

Reference: 06/19/0694/F

Parish: Great Yarmouth

Officer: Mr R Tate

Expiry Date:

Applicant: Mr C Jones C/O Westminster Project Services

Proposal: Erection of 3 no. kiosks for retail use to front elevation

Site: Sealife Centre, Marine Parade, 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 (with an area of 8.2m² per unit) along the frontage of the Sealife Centre for use as an A1 (retail) to use as three separate units. The northern most kiosk has an external door whilst the other two units have an open front. The units would project out by approximately 1.7 m from the existing front elevation of the Sealife Centre and measure approximately 17.5m long in total with individual openings 4.1m long. The application form states that the proposed will be finished in painted timber linings.

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 - Advert 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

06/16/0028/F – Erection of three kiosks, mixed use A1/A5 retail and sale of non-alcoholic hot and cold beverages and food. - WITHDRAWN

2. Consultations :-

2.1 – Public Consultation – 1 letter of objection has been received as part of the public consultation process. Concerns raised include: more outlets sell the same thing along the Seafront; there are 31 outlets selling Ice Cream between Euston Road to the Pleasure Beach (not including Regent Road); harder to pay rents and to make a profit; Council should protect existing outlets and not let new outlets open up and filter the dwindling profits; and, there should be more ideas other than food.

2.2 Highways – No objection.

2.3 Building Control – No adverse comments.

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 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 Bbritannia 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

3.3 Emerging Policy

The Great Yarmouth Local Plan Part 2 for examination on 31st July. As such the plan is now at a very advanced stage and therefore some policies of the plan can be given considerable weight in the determination of planning applications. Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Policy R6: Kiosks and stalls (no unresolved objections)

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: • operational refuse storage out of sight; and • litter bin(s) for customers. Where

necessary, conditions may be imposed on proposals to restrict the amount and extent of any external seating, tables, signage, etc.

Policy GY6: Great Yarmouth Seafront Area

Within the 'Great Yarmouth Seafront Area' as defined on the Policies Map, the Council principally aims to:

- a. Encourage year-round, sustainable tourism;
- b. Encourage investment in major new tourism, leisure and entertainment facilities;
- c. Resist the loss of key tourism uses to non-tourism uses;
- d. Conserve the seafront's heritage assets and bring them back into viable, active use where possible;
- e. Promote high quality design;
- f. Maintain And Improve The Public Realm And The Area's Open Spaces; and
- g. Manage access and traffic.

The following uses will be generally encouraged within the Great Yarmouth Seafront Area, subject to the consideration of compatibility with the existing surrounding uses and potential impact on the character and setting of the Seafront Conservation Area.

- h. Hotels.
- i. Self catering accommodation.
- j. Bed & Breakfast establishments where the owner is resident on the premises.
- k. Food and drink uses.
- l. Holiday entertainment.
- m. Dance halls and nightclubs.
- n. Amusement arcades.
- o. Sport and leisure facilities.
- p. Other ancillary facilities and uses to support the above. Self-contained residential apartments, offices and similar business uses will only be permitted on upper floors of buildings. Residential accommodation which is not self-contained, houses of multiple of occupation, hostels and similar uses, will not be permitted within the Seafront Area.

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 (Since September 1st use class E). The façade will be incorporated within the existing Sealife centre frontage. The kiosks are located 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 and 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/E 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
- 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. This application does not incorporate A5 usage.
- 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*

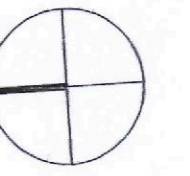
CAN DEMONSTRATE ... that a kiosk does not obstruct the highways and does not result in a loss of open space.

- 4.7 The kiosks are new additions to the building and not linked to the existing retail or cafeteria areas in the existing Sealife Centre. However, the agent has confirmed that the kiosks are for the use by the Sealife Centre only. Emerging Policy R6 accepts that the principle of Retail Kiosks along Marine Parade is acceptable in principle. The design of the kiosk is in keeping with the surrounding area and does not obstruct the footway. It is noted that there are multiple kiosks along Marine Parade, but it is not considered that this proposal would lead to unacceptable levels of clustering.
- 4.8 The kiosks are within the covered area of the Sealife Centre, and therefore the proposal 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.
- 4.9 The application site is located within Flood Zone 3 and proposes additional retail floor space. A Flood Risk Assessment was not received as part of the application although when considering the minimal increase in floor area it is not considered that the risk is unacceptable, especially when considering two of the kiosks have an open frontage. The floor levels are proposed to be the same as the existing Sealife Centre and will therefore not have an adverse impact on flooding elsewhere.
- 4.9 The objection which was received as part of the public consultation period references a proliferation of ice-cream kiosks and food sales along Great Yarmouth Sea Front. Whilst there has been limited information in support of the application, the Kiosk is for A1 (now E) usage and does not specifically reference ice-cream sales. The application does not include A5 use (now sui-generis), so does not provide hot food and drink takeaways.

5.0 RECOMMENDATION :- Approve subject to condition that the finish of the shutters is to be agreed prior to the commencement of the development.

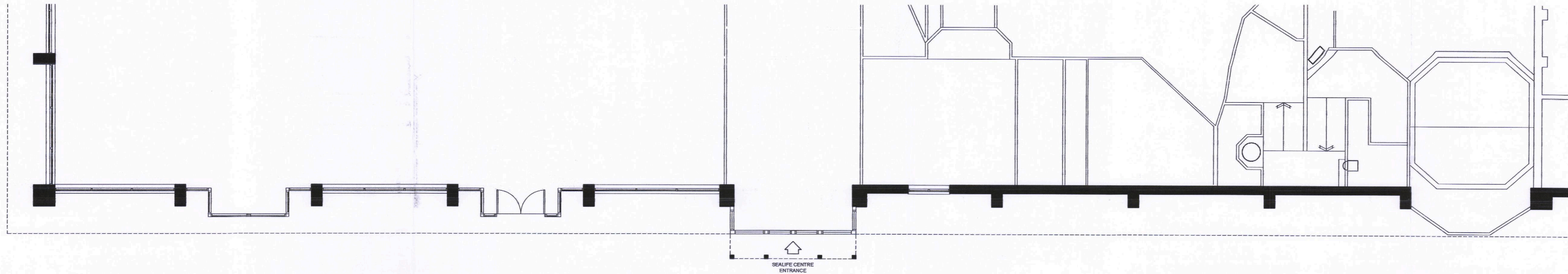
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Schedule of Areas

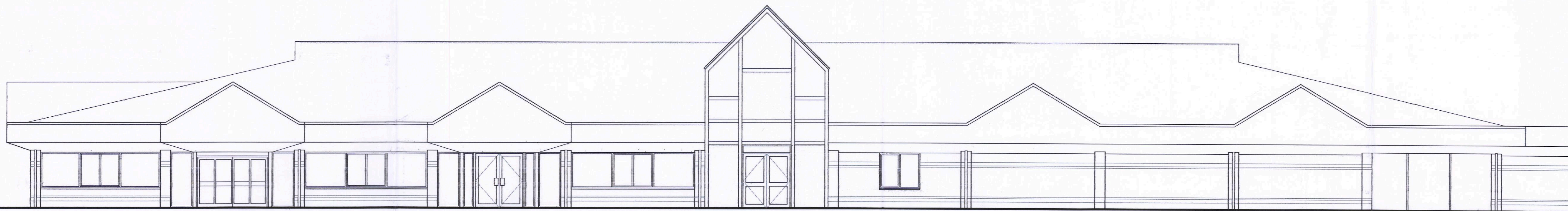
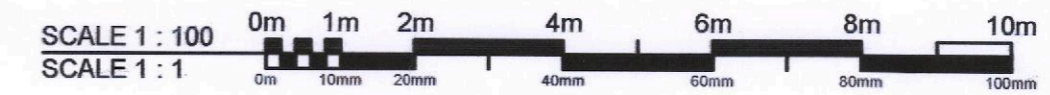
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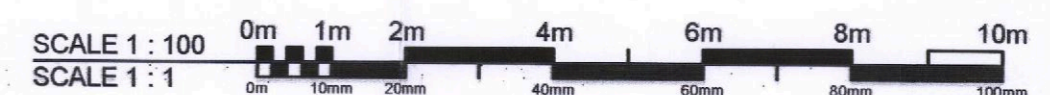
MARINE PARADE

MARINE PARADE

01 PLAN AS EXISTING
1:100



02 FRONT ELEVATION AS EXISTING
1:100



P00	Preliminary issue	27.11.19
Rev	Description	Date



1 Dudley Court North, Waterfront East
Level Street, Brierley Hill
West Midlands, DY5 1XP
T: 01384 571330 F: 01384 575644
E: incdesign@incdesign.net

Client



Project
SEA LIFE CENTRE, MARINE PARADE
GREAT YARMOUTH, NORFOLK, NR30 3AH

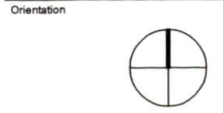
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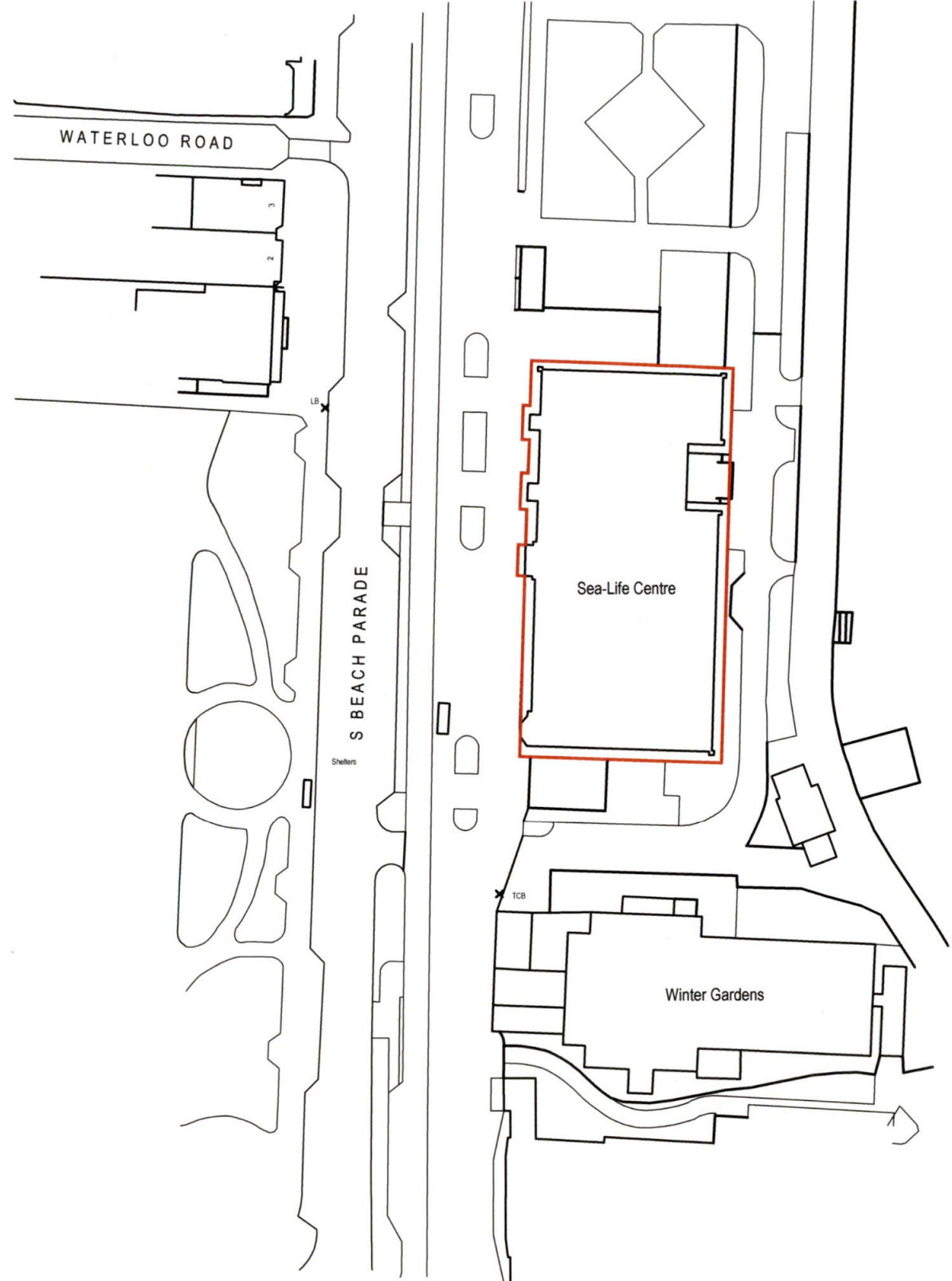
GREAT YARMOUTH



Schedule of Areas

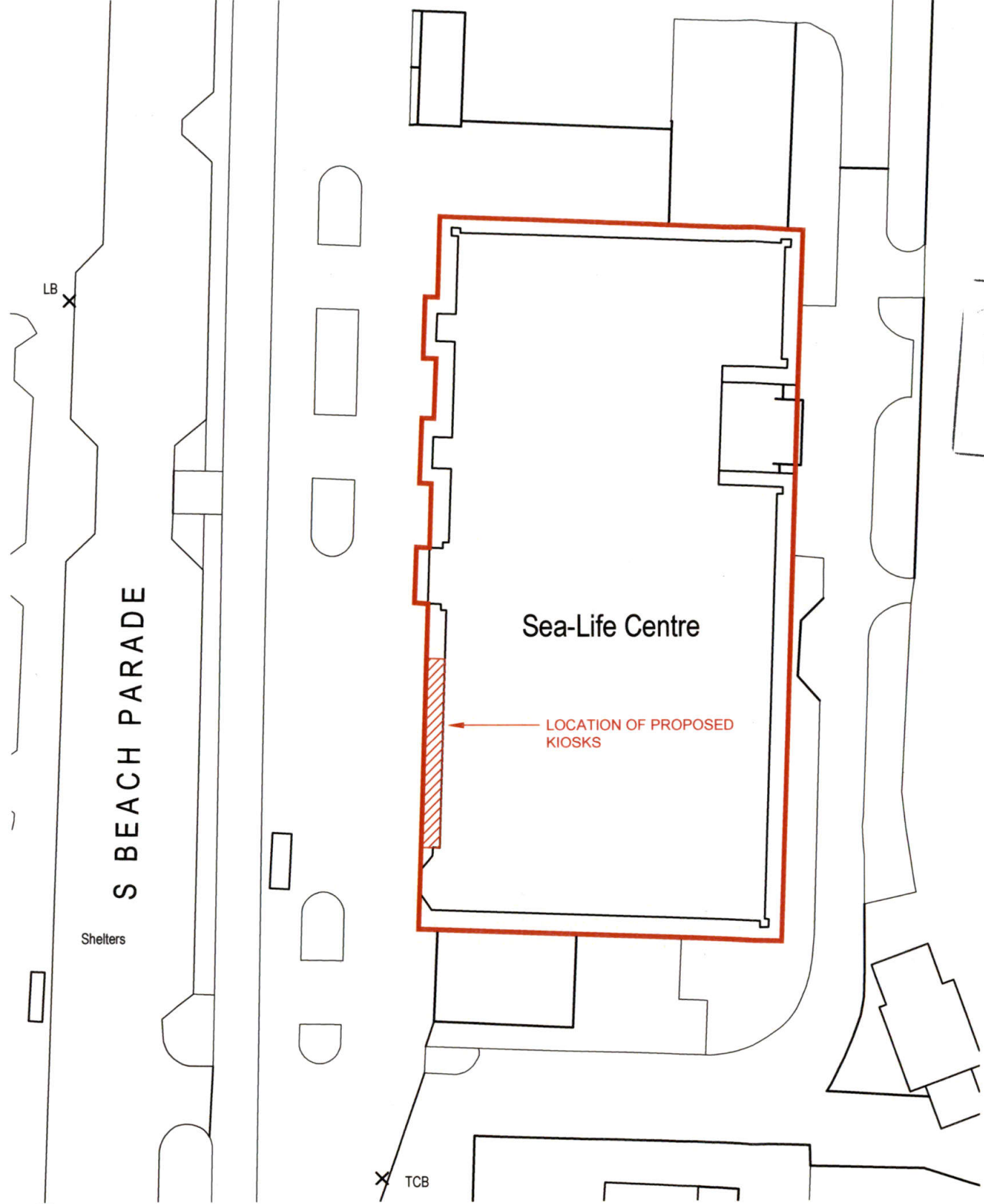
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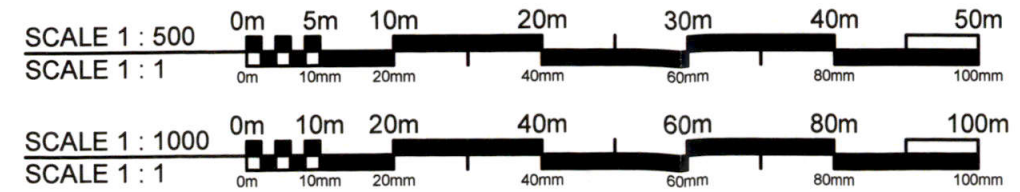


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01 SITE LOCATION PLAN
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02 SITE BLOCK PLAN
1:500



Rev	Description	Date
P00	Preliminary issue	09.12.19



1 Dudley Court North, Waterfront East
Level Street, Brierley Hill
West Midlands, DY5 1XP
T: 01384 571330 F: 01384 575644
E: incdesign@incdesign.net



Project
SEA LIFE CENTRE, MARINE PARADE
GREAT YARMOUTH, NORFOLK, NR30 3AH

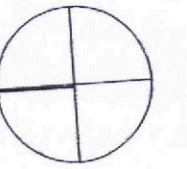
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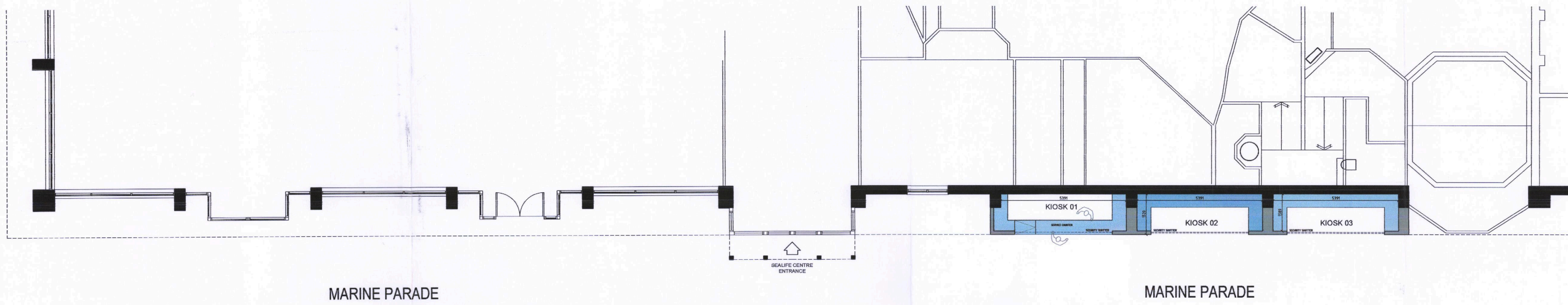
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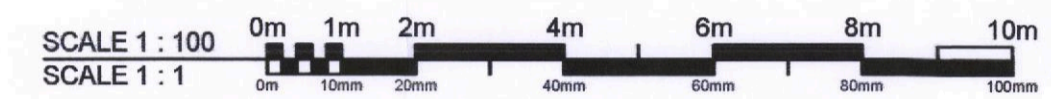


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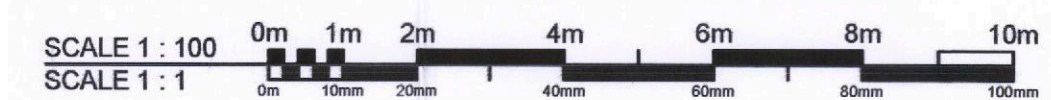
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01 PLAN AS PROPOSED
1:100



02 FRONT ELEVATION AS PROPOSED
1:100



Rev	Description	Date
P00	Preliminary issue	27.11.19

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ASSOCIATES LTD
1 Dudley Court North, Waterfront East
Level Street, Brierley Hill
West Midlands, DY5 1XP
T: 01384 571330 F: 01384 575644
E: incdesign@incdesign.net

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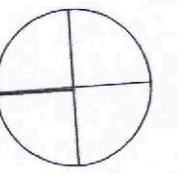
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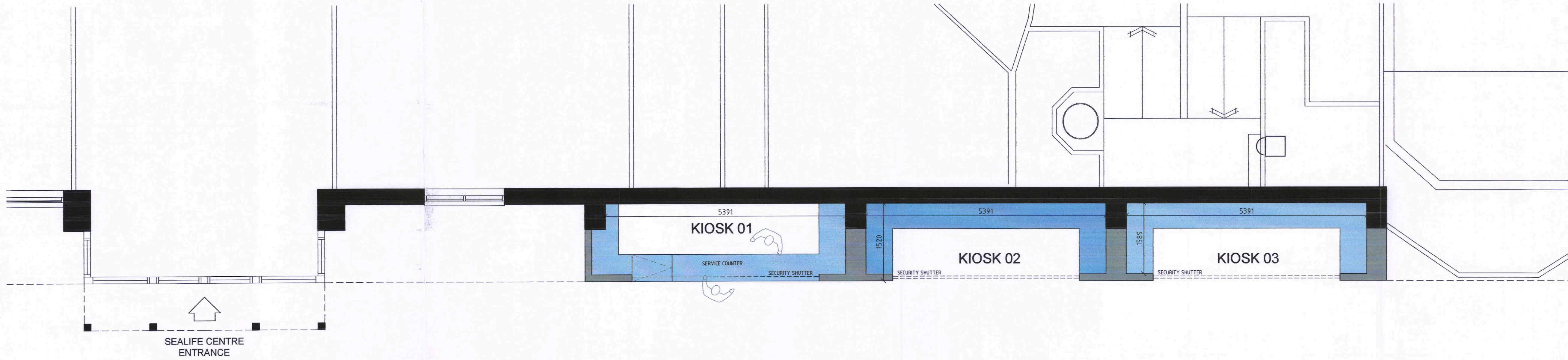
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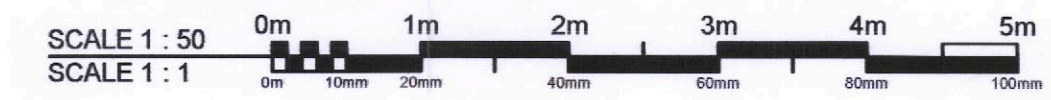
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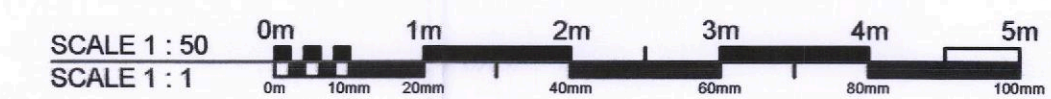


MARINE PARADE

01 KIOSK PLAN AS PROPOSED
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02 KIOSK ELEVATION AS PROPOSED
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1 Dudley Court North, Waterfront East
Level Street, Brierley Hill
West Midlands, DY5 1XP
T: 01384 571330 F: 01384 575644
E: incdesign@incdesign.net

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Drawing Title
KIOSK PLAN & FRONT ELEVATION AS PROPOSED

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