

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: 13th October 2023

Expiry date: 8th 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 24th 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/m², 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 13th 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/m².

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

