

**Reference:** 06/21/1018/CU

**Ward:** Gorleston

**Officer:** Mr G Bolan

**Expiry Date:** 11/03/2022

**Applicant:** Great Yarmouth Brough Council, Property and Assets Department

**Proposal:** Proposed change of use of land for the stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use

**Site:** Car Park East of 70-75 Marine Parade  
Gorleston

Procedural note: This application is brought before committee as Great Yarmouth Borough Council is the applicant.

This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

## **REPORT**

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

- 1.1. The application is for the change of use of part of the area used for car parking, for the proposed stationing of up to 3 no. mobile concession units for the purpose of retail and for hot food takeaway at land to the east of 70-75 Marine Parade.
- 1.2. The site has been utilised as a public car park according to our records from at least 1988 and is located at the southern end of the Gorleston seafront and Marine Parade. There is no formal current or past relevant Planning History to report on.
- 1.3. The car park has often included an ice cream van located in the car park throughout the summer months.

- 1.4. During the summer, autumn, and winter of 2021 the Council as landowner rented part of the car park to a mobile coffee vendor concession unit. This began as a use permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order which had extended the ability to use the land for up to 56 days in a year under the Government's 'coronavirus provisions'.
- 1.5. It has become apparent that the limited number of days that the site can be used under 'permitted development rights' has been reached if not exceeded. This application has therefore been submitted to enable the mobile coffee concession and other types of food and drink sales to continue on a permanent basis, for an unlimited number of occasions.

## **2. Consultations:-**

- 2.1. Norfolk County Council Highways Authority – No objection
- 2.2. Environmental Health – No objection subject to conditions as follows:
  - The applicant must provide conditions to the concessions relating to the soundproofing of any generators, or other refrigeration equipment so as not to cause a noise nuisance to any neighbouring properties.
  - The applicant is requested to inform the Commercial Team in Environmental Services of any agreements made to site businesses on the car park so that we can ensure that they are duly registered and inspected to comply with food hygiene legislation.
  - Suitable separation between the users of the mobile concessions and the moving traffic must be installed and maintained.
- 2.3. Conservation Officer – No objection subject to the following:
  1. The proposed change of use is taking place within the boundaries of Gorleston Conservation area. There are concerns that the proposal might affect the character and appearance of a Conservation area where concessions are currently not a common feature.
  2. The change of use application suggests that a mobile concession and a service area would occupy two car parking spaces located within an existing operating car park in the Conservation area.
  3. The current application only includes the change of use and doesn't contain or refer to details of specific mobile units potentially occupying the space. The supporting report states, that '*appearance, design and use intended will be of uppermost importance from the outset*'. It is stated that this proposal doesn't include any additional street furniture for seating or any permanent material changes to the environment (page 2 of the submitted report). The statement says that the proposal aims to '*enhance the choice on offer to residents and*

*visitors* and *'bring an element of interest'* to the area. This statement suggests that any potential negative impact could be outweighed by the public benefit that this proposal would achieve. (Reference: NPPF, paragraphs 201 and 202)

4. However, the report also states that the provision of additional bins within the vicinity would be necessary (page 3). It hasn't been specified where the bins will be located or what will be their impact on the appearance of the Conservation area (if located within its boundaries). (Reference: NPPF, paragraph 199)

5. The design and visual impact of the proposal on the character and appearance of the Conservation area cannot be assessed on the basis of the current application. It is expected for the mobile units not to exceed the scale of standard vehicles which are already being parked on a daily basis at this location. Considering the mobile nature of the proposed concessions, the proposed limitation to scale and the existing car parking facility, the Conservation section does not object to the principle of the proposed change of use. (Reference: NPPF, paragraph 197)

6. There are, however, concerns in regard to the potential impact on the character and appearance of the Conservation area as excessive advertising and any additional commercial paraphernalia would not be suitable for the natural and historic characteristics of this setting. Therefore, the Conservation section suggests that the design, scale and any additional articles supporting this development should be subject to conditions and further approval by the Local Planning Authority.

2.4. Strategic Planning – No objection – complies with LPP2 policies L2 and A1.

2.5. Neighbours / Members of the public:

- 193 – Support -

The support supplied to this application have referred to the current concession "Barista Buoy's" being popular and successful over the last season he was located in the car park, with the use welcomed in this location.

- 14 – Objections

- Clustering of catering units all within close proximity on the seafront area.
- Loss of valuable car parking spaces, requiring spillage of parking to form on nearby roads and streets.
- Car park already extremely busy at peak times and always at full capacity
- The cliff top and Gorleston sea front is being over commercialised
- The existing bins around the car park and seafront area are overfull daily
- Loss of views from residential properties adjacent the car park on Marine Parade
- Will increase vermin, rodents, and seagulls into the area.

### **3. Relevant Policies:**

#### **3.1. The principal policies are:**

##### Core Strategy 2013 – 2030

##### **Policy CS6 – Supporting the local economy:**

h) Encouraging the development of small-scale business units, including those that support the rural economy and rural diversification

i) Supporting the provision of development essential to sustain a rural workforce, including agricultural workers' dwellings and rural community facilities

##### **Policy CS7 – Strengthening our centres**

f) Ensure that all proposals for town centre uses outside defined centres demonstrate that there are no sequentially preferable sites available, and that the proposal can be accessed by sustainable transport. Proposals over 200sqm (net) will also be required to submit a Retail Impact Assessment demonstrating that there will be no significant adverse impact on existing designated centres, including those beyond the borough boundary, such as Lowestoft

##### **Policy CS8 – Promoting tourism, leisure and culture**

a) Encourage and support the upgrading, expansion and enhancement of existing visitor accommodation and attractions to meet changes in consumer demands and encourage year-round tourism

e) Support 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 CS10 – Safeguarding local heritage assets**

a) Conserving and enhancing 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

##### **Policy CS16 – Improving accessibility and transport**

c) Ensuring that new development does not have an adverse impact on the safety and efficiency of the local road network for all users

##### Local Plan Part 2 (2021)

## **Policy R1: Location of retail development**

Where there are no suitable or available sites within designated centres or edge of centre sites, new town centre use development will be permitted on out of centre sites within the Development Limits providing it is otherwise in accordance with Policy CS7 (as amended by Policy UCS7), and:

- a. the location is accessible by public transport and is accessible to pedestrians and cyclists.
- b. the site has good links to the designated centre, or links can be improved.
- c. the proposed use either individually or cumulatively does not undermine the attractiveness or viability of the designated centres; and
- d. the site will not impact upon other neighbouring uses, in terms of traffic, parking and amenity issues.

In addition to the criteria above, development on out of centre sites which are also outside of Development Limits will only be permitted where:

- e. an additional need for retail development has been demonstrated to justify the development; and
- f. there is no suitable and available land within the Development Limits.

## **Policy R6: Kiosks and stalls**

The principle of developing new retail and food outlets in the form of kiosks or stalls will be permitted within the designated Holiday Accommodation Areas, Town Centre or the Great Yarmouth Seafront Area. Applicants will need to demonstrate 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:
  - i. operational refuse storage out of sight; and
  - ii. litter bin(s) for customers.

### **Policy R7: Food and drink amenity**

When determining the impact of food and drink uses on an area, the following matters will be taken into consideration.

- a. The cumulative impact and effects of clusters of other food and drink uses, including those with unimplemented planning permissions.
- b. The impact of noise and general disturbance, smells, litter and late night activity, including those impacts arising from the use of external areas.
- c. Availability of parking, servicing facilities and public transport.
- d. Highway and pedestrian safety.
- e. Availability of refuse storage space and disposal facilities.
- f. The appearance of any associated extensions, flues and installations

### **Policy E5: Historic environment and heritage**

In accordance with national planning policy and Policy CS10 of the Core Strategy, proposals for development should 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.

Development proposals within Conservation Areas, or in a location that forms part of its setting, should take into account the special and distinctive character of the area which contributes to its significance and have regard to the relevant Conservation Area Appraisal and Management Plan.

### **Policy L2: New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas**

New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas are acceptable if they can comply with the following:

- a. are an appropriate scale to the character of the area, availability of local services and facilities, and hierarchical level of the nearby settlement.
- b. individually and cumulatively do not significantly change the character of the local countryside, landscape or (where applicable) settlement, taking into account particularly:
  - the quantity, scale, density and design of any additional buildings, structures, caravans, car parks;
  - the types and amounts of traffic movements and any impacts, including those upon the tranquillity of the area;

- the impacts of lighting, advertisements and boundary treatments on the landscape and nightscape;
  - any adverse impact on the nationally significant Broads or the Norfolk Coast Area of Outstanding Natural Beauty, but also undesignated but open rural and coastal landscapes;
  - the potential for any adverse impacts upon environmentally sensitive locations such as National Site Network habitat sites; and
- c. do not have a significant adverse impact on the living conditions of adjoining occupiers.

Small-scale countryside tourism, particularly that involving physical activity or other appreciation of the countryside for its natural or rural qualities, its conservation, or the understanding and enjoyment of the Broads, subject to the above, will be encouraged.

**Policy A1: - Amenity**

Planning permission will be granted only where development would not lead to an excessive or unreasonable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:

- a. overlooking and loss of privacy.
- b. loss of light and overshadowing and flickering shadow.
- c. building and structures which are overbearing.
- d. nuisance, disturbance and loss of tranquillity from:
  - waste and clutter
  - intrusive lighting
  - visual movement
  - noise
  - poor air quality (including odours and dust); and
  - vibration

**4. Public Comments received:**

- 4.1. At the time of writing, there have been 14 objections received from nearby residents and members of the public to the application. There have also been 194 letters of support and 5 General Comments. The issues raised are summarised as below:

Material planning considerations:

- Clustering of catering units all within close proximity on the seafront area.
- Loss of valuable car parking spaces, requiring spillage of parking to form on nearby roads and streets.
- Car park already extremely busy at peak times and always at full capacity
- The cliff top and Gorleston sea front is being over commercialised
- The existing bins around the car park and seafront area are overfull daily

## Non-Material Planning Considerations

- Loss of views from residential properties adjacent the car park on Marine Parade
- Will increase vermin, rodents, and seagulls into the area.

### 5. Assessment: -

Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### The Proposal

- 5.1. The application is for the change of use of land for the stationing of up to 3 no. mobile concession units for the purpose of retail and for hot food takeaway at various points within the Gorleston Cliff Top car park to the east of 70-75 Marine Parade. The hours of use proposed on the application form are stated to be proposed as “No earlier than 6am until dusk”.
- 5.2. The proposal will result in 3 units occupying up to 2 demarcated car parking spaces per concession, as indicated on plan reference MH/10023464346, this shows the total area including a serving area over two spaces measuring out at a depth of 5.5m and a width of 5m. The car park spaces that are proposed to be utilised by the concessions will revert to car park spaces when the mobile units do not attend. Therefore, for example if two units were to attend there will be 4 parking bays used rather than 6 bays if all 3 units were located.
- 5.3. A further plan labelled: Application Plan & Concession Zones details the areas in which the mobile units are proposed to be located in; these areas are in 3 separate locations within the car park.
  - Location 1 – north end of the car park orientated north-south on the eastern side
  - Location 2 – south of location 1 on the eastern side
  - Location 3 – south of the entrance to the car park on the western side

The 3 zones that have been identified for the mobile units to be located approximately measure at a length of 40.26m with a width of 5.5m resulting in an area of 221.43 metres squared per zone.

The proposal has shown three zones so that the landowner can direct each of the mobile units to a suitable location across the three zones; the reason for this is due to the experience that the unit that occupied the car park in 2021 struggled to be visible when located within different areas of the car park so the landowner hopes to experiment with finding the most suitable of 3 options. It means there may be concession units in all 3 zones at any one time.



The proposal has avoided locating these three proposed zones where there are already disabled parking spaces.

#### Principle of Development

- 5.4 In respect of the uses proposed, retail development is a main town centre use which national policy and the Core Strategy and the Local Plan Part 2 all state should be directed first to defined town centres, as these locations are more desirable within town centre/development limits. If locations were not available for the main town centre uses proposed, a sequential test ought to provide such evidence and thereafter look towards more sequentially-appropriate locations such as 'edge of centre' sites or within the various local centres dispersed around the Borough.
- 5.5 This location is outside all such areas and is seen to not comply with the in-principle policies of the development plan. However, regard must be had to the nature of the use proposed. As mobile concession units these offer main town centre uses but do not propose a permanent fixture within the retail landscape which would be seen to provide sustained competition to the town centres or established local centres which retail policy seeks to protect as viable service centres for residential populations. Planning conditions must be used to ensure the permitted times of use and the frequency/duration of uses are not able to undermine the viability and vitality of established centres, and so the use of the site is proposed to be restricted to a maximum of 190 days per year in total, with restricted hours of operation.
- 5.6 Instead of being considered as conventional retail outlets, these concessions will offer a form of visitor attraction or facility similar in nature to out-of-centre café units along the seafront or at other tourism destinations. Local Plan Part 2 policy L2 states that:

*"New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas are acceptable if they can comply with the following:*

- d. are an appropriate scale to the character of the area, availability of local services and facilities, and hierarchical level of the nearby settlement.*
- e. individually and cumulatively do not significantly change the character of the local countryside, landscape or (where applicable) settlement, taking into account particularly:*
  - the quantity, scale, density and design of any additional buildings, structures, caravans, car parks;*
  - the types and amounts of traffic movements and any impacts, including those upon the tranquillity of the area;*
  - the impacts of lighting, advertisements and boundary treatments on the landscape and nightscape;*
  - any adverse impact on the nationally significant Broads or the Norfolk Coast Area of Outstanding Natural Beauty, but also undesignated but open rural and coastal landscapes;*

- *the potential for any adverse impacts upon environmentally sensitive locations such as National Site Network habitat sites; and*
- f. *do not have a significant adverse impact on the living conditions of adjoining occupiers.”*

It is considered that the proposal complies with policy L2 subject to mitigation measures which have been detailed in the report and which features as part of the recommendation.

- 5.7 The proposal is seen to not comply partially with Core Policy CS7 and not to comply with Local Plan Policy R1 however the proposal does comply with Local Plan Part 2 Policy L2. It has been assessed that on the balance the proposal will not detract from uses within the town centre locations and development limits, it is considered that the temporary nature of the use will not compete with permanent established uses within defined centres, but will be able to support the sea front and users of that tourism destination, so on balance the use is still considered acceptable within this area.
- 5.8 Other matters of principle including the location of new retail and food outlet kiosks and stalls (ref LPP2 policy R6) and the considerations for food and drink uses in particular (ref LPP2 policy R7) are discussed in detail later in the report.

#### Highways and Parking

- 5.9 There are 70 car parking spaces in the Cliff Top Car Park. The proposal will result in up to 6 car parking spaces being removed from use when the concession units are in place, just to accommodate the units. This is due to a maximum of 3 spaces being needed to contain the proposed 3no. mobile units, and an additional 3 spaces to allow serving and accessing the units from adjacent spaces. A typical layout of the site with the 3 concession units in place can be seen at the appendices to this report.
- 5.10 The proposal is considered to cause a temporary loss of parking when the concession units are in situ within the car park. This is due to two principal reasons: the spaces needed for the concessions and their servicing or ‘buffer spaces’ (up to 6 spaces in total), and the spaces occupied on a short-term and temporary basis by visitors to the car park to use the concessions. No transport statement or travel data has been provided to suggest how many customers might drive to the site or how frequently trips might be made, nor how many car parking spaces would be needed for customers of the concession stalls. Nevertheless, further spaces would also be used for temporary ‘shopping’ visits which removes space for longer-term parking.
- 5.11 However, when weighing up the proposal the car park is considered of substantial size (70 spaces capacity) and, even without any data on trip movements, it is considered unlikely that the use proposed would be so intensive that the highways impacts would ‘spill out’ into neighbouring areas.

- 5.12 It is noted that the car park is free to use by members of the public, and there are no time-limited parking restrictions in place for the duration that cars can be parked, however the car park is closed overnight and only in use between 7am and 9pm. There is also space to park vehicles at the opposite end of the seafront/cliff area on the Lower Esplanade and there are no restrictions to on-street parking along Marine Parade.
- 5.13 Norfolk County Council Highways Authority have raised no objections to the application but recommend that conditions are attached to any permission given to require the mobile units to not be larger than one demarcated parking space measured at 2.5m wide by 5.5m length. Officers consider that if the mobile units are not permitted to be located on the car park outside of the permitted hours of use recommended to protect the amenities of the adjacent residential properties anyway, then the proposal is not considered to cause substantial harm through the loss of 6 car park spaces.
- 5.14 Although the aim of the proposal is to offer a service or facilities to supplement the tourism attraction in the area, and these 'existing' visitors are seen as potentially important customers to the units, it is considered that there will be some trips purely for the use of the mobile concessions as much as there would be trips already made to the car park for recreation or to visit the other businesses within the seafront. The level of 'new trips' likely to be created is considered acceptable when taking into account the remaining capacity of the car park with the concessions in operation, largely due to the facilities being utilised by members of the public on existing trips. As the proposal will offer services to people visiting the sea front, the proposal is seen to offer facilities that are not on offer at the southern end of the established sea front to the north of this site, and so will attract existing visitors more so than new.

#### Design and Character of the area

- 5.15 The proposal is located within Conservation area No.17. Currently the car park is utilised by motor vehicles and this has been the case for 30+ years, the proposal will result in a change of use for mobile retail/catering units, the proposal has stated that they will occupy one car parking space for the mobile concession and one to allow access and serving, it is therefore considered that the units will not exceed the scale of a standard vehicle already utilising the car park. It has been considered also that there is a 2m high barrier located on the entrance to the car park which creates an existing structure and limits the height and scale of vehicles able to use the site.
- 5.16 The area is located on top of the cliff at the south end of the car park, this is a popular destination for users to park and walk along the cliff and for users in the summer months to use the beach. Located on the lower part of the esplanade 300m-420m to the north of the car park is the beach café with no further amenities until you reach the north end of the sea front.
- 5.17 With this in mind the proposal is considered comply with point (a) of Local Plan Part 2 Policy R7: Food and drink amenity, which states: "*When determining*

*the impact of food and drink uses on an area, the following matters will be taken into consideration: The cumulative impact and effects of clusters of other food and drink uses, including those with unimplemented planning permissions.”, because the majority of food and drink uses are located up the northern end of the seafront.*

### Heritage Impacts

- 5.18 Conservation Officers have concluded the design and visual impact of the proposal on the character and appearance of the Conservation area cannot be assessed, but they consider the mobile units must not exceed the scale of standard vehicles which are already being parked on a daily basis at this location. Considering the mobile nature of the proposed concessions, the proposed limitation to scale and the existing car parking facility, the Conservation section does not object to the principle of the proposed change of use.
- 5.19 However, Conservation Officers have raised concerns over the potential impact on the character and appearance of the Conservation Area from excessive advertising and any additional commercial paraphernalia as these would not be suitable for the natural and historic characteristics of this setting. Therefore, the Conservation Officers suggest that the design, scale and any additional articles used in association with this development should be subject to conditions requiring further approval by the Local Planning Authority.
- 5.20 It has been considered appropriate that any additional articles supporting the proposal including advertisement, tables and chairs, waste areas will be conditioned to require permission from the Local Planning Authority. The proposal has been considered in line with core policy CS10 and Local Plan Part 2 policy E5, in respect of the conservation area, it is assessed that the use of the car park for the location of 3 mobile concessions will have an impact upon the conservation area and with this being a change of use application and the nature being mobile an assessment has not been achievable on the design of the mobile units.
- 5.21 It is considered that the overall impact on the setting and appearance of the Conservation Area is either neutral or very marginally detrimental and therefore represents no, or a very a small, amount of harm to the heritage assets. This very low level of harm is only possible by virtue of these units being temporary fixtures and of a scale and appearance similar to the vehicles that might park there already. To achieve that, any permission should be constructed to require concessions to be removed, and used only for a limited number of occasions per year.

### Residential Amenities

- 5.22 The site is adjacent 6 residential properties between 69a and 75 Marine Parade, all of which face east over the existing car park. Objections have been

received from occupiers of the adjacent properties as summarised at section 4 of this report. There has been concerns raised regarding loss of outlook from the proposal, this has been considered however with the restrictions intended with respect to the height and scale of proposed units, and with the existing use being a car park, it has been assessed that the proposal will not detrimentally impact the outlook from the residential properties compared to the impact from what is already there.

- 5.23 Concerns have also been put forward with regards to increase in vermin, rodents and seagulls and that waste is already built up in the area daily and the proposal will add to the existing issues. There are a few litter bins at the car park already, but these are easily obscured by parked vehicles and are unlikely to be adequate if used at all. The planning statement states that additional bins will be supplied as a part of the application, although these details have not been supplied within the application. However, information will be requested on the types and number of waste bins to be provided and locations they will be used. These should be possible to be supplied to the Local Planning Authority prior to any permission being issued, and a verbal update to the Committee will be provided at the meeting.
- 5.24 It is possible as an alternative that any permission should be subject to a condition that: Each concession unit shall bring its own refuse bin and position this next to its customer sales point / serving area; signs shall be used to ensure customers are aware of the presence of litter bins and shall be encouraged to use them; and, all refuse from the daily activity shall be removed from the site at the end of each days' use by the concession unit. This will ensure the permission establishes the location of the proposed additional waste bins and means to ensure collection of waste from the site.
- 5.25 It has been considered there will be an element of noise associated with the location of up to 3 mobile concession units on the car park opposite the residential properties, however it has been assessed that if there are no tables or seating associated with the application then the time spent by the consumer at the units will be minimal.

In respect of the hours of use: the proposed commencement at 6am is considered too early to be acceptable for residential amenity, but the proposed "before dusk" finishing hours could be too variable or too late for acceptable amenity. Instead it is recommended to attach a condition stating the hours where the mobile units can attend the site should be from 08:00 to 18:00 Monday to Saturday during October – April, and 08:00 - 20:00 Monday to Saturday during May – September, and 08:00 to 16:00 on Sundays, which will minimise the noise associated with the units during unsociable hours.

- 5.26 It has been considered that the 2 zones located on the eastern boundary of the car park will be more desirable for the hot food and takeaway use, due to their greater distance from the dwellings. This will allow the units to cause less harm on the residential properties in respect of fumes and noise. It is assessed that there will be fumes generated from the proposed units in respect of hot food takeaway, however this is considered to be acceptable when imposing

conditions that any hot food takeaway units should be located only on the eastern boundary of the site and with the scale of the units this will not cause such a degree of harm that it would warrant recommending refusal.

5.27 Environmental Health Officers have provided the following recommendations:

- The applicant must provide conditions to the concessions relating to the soundproofing of any generators, or other refrigeration equipment so as not to cause a noise nuisance to any neighbouring properties.
- Suitable separation between the users of the mobile concessions and the moving traffic must be installed and maintained.

5.28 It is considered that the first of these two points relates to content of landowner-unit lease agreements, however in planning terms the application is for the change of use of land only, and no details have been provided in respect of the type of mobile units used. Planning would not be able to realistically enforce any soundproofing of generators used by a range of changing concession units, nor would it be feasible to assess these.

5.29 It is therefore necessary to prevent the use of external generators completely in order to reduce the noise emissions and disturbance to both local residents and visitors to the area. Furthermore, many concession units have internal or integral power generation so offer better inherent noise reduction. Whilst these may create noise, it will be much less intrusive than external generators. In addition, as suggested above, a condition is recommended that any hot food takeaway units will be located on the eastern boundary of the site for reasons of fume and noise reduction, so the increased noise and activity of those units will be distanced from local residents.

5.30 The Environmental Health Officer's second point, requiring details of demarcating and separating the car park spaces for use by the intended unit will be requested up front prior to any approval being granted, with conditions used to ensure the use operates in accordance with these details whilst the units are present. This will ensure the units are separated from moving traffic and will mean customers should not queue in areas used by motor vehicles.

5.31 The conditions proposed in response to the Environmental Health concerns will help reduce the possible impacts on nearby residential properties and will minimise the issues raised relating to the mobile units causing a nuisance.

#### Retail and Hot Food Takeaway Use, and Food and Drink use considerations

5.32 LPP2 Policy R6 relates to new retail and food outlets in the form of a kiosk or stall within designated holiday accommodation areas, town centre locations or the Great Yarmouth Seafront area. The proposal does not fall within any of the areas required by the policy so does not comply specifically with this policy.

5.33 However, although this doesn't comply with the locational requirements of the policy, the proposal has similarities regarding the fact they will be mobile

concessions (Kiosks/stalls) and therefore has been assessed against the criteria set out at points a-d within policy R6. Throughout the assessment above it is considered that if the proposal was within the designated areas under policy R6 then the proposal would be compliant.

- 5.34 Although the location is not desirable in terms of being a use which policy R6 would expect to be sited elsewhere, on balance the proposal is considered to be capable of being supported in this location as it will not detract from uses falling within designated holiday accommodation areas, town centre locations or the Great Yarmouth Seafront area, and will complement the Gorleston seafront as a whole.
- 5.35 LPP2 Policy R7 sets out specific criteria for minimising the visual and amenity impacts of new food and drink uses. Cumulative impact has been considered to be acceptable given the absence of other such uses (other than an established ice cream van presence). Noise and disturbance is addressed by the 'amenity' considerations and proposed conditions described above, as are the potential highways, parking and access considerations. Heritage impacts and operational issues are also considered able to be controlled by conditions.

#### The Planning Balance

- 5.36 Due to the temporary nature of the proposal and so that it complies with policies suggested above, it is considered that the use of the car park for the mobile concessions is acceptable in principle only on the basis that it shall only take place over 190 days in any given year; this will allow the use to be temporary and not to form a permanent use within the Conservation Area nor create a sustained impact on existing food and drink outlets in defined local or high-order centres.
- 5.37 It is considered the units will bring benefits to the public in providing visitors and residents with access to facilities that are not already available at this end of the seafront, and will encourage visitors to the area, to the benefit of other tourism outlets.
- 5.38 Although there is a conflict with development plan policy and a small degree of harm to the conservation area designated heritage asset, it is considered that the benefits of the proposal do collectively outweigh concerns about the impacts on the conservation area when considering and taking into account the temporary nature of the use and the restrictions proposed to be imposed.

#### Conclusion

- 5.39 The application will see a change to the existing car park and will allow 3 no. concession units, the existing site has had a singular mobile takeaway coffee unit on site over the past year and the comments received by the Local Planning Authority shows this has had a level of success.

- 5.40 The proposal will result in a temporary use of at least 6 car park spaces however this is considered acceptable due to the scale of the car park and the surrounding area. The impact upon the residential properties have been considered and overall, the proposal is not considered to detrimentally harm the amenities afforded to the residential properties. The application is considered to offer facilities not currently on offer up the southern end of the sea front and will expand the tourist facilities on offer outside of the development limits and holiday accommodation areas.
- 5.41 It is considered that the proposal is contrary to core policy CS7 and Local Plan part 2 R1 however when assessing the application and the public benefit of the proposal and the temporary nature of the application it has been considered to outweigh the negative impacts the proposal has including on the conservation area. The proposal partially complies with the aims set out in Local Plan Part 2 policy R6 and is consistent with policy R7 and the aims set out in Core Policies CS6, CS8 and CS16.

#### Local Finance Considerations

- 5.42 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.

## **6. RECOMMENDATION:-**

- 6.1. It is recommended to **Approve** the application, as it satisfies the criteria of adopted policies R7, L2 and A1 of the Local Plan Part 2 and is consistent with the aims set out in Core Policies CS6, CS8 and CS16. Whilst recognising that it falls short on complying with Core Policy CS7 and Local Plan Part 2 Policy R1 and E5, when assessed on balance it is considered the public benefits the application brings are sufficient to enable a recommendation to approve the application.
- 6.2. Approval is recommended subject to the conditions suggested below.

#### Proposed Conditions:

- 1) Commence permission within 3 years.
- 2) In accordance with approved plans:

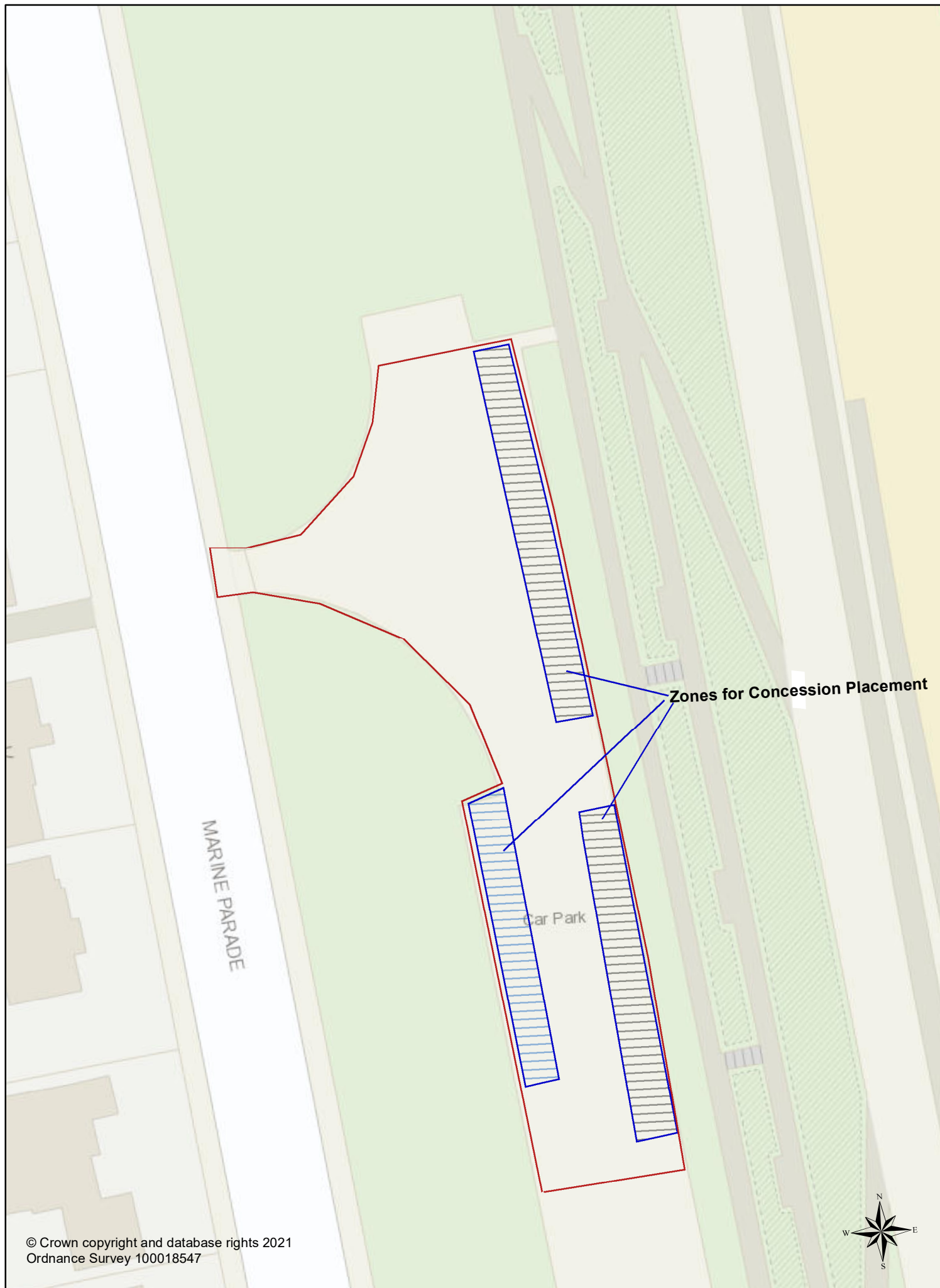


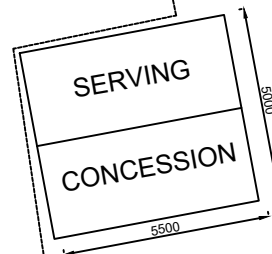
- Example and dimensions of stall areas - MH/10023464346
  - Application Plan and Concession Zones
- 3) Only 3 concession units shall occupy the car park at any one time.
  - 4) The car park shall only be used by mobile concession units for a total of (up to a maximum) 190 days in any calendar year, and a log of all usage shall be maintained by the applicant and shall be made permanently available for inspection at any time by the Local Planning Authority.
  - 5) Mobile units providing hot food takeaway use (sui generis use) shall be located only in the 2 zones proposed on the eastern side of the car park, and hot food takeaway uses shall not be located within the zone on the western boundary at any time.
  - 6) The mobile concession units hereby approved shall not be larger than one demarcated parking space measured at 2.5m wide by 5.5m length and shall occupy only one space at a time and shall only be sited within a single parking space at any one time.
  - 7) The mobile units using the car park shall not exceed 2m in height.
  - 8) The use hereby permitted shall not take place outside the hours of:  
08:00 - 18:00 Monday to Saturday during October – April;  
08:00 - 20:00 Monday to Saturday during May – September;  
08:00 - 16:00 on any Sunday, and Bank or Public Holidays.
  - 9) All mobile units shall be removed from the car park when not in use. No mobile units shall be left anywhere within the car park outside the permitted hours of use.
  - 10) No mobile units using the car park shall have any externally located generators.
  - 11) The use shall be undertaken in accordance with the details to be provided that will show detailing and demarcating the areas for the mobile units to use.
  - 12) The use shall be undertaken in accordance with waste management plan details to be provided before the grant of permission, which shall include details on refuse provision, collection and signage for customers.
  - 13) There shall be no signage, banners, separate stalls, picnic benches, tables and chairs associated with the use without express permission from the Local Planning Authority.

And any other conditions considered appropriate by the Development Manager.


### **Appendices.**

- 1) Application Plan and Concession Zones.
- 2) Example of Concession area - MH/10023464346Photograph.
- 3) Aerial Photo of the car park.

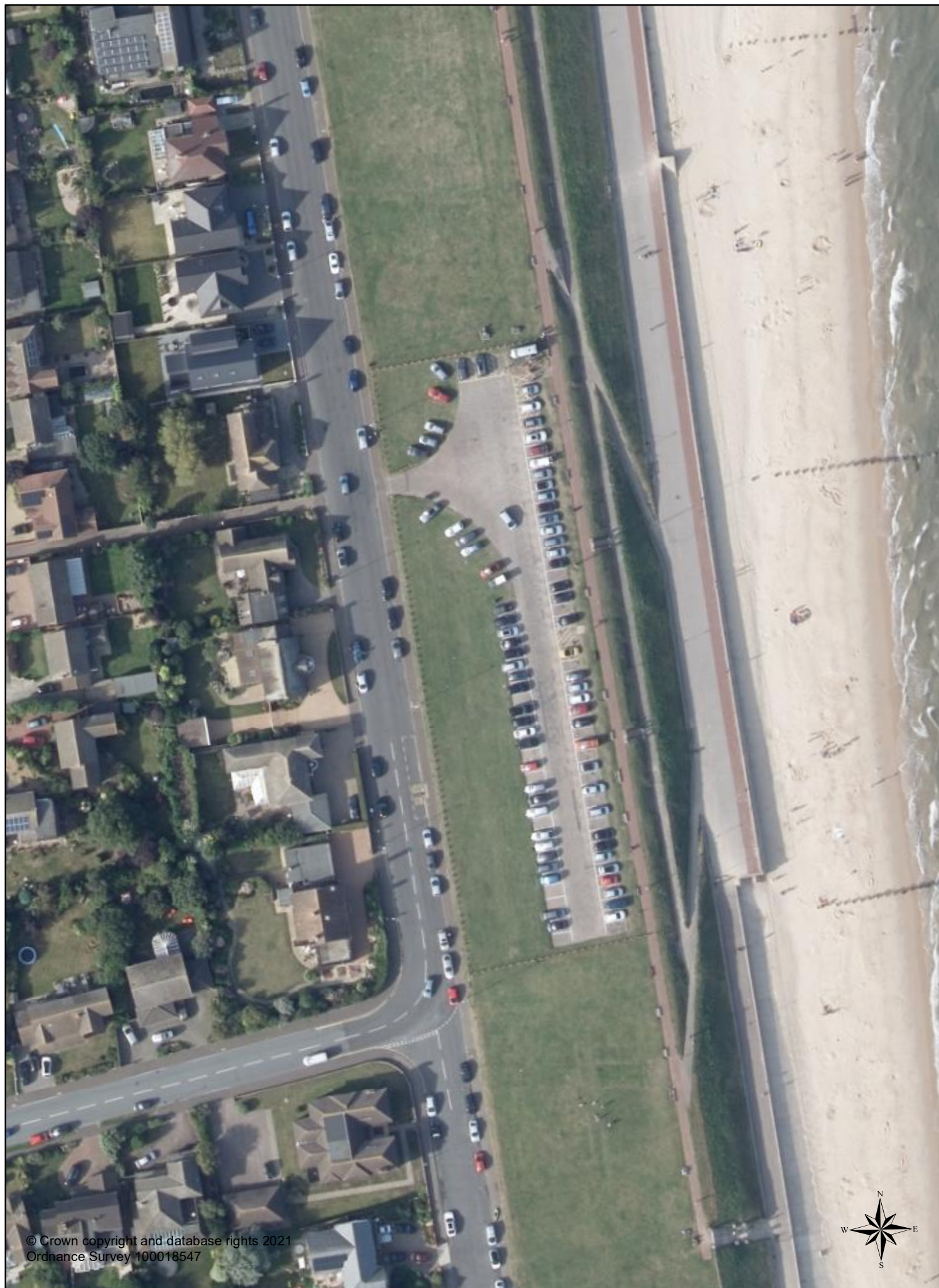




Car Park

DRAWING ISSUE		PLANNING
<b>BOROUGH OF GREAT YARMOUTH</b> Great Yarmouth Borough Council		
Property and Asset Management Greyfriars House Greyfriars Way Great Yarmouth, NR30 2QE		
Issued For	Comment Tender Approval Construction	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Client	Great Yarmouth Borough Council	
Project	3 x Concessions Car Park Marine Parade Gorleston	
Project No	MH/10023464346	
Drawing Title	Block Plan	
Scales	Block Plan 1:200	
Planning Ref		
Building Ctl Ref		
Drawing No	MH/10023464346 / 001	
Print Size	A4	
Date	December 2021	
Drawn	RJ Cavender	
Revisions		Date





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