data First Floor 1001 P02	GYWG-BHE-ZZ-01-DR-E-
- Lighting Layout First Floor 2001 P01	GYWG-BHE-ZZ-01-DR-E-
- Fire & Security Layout First Floor E -3001 P02	GYWG -BHE -ZZ -01 -DR -
- Containment Layout First Floor 4002 P02	GYWG-BHE-ZZ-01-DR-E-
- Heating & Cooling Layout First Floor 1001 P02	GYWG-BHE-ZZ-01-DR-M-
- Ventilation Layout First Floor 2001 P02	GYWG-BHE-ZZ-01-DR-M-
- Above Ground Drainage Layout First Floor P -1001 P02	GYWG -BHE -ZZ -01 -DR -
- Domestic Water Layout First Floor P -2001 P02	GYWG -BHE -ZZ -01 -DR -
- LV Schematic Sheet 1 of 4 7000 P02	GYWG-BHE-ZZ-XX-DR-E-
- Heating & Cooling Schematic 7000 P02	GYWG-BHE-ZZ-ZZ-DR-M-
- Ventilation Schematic 7001 P02	GYWG-BHE-ZZ-ZZ-DR-M-
- Above Ground Drainage Schematic 7000 P02	GYWG-BHE-ZZ-ZZ-DR-P-
- Domestic Water Schematic 7001 P02	GYWG-BHE-ZZ-ZZ-DR-P-
- Conservation Management Plan: 510	G YWG-BFF-ZZ-XX-RP-A-

The reason for the condition is:-

For the avoidance of doubt.

- 3 There shall be no installation of any external fabric which the items listed below relate to, until full details of external materials within the roof, walls and glazing of the proposed development have first been provided to and approved in writing by the Local Planning Authority, including detailed manufacturers specifications.

For the avoidance of doubt, this shall include:

- (b) Details of glazing.
- (b) Details of external paint work and finish.
- (c) Details of proposed cladding to new extensions, to include appearance, finish, colour and profiling and, if necessary, the likely colour from weathering over time.
- (d) Details of the external finish of the new Services Block.
- (e) Details of parapet screening and any balustrading/barriers to fire escape route.
- (f) Details of all fencing and gates and enclosure screens.

The development shall be carried out in accordance with the approved details which shall be retained as such thereafter.

The reason for the condition is:

To ensure that full details are provided and demonstrated to be appropriate to the historic building, and to ensure that the external appearance of the Winter Gardens is finished to a high quality, in accordance with Core Strategy (2015) Policy CS10 and LPP2 policy E5.

- 4 There shall be no installation of any new internal features used in the construction of the development until details of their internal finishes and materials have first been submitted to and approved in writing by the Local Planning Authority, including detailed manufacturers specifications.

For the avoidance of doubt, this shall include (but not be exclusive to):

- Full details of the Terrazzo tiled flooring.
- Overall colour scheme and finishes.
- Details of balustrade to mezzanine and steps in multi-purpose space.

The development shall be carried out in accordance with the approved details and shall remain in accordance with thereafter.

The reason for the condition is:

To ensure that full details are provided and demonstrated to be appropriate to the historic building, and to ensure that the internal appearance of the Winter Gardens is finished to a high quality, in accordance with Core Strategy (2015) Policy CS10 and LPP2 policy E5.

- 5 There shall be no installation of any new internal features to be used in the fittings and furnishings of the development until details their internal finishes and materials have first been submitted to and approved in writing by the Local Planning Authority, including manufacturers specifications.

For the avoidance of doubt, this shall include (but not be exclusive to):

- Details of Lighting.
- Details of Radiant heaters.
- Details of blinds, fans and suspended acoustic screens.

The development shall be carried out in accordance with the approved details and shall remain in accordance with thereafter.

The reason for the condition is:

To ensure that full details are provided and demonstrated to be appropriate to the historic building, and to ensure that the internal appearance of the Winter Gardens is finished to a high quality, to ensure that these are recessive and not seen to become over dominant individually or collectively given the requirement to retain an open character to the interior as much as possible, and to ensure that the cumulative impact of these does not lead to detrimental levels of harm, in accordance with Core Strategy (2015) Policy CS10 and LPP2 policy E5.

- 6 There shall be no installation of any external lighting until full details of the proposed external lighting have first been submitted to and approved in writing by the Local Planning Authority. This scheme should provide information about layout and beam orientation, a schedule of the light equipment proposed including luminaire type, mounting height, aiming angles, colour and lumen unit levels.

The development shall be carried out only in accordance with the approved details and shall be retained in the approved form thereafter.

The reason for the condition is:

To limit the impact of obtrusive lighting in the interests of neighbouring and visual amenity, and to maintain an optimal setting to the listed building, in accordance with Core Strategy (2015) Policies CS09 and CS10, and LPP2 (2021) Policies E5 and E6.

- 7 All original external and internal historic features which are not proposed to be removed as part of the works shall be preserved and protected from any damage throughout the works. Any damaged fabric should be repaired in a like for like manner with relevant matching materials and techniques.

The reason for the condition is:-

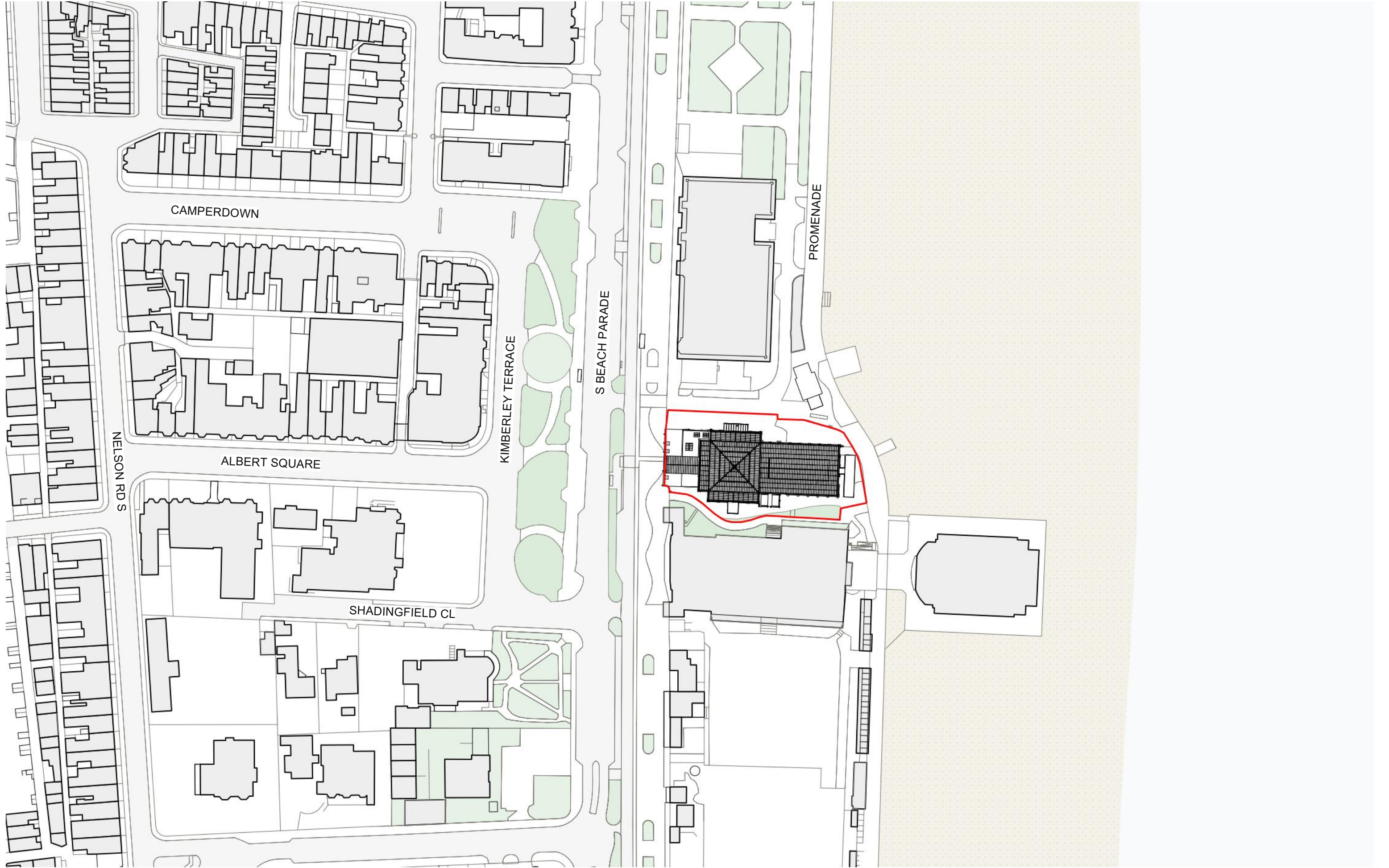


To ensure that regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 8 And any other Conditions and / or Informative Notes considered to be appropriate for inclusion by the Head of Planning in discussion with the Committee Chairperson.

**Appendices:**

1. Site Location Plan



Application Number: **06/23/0752/F** - [Click here to see application webpage](#)

Site Location: Anchor Gardens Car Park, Great Yarmouth, NR30 2ER

Site Location Plan: See Appendix 1

Proposal: Removal of existing seafood retail kiosk; Erection of replacement kiosk with associated bin storage enclosure.

Applicant: Mrs R Ellis

Case Officer: Lucy Smith

Parish & Ward: Nelson Ward, Great Yarmouth

Date Valid: 13<sup>th</sup> October 2023

Expiry date: 8<sup>th</sup> December 2023

Committee referral: Connected application – GYBC is land owner.

Procedural note: This application was reported to the Monitoring Officer as an application submitted on land owned by the Borough Council, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 21/11/23, to afford the Monitoring Officer an opportunity to check the file 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.

**RECOMMENDATION:****APPROVE SUBJECT TO CONDITIONS****REPORT****1. The Site**

- 1.1 The application site is to the east of Marine Parade forming the car park between Anchor Gardens and Pirates Cove Adventure Golf. The car park currently includes Anchor Gardens Café and a kiosk fronting the Parade. This application relates to the replacement of the kiosk building in a similar siting and of a similar scale.
- 1.2 Marine Parade is the main tourism area of Great Yarmouth and the surrounding uses are predominantly visitor based, with a number of kiosks and diners sited along the west of Marine Parade amongst the visitor attractions such as Joyland and the Sea Life Centre adjacent to the beach. The site does fall within Conservation Area no.16 'Seafront' and lies opposite 'The Empire', a Grade II Listed building.
- 1.3 The existing kiosk previously accommodated "Perry's Ice Cream" which has since moved to a newly built kiosk on the car park to the north of the Marina Centre. The

proposed kiosk would match the appearance of this new kiosk and accommodate “Perry’s Sea Food Kiosk”.

## **2. The Proposal**

- 2.1 The proposal is to remove the existing building and provide a replacement. The proposed replacement consists of a permanent purpose-built kiosk building with a buff brickwork plinth, white render walls and flat roof. The size and siting are similar to existing, extending 5m by 4.1m, with a bin storage enclosure proposed to the rear. The servery is proposed to remain to the west of the kiosk as existing.
- 2.2 This application is accompanied by two additional applications for a change of use to provide a seating area adjacent to the kiosk, and an advertisement application to include signage.

## **3. Site Constraints**

- 3.1 The site falls within the development limits of Great Yarmouth, and within the designated “Great Yarmouth Sea Front area”.
- 3.2 The site falls within a Conservation Area and is within the setting of “The Empire”, and there are a number of other listed buildings further along the parade.
- 3.3 The site is within Flood Zone 3a, and within a flood warning area.
- 3.4 The site is adjacent to the Coastal Change Management Area.

## **4. Relevant Planning History**

- 4.1 06/23/0751/CU: Proposed change of use of vacant land adjacent the kiosk for use as seating area for the retail kiosk. Installation of glass balustrade alongside Anchor Gardens, erection of canopies over seating – pending consideration
- 4.2 06/23/0753/A: Installation of 4no. externally-illuminated vinyl fascia signs and 2no. externally-illuminated menu boards – pending consideration

## **5. Consultations**

The public consultation period for this application continues until 24<sup>th</sup> November, slightly later than the publication of this report to Committee. This report details all comments received at the time of submission to the Committee, and if any further comments are received they will be presented to the Committee in an Update Report and/or verbal presentation at the meeting.

### **5.1. Statutory Consultees**

**CONSULTEE** : Local Highways Authority



No objection subject to recommended conditions to secure no part of the structure to overhang the highway.

**Officer comment / response:**

This application relates to the replacement of the kiosk building only, however is accompanied by application reference 06/23/0751/CU, which relates to seating area and canopies, which the above comment is considered more relevant to. Conditions can be used to ensure the kiosk doors do not overhang or open over the highway.

**CONSULTEE : Conservation Officer**

No objection to this proposal. I am not clear if the photo example shows an illuminated border at the top of the sign; it would be preferable if there is no illumination of this type on the sign.

**Officer comment / response:**

These comments mainly relate to an accompanying advertisement consent application, which is considered under application ref. 06/23/0753/A, which is also to be heard at this Committee.

**CONSULTEE: Environmental Services**

No objection.

**CONSULTEE: Norfolk Constabulary**

Although raising no objection, makes comments as summarised below:

- Confirmation is sought that seating, canopy roof and temporary screening proposed will be removed when business is closed as not to attract unwanted attention out of hours.
- seating furniture/balustrades/canopies to be stored away when unit closed
- Bins to be securely fixed
- Specification of roller shutters
- Encourage installation of good quality physical security fittings
- Encourage alarm system to be installed

**Officer comment / response:**

These comments have been considered and it would be considered appropriate to secure a condition requiring details of security features within this application. Committee is advised that the glass screens are said to be permanent features and are a matter of consideration in associated application 06/23/0751/CU.

**CONSULTEE: Environment Agency**

No comments received to date. Any comments will be provided to the meeting.

## **6. Publicity & Representations received**

Consultations undertaken: Site notices (x2) and Press advert

Reasons for consultation: Conservation Area

**6.1. Ward Member – Cllr(s) Michael Jeal and Kerry Robinson Payne**

At the time of writing no comments received.

**6.2. Public Representations**

At the time of writing no public comments have been received.

**7. Relevant Planning Policies**

**The Great Yarmouth Core Strategy (adopted 2015)**

- Policy CS6: Supporting the local economy.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS10: Safeguarding local heritage assets.
- Policy CS13: Protecting areas at risk of flooding and coastal change.

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

- Policy GSP1: Development Limits.
- Policy GY6: Great Yarmouth Seafront Area
- Policy A1: Residential amenity
- Policy R6: Kiosks and stalls
- Policy R7: Food and drink amenity.
- Policy E1: Flood Risk
- Policy E5: Historic environment and heritage.

**8. Other Material Planning Considerations**

**National Planning Policy Framework (July 2021)**

- Section 4: Decision Making
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well-designed places
- 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.

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

### Main Issues

The main planning issues for consideration include:

- Principle of development
- Design
- Consideration of Heritage Impacts
- Flood Risk
- Amenity

## **ASSESSMENT**

### **Proposal summary:**

**The proposal relates to the replacement of an existing kiosk on Marine Parade, Great Yarmouth.**

### **10. Principle of Development**

- 10.1 The application site is situated on Marine Parade amidst the main visitor attractions. To the east is the coastline with key tourist attractions both to the north and the south. The site is within a flood zone and the Great Yarmouth Seafront Conservation Area.
- 10.2 The proposal is for a replacement kiosk with use proposed under use class E. The site falls within the development limits where development will be supported in principle subject to compliance with other relevant policies in the development plan, as stated by policy GSP1. Policy CS6 encourages the development of small-scale businesses and supporting local visitor economies.

### Assessment against Policy R6 – Kiosks and Stalls

- 10.3 Policy R6 of the Local Plan Part 2 (2021) relates specifically to kiosks and stalls and states that developing these within Great Yarmouth Seafront Area, as well as other tourist areas, is acceptable in principle, subject to demonstrating that:

*“a. the siting of the proposal, including the curtilage of the kiosk or stall and associated street furniture, does not obstruct either local footways, promenades and esplanades;*

*b. the design of the kiosk or stall is sympathetic to the surrounding environment, paying particular attention to local street scenes and where applicable, conservation areas, listed buildings and key views;*

*c. the cumulative impact of the proposal, including any clustering of such uses or particular types of uses on the local area, are not significantly adverse; and*

*d. adequate provision is made for:*

- *operational refuse storage out of sight; and*
- *litter bin(s) for customers.”*



And the policy advises that where necessary, conditions may be imposed on proposals to restrict the amount and extent of any external seating, tables, signage, etc.

- 10.4 In regard to criteria a), this application relates to full permission for the replacement of the kiosk only, although it is acknowledged that a further application relates to increasing the curtilage to allow for ancillary seating. The proposed kiosk is sited in a similar position as the existing kiosk, which is stepped back slightly from the adjacent promenade, and does not obstruct any footways.
- 10.5 The proposed seating terraces are to be set in line with the front elevation, and it is considered that imposing a condition to restrict the extent of the seating area would be reasonable, however this is assessed in the relevant application (06/23/0751/CU).
- 10.6 For criteria b), it is acknowledged that there are already commercial kiosks in the area including to the northern car park of the Marina Centre. Marine Parade is characterised by its tourism appeal which often provides colourful designs. The overall appearance of the scheme is considered to be of a good quality, and is not considered to have an adverse impact on the Conservation Area. The design and scale is similar to the existing kiosk and is considered sympathetic to the wider Conservation Area. In accordance with Policy CS9 the design responds to the nearby landmarks. It is considered that criteria b) is satisfied.
- 10.7 In consideration of criteria c), the site falls within 'Great Yarmouth Seafront Area' where the Council aims to encourage quality year-round tourism, acknowledging that food and drink uses form a compatible use in this area. Although there are a number of food and drink uses in this area, they are spread between tourism attractions such as the pier, Joyland, the arcades and adventure golf, and are not considered to represent a clustering of such uses in the local area, and neither is it considered that it would result in a significantly adverse cumulative impact. Additionally, it is acknowledged that this application presents a replacement of an existing small-scale use with the same use being continued, so there should be minimal additional impact.
- 10.8 For criteria d), provision for bins and unloading has been made to the rear of the kiosk, where they would be obscured from the promenade, but still visible due to the removal of vegetation from the north boundary. No details have been submitted for the elevations of the bin enclosures, and as such these details will be secured by condition. As requested by Norfolk Constabulary, the bins should be securely fixed to discourage crime. Although there is no indication of public bins being provided on site, there are a number of bins lining Marine Parade by virtue of the tourist location.

## **11. Impact on Heritage Assets**

- 11.1 The site is within the no16 Seafront Conservation Area and as such the Local Planning Authority must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to preserving or enhancing the character and appearance of the Conservation Area. The site is also within the setting of Grade II listed building "The Empire", and as such section 66 of the Act, requiring the decision maker to have special regard to preserving the setting and features of any listed building, is also relevant.

- 11.2 Policy CS10 of the Core Strategy requires the safeguarding of local heritage assets, through conserving and enhancing their significance, and policy E5 of LP Part 2 requires development proposals within conservation areas to take into account the special and distinctive character of the area which contributes to its significance.
- 11.3 The replacement kiosk is considered to represent an improvement in terms of appearance. Due to the colourful and varied character of this area, and the prevalence of food and drink outlets, the proposal would not be considered to any additional adverse impact to either the significance of the Conservation Area or the setting of "The Empire". Accordingly, the Conservation Officer has raised no objection in regard to the replacement building.
- 11.4 The NPPF requires consideration of the impact of proposed development on the significance of a designated heritage asset. Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this balance, it is this Officer's consideration that there is no level of 'less than substantial harm' caused by the development, but if the decision maker were to consider there to be a level of harm then it is recommended that any harm would be minimal and the public, and economic, benefit of providing a replacement facility for a small scale business is considered to outweigh any 'less than substantial' harm.

## **12. Flood Risk**

- 12.1 The site falls within flood zone 3a, where there is a high probability of flooding from the sea. Policies do require consideration of flood risk for new development, and the NPPF states that whilst applications for some minor development should not be subject to the sequential or exception tests, even those proposals should still meet the requirements for site-specific flood risk assessments.
- 12.2 However, it is acknowledged that the application proposes a replacement of an existing kiosk with negligible floorspace increase which would be considered a 'de minimis' amount. By virtue of the nature of the proposal, which in flood risk terms is categorised as 'less vulnerable' development, it would not be reasonable to request a flood risk assessment for this application, however it is recommended that a flood response plan is provided by condition attached to any permission.

## **13. Residential Amenity**

- 13.1 Policies A1 seeks to protect nearby residential amenity and policy R7 "Food and Drink" specifically aims to prevent the cumulative impact of clusters of food and drink uses and adverse effects, including the impact of noise and general disturbance, smells, litter, late night activity, parking and highway safety and refuse storage.
- 13.2 No opening hours have been included with the application. Although the proposed use would be a seafood kiosk, likely to be mainly open within daytime hours, it is acknowledged that there are a number of uses within Class E which would potentially provide later opening hours. As such, it is recommended that a condition is imposed on any permission to require the kiosk to be retained in use class E(A), for the retail

sale of goods, other than hot food, so that the Council can retain control over the use, and remove the need to control the opening hours at this stage.

#### **14. Conclusion and Recommendation**

- 14.1 The proposal consists of a replacement kiosk, upgrading the appearance and usability of an existing long-established kiosk. The proposal is considered to be of appropriate design, and would not adversely impact the character of the Seafront Conservation Area or setting of the nearby Grade II listed building. The proposal would not obstruct the promenade or public highway, nor present any adverse impacts in regard to residential amenity.
- 14.2 Having considered the details provided, the application if subject to the recommended conditions, is considered to comply with policies CS6, CS9, CS10 and CS13 from the adopted Core Strategy, and policies GSP1, GY6, A1, R6, R7, E1 and E5 from the adopted Local Plan Part 2.

#### **RECOMMENDATION:**

It is recommended that application ref. 06/23/0752/F should be APPROVED, subject to the following proposed conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the following plans received by the Local Planning Authority on 13th October 2023;
  - Site Location Plan
  - Block Plan
  - Plans & Elevations as Proposed

The reason for the condition is :-

For the avoidance of doubt.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the development hereby permitted shall not be used for any other purposes than those falling within Class E(a) of the Town and Country Planning (Use Class Order) 1987 (as amended), without first receiving the prior express permission of the Local Planning Authority.

The reason for the condition is:-

To retain the use for the purpose proposed, to ensure the use reflects the use considered, and to ensure there is no unacceptable impact on residential amenity.

- 4 There shall be no use of the development hereby permitted until details of the bin enclosure, including elevational drawings and refuse capacity, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the details as approved which shall be retained as such thereafter.

The reason for the condition is:-

For the avoidance of doubt and to ensure the satisfactory development of the site and in the interests of ensuring the appropriate appearance of the surrounding Conservation Area.

- 5 There shall be no use of the development hereby permitted until details of security fittings, including details of shutters, alarm system and bin fixing, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the details as approved which shall be retained as such thereafter.

The reason for the condition is:-

For the avoidance of doubt and to ensure the satisfactory development of the site, to minimise potential for fear of crime and disorder, and in the interests of residential amenity.

- 6 There shall be no commencement of use of the development hereby permitted until a flood response plan has first been submitted to and approved in writing by the Local Planning Authority. The flood response plan shall include information which confirms the development has signed up to the Environment Agency's Flood Warnings Direct Service, shall include appropriate evacuation plans and mitigation measures, and the approved flood response plan shall be made available to all future occupiers of the site thereafter.

The reason for the condition is :-

In the interests of minimising the risk of flooding to occupants of the development.

- 7 At no time during the operation of the development hereby permitted shall there be any structures, doors or other openings left hanging over or opening out over the public highway.

The reason for the condition is :-

In the interests of highways and public safety.

**Informative Notes:**

1. Advice regarding works in the public highway.

**Appendices:**

1. Site Location Plan



## Empire Kiosk





Application Number: **06/23/0751/CU** - [Click here to see application webpage](#)

Site Location: Anchor Gardens Car Park, Great Yarmouth, NR30 2ER

Site Location Plan: See Appendix 1

Proposal: Proposed change of use of vacant land adjacent the kiosk for use as seating area for the retail kiosk. Installation of glass balustrade alongside Anchor Gardens, erection of canopies over seating.

Applicant: Mrs R Ellis

Case Officer: Lucy Smith

Parish & Ward: Nelson Ward

Date Valid: 26<sup>th</sup> October 2023

Expiry date: 21<sup>th</sup> December 2023

Committee referral: Connected application – GYBC is land owner.

Procedural note: This application was reported to the Monitoring Officer as an application submitted on land owned by the Borough Council, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 21/11/23, to afford the Monitoring Officer an opportunity to check the file 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.

**RECOMMENDATION:****APPROVE SUBJECT TO CONDITIONS****REPORT****1. The Site**

- 1.1 The application site is sited to the east of Marine Parade forming the car park between Anchor Gardens and Pirates Cove Adventure Golf. The car park currently includes Anchor Gardens Café and a kiosk fronting the Parade. An application has been submitted for the replacement of the kiosk, and this application relates to the ancillary seating to both sides of the proposed kiosk.
- 1.2 Marine Parade is the main tourism area of Great Yarmouth and the surrounding uses are predominantly visitor based, with a number of kiosks and diners sited along the west of Marine Parade amongst the visitor attractions such as Joyland and the Sea Life Centre adjacent to the beach. Many of these existing kiosk do have a small level

of seating outside the premises. The site does fall within Conservation Area no.16 'Seafront' and lies opposite 'The Empire', a Grade II Listed building.

## **2. The Proposal**

- 2.1 The proposed external seating will form two terrace seating areas to either side of the kiosk, formed of buff brick paving. Canopies would extend over the seating, with glass balustrading enclosing the areas.

## **3. Site Constraints**

- 3.1 The site falls within the development limits of Great Yarmouth, and within the designated "Great Yarmouth Sea Front area".
- 3.2 The site falls within a Conservation Area and is within the setting of "The Empire", and there are a number of other listed buildings further along the parade.
- 3.3 The site is within Flood Zone 3a, and within a flood warning area.
- 3.4 The site is adjacent to the Coastal Change Management Area.

## **4. Relevant Planning History**

- 4.1 06/23/0752/F: Removal of existing seafood retail kiosk; Erection of replacement kiosk with associated bin storage enclosure – pending consideration
- 4.2 06/23/0753/A: Installation of 4no. externally-illuminated vinyl fascia signs and 2no. externally-illuminated menu boards – pending consideration

## **5. Consultations**

The public consultation period for this application continues until 24<sup>th</sup> November, slightly later than the publication of this report to Committee. This report details all comments received at the time of submission to the Committee, and if any further comments are received they will be presented to the Committee in an Update Report and/or verbal presentation at the meeting.

### **5.1. Statutory Consultees**

#### **CONSULTEE: NCC Highways**

No objection subject to recommended condition to secure no part of the structure to overhang the highway.

#### **Officer comment / response:**

The condition recommended as part of this consultee response is considered reasonable and necessary to ensure the structure does not cause any issues with highway safety.

#### **CONSULTEE: Conservation Officer**



No objection to this proposal. I am not clear if the photo example shows an illuminated border at the top of the sign; it would be preferable if there is no illumination of this type on the sign.

**Officer comment / response:**

These comments mainly relate to an accompanying advertisement consent application, which is considered under application ref. 06/23/0753/A, which is also to be heard at this committee.

**CONSULTEE:** Environmental Services

No objection.

**CONSULTEE:** Norfolk Constabulary

Although raising no objection, makes comments as summarised below:

- Confirmation is sought that seating, canopy roof and temporary screening proposed will be removed when business is closed as not to attract unwanted attention out of hours.
- seating furniture/balustrades/canopies to be stored away when unit closed
- Bins to be securely fixed
- Specification of roller shutters
- Encourage installation of good quality physical security fittings
- Encourage alarm system to be installed

**Officer comment / response:**

These comments have been considered and the applicant has confirmed that the balustrading and canopy roof would be permanent features and not movable, but that the seating could be stored, and it would be preferable to fix to the terrace if considered necessary, due to the minimal amount of storage area.

**6. Publicity & Representations received**

Consultations undertaken: Site notices (x2) and Press advert

Reasons for consultation: Conservation Area

**6.1. Ward Member – Cllr(s) Michael Jeal and Kerry Robinson Payne**

At the time of writing no comments received.

**6.2. Public Representations**

At the time of writing no public comments have been received.

**7. Relevant Planning Policies**

**The Great Yarmouth Core Strategy (adopted 2015)**

- Policy CS6: Supporting the local economy.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS10: Safeguarding local heritage assets.
- Policy CS13: Protecting areas at risk of flooding and coastal change.

### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

- Policy GY6: Great Yarmouth Seafront Area
- Policy A1: Residential amenity
- Policy R6: Kiosks and stalls
- Policy E1: Flood Risk
- Policy E5: Historic environment and heritage.

## **8. Other Material Planning Considerations**

### **National Planning Policy Framework (July 2021)**

- Section 4: Decision Making
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well-designed places
- 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.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

### **Main Issues**

The main planning issues for consideration include:

- Principle of development
- Consideration of Heritage Impacts
- Flood Risk
- Residential amenity

## **ASSESSMENT**

### **Proposal summary:**

**The proposal relates to new external seating areas ancillary to a proposed replacement kiosk on Marine Parade, Great Yarmouth.**

**10. Principle of Development**

- 10.1 The application site is situated on Marine Parade amidst the main visitor attractions. To the east is the coastline with key tourist attractions both to the north and the south. The site is within a flood zone and the Great Yarmouth Seafront Conservation Area.
- 10.2 The proposal is for ancillary seating adjacent to a replacement kiosk to be used for use class E purposes. Policy CS6 encourages the development of small-scale businesses and supporting local visitor economies, whilst policy GY6 supports food and drink uses within the designated Great Yarmouth seafront area.

**Assessment against Policy R6 – Kiosks and Stalls**

- 10.3 Policy R6 of the Local Plan Part 2 (2021) relates specifically to kiosks and stalls and states that developing these within Great Yarmouth Seafront Area, as well as other tourist areas, is acceptable in principle, subject to demonstrating that:

*“a. the siting of the proposal, including the curtilage of the kiosk or stall and associated street furniture, does not obstruct either local footways, promenades and esplanades;*

*b. the design of the kiosk or stall is sympathetic to the surrounding environment, paying particular attention to local street scenes and where applicable, conservation areas, listed buildings and key views;*

*c. the cumulative impact of the proposal, including any clustering of such uses or particular types of uses on the local area, are not significantly adverse; and*

*d. adequate provision is made for:*

- operational refuse storage out of sight; and*
- litter bin(s) for customers.”*

And the policy advises that where necessary, conditions may be imposed on proposals to restrict the amount and extent of any external seating, tables, signage, etc.

- 10.4 In regard to criteria a), the proposed seating terraces are in line with the kiosk's front elevation, and would not extend into the adjacent promenade. It is acknowledged that the seating is proposed to extend slightly into Anchor Gardens to the north, which also falls within the same land ownership as the site, however by virtue of the nature of the width of the existing path into the gardens, sufficient footway is retained. It is considered that to impose a condition to restrict the extent of the seating area would be reasonable, as requested by NCC Highways.
- 10.5 For criteria b), it is acknowledged that there are already commercial kiosks in the area including to the northern car park of the Marina Centre. This proposal reflects the appearance of this kiosk, which also has external seating, ensuring continuity along the seafront. It is noted that the proposal would remove some vegetation, including shrubs and hedging, from anchor gardens in order to extend the seating area. Although

this landscaping is considered to benefit the appearance of the wider area and appearance of the conservation area, the extent of removal would be minimal, and the overall proposals, when viewed together as a replacement kiosk with ancillary seating, would be considered to improve the existing structure and setting. As such, the design and appearance are considered appropriate and sympathetic to the wider conservation area, as also in accordance with CS9 of the Core Strategy.

- 10.6 In consideration of criteria c), the site falls within 'Great Yarmouth Seafront Area' where the Council aims to encourage quality year-round tourism, acknowledging that food and drink uses form a compatible use in this area. The existing kiosk does not currently benefit from external seating, however a number of the other kiosks, including the existing kiosks to the north of the application site, and Anchor Gardens Café, do have small areas of external seating for customers to use. This is considered typical of the seafront area, with a large footfall along the parade in the summer months, and would not be considered to contribute to a clustering with adverse impacts.
- 10.7 Criteria d) is addressed by the proposed use of new refuse stores and management of the kiosk under consideration as part of application 06/23/0752/F.

## **11. Impact on Heritage Assets**

- 11.1 The site is within the no16 Seafront Conservation Area and as such the Local Planning Authority must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to preserving or enhancing the character and appearance of the Conservation Area. The site is also within the setting of Grade II listed building "The Empire", and as such section 66 of the Act, requiring the decision maker to have special regard to preserving the setting and features of any listed building, is also relevant.
- 11.2 Policy CS10 of the Core Strategy requires the safeguarding of local heritage assets, through conserving and enhancing their significance, and policy E5 of LP Part 2 requires development proposals within conservation areas to take into account the special and distinctive character of the area which contributes to its significance.
- 11.3 The external seating area extends to either side of the proposed replacement kiosk, and would alter views of the site, particularly from the north, where some vegetation would be replaced by the northern seating terrace, with bollards to be removed and a decorative urn to be moved, which is considered to result in 'less than substantial harm' to the overall appearance of the conservation area. The seating to the south of the kiosk would have less of an impact, replacing part of the existing car park. Although it is considered necessary to request further details relating to the movement of street furniture and replacement planting required for the seating to the north, to ensure this appropriate in terms of highway safety and to ensure any appropriate mitigation takes place, it is considered that this can take place without adversely impacting the conservation area to an unacceptable degree. It is considered that this will not have a substantial impact, and as such can be addressed by condition.
- 11.4 The NPPF requires consideration of the impact of proposed development on the significance of a designated heritage asset. Where a development proposal will lead to 'less than substantial' harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where

appropriate, securing its optimum viable use. In this balance, the harm caused to the conservation area by the removal of the vegetation is considered to be very low on the 'less than substantial' scale of harm, and the public, and economic, benefit of providing a replacement facility for a small-scale business, with external seating to encourage more custom in line with nearby food outlets, is considered to outweigh that less than substantial harm. The proposals when considered as a whole would consist of an improvement of the existing kiosk and its setting, and by extension, an improvement to the overall character and appearance of the conservation area.

## **12. Flood Risk**

- 12.1 The site falls within flood zone 3a, where there is a high probability of flooding from the sea. Whilst this has been a consideration under the application for the replacement kiosk, this application for external seating does not cause significant concerns over being impacted by flood risk as it does not comprise a building that would be susceptible to flood damage. Whilst introducing the public as users of the seating areas would increase the flood risk to the public, this is not considered a significantly material increase, and change of use applications do not need to be subject to the sequential test assessment process.
- 12.2 It is nevertheless considered necessary to ensure the seating areas are subject to the same flood risk protections as the new kiosk, so it is proposed to impose conditions which ensure the seating areas are managed in accordance with the flood evacuation plan and used only in association with the kiosk within application 06/23/0572/F.

## **13. Residential Amenity**

- 13.1 There are no immediate adjacent residential properties which would be impacted by users of the external seating area. The proposed use falls within Use Class E(A), and a restrictive condition is recommended under the replacement kiosk application to retain the kiosk in this use. As a cold-food kiosk, the proposal would be considered to only be open in the day-time, rather than any late-night use where use of the external seating area may result in noise. The aforementioned condition will ensure the area is only used on conjunction with the kiosk, so minimising noise impacts.

## **14. Conclusion and Recommendation**

- 14.1 The proposal consists of external seating ancillary to a proposed replacement kiosk. The overall proposals are considered to consist of a more permanent improvement of the long-established kiosk use. The proposal is considered to be of appropriate design, and would not adversely impact the character of the conservation area or setting of the nearby listed building. The proposal would not obstruct the promenade or public highway, nor present any adverse impacts in regard to residential amenity.
- 14.2 Having considered the details provided, the application is considered to comply with policies CS6, CS9, CS10 and CS13 from the adopted Core Strategy, and policies GY6, A1, R6, E1 and E5 from the adopted Local Plan Part 2.

## RECOMMENDATION:

It is recommended that application ref. 06/23/0751/CU should be APPROVED, subject to the following proposed conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the following plans received by the Local Planning Authority on the 26<sup>th</sup> October 2023:

- Proposed Block Plan
- Proposed Plans and Elevation;

And revised plan received on the 14<sup>th</sup> November 2023:

- Revised Site Location Plan

The reason for the condition is :-

For the avoidance of doubt.

- 3 No part of the proposed structure (the balustrade, its posts and foundations) shall overhang or encroach upon highway land at any time.

The reason for the condition is :-

In the interests of highway safety.

- 4 There shall be no use of the seating areas hereby permitted until the proposed seating and screening features have first been fixed in place in accordance with the approved details within the application. The features shall thereafter be retained in situ in accordance with the details, for the duration of the use of this permission.

The reason for the condition is :-

For avoidance of doubt, in the interests of public amenity and to maintain the appearance of the Conservation Area.

- 5 There shall be no commencement of use of the development (the seating areas) hereby permitted until details have first been submitted to and approved in writing by the Local Planning Authority in respect of the replacement street furniture and planting to be provided in place of the proposed seating to the north of the kiosk.

The reason for the condition is :-

For the avoidance of doubt and to ensure the satisfactory development of the site.

- 6 There shall be no use of the development hereby permitted (the seating areas) other than in association with the use and operation of the adjoining retail kiosk the subject of permission 06/23/0752/F, and any amendments thereto.

The use of the seating areas shall be subject to the same flood risk management and evacuation procedures as are required by conditions of the adjoining site as required within permission 06/23/0752/F.

In the event that the approved retail kiosk building should be removed or the use therein be discontinued, the seating areas shall cease to be used and all apparatus and furnishings shall be removed within 1 month of the cessation of the kiosk use or removal of the building, and the area shall be restored to its former condition as existed prior to the commencement of the development hereby permitted within the same period.

The reason for the condition is :-

For avoidance of doubt, in the interests of public amenity, to ensure the use corresponds to the principal use of the approved development, to ensure the appropriate safety and management of patrons in the event of flooding, and in the interests of maintaining the character and appearance of the Conservation Area.

**Informative Notes:**

1. Advice regarding works in the public highway.

**Appendices:**

1. Site Location Plan

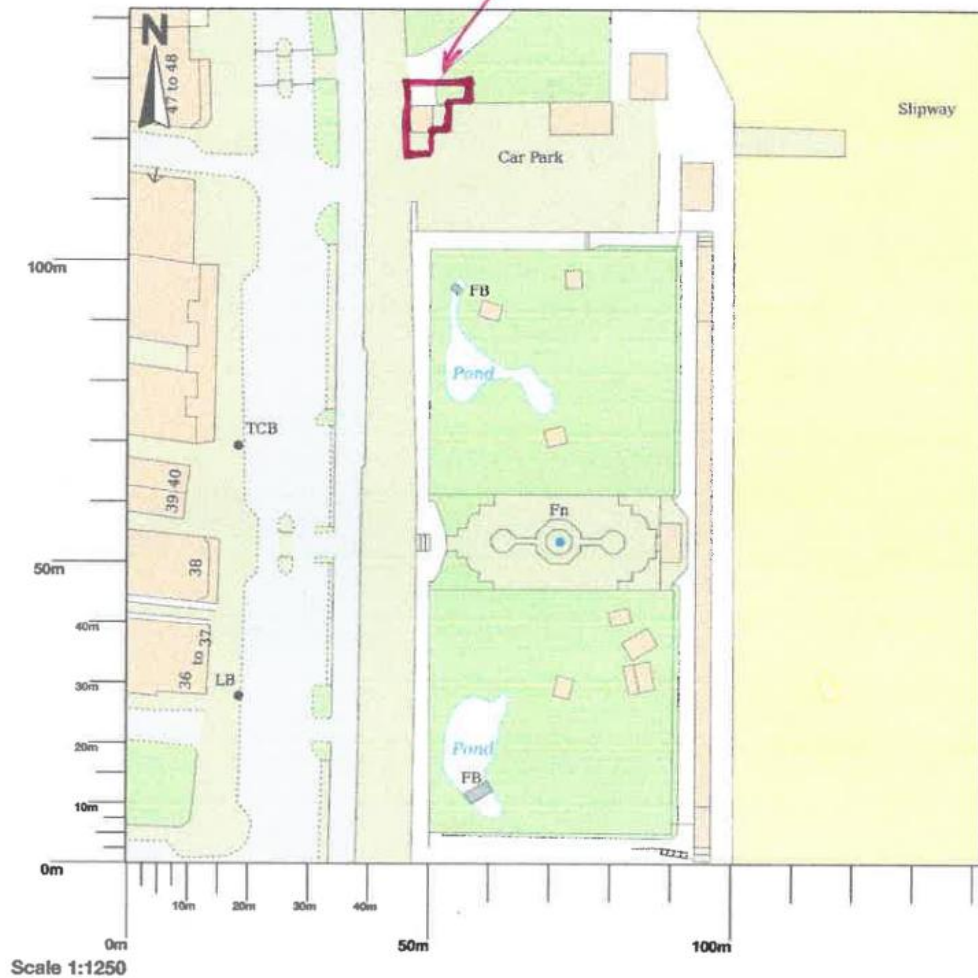




**UK  
Planning  
Maps**

## Empire Kiosk

*THE SITE*



© Crown copyright and database rights 2023 OS 100054135. Map area bounded by: 653081,307388 653223,307530. Produced on 24 September 2023 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: p2e/uk/1005066/1355397



Application Number: **06/23/0753/A** - [Click here to see application webpage](#)

Site Location: Anchor Gardens Car Park, Great Yarmouth, NR30 2ER

Site Location Plan: See Appendix 1

Proposal: Installation of 4no. externally-illuminated vinyl fascia signs and 2no. externally-illuminated menu boards

Applicant: Mrs R Ellis

Case Officer: Lucy Smith

Parish & Ward: Nelson Ward, Great Yarmouth

Date Valid: 13<sup>th</sup> October 2023

Expiry date: 8<sup>th</sup> December 2023

Committee referral: Connected application – GYBC is land owner.

Procedural note: This application was reported to the Monitoring Officer as an application submitted on land owned by the Borough Council, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 21/11/23, to afford the Monitoring Officer an opportunity to check the file 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.

**RECOMMENDATION:****APPROVE SUBJECT TO CONDITIONS****REPORT****1. The Site**

- 1.1 The application site is a kiosk to the east of Marine Parade forming the car park between Anchor Gardens and Pirates Cove Adventure Golf. The car park currently includes Anchor Gardens Café and a kiosk fronting the Parade. An application has been submitted for the replacement of the kiosk, and this application relates to the proposed advertisement sited on that proposed new building.
- 1.2 Marine Parade is the main tourism area of Great Yarmouth and the surrounding uses are predominantly visitor based, with a number of kiosks and diners sited along the west of Marine Parade amongst the visitor attractions such as Joyland and the Sea Life Centre adjacent to the beach. Many of these existing kiosks and food outlets do have a similar small level of seating outside the premises. The site does fall within Conservation Area no.16 and lies opposite 'The Empire', a Grade II Listed building.

## **2. The Proposal**

- 2.1 The advertisement would include signage to the kiosk only, extending on all elevations to the top of the structure, with lettering approximately 400mm high stating 'Perry's Seafood', and a red LED light strip extending around the top of the sign.

## **3. Site Constraints**

- 3.1 The site falls within the development limits of Great Yarmouth, and within the designated "Great Yarmouth Sea Front area".
- 3.2 The site falls within a conservation area and is within the setting of "The Empire", and there are a number of other listed buildings further along the parade.
- 3.3 The site is within Flood Zone 3a, and within a flood warning area.
- 3.4 The site is adjacent to the Coastal Change Management Area.

## **4. Relevant Planning History**

- 4.1 06/23/0752/F: Removal of existing seafood retail kiosk; Erection of replacement kiosk with associated bin storage enclosure – pending consideration
- 4.2 06/23/0751/CU: Proposed change of use of vacant land adjacent the kiosk for use as seating area for the retail kiosk. Installation of glass balustrade alongside Anchor Gardens, erection of canopies over seating – pending consideration

## **5. Consultations**

The public consultation period for this application continues until 24<sup>th</sup> November, slightly later than the publication of this report to Committee. This report details all comments received at the time of submission to the Committee, and if any further comments are received they will be presented to the Committee in an Update Report and/or verbal presentation at the meeting.

### **5.1. Statutory Consultees**

#### **CONSULTEE: NCC Highways**

No objection subject to recommended condition to restrict the level of illumination of the sign to 600cd/m2.

#### **Officer comment / response:**

The condition recommended as part of this consultee response is considered reasonable and necessary to ensure the advertisement does not cause any issues with highway safety.

#### **CONSULTEE: Conservation Officer**

No objection to this proposal. I am not clear if the photo example shows an illuminated border at the top of the sign; it would be preferable if there is no illumination of this type on the sign.

**Officer comment / response:**

The sign does include illumination, and the acceptability has been assessed later in this report.

**CONSULTEE:** Environmental Services

No objection.

**6. Publicity & Representations received**

Consultations undertaken: Site notices (x2) and Press advert

Reasons for consultation: Conservation Area

**6.1. Ward Member – Cllr(s) Michael Jeal and Kerry Robinson Payne**

At the time of writing no comments received.

**6.2. Public Representations**

At the time of writing no public comments have been received.

**7. Relevant Planning Policies**

**The Great Yarmouth Core Strategy (adopted 2015)**

- Policy CS6: Supporting the local economy.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS10: Safeguarding local heritage assets.

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

- Policy GSP1: Development Limits.
- Policy GY6: Great Yarmouth Seafront Area
- Policy A1: Residential amenity
- Policy A3: Advertisements
- Policy E5: Historic environment and heritage

**8. Other Material Planning Considerations**

**National Planning Policy Framework (July 2021)**

- Section 4: Decision Making
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well-designed places
- 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.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

### Main Issues

The main planning issues for consideration include:

- Principle of Development
- Consideration of Heritage Impacts
- Design and amenity
- Highway safety

## ASSESSMENT:

### **Proposal summary:**

**The proposal relates to proposed advertisement sited on a kiosk at Marine Parade, Great Yarmouth.**

## 10. Principle of Development

- 10.1 The application site is situated on Marine Parade amidst the main visitor attractions. To the east is the coastline with key tourist attractions both to the north and the south. The site is within a flood zone and the Great Yarmouth Seafront Conservation Area.
- 10.2 The proposal is for advertisement on a replacement kiosk at Anchor Gardens Car Park. Policy CS6 encourages the development of small-scale businesses and supporting local visitor economies, whilst policy GY6 directs that the principle of food and drink kiosks are suitable in this location.

### Assessment against Policy A3 - Advertisements

- 10.3 Policy A3 states that in assessing advertisement proposals in terms of amenity, regard will be given to the local characteristics of the neighbourhood in terms of potential impact upon the scenic, historic, architectural, landscape or cultural settings, and whether it is in scale and in keeping with these features.

- 10.4 In assessing advertisements in terms of public safety, consideration will be given to the advertisement's potential to become hazardous to users of paths, roads, rail, waterways and aircraft.
- 10.5 The proposal involves advertisement on the elevations of the kiosk only, constituting lettering to state "Perry's Seafood", with a red LED strip along the top of the signage. The appearance of the font would match that of the kiosk "Perry's Ice Cream", situated in the car park to the north of the Marina Centre. The signage would appear on the building only and would not encroach on the Promenade or public highway.

## **11. Impact on Heritage Assets**

- 11.1 The site is within the no16 Seafront Conservation Area and as such the Local Planning Authority must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to preserving or enhancing the character and appearance of the Conservation Area. The site is also within the setting of Grade II listed building "The Empire", and as such section 66 of the Act, requiring the decision maker to have special regard to preserving the setting and features of any listed building, is also relevant.
- 11.2 Policy CS10 of the Core Strategy requires the safeguarding of local heritage assets, through conserving and enhancing their significance, and policy E5 of LP Part 2 requires development proposals within conservation areas to take into account the special and distinctive character of the area which contributes to its significance.
- 11.3 It is acknowledged that the Conservation Officer's comments stated that non-illuminated signs would be preferable, however a red LED strip is proposed around the top of the sign only, on all elevations. Having visited the site after sunset, it is clear that a number of the nearby businesses have illuminated advertisements, by virtue of the colourful seaside character of the area and adjacent evening uses. Marine Parade is defined by its tourism appeal which often provides colourful designs. Additionally, it is acknowledged that the existing kiosk to be replaced has a similar strip of bulb lighting around the top of the kiosk and this is considered a very small additional impact.
- 11.4 The NPPF requires consideration of the impact of proposed development on the significance of a designated heritage asset. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this balance, the public, and economic, benefit of providing a replacement facility for a small-scale business is considered to outweigh the less than substantial harm to the conservation area.

## **12. Design and Amenity**

- 12.1 In accordance with policy A3, the proposed signage is in scale and in keeping with the features of the local area. The overall appearance of the scheme is considered to be of a good quality and is not considered to have an adverse impact on the conservation area. The design is similar but less colourful than the existing advertisement on the kiosk, and the more understated nature of this proposal would match the design of the

newly built kiosk at the north of the Marina Centre. As such the proposal is also considered to accord with policy CS9 of the Core Strategy.

### **13. Highway Safety**

- 13.1 It is acknowledged that NCC Highways request a condition to restrict the level of illumination of the sign to 600cd/m<sup>2</sup>, and to ensure that “no part of the source of the illumination shall at any time be directly visible to users of the adjacent public highway”. Due to the siting of the kiosk, the signage would be visible to vehicles using Marine Parade, however the kiosk would be over 15m from the highway. Additionally, Marine Parade is well-lit due to the late-night economy including the peri and arcades to the south, as well as other food outlet illuminated-signage including the existing kiosk.
- 13.2 As such, it is considered that with the recommended restriction on the illumination levels, to be secured by condition, there is not considered to be an adverse impact on highway safety, although it is acknowledged that it will be visible from the highway.

### **14. Conclusion and Recommendation**

- 14.1 The proposal consists of advertisement for a proposed kiosk within Great Yarmouth Seafront. The proposed advertisement is considered to be of appropriate design, and would not adversely impact the character of the conservation area or setting of the adjacent listed building. The proposal would not obstruct the promenade or public highway, nor present any adverse impacts in regard to highway safety.
- 14.2 Having considered the details provided, the application is considered to comply with policies CS6, CS9, CS10 and CS13 from the adopted Core Strategy, and policies A1, A3 and E5 from the adopted Local Plan Part 2.

### **RECOMMENDATION:**

It is recommended that application ref. 06/23/0753/A should be APPROVED, subject to the following proposed conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the following plans received by the Local Planning Authority on the 13<sup>th</sup> October 2023;
  - Site location Plan
  - Proposed Signage Elevations
  - Block Plan



The reason for the condition is :-

For the avoidance of doubt.

3 The following conditions shall also apply: -

a - No advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land);

b - No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport;

c - Any advertisement must be maintained in a condition that does not impair the visual amenity of the site;

d - Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public; and

e - If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity.

The reason for the condition is: -

To comply with Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4 The level of illumination of the illuminated signs shall not at any time during the hours of darkness exceed 600cd/m<sup>2</sup>.

The reason for the condition is: -

In the interests of highway safety.

**Informative Notes:**

1. Advice regarding works in the public highway.

**Appendices:**

1. Site Location Plan



## Empire Kiosk

