

**Reference:** 06/16/0028/F

**Parish:** Great Yarmouth

**Officer:** Mr J Beck

**Expiry Date:** 30-03-2016

**Applicant:** Merlin Entertainment plc

**Proposal:** Erection of three kiosks, mixed use A1/A5 retail and sale of non-alcoholic hot and cold beverages and food

**Site:** Marine Parade Sealife Centre  
Great Yarmouth

## REPORT

### 1. Background / History :-

1.1 The application site is on the south side of Marine Parade which forms the main tourism destination for the town of Great Yarmouth. The site is used as a Sealife Centre which is a visitor attraction for the display of oceanic creatures. The Sealife Centre was approved in 1989.

1.2 The surrounding uses are predominantly visitor based with South Beach Gardens to the north and The Winter Gardens to the south. Other commercial units are also present within the vicinity including a cafe.

1.3 The application is for the erection of three kiosks along the frontage of the Sealife Centre for use as mixed use A1 (retail) and A5 (hot food takeaway) in total 49sqm to use as three separate units potentially linked by internal doors. Each kiosk would also have individual external doors. The units would project out by 2.8m approx. 17.5m long in total with individual openings 4.2m long. Materials include blue painted steel box section frames to match the existing main entrance to the building and roller canopy to the kiosks.

1.4 Planning History:

9788 – Replacement kiosk. 24-04-1969

06/88/1678/O – Sealife Centre with shop, restaurant and outdoor eating area and seafront gardens. Approved with conditions. 24-10-1989

06/89/0900/D – Sealife Centre with shop, restaurant and outdoor eating area and seafront gardens. Approved with conditions. 22-05-1990

06/90/0441/A - Box signs to face building. Advert consent. 06-06-1990

06/95/0258/F - Erection of canopy to main entrance of centre. Approved with conditions. 05-05-1995

06/99/0330/A - Hoarding/signs to advertise attraction. Advert Consent. 24-05-1999

06/08/0822/F - Construction of a Penguin enclosure to the existing Sealife Centre. Approved with conditions. 16-12-2008

06/10/0430/A - Adverts to front canopy/atrium and window entrance signs. Advert consent. 17-09-2010

06/15/0067/CC - Demolition of two wooden gates and replacement with two new gates. Conservation Area Consent. 30-03-2015

## **2. Consultations :-**

2.1 Public consultation – 2 objections. The main objections are: An overconcentration of takeaways, particularly in light of a number of takeaway units in close proximity and the disruption to the holiday trade. They have also raised concerns regarding the advertisements of the application.

2.2 Highways – No objection subject to conditions. They are satisfied with the height of the units that they do not create a significant issue to users of the public highway. They have requested a condition ensuring a minimum vertical clearance.

2.3 Conservation – Supports the application.

## **3. Policy and Assessment:-**

3.1 Saved policies from the Borough Wide Local Plan:

#### POLICY SHP14

SUBJECT TO THE SIZE OF THE PROPOSAL, THE CONVERSION OR REDEVELOPMENT OF PROPERTIES TO PROVIDE CLASS A1 OR CLASS A3 USES WILL BE PERMITTED IN THE PRIME COMMERCIAL HOLIDAY AREAS SHOWN ON THE PROPOSALS MAP.

(Objective: To ensure the continued commercial vitality of designated tourist shopping areas.)

#### POLICY SHP15:

PROPOSALS FOR THE ESTABLISHMENT OF HOT FOOD TAKE-AWAYS NOT FALLING TO BE CONSIDERED UNDER THE PROVISIONS OF POLICY SHP4 WILL BE PERMITTED SUBJECT TO THE FOLLOWING CRITERIA:

- (A) THE PROPOSAL WOULD NOT CREATE AN OVER-CONCENTRATION OR PREPONDERANCE OF CLASS A3 USES WHICH WOULD SIGNIFICANTLY DETRACT FROM THE VITALITY AND VIABILITY OF A SHOPPING FRONTAGE;
- (B) THE PROPOSAL WOULD NOT SIGNIFICANTLY ADVERSELY AFFECT ADJOINING OR NEIGHBOURING OCCUPIERS AND USERS OF LAND OR PREMISES BY VIRTUE OF NOISE, DISTURBANCE, SMELL OR FUMES;
- (C) THE PROPOSAL WOULD NOT BE LIKELY TO RESULT IN A SIGNIFICANT HAZARD TO ROAD SAFETY OR SIGNIFICANTLY IMPEDE THE FREE FLOW OF TRAFFIC;
- (D) COMPLIANCE WITH THE COUNCIL'S PARKING AND SERVICING STANDARDS AS SET OUT AT APPENDIX (A) TO CHAPTER 3 IN THE CASE OF ALL NEW OPERATIONAL DEVELOPMENT, AND WHERE POSSIBLE OR NECESSARY IN THE CASE OF A CHANGE OF USE; AND,
- (E) THE PROPOSAL WOULD NOT SIGNIFICANTLY ADVERSELY AFFECT THE CHARACTER OF THE AREA OR THE LOCAL ENVIRONMENT.

(Objective: To allow the provision of hot food outlets outside shopping areas whilst safeguarding the amenities and character of the area.)

#### POLICY SHP16

ANY PROPOSALS TO ESTABLISH NEW RETAIL FOOD OUTLETS IN THE FORM OF KIOSKS OR STALLS WILL BE TREATED ON THEIR MERITS. HOWEVER, ANY PROPOSAL LIKELY TO OBSTRUCT THE FOOTWAY WILL BE STRONGLY RESISTED. THE BOROUGH COUNCIL WILL NOT PERMIT PROPOSALS TO

ESTABLISH NEW REFRESHMENT OR FOOD OUTLET KIOSKS/ CONCESSIONS ON THE SEAFRONT TO THE EAST OF MARINE PARADE, GREAT YARMOUTH, OR ON THE ESPLANADE AT GORLESTON. ALTERATIONS AND EXTENSIONS TO SEAFRONT REFRESHMENT OR FOOD OUTLET CONCESSIONS/KIOSKS EAST OF MARINE PARADE, GREAT YARMOUTH WILL BE PERMITTED PROVIDED THE APPLICANT CAN DEMONSTRATE THAT:-

- (a) THERE IS NO LOSS OF DESIGNATED OPEN SPACE;
- (b) THE PROMENADE/FOOTWAYS WILL NOT BE OBSTRUCTED;
- (c) THE RECONSTRUCTED KIOSK WILL BE DESIGNED TO INCORPORATE MATERIALS APPROPRIATE TO ITS LOCATION AND SETTING AND IS COMPLIANT WITH THE DESIGN GUIDE; AND
- (d) THE RESULTANT BUILDING/STRUCTURE IS NOT IN AN AREA WHICH COULD BE LIABLE TO COASTAL EROSION OR SEA INUNDATION OVER THE ANTICIPATED LIFETIME OF THE DEVELOPMENT.

CONDITIONS WILL BE IMPOSED ON ANY PLANNING APPROVAL TO ENSURE THAT CRITERIA (a) TO (c) OF THE POLICY ARE COMPLIED WITH. CONDITIONS MAY ALSO BE IMPOSED RESTRICTING THE AMOUNT OF EXTERNAL SEATING AND TABLES ASSOCIATED WITH THE KIOSK.

(Objective: To ensure that the character of the seafront is maintained, to ensure the free flow of pedestrians and to maintain and improve the character and appearance of the seafront east of Marine Parade.)

Note: Applicants will be expected to provide evidence that the requirements of the Chief Building Control Officer and the Environmental Health Officer can be met.

## POLICY TR5

THE COUNCIL WILL PRESERVE AND ENHANCE THE EXISTING CHARACTER OF HOLIDAY AREAS BY ENSURING THAT THEY ARE NOT SPOILT BY OVER-DEVELOPMENT. PROPOSALS FOR USES SUCH AS FUN-FAIRS, DISCOTHEQUES OR OTHER USES LIKELY TO GENERATE SIGNIFICANT LEVELS OF NOISE OR DISTURBANCE OR OPERATE DURING UNSOCIAL HOURS WILL BE PERMITTED ONLY IN THE PRIME COMMERCIAL HOLIDAY AREAS (AS DEFINED ON THE PROPOSALS MAP) AND WHERE THE APPLICANT CAN DEMONSTRATE THAT THERE WOULD BE NO SIGNIFICANT DETRIMENT TO THE OCCUPIERS OF ADJOINING PROPERTIES AND USERS OF LAND.

(Objective: To preserve and enhance the character of existing holiday areas.)

#### POLICY TR7

PROPOSALS FOR NEW VISITOR FACILITIES AND ATTRACTIONS MAY BE PERMITTED IN THE PRIME COMMERCIAL HOLIDAY AREAS OF CAISTER-ON-SEA, CALIFORNIA, GORLESTON-ON-SEA, GREAT YARMOUTH, HEMSBY, HOPTON-ON-SEA, NEWPORT AND SCRATBY AND WILL BE ASSESSED HAVING PARTICULAR REGARD TO THEIR SCALE, DESIGN AND RELATIONSHIP TO OTHER USES AND TO LANDSCAPE, ENVIRONMENTAL, RESIDENTIAL AMENITY AND TRAFFIC CONSIDERATIONS.

(Objective: To meet increasing visitor expectations and changing tourist trends whilst safeguarding the natural environment.)

#### POLICY TR21

IN THE GREAT YARMOUTH SEAFRONT AREA, WITH THE ASSISTANCE OF ITS STATUTORY DEVELOPMENT CONTROL POWERS, THE COUNCIL WILL:

- (A) MAINTAIN AND ENHANCE THE STATUS OF GREAT YARMOUTH'S GOLDEN MILE (THE SEAFRONT BETWEEN EUSTON ROAD AND THE PLEASURE BEACH) AS THE MAIN FOCUS OF THE BOROUGH'S TRADITIONAL TOURIST INDUSTRY, AND PROVIDE THE BALANCE AND RANGE OF FACILITIES AND ATTRACTIONS WITHIN THIS AREA THAT MEETS THE NEEDS AND EXPECTATIONS OF ALL SECTIONS OF THE POTENTIAL MARKET;
- (B) PROTECT THE PREDOMINANT CHARACTER OF THE DIFFERENT AREAS OF THE SEAFRONT BY:
  - i RETENTION OF THE UNCOMMERCIALISED OPEN CHARACTER OF THE AREA TO THE NORTH OF THE BRITANNIA PIER;
  - ii RETENTION OF THE OPEN CHARACTER OF AREAS TO THE EAST OF MARINE PARADE BETWEEN BRITANNIA PIER AND THE PLEASURE BEACH, INCLUDING THE AREAS OF PUBLIC OPEN SPACE; AND,
  - iii STEERING PROPOSALS OF A HIGHLY COMMERCIAL NATURE TO AREAS PREDOMINANTLY IN SUCH USES;
- (C) SUBJECT TO AESTHETIC, CONSERVATION AND OTHER LAND-USE CONSIDERATIONS, EXTEND THE SEAFRONT ILLUMINATIONS SCHEME;
- (D) SUBJECT TO PROVEN NEED, PERMIT ADDITIONAL GAMING FACILITIES, INCLUDING A CASINO ;

- (E) SUBJECT TO THE LIKELY EFFECT ON ADJOINING OR NEIGHBOURING LAND-USES, FAVOURABLY CONSIDER PROPOSALS FOR ENTERTAINMENT DEVELOPMENT WITHIN AREAS DESIGNATED AS PRIME HOLIDAY ATTRACTION OR PRIME COMMERCIAL HOLIDAY AREAS ON THE PROPOSALS MAP;
- (F) MAINTAIN AND ENHANCE THE EXISTING CHARACTER OF THE AREA TO THE EAST OF MARINE PARADE;
- (G) SUBJECT TO SCALE AND DESIGN, FAVOURABLY CONSIDER ANY PROPOSAL TO EXTEND THE MARINA LEISURE CENTRE NORTHWARDS;
- (H) SUBJECT TO A DESIGN WHICH RETAINS THE PIER DECK AND PAVILION, FAVOURABLY CONSIDER REDEVELOPMENT OF THE WELLINGTON PIER COMPLEX.

### 3.2 Core Strategy:

#### CS8 – Promoting Tourism, Leisure and Culture

As one of the top coastal tourist destinations in the UK, the successfulness of tourism in the Borough of Great Yarmouth benefits not only the local economy but also the wider sub-regional economy as well. To ensure the tourism sector remains strong, the Council and its partners will:

- 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
- b) Safeguard key tourist, leisure and cultural attractions and facilities, such as the Britannia and Wellington Piers, Pleasure Beach, Hippodrome, the Sea Life Centre, the Marina Centre, Great Yarmouth Racecourse, St Georges Theatre and Gorleston Pavilion Theatre
- 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 CS9 - Encouraging well-designed, distinctive places

- a) Respond to, and draw inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to

ensure that the full potential of the development site is realised; making efficient use of land and reinforcing the local identity

c) Promote positive relationships between existing and proposed buildings, streets and well lit spaces, thus creating safe, attractive, functional places with active frontages that limit the opportunities for crime

#### **4. Assessment**

4.1. The application site is situated on Marine Parade amidst the main visitor attractions. To the east is the coastline with key tourist attractions both to the north and the south. The Sealife centre itself is within an area marked as Prime Holiday Commercial whilst its surroundings are open amenity space. In front of the Sealife Centre is a broad highway expanse for pedestrians. On the opposite side of Marine Parade is a collection of hotels. The site is within a flood zone and the Great Yarmouth seafront conservation area.

4.2 The proposal is for 3 kiosk units to the frontage of the Sealife centre under use class A1 and A5. The façade will be incorporated within the existing Sealife centre frontage. The kiosks are partially under the existing canopy of the Sealife Centre.

4.3 Marine Parade is predominantly characterised by tourism uses, South Beach Gardens are to the North whilst to the South is Winter Gardens; marginally further south is the Wellington Pier. There are also commercial kiosks within the area. There are a number of A1 and A3 uses within the vicinity both opposite the application site and to the rear. The Sealife Centre itself contains retail and cafeteria area. A1 and A5 uses are considered suitable to a commercial holiday area and are supported under policy SHP14 of the Borough Wide Local Plan.

4.4 The design and appearance of the kiosks are considered sympathetic to the wider conservation area. Marine Parade is defined by its tourism appeal which often provides colourful designs. The overall appearance of the scheme is considered to be of a good quality and is not considered to have an adverse impact on the conservation area. The design appears to match the existing structure reducing the overall visual impact of the kiosks. In accordance with Policy CS9 the design responds to the nearby landmarks. The conservation officer has supported the scheme and has advised it is encouraged under the Inter-great enhancement programme. He has stated that table and chairs would require further co-ordination, however a seating area has not been included in the plans.

4.5 Policy SHP15 of the Borough Wide Local Plan aims to ensure there is not an overconcentration of hot food takeaways. The intention is to over a proliferation which significantly impacts upon the vitality and viability of the wider seafront. It is recognised that there are a number of hot food takeaways on Marine Parade. The policy does not extend to A1 retail uses.

4.6 Policy SHP16 is unequivocal in stating that *'THE BOROUGH COUNCIL WILL NOT PERMIT PROPOSALS TO ESTABLISH NEW REFRESHMENT OR FOOD OUTLET KIOSKS/ CONCESSIONS ON THE SEAFRONT TO THE EAST OF MARINE PARADE, GREAT YARMOUTH, going on to state ALTERATIONS AND EXTENSIONS TO SEAFRONT REFRESHMENT OR FOOD OUTLET CONCESSIONS/KIOSKS EAST OF MARINE PARADE, GREAT YARMOUTH WILL BE PERMITTED PROVIDED THE APPLICANT CAN DEMONSTRATE ...* that a kiosk does not obstruct the highways and does not result in a loss of open space.

4.7 The kiosks are new additions to the building and not linked to the existing retail or cafeteria areas in the existing Sealife building and therefore strictly speaking cannot be regarded as extensions to the existing offer but as a potentially an independent retail offer. As such the buildings if permitted in the context of Policy SHP16 should be restricted to limit the amount of food on offer particularly hot food and sold from the premises if members are minded to approve the application..

4.8 The kiosks are partially within the covered area of the Sealife Centre, although it is recognised it will extend beyond this is not considered to significantly disrupt the functioning of the highway nor will it result in a significant loss of open space. Highways have not objected to the development, they have stated that despite the development being situated on land owned by the applicant the canopy could extend into the public highway. Subject to a condition ensuring a minimum vertical clearance it is not considered that the development will disrupt the highway.

4.9 There have been two public objections to the development; the main concerns were firstly that there is an overconcentration of hot food uses. The second concern is the disruption caused by the potential for the works to be undertaken in the holiday season. If considered necessary the works could be conditioned to be undertaken out of season.



**5.0 RECOMMENDATION :- Approve** subject to conditions regarding restricting the use to A1 ie non hot food, highway clearance in relation to the footpath and the finish of the shutters to be agreed prior to the commencement of the development.,