

Schedule of Planning Applications

Committee Date: 8th June 2022

Application Number: **06/22/0112/F** - [Click here to see application webpage](#)

Site Location: Land adjacent Model Yacht Pond, Lower Esplanade Gorleston, Great Yarmouth

Site Location Plan: See Appendix 1

Proposal: Proposed change of use of land for the siting of up to 2 no. mobile/fixed concession units for retail purposes only; change of use of former police kiosk to retail, leisure area and relocation of beach concession.

Applicant: Great Yarmouth Borough Council (Property Services team)

Case Officer: Mr. Gordon Sutherland

Parish & Ward: Great Yarmouth Town, Central and Northgate Ward

Date Valid: 16/02/2022

Expiry / EOT date: 15/06/2022

Committee referral: Constitution - Connected application.

Procedural note 1: This application was reported to the Monitoring Officer as an application submitted by a relative of a Councillor, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 31 05 22, and the Monitoring Officer has checked the file and 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.

RECOMMENDATION: APPROVE subject to proposed conditions

REPORT

1. The Site

- 1.1 This site includes parts of the lower esplanade and the beach adjoining the model yacht pond, at Gorleston Seafront.
- 1.2 The site is located in the Gorleston Conservation Area designated by the local authority on 19th June, 2009.

- 1.3 The lower esplanade includes a terrace of beach commercial units and car park to the north, steps and graded walkways down from the upper esplanade including seating and shelters, to the west, the model yacht pond and splash pool to the east.

2. The Proposal

2.1 The proposal is for:

1. The change of use of the former police kiosk to retail use. The kiosk is located on the lower esplanade adjacent the splash pool, between the splash pool plant enclosure and the yacht pond plant building. The existing kiosk measures 3.79m by 3.2m and has been used in recent years by the RNLI;
2. The erection of 2 new kiosk buildings which measure 3.0m square to be located on the lower esplanade to the west of the yacht pond. The kiosks are to be of the same material and style (minus the veranda) as the beach huts located to the south on the lower esplanade;
3. Change of use of land to create a leisure area, measuring 14.0m long by 5.0m wide to be located on the lower esplanade also to the west of the yacht pond. The lower esplanade at this point opens out to 18.5m in width for approximately 150m in length before narrowing the south; and,
4. Change of use of land to create a beach amusement site measuring 28m in length and 24m in width on the beach northeast of the yacht pond.

2.2 The uses in each area would be as follows:

1. Kiosks for retail use (no food – see proposed condition 3), allowing retailers and charities that have operated for a while to trade and raise funds from the Esplanade, more recently the RNLI.
2. Leisure area to be leisure uses. The use will typically include attractions of a leisure nature, the users will vary overtime as potentially different concessions will operate from the area, example might include Flowrider® Water based attractions, traditional juvenile rides, the fun soft play bus has appeared for short periods during the summer, and any other leisure attractions that require either a seasonal pitch, or a shorter licence for the summer.
3. Beach amusement area. As above, the users will vary overtime as different concessions will operate from the area. The use will typically include attractions that are beach based, for example already in Great Yarmouth there is one beach amusement site which has installed a mini putting course and juvenile trampolines. Beach based activities such as hiring of kayaks and beach board hire and other water sports, and approaches have

also been made by a beach Gym to provide keep fit and gym activities on the beach.

- 2.3 Permission would apply all year. However, the uses would likely close out of tourist seasons and it is not suggested to be necessary to remove features at the close of the traditional tourist season.
- 2.4 A Coastal Evaluation Vulnerability Assessment (CEVA) has been submitted in support of the application.

3. Site Constraints

- 3.1 The site is located in Conservation Area no17 Gorleston 19th June 2009 and revised 10th July 2013.
- 3.2 The kiosks and leisure area would be located on the landward side of the designated Coastal Change Management Area (CCMA). Any development proposal within 30m of the area is to be supported with a CEVA.
- 3.3 The site is outside of the defined development limits (GPS1).

4. Relevant Planning History

- 4.1 In 1992 planning permission was given for the relocation of an existing “fun site” on the beach, 06/92/0072/SU refers, and permission was given for a “fun bag” site, 06/92/0456/SU refers.

In 2001 planning permission was given for the erection of a wooden shed on the beach adjacent the yacht pond for summer period to be used for face painting, hair wrapping and temporary tattoos - 06/01/0084/F refers.

In 2010 planning permission was given for the erection of a timber cabin for use as a police hut during the summer months - 06/10/0235/F refers.

In 2019 an application was made for 2 storage units for the storage of deck chairs or other authorised leisure use in the area surrounding the model yacht pond; planning application ref 06/19/0120/F refers. The application was granted a resolution to be approved subject to conditions by the Development Control Committee July 10, 2019.

5. Consultations

5.1. Statutory Consultees

| | |
|--|---------------------|
| Norfolk County Council – Highways | No objection |
| No comments | |
| Officer comment / response: | Noted. |
| Any relevant Condition / Informative note? | None |

5.2. Internal Consultees

| | |
|---|---|
| Environmental Health | Response: No objection |
| The Commercial Team would like prior knowledge of any beach concession before it is installed onsite. | |
| Officer comment / response: | See below |
| Any relevant Condition / Informative note? | An informative is recommended advising the applicant to inform the Environmental Health Commercial Team |

| | |
|---|---|
| Conservation Officer | Response: No objection |
| The Conservation section doesn't object to the principle of the development. It is suggested that the details of the proposed leisure area and other material interventions are requested in the form of a condition. | |
| Officer comment / response: | A condition that requires the prior approval of any permanent structures including buildings, hoardings and means of enclosure within the leisure area and beach amusement site is recommended. |
| Any relevant Condition / Informative note? | Condition recommended as above |

5.3 The Great Yarmouth Tourist Authority was consulted but did not respond.

6. Publicity & Representations received

The application has been advertised in the press, as the site is located within a Conservation Area. A site notice was posted by the model yacht pond.

6.1. **Ward Member** – no comments received

6.2. **Parish Council(s)** – not applicable

6.3. **Public Representations**

At the time of writing around 100 public comments have been received with concerns summarised as follows:

Objections / Concerns:

| |
|---|
| Representation |
| Character of the area: Gorleston seafront is simple, quiet and natural, this is its attraction. The area should not be further commercialised. There are enough amenities and retail outlets at the northern end of the lower esplanade. Gorleston has a different character, contrasting to Great Yarmouth, the character would be harmed by more commercialisation. |
| Officer Comment |
| Comments relate to the principle of development and policies CS8 and L2. There have been amusements at this end of the beach historically. The former police kiosk is on site and the 2 new kiosks are modest buildings 3m square. The proposed leisure area has been used previously to station the fun bus. It is considered that the proposed uses are proportionate and will be complementary to the to the primary tourism and recreational uses of the esplanade in this location. See section 9 of the report. |
| Relevant Condition/Informative |
| None |

| |
|---|
| Representation |
| Access/Space: The retail units and leisure area will take away space from the lower esplanade in this area and obstruct activities undertaken in this area. Using the space would restrict access for wheelchair users visiting the seafront. |
| Officer Comment |
| Comments relate to policy E3. The lower esplanade is about 18.5m wide where the proposed leisure area and kiosks would be sited. The lower esplanade is about this width for approximately 150m (2,775 square metres in area). The leisure area is 14m in length and 5m wide (70 square metres in area). The kiosks are each 3m square in area and located at the edge of the esplanade. It is therefore considered that there is more than sufficient area to accommodate the proposal without adversely impacting on the use of the esplanade for walking (including wheelchair users), cycling, seating and other casual uses. See section 13 of the report. |
| Relevant Condition/Informative |
| None |

| |
|---|
| Representation |
| Use: Do not need more food outlets. There is a good mix of shops and services in the area. New concessions would take trade from existing business. |
| Officer Comment |
| Comments relate to the principle of development and competition. The Borough Council is producing a vision framework for Gorleston Seafront (The Gorleston |

Seafront Master Plan) which among other things aims to encourage more visitors and residents to use the beach beyond the summer season, year-round by improving the area around it and the car parks, pier and nearby streets; expand and improve the amenities, disabled access and signage and explore the potential for enhanced arts and cultural opportunities. See section 9.

In relation to retail use an aim is not to compete with existing seafront uses or the High Street, but to support retailing that is complementary and ancillary to existing concessions. In this case the amount of proposed retail space is just over 30 square metres (325 square feet) total in 3 small units.

Relevant Condition/Informative

Proposed Condition 3 will prevent use of kiosks for food and drink sales.

Representation

Former Police Hut:

This should be kept for the RNLI.

Officer Comment

Planning generally assesses the acceptability of a use rather than the user. To whom the premises is let is a matter for the property owner.

The proposed retail use of the kiosk only regularises the activity that has previously been taking place already, and there would be no reason why the RNLI couldn't resume their fundraising and awareness activities from the kiosk under the new use.

Relevant Condition/Informative

None

Representation

Other Comments:

The southern end of the esplanade is not as well served. The bandstand could be more used. Need public toilets at the northern end of the esplanade

Officer Comment

The observations are outside of the scope of the application

Relevant Condition/Informative

None

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- 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 CS13: Protecting areas at risk of flooding and coastal change

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy GSP4: New development in Coastal Change Management Areas
- Policy E3: Protection of Open Spaces
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development
- Policy L2: Tourist facilities outside of Development Limits and Holiday Accommodation Areas

Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 6: Building a strong, competitive economy
- 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

Any other material considerations

- Gorleston Seafront Master Plan (Draft)

During 2021 the Borough Council has been preparing a master plan for Gorleston seafront including public outreach. The document will provide a vision and framework of how the Council see the future of the area. *“Recognising it is a significant natural and architectural asset to residents and visitors alike, with its Edwardian architecture, beach huts and its relaxed but not overtly commercialised character. The Council wants to continue building upon its successes, to ensure it can continue to work for and be enjoyed by everyone all year round, and is economically viable into the future”.*

The plan is due to be considered by the Councils Policy and Resources Committee in July, but will not have any formal planning status and must have only minimal weight when applied to planning decision making.

8. Planning Analysis

- 8.1. 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.

8.2. 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 in this case include:

- Principle of development
- Heritage
- Amenity
- Access and Parking
- Open Space
- Coastal change area impacts

Assessment:

9. Principle of Development

- 9.1 The site is located outside of the development limits for the town as defined in the adopted development plan. Local Plan Part 2 (LPP2) policy L2 allows for new or expanded tourist facilities where these are of an appropriate scale to the character of the area.
- 9.2 Core Strategy Policy CS8, parts d), e) and j), in particular, seek to enhance the tourism offer in terms of facilities and its relationship to the surrounding area. This proposal has the potential to offer facilities increasing the quality and variety of facilities to Gorleston (one of the Borough's larger centres) as a coastal resort. This approach is reiterated in (LPP2) Policy L2.
- 9.3 Policy L2 supports development where it individually or cumulatively doesn't significantly change the character of a location taking into account, the quantity, scale, density and design among other things, the types and amounts of traffic movements and impacts on the tranquillity of the area, the impacts of lighting, advertisements and boundary treatments on the landscape and nightscape, the living conditions of adjoining occupiers. In 2018, a new Splashpad facility was

installed on the lower promenade and has proven popular with families as a destination and an important new facility for seafront.

- 9.4 The proposed kiosks, leisure area and beach amusement site would be located at the northern end of the lower esplanade adjoining the splash pad, the model yacht pond and close to the existing parade of beachside commercial premises. There have been amusements at this end of the beach historically. The former police kiosk is on site and the 2 new kiosks are modest buildings 3m square. The proposed leisure area has been used previously to station the fun bus. The principle of similar development and uses has therefore previously been experienced and to a degree established already.
- 9.5 Retailing uses, including food & drink also have a potential role to play in widening the concessions offer and supporting year-round tourism. However, it is accepted that there may be some conflict with the Local Plan which typically seeks to prioritise these uses within town and local centres first. In this case while this conflict is recognised it would be considered as limited when balanced against Gorleston seafront's unique offer which is distinctly separate to Gorleston's High Street and the scale of retail uses proposed (which is only 30 square metres total).
- 9.5 It is not considered that there will be a significant detrimental impact on the character and appearance of the locality. The nearest dwelling is some 70m distant at the higher level of Cliff Hill and Avondale Road. It is not considered that the proposed development would have a significant detrimental impact on the living conditions of the occupiers of those dwellings.
- 9.6 The increase in the amount of retail floorspace proposed is 30 square metres this is not a large area in the context of the existing parade at the northern end of the esplanade. Competition is not a planning consideration. Although beyond planning control, it is considered that the Council as a landlord in the area will be mindful that any uses occupying the new units should not have a significant adverse effect on other tenants.

10. Heritage

- 10.1 The site is located within the No 17 Gorleston Conservation Area. The decisionmaker has a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure there is special attention paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 10.2 The 2 kiosks are of beach hut design which is a traditional seaside attraction and the design and materials are therefore considered an appropriate form of development in the area.
- 10.3 The detail of what will occupy the leisure area and the beach amusement area is not known, this will depend on the concession(s) agreed by the Council as a

landlord. A condition is recommended that details of any buildings and structures required shall be agreed before the use commences in order to control the appearance. It is anticipated that the amusements will be typical of those in seaside areas.

- 10.4 As set out in the consultation section of the report, the Conservation Officer has recommended a condition for prior agreement of materials and appearance of the structures in order to conserve the character and appearance of the area.
- 10.5 The very modest cumulative addition of two additional small storage units in the same area, as approved under application 06/19/0120/F, are not considered to create unacceptable visual impacts or detriment to heritage setting and character and appearance of the conservation area. These two additional units are shown in the previously-approved layout seen in Appendix 3.

11. Amenity

- 11.1 Adopted LPP2 policy A1 expands on policy CS09 (f) to ensure that no significantly harmful amenity issues occur, including overlooking and loss of privacy; loss of light and overshadowing and flickering shadow; building and structures which are overbearing; nuisance, disturbance and loss of tranquility from waste and clutter, intrusive lighting, visual movement, noise, poor air quality (including odours and dust); and vibration. Given the distance to dwellings, (over 70m and at a higher level) none of these are expected to occur, and the potential for impacts between the proposed uses and with other users of the Esplanade are considered limited.

12. Accessibility to Open Spaces

- 12.1 Policy E3 Protection of open spaces sets out that open spaces which provide local amenity or recreational benefit to the local community will be protected, and development that contributes to the loss of these benefits will only be permitted where the proposal is ancillary to the value and function of the space. In this case, the lower esplanade is about 18.5m wide where the proposed leisure area and kiosks would be sited. The lower esplanade is about this width for approximately 150m (2775 square metres in area). The leisure area is 14m in length and 5m wide (70 square metres in area). The kiosks are each 3m square in area and located at the edge of the esplanade.
- 12.2 It is therefore considered that there is more than sufficient area to accommodate the proposal without adversely impacting on the use of the esplanade for walking, cycling, seating and other casual uses, whether considered individually and in combination with the approval in 2019 for the two additional storage units (ref 06/19/0120/F), as seen in Appendix 3.

13. Highways and Parking

- 13.1 The Local Highways Authority (Norfolk County Council) raised no objection to the proposal. The proposal is not expected to result a significant increase in vehicle movements or to result in significant additional parking pressure. Temporary access for traders is possible on the esplanade whilst customer parking is in close proximity.

14. Impact on Coastal Change

- 14.1 The site is located within 30m of the indicative coastal change area. As such, it must be accompanied by a Coastal Erosion Vulnerability Assessment (CEVA) which demonstrates that the development will not result in an increased risk to life or property. Being a relatively minor development, a 'Type A' CEVA is required – where the developer confirms that they are aware of the uncertainties surrounding coastal change and that they are aware of the associated risk. This assessment has been received and is deemed satisfactory.
- 14.2 LPP2 Policy GSP4 states that “Where development is proposed in the 20 year erosion 'horizon' of the Shoreline Management Plan, only a limited range of development types directly linked to the coastal strip, such as beach huts, cafes/tea rooms, car parks and sites used for holiday or short-let caravans and camping will be permitted and appropriately time limited through conditions.” The proposed kiosks, leisure area and beach amusement site would therefore comply with the suitable types of development outlined in GSP4.

15. Local Finance Considerations

- 15.1 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.

16. The Planning Balance

- 16.1 The exercise of weighing the balance of harm versus public benefits is provided in this section of the report.
- 16.2 The site (the lower esplanade and beach) is an existing leisure and recreation area. Adjacent the site is the model yacht pond, the splash pool a parade of commercial beachside units and a car park. While the proposal will add to the mix of uses and activity, the proposed areas are modest and proportionate to the location.
- 16.3 The proposed uses will use some of the area of the lower esplanade. However, this is a large area of over 2,500 square metres. The footprint of the leisure area and kiosks account for about 100 square metres of that area. It is not considered that this will have an adverse effect on other uses undertaken on the esplanade.
- 16.4 The esplanade is part of the Gorleston conservation area. The area is characterised by its leisure and recreation uses.
- 16.5 There would be a very minor effect on the heritage and appearance of the area from the new structures and temporary uses and installations, but their level of harm is very low indeed, and to some extent has been accepted in the recent past and well received by the tourism sector. As such the benefits of investment and economic draw for the tourism industry are considered notable and able to outweigh the small level of harms, whilst potential for conflict with the development can be controlled by use of safeguarding conditions.

17. Conclusion and Recommendation

- 17.1 The proposal is located outside the development limits for the area, where tourism uses are supported when compatible with the local character. The location is within a designated conservation area, and the character of that area is influenced by leisure and recreation uses. The site is in a coastal area subject to change, wherein the type of uses proposed are allowed.
- 17.2 It is recognised that part of the attraction to Gorleston' seafront is the classic approach to tourism. However, it is considered that additional opportunities could be introduced to further develop that approach. The beach concession although not operated in recent years forms an important addition to the area and could be complemented by bespoke concessions appropriate to the location. In this case it is considered that the proposed uses are proportionate and will be complementary to the primary tourism and recreational uses of the esplanade in this location.
- 17.3 Having considered the details provided, the application is considered to comply with policies CS8, CS9, CS10, CS11 and Policies GSP4, A1, E3 and L2 of Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

RECOMMENDATION:

It is recommended that application 06/22/0112/F should be APPROVED, subject to the following Conditions:

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 site plan Rev E and the kiosk plan and elevations received by the Local Planning Authority on 21st February 2022.

The reason for the condition is :-

For the avoidance of doubt.

3. There shall be no sale of food and drink from the kiosk units hereby approved

The reason for the condition is:-

To ensure the use is complementary to the existing mix of uses at the lower esplanade.

Pre-commencement:

4. Prior to the erection of any buildings and structures located in leisure area and the beach amusements area, details of the proposed heights, dimensions, appearance and materials of the structures and buildings shall first be submitted to and approved in writing by the local planning authority, and the development shall thereafter be undertaken only in accordance with the approved details.

The reason for the condition is:

To ensure the external appearance, heights and massing of the temporary installations within the development is not significantly detrimental to the character of the Conservation Area.

And any other conditions considered appropriate by the Development Manager.

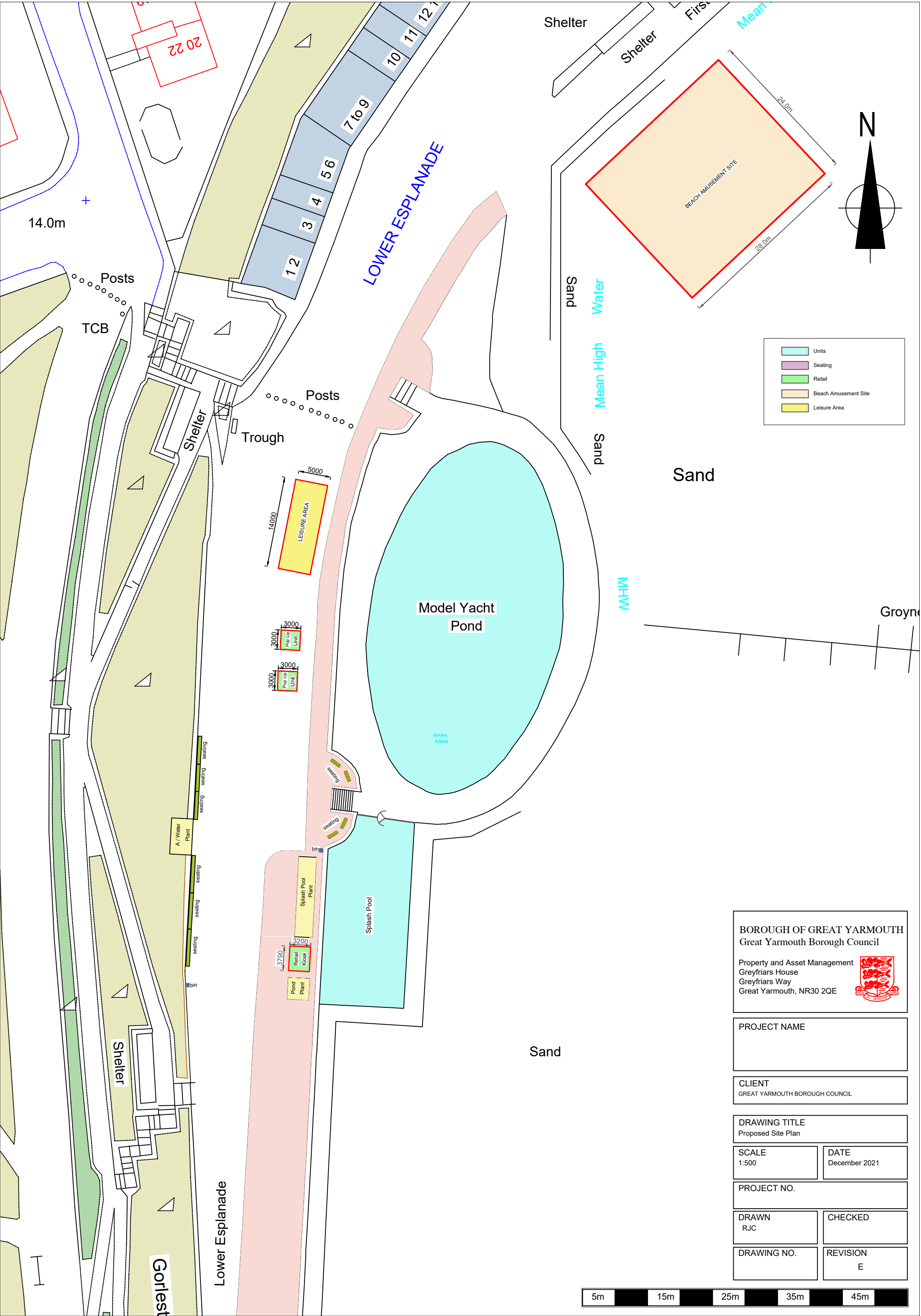
Informative Notes:

1. Contact Environmental Health Commercial Team to provide details of the beach concession(s) before first use.

And any other informatives considered appropriate by the Development Manager.

Appendices:

1. Site Location Plan and Layout of Facilities.
2. Floor plans and elevations.
3. Site location plan for the 2no. storage units approved under application 06/19/0120/F in the same area (DC Committee 10th July 2019) – shown in green.



BOROUGH OF GREAT YARMOUTH
Great Yarmouth Borough Council

Property and Asset Management
Greyfriars House
Greyfriars Way
Great Yarmouth, NR30 2QE



PROJECT NAME

CLIENT
GREAT YARMOUTH BOROUGH COUNCIL

DRAWING TITLE
Proposed Site Plan

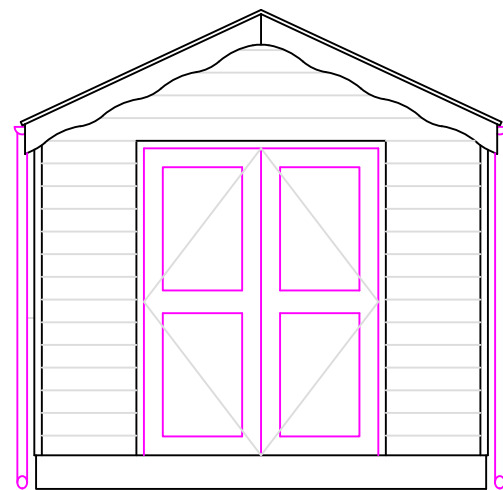
| | |
|----------------|-----------------------|
| SCALE 1:500 | DATE December 2021 |
|----------------|-----------------------|

PROJECT NO.

| | |
|--------------|---------|
| DRAWN RJC | CHECKED |
|--------------|---------|

| | |
|-------------|---------------|
| DRAWING NO. | REVISION E |
|-------------|---------------|





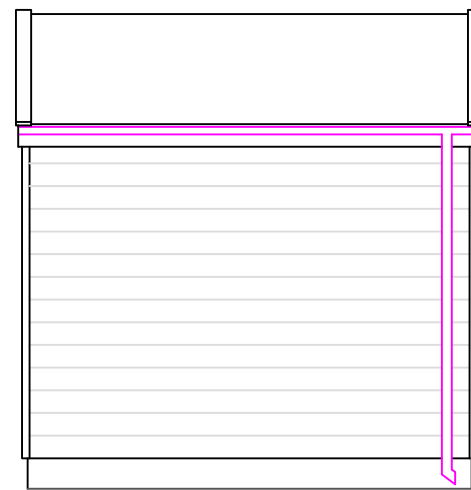
3000

Front Elevation



3000

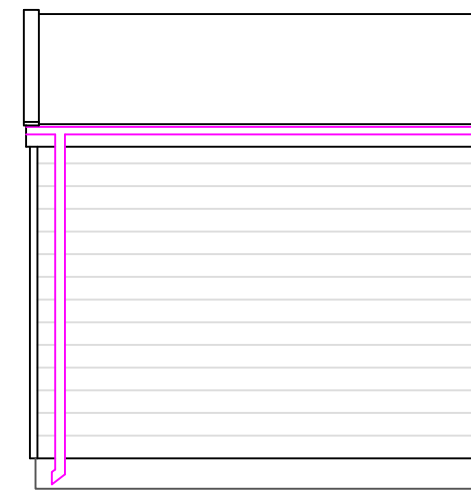
Side Elevation



25°

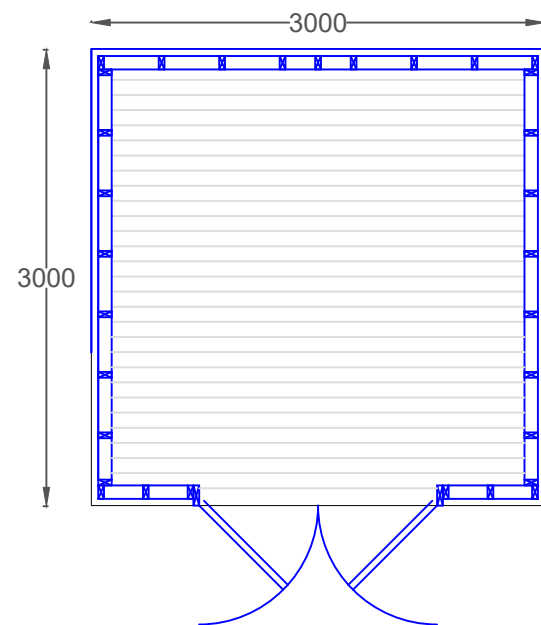
3000

Rear Elevation



3000

Side Elevation



Floor Plan

PLANNING ISSUE

BOROUGH OF GREAT YARMOUTH

Great Yarmouth Borough Council

Property and Asset Management

Greyfriars House

Greyfriars Way

Great Yarmouth, NR30 2QE



| | | |
|----------------|--|-------------------------------------|
| Issued For | Comment | <input type="checkbox"/> |
| | Approval | <input checked="" type="checkbox"/> |
| | Tender | <input type="checkbox"/> |
| | Construction | <input type="checkbox"/> |
| | Record | <input type="checkbox"/> |
| Client | Great Yarmouth Borough Council | |
| Project Title | Concessions Lower Esplanade Gorleston | |
| Drawing Title | 3.0m x 3.0m kiosk | |
| Scales | Plan & Elevations 1:50 | |
| Info | | Date Apprvd |
| Planning ref | | |
| Build Ctrl ref | | |
| Date | December 2021 | |
| Drawing No. | | |
| Revisions | Date | |

