

Reference: 06/21/0329/F

Parish: Gorleston

Officer: Gordon Sutherland

Expiry Date: 25-06-21

Applicant: Mr L Gray LTH Leisure Ltd

Proposal: Retrospective application for:-

- 1. Installation of 8ft security perimeter fence**
- 2. Installation of 32ft porta cabin for office/medical room**
- 3. Installation of a wood cabin for cash/token box**
- 4. Installation of a 20 x 8ft approx. cabin for sale of refreshments**
- 5. Re-instatement of small children's fairground rides to site**
- 6. Addition of coin operated small children's rides on site**

Site: Pop's Meadow, Pavilion Road, Gorleston

REPORT

1. Background

- 1.1** This is retrospective planning application for the stationing of various rides and structures and for the erection of a boundary fence associated with the use of the land as a childrens' park, as summarised above and described more fully below in the "proposal" section of this report.
- 1.2** Pop's Meadow has been open space and in use for recreation possibly since the early 20th century. Until 2021 it was in the ownership of the Borough Council leased as a childrens' play park and café/restaurant. In 1972 planning permission was granted for an 18-hole Arnold Palmer putting course with ticket office and floodlights. Permission was granted in 1993 for use of part of the site as a childrens' fun park for a temporary period and renewed on a regular basis until 2014 (ref 06/14/0397/F) when a permanent permission was granted, subject to conditions limiting the hours of use to between 9am and 9pm daily and to the rides and structures specified therein unless otherwise given approval by the Local Planning Authority.
- 1.3** In 2006 permission was granted for a brick-built cafe/restaurant which replaced various wooden buildings that were on the site (ref 06/05/0934/F). In 2002 permission was granted for the erection of a 1.8m high galvanised wrought iron railing along the perimeter boundary (ref 06/02/0094/F).

1.4 Prior permissions continuously limited the rides and structures allowed to be stationed on the meadow to those specified in the accompanying letter from the applicant for permission ref 06/93/0377/CU, as follows:

- Hoopla (doubling as a shelter) 14ft diameter,
- 3 bay swingboats 14x6x10ft,
- 20x20ft bouncy castle,
- 20x25x15ft high bouncy castle,
- funhouse and mirrors 16x7x8ft,
- sandpit 6x4ft,
- ball crawl 8x8x7ft,
- chair-o-planes 16ft diameter 9ft high,
- 4 trampolines 6x8ft,
- climbing frame and slide,
- tree house and slide,
- kiddies coin operated rides,
- crazy golf and putting green.

1.5 Until January 2021 Pops Meadow was owned by the Council, and as landlord the Council had the ability to control aspects of the use in relation to terms within the lease. The meadow was not in use for several years prior to its sale. The applicant is looking to re-establish recreational use of the site for children. The security of the rides and structures installed on the site is a major consideration for the applicant.

2. Site and Context

2.1 Pop's Meadow is located in a largely residential neighbourhood towards the Quay in Gorleston. It is an area of open space which has Beach Road to the west, Pavillion Road to the east and Fiske's Opening to the north. It is located in Conservation Area No17 Gorleston, designated 19th June 2009 because of its special architectural and townscape characteristics.

2.2 To the south is a modern terrace of houses built on the site of the old Gorleston Marine building. To the west elevated above Beach Road and overlooking the site are houses at Cliff Hill. To the north are houses along Fiske's Opening and to the east an area of open space with walkways which form the waterfront between Pavilion Road and Quay Road. Properties along Pavilion Road to the east of the site look over the aforementioned open space across the River Yare to South Denes.

3. Proposal

3.1 This is a retrospective application for the installation of an 8ft security perimeter fence, a 32-foot portacabin (office/medical room), a wood cabin for cash/token box, a 20x8 foot cabin for the sale of refreshments when the park is open, reinstatement of small childrens' fairground rides to the site and the addition of

coin operated small childrens' rides. Fencing includes a section of 6ft wooden fence to enclose the portacabin and bin storage.

- 3.2** The area of land on which the recreation use takes place has been enlarged from that used previously, to now include a strip of land at the north of the property adjoining Fiskes' Opening. The strip was formerly used as parking by touring motor homes. Additionally, the position of the boundary fence fronting Pavilion Road has been extended towards the road.
- 3.3** The submitted plans include photographs of the rides and location plan showing the approximate locations for bungee trampolines, carousel toy set, formula toy set, mini apple track ride, pony express, activity play centre, monster trucks, teacup ride, swing chairs, coin operated ride on pigs and coin operated ride on bikes, with coin operated bus to be placed around the park in various locations.
- 3.4** The park generally will be at its most busy during school holidays in the spring, summer and autumn. The location of the portacabin, cash box cabin, refreshment cabin and outside seating area for the cafe are shown on the submitted plans.
- 3.5** The proposed hours of opening for the ride area are 10am to 8pm Monday to Friday, weekends and bank holidays. The application also identifies hours of opening for the cafe. It should be noted that the cafe has an existing planning permission without restriction to the hours of opening and it is not deemed reasonable or necessary to restrict the hours of opening for the existing cafe in relation to this current application.

4. Relevant Planning History

06/14/0397/F- Renewal of planning permission for use of part of land as childrens' fun park Approved 2nd September 2014

06/05/0924/F- Erection of Cafe/Restaurant – Approved 1st March 2006

06/02/0094/F - Erect 1.8m high galvanised wrought iron railing along perimeter boundary, cut back hedging and clear from site – Approved 21st March 2002

06/01/0391/F- Renewal of planning permission no 06/00/0229/F for use of part of land as childrens' fun park – Approved 9th July 2002

06/00/0229/F - Renewal of planning permission no. 06/99/0513/F for use of part of land as childrens' fun park – Approved 12th May 2000

06/99/629/A – Advertisement Consent for Hoarding covering gates – Approved 25th August 1999

06/99/0513/CU - Renewal of planning permission no 06/96/0394/CU for use of part of land as childrens' fun park – Approved 9th August 1999

06/96/0394/CU - Renewal of planning permission 06/93/0377/CU for change of use of part of land to childrens' fun park – Approved 12th July 1996

06/93/0377/CU - Change of use of part of land to childrens' fun park – Approved 4th June 1993

5. Consultations: - All consultation responses received are available online or at the Town Hall during opening hours

5.1 There have been a dozen objections from the public with issues summarised as follows:

- Industrial type of fencing erected is out of keeping with the Conservation Area, re 8ft height (in particular in proximity of Marine Terrace), materials and style.
- Removal of parking along Fiske's Opening,
- enclosure of additional land including verge on Pavilion Road,
- potential impact on highway visibility,
- laying a hard surface,
- Questions the need for refreshment cabin, given the existing cafe,
- insufficient details of construction,
- siting and number of rides,
- business out of character, not a pleasure beach,
- rides are not small, different to rides that were here previously, character is changed,
- proximity to residences in regard to potential noise from music and generators every day,
- height of fence oppressive in close proximity to home,
- introduction of powered rides,
- fun park not the same as a fairground,
- detrimental to amenity, including the outlook and living conditions of occupants of Marine Terrace.
- Object to powered fairground rides and music,
- suggestion to erect a solid fence or wall to screen Marine Terrace,
- impact on parking availability for residents,
- potential access issues for emergency service and refuse vehicles,
- application includes 5 powered rides,
- impact on rental and property values of adjoining residences,
- reduction in grassed area for portacabin, additional wooden cabin, and cabin for refreshments,
- what limit to rides, numbers and noise and operation,
- why have works commenced,
- why so many buildings,
- did the applicant receive advice?

A letter of support has been received expressing disappointment for the Council halting the works. A further representation welcomes the investment provided it is sympathetic and respectful to the needs of the residents and operators plan

and maintain the attraction to cause minimum disturbance and disruption to the area.

- 5.2 Highways Authority.** The Highways Authority have provided advice to the applicant and advise that whilst there is no objection to the principle of the development, the security fence along the Pavilion Road boundary obstructs visibility from/to the junction of Fiske's Opening and as such would give rise to conditions detrimental to highway safety. It is acknowledged that the fence is on the applicant's land and NCC records show no highway status. However, on the basis of the height of the fence and it only being set back in the region of 1.8m from the edge of the carriageway, this will restrict visibility below the current standards.
- 5.3** A condition has been recommended to require the resiting of part of the boundary fence to provide the specified forward visibility splays.
- 5.4 Conservation.** The Conservation officer has objected to the style, size and type of fencing that has been installed and provided advice as to what would be a more suitable design solution appropriate to the location.
- 5.5 Environmental Health.** The Environmental Health officer raises no objection. However, as the development has the potential to cause a noise nuisance to neighbouring residential properties, recommends the following conditions for inclusion on any permission:
- That the hours of operation for the children's rides are restricted from 10-7pm seven days a week.
 - That loudspeakers and public address systems (except for safety announcements) are not used; and
 - No external amplified music is permitted.

6. Assessment of Planning Considerations: Policy Considerations:

National policy

- 6.1** Paragraph 47 of National Planning policy Framework (NPPF) states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Local Policy Adopted Core Strategy 2013-2030

- 6.2** The most relevant policies to this proposal from the Core Strategy are:

Policy CS8 "Promoting tourism, leisure and culture" which seeks to ensure that proposals are sensitive to the character of the surrounding area.

Policy CS10 "Safeguarding local heritage assets"; the site lies in a designated Conservation Area; new development is required to conserve and enhance the character and appearance of the area.

Policy CS13 "Protecting areas at risk of flooding or coastal change"; The site is located in designated flood zone 3, so new development must respond to the challenges of flood events; and

Policy CS15 "Providing and protecting community assets and green infrastructure" which seeks promote healthy lifestyles including access to play spaces and open spaces

Final Draft Local Plan Part 2

- 6.3** Policy A1 Amenity has no unresolved objections and as such can be given considerable weight. It states:

Development proposals will be supported where they contribute positively to the general amenities and qualities of the locality.

Particular consideration will be given to the form of development and its impact on the local setting in terms of scale, character and appearance.

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 tranquility from: • waste and clutter • intrusive lighting • visual movement • noise • poor air quality (including odours and dust); and • vibration.

Where adverse impacts are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate such impact will be expected to be incorporated in the development.

On large scale and other developments where construction operations are likely to have a significant and ongoing impact on local amenity, consideration will be given to conditions to mitigate this thorough a construction management plan covering such issues as hours of working, access routes and methods of construction.

7. Local Finance Considerations:

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. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. 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.

8. Shadow Habitats Regulation Assessment

- 8.1** The site lies within the Green Habitat Impact Zone over 2.5km but less than 5km from an internationally protected wildlife site. The proposal is not a residential or a new tourist development, so as such there should be no significantly increased recreational impact on designated sites and no mitigation is required to satisfy the Conservation of Habitats and Species Regulations 2017.

9. Assessment

- 9.1** This is a retrospective application, where development has taken place without planning permission. The application has arisen as the result of complaint from members of the public to the local planning authority with regard to enforcement of planning legislation.
- 9.2** It is not unusual for development to be undertaken without planning permission, there are extensive development rights for smaller scale development of both residential and non-residential property. Any development carried out without permission and where permission is determined to be required is at risk of enforcement including the requirement of removal where not acceptable or alteration and the inherent expenses involved. Where refused an applicant can appeal to the Secretary of State for the Environment to reconsider that decision.
- 9.3** In determining planning applications all applications are judged on their merits including ones seeking retrospective permission. The Local Planning Authority takes into account the planning permission history of the property, any relevant national and local planning policy that has been adopted for the assessment of the acceptability of new development and any representations received.
- 9.4** The application is proposing the rides and structures currently already installed and used on the site and shown on the submitted layout with accompanying photographs. For the avoidance of doubt the applicant has been requested to provide a schedule of the rides that will be tied to this permission. At the time of writing the report the schedule has not been received so should be a condition of any permission.

Impact on conservation area

- 9.5** In this case planning policy allows for recreational uses where they can be carried out without significant detriment to the locality including the amenity of adjoining uses; where located in a conservation area development should conserve the character and appearance of the area. As documented above, Pop's Meadow has a long history of recreational use including planning permission for the stationing of childrens' rides and structures and for the erection of fencing. These former permissions and established uses pre-date the designation of the surrounding conservation area, but the Council as local planning authority still has a duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that:

"In the exercise, with respect to any buildings or other land in a conservation area, of any functions ...[that] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

- 9.6** It is considered that the current use proposal is materially different from the existing permission, by reason of the different rides, their appearance, siting and their operating characteristics.
- 9.7** It is also considered that the security fence which has been erected is of a style and height that is not in keeping with the conservation area, and a more traditional park style is required that also is sympathetic to the amenity and outlook of neighbouring dwellings.
- 9.8** Furthermore, it is also considered that the portacabin is a temporary structure that would not normally be permitted as a permanent structure in such a prominent location of a conservation area.

Impact on neighbouring residential amenity

- 9.9** Environmental Health Officers have not considered these rides to be significantly or noticeably noisier than rides allowed under the former permission and as such it is not considered necessary to require a change to the current rides on the basis of noise concerns, but precautions should be built into any permission to safeguard future amenity.
- 9.10** It is considered that in the interests of protecting the amenity of the occupants of Marine Terrace abutting the meadow, primarily from noise generated at the site, that there should be no rides or structures sited within 10m of the boundary.
- 9.11** Further conditions will prevent use of loudspeakers, public address system and amplified music.
- 9.12** As aforementioned the front elevations of the houses at Marine Parade are in close proximity to the replacement boundary fence. At this location there is a competing consideration in respect of the outlook of the fence; on one hand there may be a desire by occupants of the houses to screen the site from view with a solid fence, on the other it may be preferable to look through the fence

to the meadow. In this case it is considered that in the interest of the character and appearance of the conservation area which is defined in this location by the open space character of the meadow, that the fence should be of a traditional park railing type. The position of the fence in this location needs to be shown on an amended layout plan and agreed before the issue of any permission

Highway safety

- 9.13** The Highways Authority raise no objection to the development provided specified visibility splays are provided and maintained thereafter. There is both on street parking and free public car parking in easy walking distance of the site, which is not materially altered by the proposed development, and which can cater for the displaced motor home parking.
- 9.14** As such there is no unacceptable highways impact that the careful positioning of fencing and creation of visibility splay cannot resolve (by condition).

Flood risk

- 9.15** The area of the site previously used for the parking of touring motorhomes has been resurfaced with bitumen for siting coin operated car rides, this is not considered to be a material increase in the impermeable surface area in relation to flood risk. The portacabin has been sited on that existing hard surface. This area was not part of the public highway. In terms of the street lighting column, this is not shown on NCC Highways records as being owned by NCC. Flood risk for visitors should be no greater than the extant use and flood risk should not be increased elsewhere, but a floor evacuation plan and management scheme should be secured by condition.

Other matters

- 9.16** It is the applicant's commercial consideration to have a separate structure from the café to sell refreshments during times when the play park is open.

10. Conclusion

- 10.1** It is therefore considered that in order to determine whether the intensified and materially different use can successfully operate without detriment to the amenity of adjoining residents, the local planning authority should grant a temporary permission for the use and the portacabin for at least 2 years (including the c.6 months use already undertaken without permission during 2021). This will allow factors such as effectiveness of the fencing, noise from rides etc to be reviewed over a reasonable period of time and over both an extraordinary year and hopefully a more usual year of holiday use.
- 10.2** The fence as erected without permission is not appropriate and any new permission to be granted pursuant to this application shall require that the fence be replaced at the end of this tourist season, with one of style compatible with the conservation area. Details of the fence including the height and siting in

relation to Marine Terrace and 27 Pavilion Road have been requested from the applicant to be provided prior to the Committee meeting and should be agreed prior to the issue of any permission. Members will be updated verbally as to the appropriateness of the proposed fencing designs (and siting in relation to the aforementioned dwellings).

- 10.3** A condition of any permission should be that rides and structures approved will be as submitted for the application; details of any replacements to those rides would require express prior written permission from the Local Planning Authority in the form of a further planning application in order to assess that they would be compatible without causing significant disturbance to the amenity of adjoining residents.
- 10.4** Given the site is located in a flood zone, conditions to this permission will require the provision of means to anchor the portacabin and structures in a flood situation and for the use to be supported by an emergency evacuation plan.
- 10.5** In order to demonstrate that the proposed use and activities can be acceptable in the location and in terms of highways safety, the following matters shall need to be revised and confirmed to be acceptable by the LPA before permission is granted:
- Prior to issuing a planning permission a revised rides and structures layout plan shall be submitted and agreed in writing. Details to include a schedule of rides and structures with identifying serial numbers.
 - Prior to issuing a planning permission details of a replacement fence shall be submitted and agreed in writing. Details to include siting, height, design, material and finish.
 - Prior to issuing a planning permission a plan showing the necessary visibility splay shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highways Authority.
 - Prior to issuing planning permission a flood warning and evacuation plan shall be submitted to and agreed in writing with the Local Planning Authority.

In the event that the applicant does not provide suitable details, a permission would not be appropriate as the scheme would not be acceptable, and Officers would recommend that the application is brought back to Committee if so.

- 10.6** In the event that permission can be granted, in order to safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area a list of matters including but not limited to the following would be the basis for conditions to any approval:
- The permission for childrens' rides expires on 1st Sept 2023 (by which time the applicant will have benefitted from 3 easter holidays and 3 full summer seasons).

- The permission for the portacabin, refreshment cabin and cash/token cabin expire on 1st Sept 2023
- There shall be no rides or structures used on the site other than those specifically included in the schedule to be agreed (see paragraph 9.4)
- No rides or structures shall be sited within 10m of the boundary with Marine Terrace (and to be confirmed by a rides and structures layout plan)
- The existing fencing is to be removed and the replacement fencing (to be approved) is to be installed by 01 December 2021, with visibility splay incorporated therein
- The removal of permitted development rights for the erection of any additional Gates, Walls, Fences, or other means of enclosure
- The use of the site for childrens' rides shall not be open to customers outside of 10am-7pm seven days a week.
- No use of loudspeakers and public address systems (Except for safety announcements).
- No use of external amplified music.
- The portacabin shall be securely anchored to its base and anchor retained in perpetuity (details needed if not provided beforehand).

RECOMMENDATION: -

11.1 Approve, subject to:

1) receiving appropriate details of:

- (a) a revised rides and structures layout plan, and
- (b) replacement fencing design, and siting, and
- (c) plan showing provision of visibility splay, and
- (d) flood warning and evacuation plans,

before any permission is issued [as described at paragraph 10.5 above].

2) For a temporary period - in order to further assess the impact of the use and safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area – subject to Conditions as listed at paragraph 10.6 above and any others considered appropriate by the Development Management Manager.

11.2 On this basis the development would be deemed in compliance with the aims of Policies CS8, CS10, CS13 and CS15 of the Great Yarmouth Local Plan Core Strategy, also to Policy A1 Amenity of the Emerging Local Plan Part 2

Appendices:

1. Location Plan
2. Area for rides
3. Images of rides
4. Location for token booth
5. Location for Ice Cream and Coffee Unit (Refreshments)
6. Location for portacabin
7. Location of rides (submitted plan)
8. Location of security fence and gates

Location Plan Pops Meadow



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DRAWING TITLE
Location Plan: Pops Meadow Putting Green

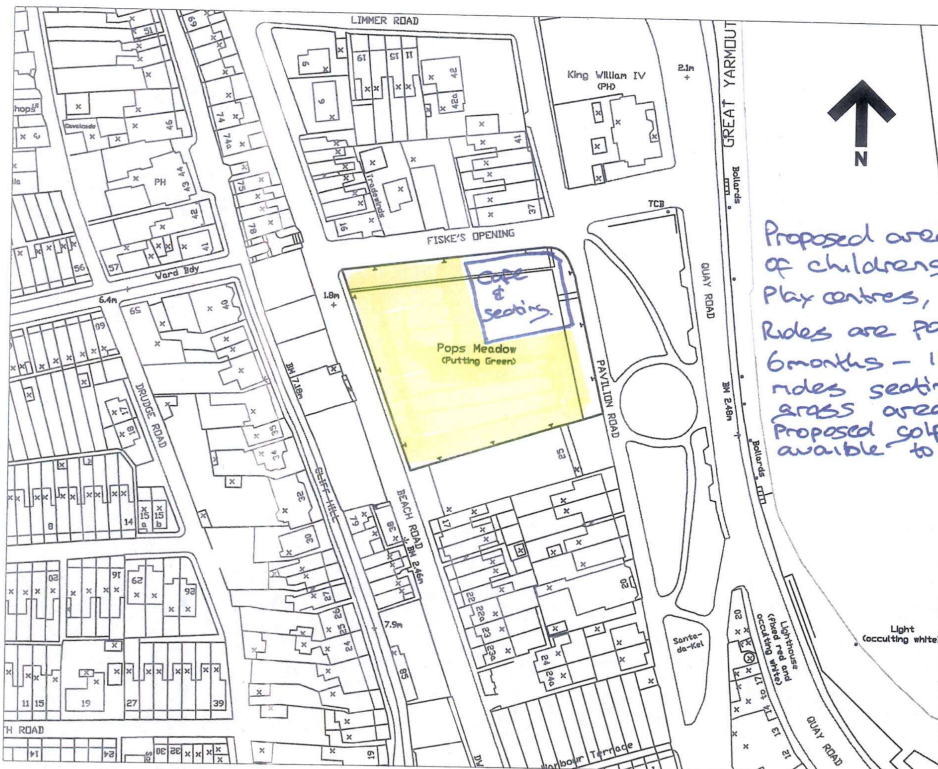
SCALE 1/1250	DATE December 2020
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Area for rides



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Proposed area of land in yellow
of childrens activity rides,
Play centres, coin operated rides.
Rides are for children of ages
6 months - 12 years old between
rides seating, plants and open
grass areas. I have included
Proposed golf area within until funds
available to build course + permission.

DRAWING TITLE

Location Plan: Pops Meadow Putting Green

SCALE

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DATE

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- Proposed Ride images for
Pop's Meadow,
Pavilion Rd, Gorleston

- Images of Rides
25/04/2021

Images of Rides

Pony Express Ride—A ride the children (adult can be on to hold them if very small) sit on and go Around the track leaving station and return on the opposite side into station



Tea Cup ride—For young children . The ride goes around in circle and cups also spin



Images of Rides

Activity Play centre—For children up to age of about 8 or 9. This has safety mesh around the outsides. 4 trampoline beds a small up stairs section and a slide leading into open area. All sides are padded



A set of swing chairs—For children up to age of approx. 14 years old . Safety chains across waste and hard frame (not chain) to stop children falling out



Images of Rides

Formula Toy set—A track ride going around and over a hill. For children up to approx. 10 years old



A mini apple track ride—For children under 14 . Sitting in one of the worms cars going in oval track and over hills



Images of Rides

Monster trucks—5 jeep cars for young children going around circle and over a hill



Carousel Toy set—Different cars and toys for children to sit on goes around in a circle



Images of Rides

4 bed Bungee trampolines—For children up to about 16 years old but normally under 14



Tornado sinning Pigs—Coin operated ride. These are proposed to go behind café on tarmac area



Images of Rides

Coin Operated ride on battery cars/ bikes—These again were looked at putting on tarmac area behind café



Various coin operated rides for small children—to be scattered around the park to brighten up areas. Pictures of a few attached on next sheet. These are mainly for very small children who may not be big enough for rides



Images of Rides



We are proposing approx. 10 – 15 small coin operated rides it just depends on space and availability at getting some

Location of token booth



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Location of Ice Cream/Coffee Unit (Refreshments)



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*Proposed location of ice cream/
 coffee unit with park area.
 Only open with children present
 is in operation*

DRAWING TITLE
 Location Plan: Pops Meadow Putting Green

SCALE
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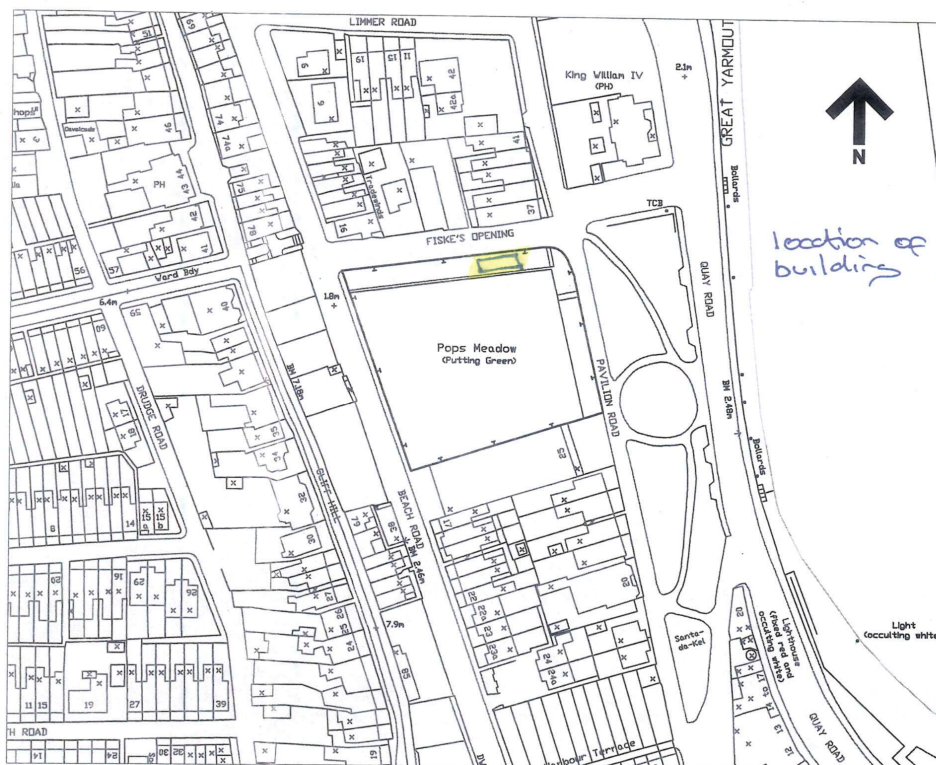
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Location of Portacabin



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location of portacabin office/medical building

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 Location Plan: Pops Meadow Putting Green

SCALE
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DATE
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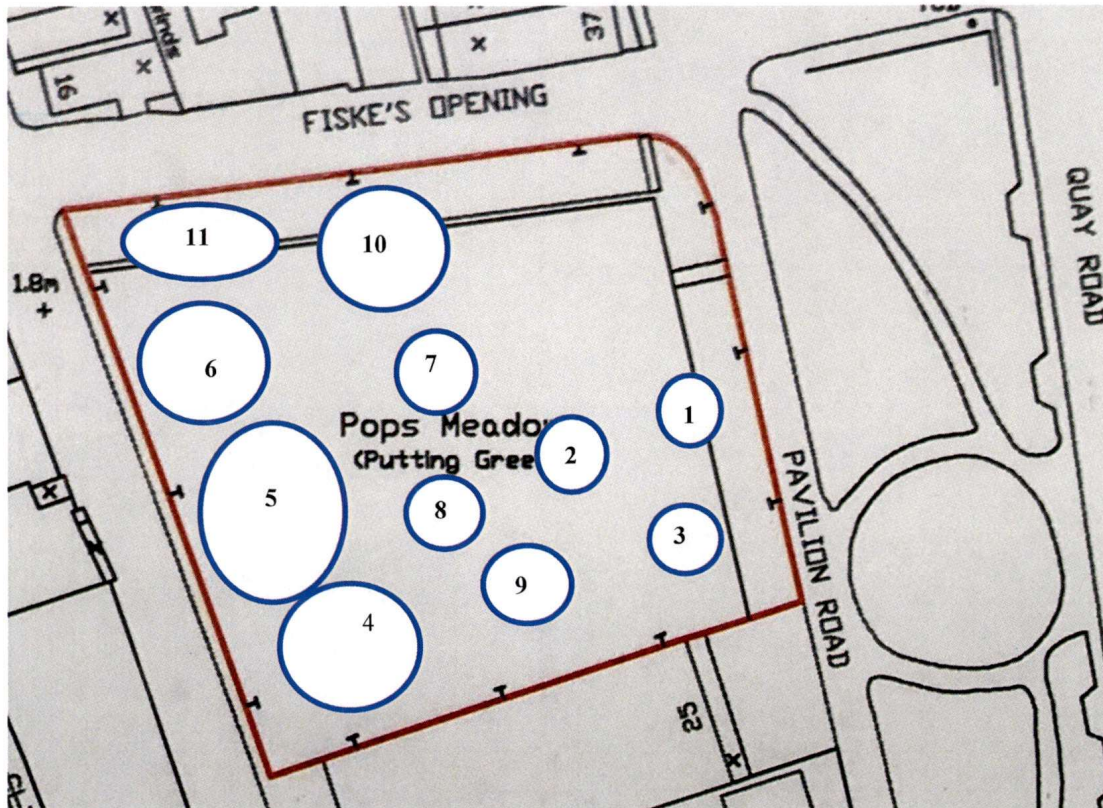
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Location of rides submitted plan

Location of rides



- 1—Bungee Trampolines
- 2— Carousel Toy set
- 3— Formula Toy set
- 4— Mini Apple Track ride
- 5—Pony Express
- 6—Activity Play Centre
- 7— Monster Trucks
- 8—Tea Cup ride
- 9—Swing chairs
- 10—Coin operated ride on pigs
- 11— Coin operated ride on bikes

The coin operated bus etc to be placed around the park in various locations. Most of them will be near the patio area of café as they could be used whilst rides area is closed

Location of Security Fence and gates



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*Proposed 8 foot security fencing
and gate locations.*

DRAWING TITLE
Location Plan: Pops Meadow Putting Green

SCALE
1/1250

DATE
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